

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th May , 2009

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following paper was laid on the Table: -
The Report of the joint Committee on Finance, Planning and Trade and Budget Committee on the discrepancies in the Supplementary Estimates for the Financial Year 2008/2009.

(By Mr. Okemo)

NOTICES OF MOTIONS

TRAINING OF MINISTERS/ ASSISTANT MINISTERS ON FINANCIAL AND RESOURCE MANAGEMENT

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

THAT, aware of the need for reforms in all Government institutions, including the Cabinet, in order to enhance good governance; this House urges the Government to facilitate induction and training on financial and resource management for all Ministers, Assistant and other Constitutional office holders.

ESTABLISHMENT OF SQUATTER SETTLEMENT FUND

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I beg to give notice of the following two Motions: -

THAT, being aware of the serious problems of squatters and landlessness in Kenya today and lack of a clear policy and legal framework to deal with the same; considering the efforts made by the Government so far in settling some squatters on various farms in certain parts of the country without a clear criteria or structure to guide process; appreciating the need to establish a Fund to facilitate continuous squatter settlement process with proper structures and criteria for identification of genuine squatters countrywide and suitable land for acquisition

and settlement in an open, transparent and consultative manner; this House urges the Government to establish a Fund under the Government Financial Management Act, 2004, Act No.5 to be known as Squatters Settlement Fund for the purpose of continuous squatter settlement and for matters incidental thereto and connected therewith.

LIFTING OF RESTRICTIONS UNDER
RETIREMENT BENEFITS ACT

THAT, in view of the suffering occasioned by the Retirements Benefits law to employees by prohibiting them from accessing their contributions and those of the employers upon leaving employment before the mandatory retirement age and in view of the fact that the Government has now extended the retirement age of its employees to 60 years and those who have left employment before the mandatory retirement age will have to wait for even a longer period before accessing their contributions; this House resolves that the Government lifts the restriction under the Retirement Benefits Act in respect of occupational schemes to enable a member leaving employment after three years of membership to be entitlement thereupon to a refund of his or her contributions together with investments income accrued thereon and payment of the employer's contribution together with the investment income accrued thereon and for matters incidental thereto and connected therewith.

ADOPTION OF JOINT COMMITTEE REPORT ON DISCREPANCIES
IN SUPPLEMENTARY ESTIMATES 2008/2009

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

THAT, this House adopts the Report of the joint committee on Finance, Planning and Trade and the Budget Committee on the discrepancies in the Supplementary Estimates for the Financial 2008/2009 laid on the Table of the House on Wednesday, 13th May, 2009.

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. Deputy Speaker, Sir, I want to put it on record that I have not received a written answer to this Question from the Ministry of Regional Development Authorities.

Mr. Deputy Speaker: Order, hon. Members. I am made to understand now that there is a letter from this Ministry seeking to have this Question deferred to another date. Under normal circumstances, the Ministry should have done this letter much earlier so that this Question would not have appeared on the Order Paper today. This means the Ministry did not do its job right. This is a belated request. I want to reiterate again that the Standing Orders have changed since the beginning of the Session. The Standing Orders take very grave view of both Members of Parliament who fail to appear to ask their Questions and Ministers who are also not in a position to answer their Questions when they appear on the Order Paper. This information should be delivered very specifically to the Ministry in question. This is not something that the Chair will entertain again. The Chair, as we have said before, will implement and enforce the provisions of the Standing Orders to the letter. It is considered disorderly for a Minister not to be available or to be around with an answer when the Question appears on the Order Paper. Nonetheless, I will allow this Question to appear again on the Order Paper on Wednesday, next week. Could somebody from the Government side give an undertaking that this information will be communicated to the Minister concerned?

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, on behalf of the Government, I will take responsibility to communicate to the Minister. We also appreciate that the Standing Orders are new and most hon. Members have not been up to speed with them. Nonetheless, I will ensure that the Government takes this House very seriously.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. Mr. Omingo is laughing but I am not laughing because this is not the first time that they are failing to answer this Question. It was on the Order Paper yesterday. The Chair ordered it, and notice was put under Standing Order No.97 that if this persists, he would find the Minister out of order. That is what the Chair said. Today, again, you are giving them indulgence for the second time. What happens if they do it again? I am not challenging your ruling but I want it to be on record that if this Minister does not answer this Question, the next time it is in the Order Paper, you should name him under Standing Order No.98. They must take this House seriously. We are not joking.

Mrs. Noor: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that he is responding on behalf of the Government? I thought that we are all in the Government. He is responding on behalf of the Executive.

Mr. Deputy Speaker: Mr. Assistant Minister, please, answer the question by Mrs. Noor.

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, as she has said, that is correct.

Mr. Deputy Speaker: So you are responding on behalf of the Executive?

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, yes I am.

Mr. Deputy Speaker: Yes, indeed, Mr. Mungatana, as you have said, the Chair will not hesitate to enforce the Standing Orders to the letter. Indeed, if the Minister fails

to answer this Question on Wednesday next week in the morning session, then the Chair will proceed and name him.

The Assistant Minister for Trade (Mr. Omingo): On a point of order, Mr. Deputy Speaker, Sir. This House is for the welfare of society and the just governance of men. I also seek the indulgence of the Chair that the same consequences that will apply to a Minister who is not here to answer a Question be applied to an hon. Member who is not here to ask his Question at the required time.

Mr. Deputy Speaker: Indeed, yes.

(Question deferred)

Next Question, Mr. Lekuton!

Question No.002

TABLING OF AUDITED FINANCIAL STATEMENT OF KMC

Mr. Letimalo: Mr. Deputy Speaker, Sir, I need to communicate to the Chair that Mr. Lekuton has some pressing issues to deal with in his constituency and he has requested that this Question be deferred until next week.

Mr. Deputy Speaker: Mr. Letimalo, the hon. Member should not wait until the Question has appeared on the Order Paper for him to seek deferment of the same. Indeed, at the beginning of the week, you are supplied with a copy of all the Questions and the dates they will appear on the Order Paper. Hon. Members are required to inform the Clerk in advance so that these Questions do not appear on the Order Paper. Under the circumstances, yes, the Chair will also enforce the provisions of the Standing Orders against hon. Members as much as it will enforce on the Executive.

(Question dropped)

Question No.026

NON-PAYMENT OF TERMINAL DUES TO FAMILY OF LATE JENIPHER AWUOR

Mr. Were asked the Deputy Prime Minister and Minister for Local Government when the family of the late Mrs. Jenipher Pamela Awuor Otieno (Staff No.SO5-71126), a former Assistant Welfare Officer with the City Council of Nairobi, who died in 2002, would be paid her terminal dues.

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, it appears like a precedence has been set. I seek the indulgence of the House to communicate the wrath of the Chair and the displeasure of the House to the Minister concerned.

Mr. Mungatana: Mr. Deputy Speaker, Sir, ordinarily, when a Minister is not in, there is a Leader of Government Business to take over. When the Leader of Government Business is not there, there is the First Deputy and Second Deputy Leader of Government

Business. This Government cannot even resolve the issue of who should be the Leader of Government Business. We are having a problem. If the Minister is Minister not here, the Leader of Government Business should dispose of some of these Questions. Are we going to leave this country to this kind of lack of seriousness from the Government? He does not even have a file to guide him to answer any Question or hold brief. What is happening to collective responsibility? This Government is led by TOM (Tired Old Men). If they are tired, they should go.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir, just to show you how this Government is not serious, there is not a single Minister in the House. What we are seeing today are monitors and not the prefects!

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): But we are here!

Mr. C. Kilonzo: You are not a Minister! You are just a monitor!

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): On a point of order, Mr. Deputy Speaker, Sir. The Standing Orders are very clear on the definition of a Minister. Could he withdraw and apologize because we are here?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the reason why they are Assistant Ministers is for them to respond to Questions and issues, in the event that the Ministers are not around. In essence, these Assistant Ministers have no jobs. That is why I am calling them monitors!

(Laughter)

The Assistant Minister for Housing (Bishop Wanjiru): On a point of order, Mr. Deputy Speaker, Sir, the Backbenchers are insulting us and that is not acceptable! Secondly, we are Ministers. As a Member of the Government, I am very much aware that the Deputy Prime Minister and Minister for Local Government has been overseas. He has just returned to a new organizational structure, including the Assistant Minister. Have some grace and accept that we are not angels but we are performing. For your information, hon. Mungatana, we are not tired old men. I am a woman, spiritually filled, anointed and God fearing. I am also still very young and strong. Watch your words!

(Laughter)

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. I urge the hon. Member, who has just spoken, to be more frequent in this House. This House has in the immediate past sitting said that no Member shall intimidate another Member. The ruling was very clear. In fact, Mr. Ojode was forced by the Chair to withdraw the remarks he had made against another hon. Member. Is she intimidating me with spirituality?

The Assistant Minister for Trade (Mr. Omingo): On a point of order, Mr. Deputy Speaker, Sir. I think this House needs to be treated a little bit more seriously. I do not know the definition of "Tom". I do not know what category or which bracket "Tom" stands for. Since the Speaker himself unclogged the business of this House and Mr. Mungatana and my fellow colleagues on the other side wanted to transact business, I wonder why they want you to go back to your ruling and hang on to particular

individuals; that unless they are here, no business can be done. Let us take each other with confidence and do business.

Mr. Deputy Speaker: Order, hon. Members! For the benefit of the back-benchers and every other Member of Parliament, the interpretation of the Standing Orders say that a Minister includes the President, the Vice-President, the Prime Minister, Ministers, Assistant Ministers and other *ex officio* Members of the House. So, indeed the Assistant Ministers are Ministers.

As for the Question No.026, I will defer it to next week because the Minister had written to the National Assembly on 8th May, 2009 informing us that he will not be in to answer this Question and requested that it be deferred. The fact that it appears on the Order Paper is not the Minister's mistake but our own internal arrangement at the National Assembly. So, the Question is deferred.

(Question deferred)

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

Mr. Speaker: Order! Hon. Members, I will repeat this again. We need to take the business of the House very seriously.

Mr. Linturi: On a point of order, Mr. Deputy Speaker, Sir. As much as I would not want to challenge your ruling on deferring that Question - I stand to be corrected if I misunderstood you - the reason for deferring that Question is because the Minister had written to the Speaker indicating that he will be out of the country and so in your assessment, he could not be around.

There was a Cabinet reshuffle last week and my friend, Mr. Nguyai, was appointed the Assistant Minister in this Ministry and I have seen him loitering around. Is it in order for you to defer the Question when there is somebody else who can answer it? We are all mortal.

The Assistant Minister for Trade (Mr. Omingo): On a point of order, Mr. Deputy Speaker, Sir. We have pleaded with our fellow colleagues to treat this House with the due decorum that it deserves. "Loitering", for heavens sake is not Parliamentary language. Can he withdraw and apologize?

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

Mr. Deputy Speaker: Order, Mr. K. Kilonzo! Mr. Linturi, the word "loitering" is unparliamentary. Hon. Members and Ministers do not loiter around. Could you withdraw?

Mr. Linturi: Mr. Deputy Speaker, Sir, may I clarify that I saw him wandering around.

Mr. Deputy Speaker: Order! Order, Mr. Linturi! This is not a laughing matter. This is not a comedy. Withdraw the word "loitering".

Mr. Linturi: Mr. Deputy Speaker, Sir, I really want to do it but which word would I use here?

Mr. Deputy Speaker: You saw the Assistant Minister in the precincts of Parliament.

Mr. Linturi: Mr. Deputy Speaker, Sir, I saw the Assistant Minister in the precincts of Parliament!

Mr. Deputy Speaker: You did not see him loitering.

Mr. Linturi: I did not see him loitering.

(Laughter)

The Minister for Information and communications (Mr. Poghio): Mr. Deputy Speaker, Sir, I would like to seek your clarification on whether the hon. Member actually met the Chair's demand to withdraw and apologize for that language.

Mr. Deputy Speaker: Indeed he has not met my demand. Please, withdraw and apologize. There is a standard procedure for doing that.

Mr. Linturi: Mr. Deputy Speaker, Sir, I have said that I saw the Assistant Minister within the precincts of Parliament and I withdraw the words "loitering" and "wandering".

Mr. Deputy Speaker: Let us proceed because he has withdrawn.
Next Question!

Question No.033

NON-ISSUANCE OF GREEN CARDS TO KINALE
SETTLEMENT SCHEME LAND OWNERS

Mr. Njuguna asked the Minister for Lands:-

(a) why land owners at Kinale Settlement Scheme have not been able to access Green Cards for their parcels of land since 1988; and,

(b) what immediate steps the Minister is taking to allow the land owners to enjoy their land rights.

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

(a) Yes, land owners had access to Green Cards in respect to their land until 2002 when the same was stopped. Anomalies such as double allocation, forgeries, encroachment on catchment areas as well as land disputes informed the decision to recall Green Cards. Recalling of Green Cards was aimed at stopping any land transaction until the outstanding issues are settled.

(b) A task force was established in 2007 to resolve the outstanding issues by identifying problematic areas. It is envisaged that the Taskforce will complete the assignment and give a final report during the 2009/2010 Financial Year. The delay in completing the assignment was occasioned by insufficient funds during the 2008/2009 Financial Year.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while I note the effort the Assistant Minister has put in, in reply to this Question, I wish to note that the land owners in Kinale Settlement Scheme were given the land in 1988 and up to now, they have not been able to enjoy land rights for 21 years. This is a very serious matter and we have about 30,000 people on that scheme. Today, Kinale is a division and the land owners are not able to effect any land sales, acquire any credit facilities from a bank and cannot even be productive on those pieces of land.

The main reason given by the Assistant Minister is double allocation of land, forgery, fake title deeds and encroachments. What has the Ministry done to protect the freedoms and rights of those individuals?

Mr. Rai: Mr. Deputy Speaker, Sir, I sympathize with the Questioner but since there is a task force in place, there is very little this Ministry can do because what happened was double allocation. However, the issue of land grabbing needs to be curbed.

Mr. Gaichuhie: Mr. Deputy Speaker, Sir, when will the Ministry computerize their systems because the issue of double allocations should be something of the past when they computerize?

Mr. Rai: Mr. Deputy Speaker, Sir, that is a noble idea and we are also in the process of trying to seek for funds to ensure that we computerize. That is an issue that is in the process.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! When?

Mr. Rai: Mr. Deputy Speaker, Sir, we have made our proposal and we intend to put it in the Budget for the Financial Year, 2009/2010.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that without the Green Card even if you have a title deed, you cannot borrow money on it and you cannot even get an official search. So, the title deed is as good as useless. You have continued to issue title deeds without the Green Card. You have issued some in my constituency including places like Wehoya Farm, Bikeke Farm and Masaba Farm and farmers think that the title deeds are fake. What are you doing to ensure that these title deeds mean anything to those farmers?

Mr. Rai: Mr. Deputy Speaker, Sir, I think one of the answers is computerization which is in the process. We shall ensure that we get money this Financial Year so that we can computerize. If that is done, then this will be an issue of the past.

Mr. Anyanga: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that there is rampant corruption in the Ministry and that is why our people are not able to access title deeds easily?

Mr. Rai: Mr. Deputy Speaker, Sir, do I have to answer that Question because if there is corruption, there are some law enforcement agencies to work on such issues!

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, last question on that issue, Mr. Njuguna!

Mr. Njuguna: Mr. Deputy Speaker, Sir, as I register my appreciation for the continued reply to this Question, the Assistant Minister has indicated that he allocated some money in 2007. Could he indicate how much was allocated to start the whole operation? He has also indicated that in the 2008/2009 Budget, he has allocated some money to finalize the whole thing. How much was set aside for the exercise?

To conclude, Mr. Deputy Speaker, Sir, they have taken a period of three years to finalize this issue. It is making the entire community suffer and, therefore, it should be addressed properly. Could he also consider reducing that period from three years to, probably, six months, so that the redundancy and despondency in that area could be curtailed?

Mr. Rai: Mr. Deputy Speaker, Sir, assuming that the Budget will come in June, once we get sufficient funds, I want to promise the Questioner that we will actually finalize that matter. That is because where we have reached, I believe the Task Force is just about to complete its Report. But since we do not have money now, we cannot do it.

Mr. Deputy Speaker: Next Question, Dr. Eseli Simiyu!

Question No. 066

PAYMENT OF FUEL LEVY BY KENYA RAILWAYS

Dr. Eseli asked the Minister for Transport to clarify whether Kenya Railways Corporation pay Fuel Levy and, if so, state what measures the Government has taken to apply the funds to improve railway transport.

Mr. Deputy Speaker: Where is the Minister for Transport?

An hon. Member: *Hayuko!*

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, I am sorry to seek the indulgence of the House that this Question be given the consideration on the same lines.

Hon. Members: No! Shame!

The Assistant Minister for Trade (Mr. Omingo): I promise that when you direct the Question to be answered, it shall be answered.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate the collective responsibility on the part of the Government, this Government must also respect the pecking order. We have a full Minister in the House. Why is the Assistant Minister still continuing to purport to be representing the Leader of Government Business?

Thank you, Mr. Deputy Speaker, Sir.

(Loud consultations)

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, when I see a young parliamentarian hanging on to the pecking order, I think it hurts. You have just ruled, a while ago, that the Minister is a Minister, regardless of the height, age or whatever it is! A Minister is a Minister and we are perfectly in order to transact the business of the House. I wish we could continue with the business of the House.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. The Chair has ruled in the past when I was present in this House that if a full Minister or a senior Minister is present in the House, an Assistant Minister should not and cannot purport to represent the Government!

(Applause)

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members! Whereas it is---

Mr. Were: On a point of order, Mr. Deputy Speaker, Sir. I really sympathize with the Front Bench, and I am speaking from experience because I have sat there.

But, Mr. Deputy Speaker, Sir, the way you vilified those who have not appeared, why have you not congratulated, at least, the first one to be around to answer the Questions?

(Applause)

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. Now, seriously, coming to this matter again, about hon. Omingo holding brief for the Government, he did not give a reason why the Minister and Assistant Minister are not there, and why no written communication has been given about this matter.

Mr. Deputy Speaker, Sir, I think you should actually take some measures in this House. There is something wrong somewhere. There is a whole system that is wrong and we are saying that we are not joking! Something is wrong! The Government needs to organize itself!

Is it in order for him to just ask that this Question be deferred to another date without even bothering to give a small explanation?

(Applause)

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Omingo! It is disorderly for a Minister to fail to have an answer when the matter appears on the Order Paper. Those are the sentiments that are being expressed by the Back Bench now!!

Hon. Members: Yes!

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

Mr. Deputy Speaker: What is your point of order?

Mr. Midiwo: Mr. Deputy Speaker, Sir, the Minister for Transport is out of the country on official duty.

Hon. Members: What about the Assistant Minister?

Mr. Midiwo: He is also away on official duty.

Hon. Members: How?

Mr. Midiwo: Mr. Deputy Speaker, Sir, protect me from the vultures!

Mr. Deputy Speaker: Order, hon. Midiwo! Order!

(Loud consultations)

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. You can see it has taken us over 35 minutes on this very issue. It is just about time we stop taking it casually because what it means is that the House has now started feeling the effect of the absence of the Leader of Government Business!

(Applause)

Mr. Deputy Speaker, Sir, the fact that the acting Leader of Government Business is the Speaker, is now confirming the wisdom of the principle of separation of powers. Now that the head of the Legislature is attempting to discharge the duties of the Executive, it is now not possible and, therefore, the Chair must retreat and find a firm solution to the need for us to have a Leader of Government Business.

(Applause)

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. With all due respect to Dr. Khalwale, we must respect the ruling of the Speaker. That is because he never said that he was the Leader of Government Business. In any case, he has pointed out that the Whips shall act until such a time that there is an agreement on this issue.

Dr. Khalwale: But they have not agreed!

Mr. Midiwo: That may be true but, hon. Member, I want to plead with you that we are trying to find a way out. You know these issues of the Coalition. They will find a solution.

Mr. Deputy Speaker: Order! Indeed, yes, the Chair did not rule that the Chair or the Speaker is the Leader of Government Business in the House. There is no way the Speaker can be the Leader of Government Business in the House because he is not a part of the Government. The Speaker ruled that the Speaker will chair the House Business Committee so that Parliament can operate. In the absence of the Speaker, the Deputy Speaker will chair.

When a Minister is out of the country, I think it is only fair that he or she informs the House or the Speaker, so that Questions can be deferred to such a time when they will be around to answer them. The fact that these Questions are appearing on the Order Paper is an indication that the Ministers did not do their job right. But I will, nonetheless, say that, as from tomorrow, the Chair is going to implement and enforce the rules of the House – the Standing Orders – to the letter! To the letter, indeed!

(Applause)

So, it is time the Government side took its business seriously and the Back Benchers should also make sure that they are available to ask the Questions.

This Question is deferred to next week.

(Question deferred)

Next Question!

Question No.076

DISCIPLINARY ACTION ON CHIEFS CONDONING
ILLICIT BREWS IN IMENTI NORTH

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

(a) what disciplinary action he will take on chiefs and assistant chiefs who are encouraging the brewing of illicit alcoholic drinks in Imenti North and Buuri districts; and,

(b) what other steps he is taking to reduce the practice which has threatened the youth from those areas.

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

(a) Show cause letters have been addressed to chiefs and assistant chiefs as to why they should not be dismissed for abetting brewing and consumption of illicit alcohol in their areas of jurisdiction. This has, therefore, drastically reduced prevalence of illicit brews in the two districts.

(b) The following steps have so far been taken to reduce the practice in those districts.

1. The Districts have mounted campaigns through *barazas* to sensitize members of the public on the effects of illicit brews and drug abuse.

2. The districts have also intensified patrols, especially in areas which are suspected to be drug and illicit brewing and consumption areas.

Mr. Ruteere: Mr. Deputy Speaker, Sir, I seriously differ with the answer given by the Assistant Minister. On the contrary, there is an increase in the locations and sub-locations that illicit brewing is taking place. The youth are being affected. Were these show cause letters written one day? What action has been taken against those chiefs and assistant chiefs? Are they collectively being disciplined? How many chiefs and assistant chiefs have received those letters? Who has been found guilty of that offence, so that he can be dismissed? Show cause letters are not effective.

Mr. Lesrima: Mr. Deputy Speaker, Sir, one chief and two assistant chiefs have received those letters. There has been marked improvement according to the statistics that I have been provided with. They show that there is a decline in three months in terms of the number of persons taken to court and those fined. About 5,500 litres of illicit brews was also impounded and destroyed in that area.

Mr. Olago: Mr. Deputy Speaker, Sir, the issue raised by Mr. Ruteere is not just applicable to North Imenti Constituency alone. It applies all over the country. The approach of the Ministry in controlling illicit brews will never work. The British tried it, but they failed. This Government tried it, but it has failed. Could the Assistant Minister tell the House what steps are being taken to control and regulate the production and consumption of traditional brews? They should not become illicit drinks.

Mr. Lesrima: Mr. Deputy Speaker, Sir, that is a good question. You will recall that in the Presidential Address, His Excellency the President, listed the policy on alcohol as one of the policies that will be brought before this House. We are also aware that there are about 16 laws which deal with various aspects of alcohol production and consumption. We have a draft law called the Alcoholic Beverages Control Bill in which we intend to consolidate the previous laws. What Mr. Olago is mentioning, in the case of, for example, *chang'aa*, standards can be set to regulate the manufacture of that product as has happened in our neighbouring countries.

Mr. Mututho: Mr. Deputy Speaker, Sir, NACADA under the parent Ministry receives only Kshs210 million for Recurrent and Development Expenditure. In Central Kenya, about 80 per cent of the youth cannot work, go to school or reproduce, particularly men, because of alcohol. This is a very serious matter. The Assistant Minister says they will table a Bill that will deal with aspects of alcohol production and consumption. I have drafted a private Bill, but it has never seen the light of day because of influence from certain quarters. Could he confirm to this House that, indeed, they will

bring that Bill here? When will we have that Bill in this House, so that we can regulate this alcohol consumption?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I share the concern of the hon. Member. As I said before, this Bill is coming before the House. It is one of the various laws that are in the pipeline. It is for the House Business Committee to determine the prioritization of which one comes before the other.

Mr. Linturi: Mr. Deputy Speaker, Sir, I want to believe that about 80 per cent of the Members of this House take alcohol. The people that we are trying to make a law for here are the very vulnerable members of this society. They are people who brought us to this Parliament. Although I do not support the issue of drug abuse, I would appreciate a situation where the Assistant Minister brings a law that does not completely bar them from enjoying what they can. In the place where I come from, something like *maroa* or *busaa* from western Kenya is food as far as I am concerned. We should make laws that do not impinge the enjoyment of certain rights of the people that we represent.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I want to thank the hon. Member for making a contribution. I hope that he makes a substantial contribution when the policy and the Bill actually come to the House. We also have the drug law in the pipeline.

Mr. Waititu: Mr. Deputy Speaker, Sir, the consumption of illicit brews is taking a big toll on our youth in Central Kenya and, in fact, most parts of the country. I am glad to hear that there were some steps taken against the chiefs and assistant chiefs. I wish the Assistant Minister could give a blanket order to all the chiefs and assistant chiefs to make sure that the type of illicit brews that are in their areas are not hazardous to health. Some of the brews that are found in my Embakasi Constituency are hazardous to health. I do not know what the Ministry is doing to make sure that even if people are enjoying those brews, they are not hazardous to their health. What can he do, through NACADA or health officers, to make sure that those brews are not hazardous to our people?

Mr. Lesrima: Mr. Deputy Speaker, Sir, as far as we are concerned, the drinks are as of now illegal. The chiefs and assistant chiefs are under instructions not allow their production and consumption. I am sure you have seen reports in the media of action being taken by chiefs in Nairobi area. We want to continue mounting campaigns through NACADA and *barazas*. I really want to appeal to leaders to support this effort. We also had cases when people are arrested, the community together with the leadership, tend to interfere in terms of asking the police to release the suspects. So, this is a joint effort by all of us.

Mr. Deputy Speaker: Last question, Mr. Ruteere!

Mr. Ruteere: Mr. Deputy Speaker, Sir, I want to ask the Assistant Minister whether he can consider promoting those chiefs who have eliminated illicit brews in their areas, so that those other chiefs who take weekly or monthly bribes can be encouraged to stop the malpractice as a way of looking for promotion.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I will undertake to do that, but I also want to appeal to the hon. Member that if he has any evidence of bribery or illicit brewing going on to also provide us with it, so that we take action.

Mr. Deputy Speaker: Hon. Members, Question No.085 is also deferred to tomorrow.

Next Question, Eng. Rege!

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. You cannot---

Mr. Deputy Speaker: Order! Order, Mr. Chanzu! The Minister's Office has requested for this Question to be deferred. Under the same circumstances, the Chair has made it explicitly clear that in future, this should not be entertained. For now, the Chair has decided to allow this Question to be deferred. So, your Question is deferred to tomorrow afternoon.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I just want to raise a point of clarification.

Mr. Deputy Speaker: What is it?

Mr. Chanzu: Mr. Deputy Speaker, Sir, the procedure in this House is that we follow what is on the Order Paper. It is not for the Chair to make a ruling on an issue. I am the Questioner. The Minister cannot short-circuit the Question. It is proper for you, as the Chair, to---

Mr. Deputy Speaker: So, what did you want? Did you want to say: "I ask Question No.85" and then I defer it? Proceed and do so.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I just wanted to say as follows---

Mr. Deputy Speaker: Ask your Question!

Mr. Chanzu: Mr. Speaker, Sir, I beg to ask Question No.085, but this Question---

Mr. Deputy Speaker: Order! Order! You have asked your Question! Can you sit?

(Mr. Chanzu resumed his seat)

The Question is deferred to tomorrow afternoon.

Question No.085

DELAYED PAYMENT OF BENEFITS TO PSC/TSC RETIREES

(Question deferred)

Mr. Deputy Speaker: Next Question, Eng. Rege!

Question No.086

PUBLISHING/LAUNCHING OF E-LEARNING SYLLABUS

Eng. Rege asked the Minister for Education:-

(a) when the Ministry will publish and launch the syllabus on e-learning; and,

(b) whether he could state how many secondary and primary schools have been equipped with computers.

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

(a) The Ministry does not intend to publish and launch a syllabus on e-learning. The hon. Member will appreciate that e-learning is a method of delivery of syllabus content that is done through radio and television broadcasts and use of computers.

Therefore, e-learning is a method of delivering syllabus content and not a syllabus in itself. It is for this reason that we are not able to publish an e-learning syllabus.

(b) One thousand, one hundred and sixty-three secondary schools and 15 primary schools have been equipped with computers countrywide.

Eng. Rege: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for answering the Question. However, he has, simply, described what e-learning is. In view of its urgency, I would request him to actually tell us what the Ministry intends to do. In his answer, he says that they do not intend to publish or launch a syllabus on e-learning. I presume that there is a way of using computers, but what we do not know about is the software content. For example, in most secondary schools, we do not have laboratories---

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. I am under attack here, because of what appears in the newspapers.

Mr. Deputy Speaker: Order, Prof. Olweny! You are out of order.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I am under attack here!

Mr. Deputy Speaker: Who is attacking you?

Hon. Members: Nobody is attacking him!

Mr. Deputy Speaker: Proceed, Eng. Rege!

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. I need to know whether the Ministry has software content to be loaded into the computers they have distributed to the 1,163 secondary schools and the 15 primary schools.

(Loud consultations)

Mr. Deputy Speaker, Sir, could you protect me from the hon. Members!

Mr. Deputy Speaker: Order! Order! Prof. Olweny and the hon. Members seated near him! If you want to have your fun, please, have it outside the Chamber! Let us have silence, so that we can transact the business of the House in dignity.

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. Could the Ministry explain what they plan to load into the computers distributed to the 1,163 schools and 15 primary schools?

Mr. Deputy Speaker: You have made your point well, Eng. Rege. Let the Assistant Minister answer.

Mr. Mwatela: Mr. Deputy Speaker, Sir, I appreciate the hon. Member's concern. It is the Ministry's---

(Loud consultations)

Mr. Deputy Speaker, Sir, could we have silence, so that I can be heard?

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. I am raising this point of order with a lot of reluctance. Mr. Mbugua is moving round and threatening us. He has threatened me here by saying that I am planning to bring a censure Motion against the Deputy Prime Minister and Minister for Finance, and that I will see. He has now gone to the other side of the House, and it appears that he is doing the same. I think he should be asked to be orderly, even though I know that there is very little he can do to me.

Thank you, Mr. Deputy Speaker, Sir.

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

Mr. Mwatela: Mr. Deputy Speaker, Sir, the Ministry is working on the particular concern raised by the hon. Member. We will, definitely, have an answer in the next six months or so.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I would like to know when the Ministry intends to come up with an e-learning policy. Schools all over the world are now going e-learning. I am not sure whether the Ministry has a policy on e-learning. Let me know whether the Ministry has such a policy.

Mr. Mwatela: Mr. Deputy Speaker, Sir, the Ministry has an e-learning policy. That is why we are putting e-learning into place.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I would like to know what the Ministry is doing to assist schools get connected to electricity to facilitate computerization of schools being undertaken by the Constituencies Development Fund (CDF) and other organizations.

Mr. Mwatela: Mr. Deputy Speaker, Sir, the Ministry of Education is working closely with the Ministry of Energy. We have provided funding through KESSEP to try and have as many schools as possible connected to electricity.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. On a very serious note, I want protection from Kutuny!

Mr. Deputy Speaker: What is going on?

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, he is saying very bad things to me. He is saying that he is going to fight me! I am seeking your protection!

Mr. Deputy Speaker: Protection from what?

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, Mr. Kutuny says that he is going to fight me! He just came here!

Mr. Ngugi: On a point of order, Mr. Deputy Speaker, Speaker, Sir. Is it okay for the accuser to become the accused? Prof. Olweny moved from three seats away to come to where Mr. Kutuny is. He started talking to Mr. Kutuny and then rose to complain about him. Is it in order?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. We are very disappointed with the Government. It is very disappointing that Prof. Olweny, who is an Assistant Minister, can even add to the problem. What we are asking is that the Government must be seen to be serious. That is not what is being portrayed today. It has gone to the level of Prof. Olweny claiming that a very cool man like Mr. Kutuny is threatening him.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. During the last Session, I asked a Question about the sugar industry in this country. Three days later, I was called by Prof. Olweny who is now seated at that corner. He told me that people even get killed when they ask questions related to the sugar industry. He seems to have embraced the culture of threatening people. So, he should be the last person to complain.

Mr. Deputy Speaker: Order, Mr. Mututho! Hon. Members, if indeed, some hon. Members are threatening others in this House for whatever reason; whether to influence their conscience or freedom in exercising their duties in the House then the right

procedure to follow is for the hon. Member who feels threatened to write to the Speaker who will handle the issue with the seriousness it deserves.

Mr. Mbadi, if indeed, it is true that Mr. Mbugua, who is the Member for Kamkunji is threatening you and others in the House, please, write to the Speaker. Prof. Olweny, if, indeed, it is true that Mr. Kutuny and others are threatening you in the House, then write to the Speaker. Other than that, the Chair will not allow the conduct like the spectre we are being subjected to this morning. It is a shame!

Hon. Members: Shame! Shame!

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

Mr. Deputy Speaker: Mr. Chanzu, if your point of order is related to this matter, you should know that the matter has been disposed of!

Proceed Mr. Assistant Minister!

Mr. Mwatela: Mr. Deputy Speaker, Sir, I would like to emphasize that the Ministry continues to provide fund to ensure that all public schools are well equipped.

Eng. Rege: Thank you, Mr. Deputy Speaker, Sir. I expect the Assistant Minister to come back next time with a more comprehensive answer. This is because Kenyan secondary school graduates cannot get jobs unless they are ICT literate. Today, jobs in major companies are obtained through filling forms via computers. Unless students get educated before they graduate from secondary schools, there is no way they will get jobs if they fail to join our universities. I would like the Assistant Minister to kindly treat this issue with the seriousness it deserves rather than giving casual answers like the ones I have been given.

Mr. Mwatela: Mr. Deputy Speaker, Sir, I have not handled the matter casually.

Mr. Deputy Speaker: The hon. Member is telling you to show some seriousness. Are you serious?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I am very serious. I think I am one of the most serious Assistant Ministers among the Ministers we have.

POINTS OF ORDER

FAILURE TO ATTEND HBC MEETINGS BY SOME MEMBERS

Mr. Mungatana: Mr. Deputy Speaker, Sir, I rise on a point of order under Standing Order No.169 on failure by some Members to attend Committee meetings. A matter of grave concern has come to the attention of hon. Members of this House that the House Business Committee has failed to raise quorum. In fact, some hon. Members have never attended the Committee's meetings since we passed, in this House, a Motion making them Members of the House Business Committee.

Mr. Deputy Speaker, Sir, I request for your ruling under Standing Order No.169, which states:-

“(1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the chairperson of the Committee, or the permission of the Speaker if the Member is the chairperson, the member or the chairperson, as the case may be shall cease to be a Member of that Committee and the matter shall be reported to the Liaison Committee.

(2) Upon receipt of a report under paragraph (1), the Liaison Committee shall report the matter to the House for replacement of the Member concerned.”

Standing Order No.1 gives the Speaker power to act where there is no express provision within the Standing Orders.

We seek your ruling on members who have never attended the House Business Committee and as a result failed to give it quorum. The House should be notified about the Members who have failed to attend the Committee’s meetings for more than four times and immediate replacement effected. I am saying this because this House was almost brought to a halt because of the protagonist wars between His Excellency the Vice-President and the Minister for Home Affairs and the Right hon. Prime Minister. We are made to understand that amongst those who have not been giving quorum to the House Business Committee are these two Members. We want direction from the Chair on this matter. It is the Vice-President and Minister for Home Affairs, the Prime Minister and Ministers who do not attend the House Business Committee.

If you look at today’s Order Paper, you will realise that the only Business after Question Time is one Motion. This is a sign that this Committee is not generating enough business. We seek your ruling with regard to when we could replace the hon. Members who are too busy to attend the House Business Committee’s meetings. As Backbenchers, we are ready and willing to run this House effectively.

(Applause)

Mr. Deputy Speaker: Order, Members! Indeed, Standing Order No.168 says:-

“Unless the House otherwise resolves every Select Committee shall meet at least once every month.”

Again, Standing Order No.169(1) says:-

“If a Member fails to attend four consecutive sittings of a Committee without the written permission of the chairperson of the Committee, or the permission of the Speaker if the Member is the chairperson, the Member or the chairperson as the case may be shall cease to be a Member of that Committee and the matter shall be reported to the Liaison Committee.”

The tradition has been that the House Business Committee meets once in a week. As to the content, the real dynamics in these meetings, how many hon. Members have been attending and how frequent, and whether they have been doing this with the permission of the Speaker or not, because in this case, he is the chairperson of the Committee, the Chair will give a comprehensive ruling and direction on Tuesday, next week.

USE OF GUNS TO SCARE AWAY KIPINDI AREA RESIDENTS

Mr. Pesa: Mr. Deputy Speaker, Sir, I rise on a point of order to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security concerning the use of guns to scare away residents of Kipindi area in Migori before the killings thereabout at the border between Migori and Trans Mara districts on 24th April, 2009.

I would like to know why the attackers used guns to scare away residents in Kipindi area of Migori District, who later brutally murdered two people on the same date of 24th April, 2009. I want the Minister to tell us something about the disarmament that had been going on around the border of Migori and Trans Mara earlier on. Was it effective? If it was not, could the Minister assure this House that he will do it effectively so that both sides do not own guns for attacking the opposite community members? Could the Minister tell us the source of the bullets that were used to scare away people on 27th April, 2009, before several houses were burnt in the area? Lastly, when will he compensate those residents whose properties were destroyed during the skirmishes, especially the Internally Displaced Persons who have now settled around the area at Thidhna and Mirunga in Ogwedhi area? I would also want the Minister to tell the House when he is intending to establish a police post in the Kipindi area so that security in the area can remain stable for the benefit of the residents staying at the border.

Mr. Deputy Speaker: Mr. Assistant, Minister, can you give an undertaking on it?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, the Minister will issue a statement on Thursday, next week.

The Deputy Speaker: That is fair enough.

RESOLUTION OF MIGINGO ISLAND DISPUTE

Mr. Anyanga: Mr. Deputy Speaker, Sir, I am requesting for a Ministerial Statement from the Minister for East African Community on efforts to resolve the dispute over the ownership of Migingo Island in Lake Victoria. In the Statement, the Minister should address himself to the following issues:-

(i) why the Government of Uganda has not fully implemented the agreement contained in the point statement issued in Arusha by the President of Uganda and the President of Kenya on the way forward on the Migingo question;

(ii) why the Government of Uganda continues to harass and threaten Kenyans stationed and going about their business;

(iii) what is the rationale of spending Kshs140 million on the survey exercise while evidence, including maps exist;

(iv) whether the Minister can confirm that the Government of Uganda is committed---

Mr. Deputy Speaker: Order! Order, Mr. Anyanga! It is a tradition that whenever an hon. Member is seeking a Ministerial Statement, first of, all, he gets the Speaker to acquaint himself with the Ministerial Statement and to give direction so that you do not duplicate issues. We already have a Motion on Migingo Island. The Private Members' Motion here, which is sponsored by Dr. Khalwale, is precisely on Migingo Island. You are seeking a Ministerial Statement when the matter that, essentially, you are talking about can be addressed in your contributions here and the Minister or the Government side will definitely respond on the basis of that. So, I think it is only fair to allow this to continue. The Ministerial Statement, in my opinion, is not---

Mr. Anyanga: Mr. Deputy Speaker, Sir, yesterday the Speaker advised me to go to his office and I did that. He confirmed that today I can raise the issue on the Floor of the House

Mr. Deputy Speaker: So, you still insist on seeking that Ministerial Statement notwithstanding the contents of this Motion?

Mr. Anyanga: Mr. Deputy Speaker, Sir, I still insist because these are different issues and I am addressing a different thing. Let me proceed.

(iv) whether the Minister can confirm that the Government of Uganda is committed to an amicable solution of the matter given that statements from Kampala have confirmed that the island belongs to Kenya and the water belongs to Uganda; and

(v) whether the Government of Uganda will respect the survey findings.

Mr. Deputy Speaker: Next Order!

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, noting with concern--

Mr. Speaker: Order! Order! Dr. Khalwale, before you move your Motion, the Government has to give an undertaking on when the Ministerial Statement requested by the hon. Member is going to be issued.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, we undertake to provide the Statement to this House next week on Thursday.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. Could we have the Minister and not the Assistant Minister?

Mr. Deputy Speaker: Any Minister, Assistant Minister, Prime Minister, Vice-President even the President can take that responsibility, if he so wishes. So, he can take on behalf of any of them. As far as the Standing Orders are concerned, the "Minister" is defined as the President all the way down to the Assistant Ministers. So, he can take the responsibility for that.

Next Order!

MOTION

VIOLATION OF KENYAN TERRITORIAL BOUNDARIES BY UGANDAN SECURITY FORCES

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

THAT, noting with grave concern the presence of Ugandan security forces, first in the Mgingo Island, and secondly, in Kacheliba in West Pokot District, areas that form part of the sovereign Republic of Kenya, an act that is against the provisions of International Law; this House registers its strong opposition to and disapproval of this act of aggression by the Government of the Republic of Uganda, and resolves that the Ugandan security forces leave Kenyan soil with immediate effect and that the Government of Uganda unconditionally commits herself to respecting the territorial boundaries between Kenya and Uganda, and further, that this House urges His Excellency The President and Commander-In-Chief of the Armed forces of the Republic of Kenya to use all resources and options at his disposal to reclaim Kenyan land in accordance with the Constitution of Kenya.

As I say this, it is important that I bring the House and, indeed, the whole nation to the following boundary brief between Kenya and Uganda. Indeed, there is a boundary between Kenya and Uganda, which measures approximately 580 miles. It stretches from tripod point with Tanzania, extends northwards through Lake Victoria for 86 miles.

Except for about 94 miles between Vukwa and Kanamton rivers, the remainder of the boundary is, indeed, demarcated by pillars or rivers. Talking specifically about the 86 miles that you find inside Lake Victoria, the boundary runs from 1-degree south latitude through Lake Victoria to the mouth of the Sio River. It commences on the waters of Lake Victoria at this point, 1-degree parallel south latitude at the point due south of Westmont Point of the Pyramid Island. From there, it goes straight to the north to the point where it reaches through a straight line to a most westerly point of a point called Ilembe Island.

From here, it goes straight to Kiringiti Island and then straight north to most western point of Mageta Island. Thereafter, it goes straight northwest to the southern point of Suba Island. It then goes southwest to the western shores of the Island to its most northern point, by a straight line northeast to the center mouth of the Sio River.

Mr. Deputy Speaker, Sir, this boundary that I am describing exists. It was agreed on in 1886 between the British and the Germans when they came to take over our region. It went on and was documented in 1890. It was then formally captured into a document in 1926. This document is called the "Order in Council". It was then captured by the Kenyan Government in 1963 in our Constitution. It was also captured by the Ugandan Government in her Constitution at Independence. The same boundary was captured by the Ugandan Government in 1995 when President Yoweri Museveni brought new order in Uganda.

It is amazing that with all these facts, the Government of Kenya is packed with Ministers and Assistant Ministers who are lazy and tired. They do not want to go to the library or the national archives to retrieve these kind of documents. Instead the Minister for Foreign Affairs and the Minister for East African Community go into a bi-lateral agreement with the Ugandan Government and commit Kshs280 million of taxpayers' money for an exercise, which is already comprehensively taken care of. This is simply because these people are too big to spare a moment to study. No wonder they did not even bother to read our Budget before it was presented to this House.

Mr. Deputy Speaker, Sir, because I know they do not even have time to go to the library, I want to take this opportunity to present this document to this House. This document is now in the custody of none other than the State Department of the United States of America. It is the international boundary study that has captured all these details. With it, there are 180 beacons, which have been put between Kenya and Uganda. They have been put all the way up to West Pokot, Saboti, Kwanza and Kacheliba. All of them are marked there and there is no reason this Government should subject Kshs280 million to such a waste. I table this document so that we save them that trouble.

(Dr. Khalwale laid the document on the Table)

Mr. Deputy Speaker, Sir, having said that, I want to reaffirm here now that yes indeed, Migingo Island is ours. It belongs to Kenya! Even His Excellency President Yoweri Museveni admitted yesterday that Migingo Island belongs to Kenya. Migingo Island is in Kenya and Kenya is a sovereign State. In fact, Africa and the rest of the international community recognise the fact that Migingo is within the boundaries of Kenya.

The international community is waiting for the President and Commander-in-Chief of the Armed Forces of Kenya to ignite the first signal of his intention, on behalf of

the citizens of Kenya, to defend Kenyan soil so that they can rise in support of the defence of our own soil.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I am appealing to the President, now that I have given them this document that they have not been able to read, to read it tonight and with immediate effect move into rapid action tomorrow. He should mobilise the Kenya Airforce, the Kenya Navy and the Kenya Army so that we are not subjected to the kind of shame that we were vested with last night, when we heard the President of Uganda describing one of the communities in this country; the Luo, with very disparaging remarks.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the only reason a president of a neighbouring country can have the audacity to describe one of our communities the way he did, is only found in an analogy of a situation in a house. In your own house, if you are perpetually quarrelling with your wife in public, then a notorious neighbour can very well come and start telling you as the husband that your wife is not good enough. He could tell you she comes from a community of night runners or drunkards and so on.

The fact that the Prime Minister and the President are perpetually quarreling in public under the watch of the international community is the reason hon. Museveni is taking advantage. He thinks that this is a divided house and he can get away with just about anything he says in public.

Mr. Temporary Deputy Speaker, Sir, the greed of the Ugandan people, led by their leadership is indeed, the real reason they are belittling us the way they are doing. It is not a secret anymore that the leadership of Uganda is driven by the desire to reap---

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have a lot of respect for my friend hon. Khalwale. However, he is treading on dangerous grounds. I have listened to him very carefully. Standing Order No.79 bars hon. Members from discussing matters relating to a Head of State of a friendly nation. If Dr. Khalwale could continue with his debate without making so much reference to a Head of State of a friendly country, I think he will be in order. Otherwise, now he is out of order.

Ms. Odhiambo: On a point of order, Mr. Temporary Deputy Speaker, Sir. First of all, I think this Motion has been brought before this House substantively. This, therefore, does away with that question. Yesterday, I raised an issue which was not responded to. Even if that were not the case, I do not deem Uganda as a friendly nation under these circumstances. I would urge that the Chair gives directions as to whether Uganda is indeed a friendly nation.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, it is amazing---

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

Dr. Khalwale, you have a Motion before us to which you are contributing. Indeed, you may proceed to do so. However, do not move away from the Motion and begin discussing the conduct of a friendly nation. Stick to the Motion and move it properly.

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

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

Dr. Khalwale, please, proceed!

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, indeed, this Motion which was approved by the Chair is intended to discuss the conduct of Uganda. If you stop me from discussing the conduct of Uganda, then you will be giving yourself powers that are not founded in our Standing Orders.

(Applause)

Mr. Temporary Deputy Speaker, Sir, once you approved this Motion, you knew that not so many good words were going to be said about Uganda.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. I agree with Dr. Khalwale that the President of the Republic of Uganda discussed the issue with the media houses. As representatives of the Kenyan people in this House, we have the right to discuss the President and the Government of Uganda as long as Migingo Island is an issue.

(Applause)

The Temporary Deputy Speaker (Prof. Kaloki): Dr. Khalwale, can you proceed?

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I was saying that the rich resource in the Migingo area and the prospects of oil and natural gas reserves is the principal motive why the leadership of Uganda is bent on taking away Migingo Island from us. Even if it annoys my brother, Mr. Musila, I want to reaffirm that Kenyans will not give away even an inch of the land. The President would better hear this loud and clear!

Mr. Temporary Deputy Speaker, Sir, Uganda has severely failed the good neighbour test.

Mr. Temporary Deputy Speaker, Sir, if Uganda was a good neighbour, then she should not be associated with the sporadic attacks that we have seen historically, with Uganda attempting to take part of Kenya. Indeed, I remember when I was a little boy at Marinya Primary School, the then President of Uganda, Idi Amin, attempted to take over the entire Luhyia land and parts of the Rift Valley up to Naivasha, purporting that it was part of Uganda. Ooh! How I wish President Jomo Kenyatta was still alive! That is the time we heard the voice and felt the presence of a Commander-in-Chief of the Armed Forces of a Republic. President Kenyatta ordered everybody, including primary school children and *wananchi* to march into the streets and Amin heard it loud and clear. Where is President Mwai Kibaki? If he cannot remember that far about 1886, which I was talking about, he can, at least, remember the time when President Kenyatta made the order. He was the then Minister for Finance. So, he can remember the minutes of that Cabinet meeting that took that decision. He owes it to Kenyans to make us proud of the

leadership of this country by disciplining the rogue leadership from our neighbouring country.

Mr. Temporary Deputy Speaker, Sir, Uganda is not a good neighbour. As I speak now, Ugandan military officers disguised as cattle rustlers in Kanyarus, Katkimor and Kanyarkwat in North Pokot of Kacheliba Constituency have uprooted beacons. They come to Kenya and take our cattle. As I speak now, they are holding over 400 herds of cattle purporting that the owners must pay a fine of Kshs50,000 to take them back. If they fail to do that, the disguised soldiers will own those particular herds of cattle. Uganda cannot be deemed to be a good neighbour. By doing what they are doing now, they are simply repeating what they did last year in Kacheliba, all the way to Kapswor. No Minister in this House can convince me that he is defending a good neighbour called Uganda. How I wish you were a Pokot in West Pokot or a Luhyia in Sabaot and Kwanza, to see how our people are harassed, arrested and incarcerated in Ugandan prisons for you to know how we feel about those acts of aggression.

Mr. Temporary Deputy Speaker, Sir, those acts of aggression that are perpetuated against Kenya are actually in keeping with the standard mind-set of the Ugandan leadership which feels that they are small and should have been a bigger republic in Africa. That expansionism theory of theirs is evidenced by their acts of aggression against Rwanda, which you all know, their presence in the Democratic Republic of Congo, which you all know and their presence in Southern Sudan, which you all know. Therefore, we must condemn it, lest President Museveni thinks that when the leadership in this country changes from the current leadership to this young leadership that I am seeing on this side, he will expect to be treated in the same way. There is no way that he is going to be treated in the same way.

I submit here and now that the Kenya Government is not doing enough. It is sleeping. We expect the Government to do more. Indeed, when you see our youth in Kibera, the residents of Migingo, Pokots in Kanyarus, Katkimor, Kanyarkwat, Sabaot in Kwanza take up the law in their hands as evidenced by the uprooting of the Kenya Railway Line in Kibera, Kenyans are by so doing asking: Where is the Commander-in-Chief of the Armed Forces? Where is the President of Kenya? I do not know what else the President would like Kenyans to do for him to realize that they are calling him to command the Armed Forces of Kenya. Life is so unbearable to Kenyans in those places. They are harassed and arrested by the Ugandan Peoples' Defence Force (UPDF). At the time when those poor Kenyans are being arrested, the leadership of this country is in State House, wining and dining and talking about diplomacy being the answer to the challenge that we are facing today.

Mr. Temporary Deputy Speaker, Sir, the Kenyan Government has miserably failed to offer security in West Pokot, leaving marauding UPDF to be countered by only three Administration Police (AP) officers. At any one time, one officer is off-duty, the other one is on night-off and that leaves only one AP to face all those marauding officers. As if this is not enough, the nearest District Commissioner's office is over 150 kilometres away from the border. Can we take this as a sign of a Government that is serious in protecting our territorial integrity? Of course, the answer is no! The Ugandan flag keeps on flying on Kenyan soil while our well-trained military officers wine in officers' messes here in Nairobi and other officers' messes across the country. They are not doing it because they like it. They are prepared to act. They do it because nobody is commanding

them to act. How I wish the General Election of 2012 could come quickly, so that we can find somebody who can command these young people to move into action, so that we can restore the pride of the Republic of Kenya!

The Ugandan Police, after the just ended international seminar that was there, was beefed up with marines and sub-marines. They have formed a special squad called the Uganda Police Marine. Those marines roam in Lake Victoria waters and, in fact, only recently, they arrested 400 fishermen belonging to the Luo and Luhyia communities. May Museveni be informed that it is not only the Luos who fish. The Luhyias also fish. You might see hon. Namwamba being thin, but Wanjala was a real fisherman. You could see his muscles when he was a Member of this House. That is all happening. A mere police marine harassing our people when we have a properly trained Kenya Navy that could make minced meat out of that marine squad!

Mr. Temporary Deputy Speaker, Sir, the President of the Republic of Uganda, as I have said above, has had the audacity to insult the Luo community at a function in Dar-es-Salaam and the President of Kenya finds nothing absolutely wrong with it. In fact, I am hoping that by midday today, we are going to hear a special communication from Mr. Mutua, who likes commenting on anything that is not serious. This one is now serious and we want to hear him now speak as the Government spokesman and address the issue of Migingo today on behalf of the President, if the President will not have found his breadth.

Some Ugandans and, indeed, even some Ministers, might mock Members of the Back Bench and, indeed, even the youth in Kibera who were expressing their anger. Go ahead and mock us, but even if you mock us that Migingo is merely an acre of land, yes, it is, but still, it is ours! Even if Migingo is a mere rock, yes, it is a rock, but it is ours. Even if nothing can grow on Migingo, it has our sweet fish and, indeed, it is ours. Today, even if we go to war with Uganda over Migingo and some people think that it is laughable, we will be going to war, wasting millions of shillings because Migingo is ours.

Mr. Temporary Deputy Speaker, Sir, even if some people think that our youth should not uproot the railway line in Kibera over Migingo, they are doing so, because we are in love with what is ours. Yes, Migingo Island is ours. Even if we must sacrifice our lucrative trade with Uganda for the sake of our small Migingo Island, it is because Migingo is ours. Who does not know, it is a big a lie. I have been an Assistant Minister in the Ministry of East African Community. Out of the Common Market for the Eastern and Southern Africa Community, Kenya gets nothing because all our goods when they go to Uganda, Tanzania, Rwanda and Burundi, attract duty. It is only the *vice versa* that benefits. They are the ones whose goods are zero-rated. So, we are waiting for the year 2013 for us to start having maximum benefits. Probably, Uganda has now benefited enough and they can now afford to tell us off because they can see we are now approaching 2013. We must call matters to order for us to resume normal trading ties with them.

Mr. Temporary Deputy Speaker, Sir, Migingo Island is ours. I have no shame in inviting my colleague and friend to second my Motion. As he comes to second it, I want to repeat long life Migingo Island, long life Kenya! Hon. Guya Mungatana come and second my Motion.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion brought by hon. Dr. Khalwale. First of all, I want to start by congratulating hon.

Dr. Khalwale for bringing this Motion to this House. It gives us opportunity to ventilate the collective will of the people of Kenya. The issue that is facing this country emborders on the challenge of sovereignty across the border that we share with Uganda.

Mr. Temporary Deputy Speaker, Sir, in seconding this Motion, I am alive to the fact that the gist and substance of this Motion is to urge His Excellency the President who is the Commander-in-Chief of the Armed Forces of the Republic of Kenya to use all resources and options at his disposal to reclaim Kenyan land in accordance with the Constitution of Kenya. Parliament is speaking like this because there is a general feeling among the people of Kenya that the Head of State, who is the Commander-in-Chief is not doing enough. He is not doing enough in terms of reassuring the public that he is doing something about the ---

Mrs. Shabesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is an issue that concerns either the Ministry of East African Community or that of Foreign Affairs, I see no representation of the same. This is a very sensitive matter, which we expect a Government response.

The Temporary Deputy Speaker (Prof. Kaloki): Order! I have already made a ruling on that. I can see several Assistant Ministers here. I see many of them here and they are representing that particular Ministry.

Mr. Mungatana, you may proceed seconding the Motion.

(Several hon. Members stood up in their places)

Order! Order, all of you! Order, hon. Affey
Hon. Mungatana could you proceed!

(Several hon. Members stood up in their places)

Order! Hon. C. Kilonzo!

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I was on the point that there is a feeling among the people of Kenya and in this Parliament---

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

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

(Several hon. Members stood up in their places)

Hon. Affey, I will hear that particular point of order. Could you go ahead and submit it.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, the matter before us is of extreme national importance. It is unbelievable that there is not a single Minister of Government who is taking notes so as to respond on behalf of Government. Who is responding on behalf of the Government? We want to know.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, the Chair has very correctly ruled that this Government is heavily represented in the House. In the spirit of collective responsibility, I do not think that there is anything missing. Hon. Affey claims that Ministers are not taking notes. Does he need to see the notes I have already taken to believe that I have taken notes?

Besides, this debate is fully recorded by the HANSARD. The Government will study everything. It is not a requirement that before Motion starts a declaration is made as to who is to respond. Hon.member should be patient enough. When time for the Government to respond comes, they will see who will respond.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Prof. Kaloki): Order! We need to put this matter to rest. I have already said that on the Government side, there are several Ministers listening to the debate. They represent the Government. That is a fact. So, we need to proceed.

Proceed, hon. Mungatana!

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I was on the point that when Parliament is speaking as it does, it means that there is a collective feeling that nothing is being done by the Commander-in-Chief of the Armed Forces. If something is being done, the country is not being kept informed appropriately of the developments that are taking place. We want the country to be reassured of what is taking place.

Mr. Temporary Deputy Speaker, Sir, it was none other than the former President of the Republic of Kenya, His Excellency Retired President Daniel Arap Moi, who, in fact, started raising this matter publicly. He stated that there is a concern that if anything is being done about Migingo Island, then the population and citizenry of this country ought to be kept informed by none other than His Excellency the Head of State of this country. So, we are grounding this Motion on our concern as Parliament. There is a feeling within the country that nothing is being done to address this issue. Tensions are rising high.

Mr. Temporary Deputy Speaker, Sir, this House in debating this issue is, not just being critical, but it is providing a ventilation process through which the will or opinion of Kenyans can be openly heard. We need to see some action being taken in this matter. We are not beating the war drums. This Parliament must not be understood in that way. We know war is expensive. Any person who has participated in anything like ethnic wars, skirmishes or even inter-tribal wars or those of us who have experienced these things in our constituencies, know war is expensive. War has no morality. War will kill. War will create hatred among neighbours. Children will hate each other and so on.

When we say that all efforts must be made, we are reminded of 1932, when the governments of Kenya and Uganda had an issue about an area of Kenya lying to the west of the Turkwell River, which was formerly called the Rudolf Province. That area is now called Karasuk. In that incident of 1932, through an agreement between the two countries, it was agreed that the Karasuk area would be administered under Karamoja because it was convenient at that time for the sake of tribal control. Uganda then gained its Independence in October 9th, 1962. In the following year, 12th December 1963, Kenya got its Independence. Again, the governments of Kenya and Uganda sat together and agreed that the region of Karasuk be returned to Kenya. This was done in 1970 and the Karasuk area reverted back to Kenya, through an agreement between the two countries.

Why am I bringing this issue in seconding this Motion? I am bringing this issue because it is an example of a historical fact that happened. We, as a country, and Uganda as a country, have never been to war. It is true that we have had border disputes before. It

is also true that these two countries have solved these issues before. At that time, there was no need to call experts to look at the border points. This was a mere political goodwill, which resolved the issue.

The Kenyan Government, today, with the initiative of His Excellency the President and the initiative of His Excellency the President of Uganda, can sit down and come up with a solution to this matter. If they fail, we, as Parliaments, representing the people of Uganda and Kenya, are capable of getting that peaceful solution.

With those few remarks, I beg to second.

(Question proposed)

Ms. Odhiambo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to move an amendment to this Motion.

The Temporary Deputy Speaker (Prof. Kaloki): Did you give notice?

Ms. Odhiambo: Yes, I gave notice of the intended amendment to the Speaker.

The Temporary Deputy Speaker (Prof. Kaloki): Let me consult on your request and see whether it is procedural or not.

Mr. Musila, proceed!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand here to support the Motion---

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. We must appreciate that you have given Mr. Musila the chance to reply on behalf of the Government. I am sure that he is contributing in his capacity as a Member of Parliament. That is why we were asking that the Minister for East African Community be here. This is a very important matter. This morning, when a Minister was not present to answer a Question, it was deferred. We must make sure that the Minister responsible has designated a Minister to respond to our issues. We cannot be acting in vain.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, Mr. Ethuro. That will be taken care of. I promise.

Hon. Musila, please, proceed!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. I share the concern of Kenyans and the anguish and frustration that they have gone through over the issue of Migingo Island and also, as the Motion states, the issue of the West Pokot boundary.

(Mr. Ruto stood up in his place)

Mr. Temporary Deputy Speaker, Sir, would you protect me from this hon. Member?

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ruto! Order! Proceed, Mr. Musila.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, some time ago, I mentioned that the act of the Ugandan Government to hoist their flag on the Migingo Island, which belongs to Kenya was, in

accordance with international law, by itself, an act of annexation of a nation. It is true that you cannot hoist a flag in another country if---

(Mr. Ruto stood up in his place)

Mr. Temporary Deputy Speaker, Sir, would you protect me because this hon. Member does not know what I am going to say?

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. A few minutes ago, the hon. Member purported to be acting on behalf of the Government and that he was taking notes on behalf of the Government. Is he now confirming that the Kenyan Government is powerless and that he has been unable to act? He is supporting the Motion on the Floor. Is he doing that on behalf of the Kenyan Government; the same Government which sold the Migongo Island?

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I do not know whether the hon. Member wanted me to oppose the Motion---

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

Hon. Musila is contributing to the Motion, first of all, as a Member of Parliament for Mwingi North. Secondly, he is contributing on the Motion. So, let us hear him out.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, who is speaking on behalf of the Kenyan Government?

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, you have not called upon the Government to respond.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, you have not called upon the Government Responder. There is time allotted to the Government Responder which comes at the end of the Motion. I am not purporting to be speaking on behalf of the Government but I am a Member of the Government.

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

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, Mr. Ruto does not even know what the Responder would say. To say that I support this Motion does not mean--- Unless he waits and he hears what I am going to say later.

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I was saying that the hoisting of a flag of any nation on another nation's land by international law can be construed to mean annexation. Having said that, I am pleased to note that the Government of Uganda has since removed the flag on Migingo Island after diplomacy took place. Therefore, there is no flag at the moment and I am very happy that Uganda recognized that it was wrong for them to hoist a flag on Migingo Island.

The Motion on the Floor of the House calls on the Government to use resources. I want to say that the Government is already using resources. Two days ago, the Minister for Foreign Affairs launched a team that is going to survey and provide guidance on the

boundaries of the disputed land at a cost of Kshs280 million and the two nations will share that cost. The reason why I support the Motion is that the Government is already doing what the Motion is asking.

Mr. Temporary Deputy Speaker, Sir, with regard to the options, I share the view that the only option we have in sorting out the issue of Migingo Island and West Pokot - if it is true that the beacons have been removed - is diplomacy. I say this because diplomacy has already taken place and that is why the flag of the Government of Uganda was lowered on Migingo Island. We are members of the East African Community (EAC) and so, diplomacy must be the first thing that we can use to---

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that diplomacy was used when we know very well that it was after uprooting of the railway line in Kibera that the flag was removed?

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, that is a point of argument and not a point of order. He is just arguing that it was not because of diplomacy. That is his opinion.

Therefore, the option of diplomacy must be given time. We are making a lot of progress with diplomacy. The other option, in the event that diplomacy does not work----

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

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Assistant Minister, proceed!

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Thank you---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ruto! Let us be serious. Mr. Musila, please, finish your remarks.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, the hon. Member has done his best to interrupt my contribution; even my time has been wasted. Therefore, I hope that you will add me the minutes that the hon. Member has squandered.

The other option that we have is mediation. In the very unlikely event that diplomacy between us and Uganda does not succeed, we still have the option of calling upon other partners in the EAC to mediate between us and ensure that we find a solution. We are also members of the African Union (AU). We can also seek the intervention of our brothers and sisters in AU to ensure that we get a solution. There are many options and I want to mention some of them to hon. Members. During the war between Nigeria and Cameroon due to a similar dispute, the International Court of Justice (ICJ) mediated and came up with a solution which has been honoured by the Nigerian Government up to today. In the event that diplomacy and mediation fails, we still have another option of going to the ICJ and get a ruling over the dispute.

Mr. Temporary Deputy Speaker, Sir, I am not saying this because the Kenya Armed Forces are not ready. Everyone knows in this House, and the hon. Member who spoke before me acknowledged, that we have professional armed forces and we have what it takes to protect the boundaries of this country. Going to war is the very last option, having exhausted all the options that I have said. So, I want to appeal to hon. Members to exercise caution because in the past, countries have gone to war over utterances of people. War is a very painful thing to even think about.

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, with a lot of respect, Mr. Ruto should be informed that when he does not like what a person is saying, he should wait until his time comes then he can speak. This is my time and I intend to go through it until the last second.

Mr. Ochieng': On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I do not require his information. Therefore, he may sit down. I do not require to be informed by the new hon. Member.

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

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Musila, have you finished your contribution? Please, say your last words, then we can move on to Ms. Odhiambo's proposed amendment.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I was assuring this House that the Kenya Armed Forces are ready to defend the borders of this country and whenever time comes, the army will do that but it is not yet time. There are hundreds and thousands of options to exercise.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, Mr. Musila. There was notice of amendment which was given by Ms. Odhiambo. I now ask her to go ahead and propose the amendment.

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have heard that diplomacy is going on between Kenya and Uganda and we have also been told by the Chair that it is a friendly country. These are not rumours. I heard it on *CNN* yesterday, the President of the so-called "friendly country" stating in an international conference that "Luos are mad". Is it in order for us to continue considering Uganda a friendly country and continue with diplomacy? Is it also diplomatic for a whole President to besmirch an entire population of Kenya and in fact the whole of East Africa? The statement that he made is very serious and we need a statement from the Kenyan Government on this issue.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, hon. Ruto. Actually, the Motion before us is to discuss that. So, please, allow other hon. Members to contribute and I will give you time to contribute. So, the Motion is before us and you have all the time to tell your side of the story.

So, hon. Milly Odhiambo, please, proceed and move your amendment!

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

I beg to move that the Motion be amended as follows:-

By adding the words "and that this House urges His Excellency the President to seek the assistance of the United Nations Security Council to deal with this issue as a matter constituting a threat to international peace and security under the UN Charter", after the words "Constitution of Kenya" at the end.

Mr. Temporary Deputy Speaker, Sir, the amended Motion will read as follows:-

"THAT, noting with grave concern the presence of Ugandan security forces, first in the Migingo Island, and secondly, in Kacheliba in West Pokot District, areas that form part of the sovereign Republic of Kenya, an act that is against the provisions of International Law; this House registers its strong opposition to and disapproval of this act

of aggression by the Government of the Republic of Uganda, and resolves that the Ugandan security forces leave Kenyan soil with immediate effect and that the Government of Uganda unconditionally commits herself to respecting the territorial boundaries between Kenya and Uganda, and further, that this House urges His Excellency the President and Commander-in-Chief of the Armed forces of the Republic of Kenya to use all resources and options at his disposal to reclaim Kenyan land in accordance with the Constitution of Kenya and that this House urges his Excellency the President to seek the assistance of the United Nations Security Council to deal with this issue as a matter constituting a threat to international peace and security under the UN Charter.”

Mr. Temporary Deputy Speaker, Sir, I have brought that amendment to this Motion mainly because of the reasons that have been alluded to by hon. Musila. Hon. Musila has actually notified this House that Kenya is dealing with this matter using diplomacy, which has actually, absolutely and miserably failed. Yesterday---

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. At no any given time has hon. Musila or any Member of the Kenyan Government said that diplomacy has failed!

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I will re-word, that the diplomacy referred to has apparently failed! I have used the word “apparently” because it will be subject to my own assessment and that of the international community. The reason why I am saying that is because we have reached a level that not only I, as an hon. Member, but other members of the public will actually be dragging the name of Yoweri Museveni “ka-something” into this House in disrespect, which is not in order. When I was coming here, I actually had constituted an abhorable name for him. But I will be stateswoman so that I am do not sink to his level. I will not call him the names that he calls people!

(Applause)

I am more of a stateswoman than Yoweri Museveni and whatever the other name is! So, I want to say that I can be ten times more the President of Uganda than Yoweri Museveni--

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The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that hon. Odhiambo is acting in accordance with the Standing Orders of this House, specifically Standing Order No.79, which bars hon. Members from discussing the conduct of Heads of States and Governments of friendly countries?

In this respect, Mr. Temporary Deputy Speaker, Sir, I think the Chair has, since yesterday, ruled that, that is out of order. The Chair should not continue to watch as hon. Members flout the rules of the House!

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Odhiambo! Hon. Odhiambo, you are doing a good job; actually an excellent job.

(Applause)

But could you stick to your amendment and not drag in the name of the President of Uganda? Stick to your Motion! Please, move on!

Ms. Odhiambo: I am sorry, Mr. Temporary Deputy Speaker, Sir. It is just that I forgot his name. If I remembered his name, I would have actually used it, but I forgot it! So, I apologize for forgetting his name. I do not remember it.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you!

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, the reason why I actually agree with you that I do not want to be dragged into this name-calling is that, if you actually looked at it, this is not a Kenyan problem! A non-governmental organization in Uganda called Accord has actually released a report saying that Uganda is in a crisis! They have a land crisis! They are going to be the third-largest population in the world and, therefore, they are in conflict with all their neighbours!

Mr. Temporary Deputy Speaker, Sir, the international boundary conflict does not only include Migingo, in Kenya, but has pitted Uganda with a nine-kilometre stretch in Yumbe between Uganda and Sudan, the Katuna border area with Rwanda and Mutukula area with Tanzania. There have been disagreements with Congo. They have disagreements with Rakwach Agura border area in Arua. In 2007, it even led to conflict where a Ugandan was killed in Congo! So, this is not a problem unique to Kenya, and that is why I am invoking the UN Security Council.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir---

Mr. Temporary Deputy Speaker (Prof. Kaloki): Order! Order! Order, hon. Musila!

Ms. Odhiambo: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): But, Mr. Temporary Deputy Speaker, Sir. I have no problem with---

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

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, can you protect me! You have not given him the Floor! Even though he has called us new Members, we are very seasoned new Members!

Mr. Temporary Deputy Speaker (Prof. Kaloki): Order! Order, Ms. Odhiambo! Hon. Musila, do you have a burning issue?

The Assistant Minister of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, it is just a matter of procedure. I am not intending, in any way, to interrupt the hon. Member. I am only saying that hon. Odhiambo was moving an amendment. But what is going on now is like she is debating that amendment. I just needed your guidance!

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Musila, actually, she is contributing to that amendment and then it will be seconded here shortly. So, hon. Odhiambo, do not get out of your amendment. Just move your amendment and complete!

Ms. Odhiambo: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me and noting that this is actually procedural. I am a seasoned new hon. Member.

Thank you!

(Applause)

Mr. Temporary Deputy Speaker, Sir, I want to actually indicate that the reason why I am bringing this amendment is because of the level this conflict has reached. It is no longer an issue for Kenya alone! When you have matters that actually threaten international peace and security of any country, the UN has actually, in the past, intervened, including using military intervention! We know that there are countries that have gone, including America, and plucked off Presidents that are disobeying international law!

(Applause)

I, therefore, want to actually say that, yes, I want to laud the Kenyan Government for the little they have done, but it is beyond them! This is a matter that now needs to go to the UN Security Council.

Mr. Temporary Deputy Speaker, Sir, before I conclude and call the Seconder, hon. Ethuro, I want to say that the international community has been judged in the past when they watched as Rwanda committed a terrible genocide and when we had a madman in the name of Amin in Uganda.

Mr. Temporary Deputy Speaker, Sir, we can no longer have another madman in the name of Yoweri Kaguta “*Musenjeni*”!

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. We need to protect the rules and integrity of this House. I know that Migingo is a burning issue; it is a national issue! But we cannot allow hon. Members to use the Floor of this House to call the President of a neighboring country names. I want hon. Odhiambo to withdraw that paraphrased name of President Museveni!

(Ms. Odhiambo stood in her place)

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Odhiambo! Sit Down!

Ms. Odhiambo, I have already agreed with you that we are moving an amendment. However, I do not agree with you at the end when you address President Museveni in another name. You did not address him as President Museveni. Could you withdraw that other name and address him as hon. Museveni.

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I wish to withdraw the name “*Musenjeni*” and call him President Museveni.

The Temporary Deputy Speaker (Prof. Kaloki): Could, Mr. Ethuro, second the Motion?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I wish to second the Motion as amended by Ms. Odhiambo. It is true as a House and as people who represent our citizens, this House must demonstrate its total displeasure with the way our two Heads of

State are acting. We are also bringing this amendment because we are committed to the peaceful resolution of Migingo Island saga.

The Assistant Minister, Ministry of State for Defence in his closing remarks, said that the army is ready and willing. I agree with him that war cannot be our first recourse. However, when you have a neighbour who has forgotten all issues of protocol, what are you expected to do? Today, you call Migingo a rock or an island. Tomorrow, you will call it a province. Next time, it will be the entire country. Our friends from the region held a press conference and Eng. Gumbo asked: Is the President of the Republic of Kenya waiting for Uganda to hoist a flag at KICC in order for him to wake up from slumberland? Indeed, the following day, the government spokesman of Uganda was at the KICC hoisting their flag.

We are not talking about Migingo Island alone. We are talking about West Pokot in Kacheliba Constituency. We are talking about Loima District. We are talking about Turkana East District where Ugandan forces are lined across the border. They are chasing away our pastoralists. We are talking about the violation of the territorial integrity of Kenyan Republic.

Mr. Temporary Deputy Speaker, Sir, I thought the only business of the Government is to protect the integrity of the nation. We want this House to tell the Executive that they have gone to sleep. They have allowed our neighbour to take over because he is in deep slumberland. This is not incitement. It is a statement of facts.

I borrow from the good Bible which asks: Who is my neighbour? Neighbourhood is not a matter of geography. It is not a matter of someone being in the next door. The good Lord gave us the answer in the parable of the good Samaritan. It is that person who comes to assist you when you are in dire need and stress. What happens to that person who causes you the stress? That person cannot be a neighbour. That person can only be described as an enemy.

Mr. Temporary Deputy Speaker, Sir, we, as a nation, are contributing to the water of Lake Victoria. Under the International Treaty we cannot tamper with the levels of Lake Victoria. We have respected that from the beginning. Why are we accepting our neighbour not to respect the international treaty that the rest of us have respected? These are the questions that this House is demanding from the Executive. When we demand the proper Government Minister to be in place, it is because we do not want to act in vain. We demand answers because we represent Kenyans.

Mr. Temporary Deputy Speaker, Sir, does this Government want the entire railway line from Mombasa to Lake Victoria to be removed in order to wake up? If the President of Uganda has agreed that the island is ours, can the Government not ask questions from Uganda, why it hoisted its flag on Migingo Island for all that time?

We should not be dealing with the presence of Ugandan troops. We should deal with our own President and Prime Minister. We should take to task the Kenya Government. They have failed this nation. They continue to fail. They are not protecting our people. They must go home now.

With those remarks, I second the amendment.

(Question, that the words to be added be added, proposed)

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I support the Motion as amended. Let me start by thanking the Mover of the original Motion, Dr. Khalwale for making it possible for us today to discuss this issue that has been with us for a while.

Before we went on recess, I proposed to move such a Motion, but the Government requested that we defer it, so that they follow diplomatic channels. As I talk today, even though the Government is hailing those diplomatic channels, they have not borne any significant fruit. I do not want to belabour the point of where Migingo Island or Kacheliba is because it appears now that even Ugandans have confirmed that they know it is our territory.

Mr. Temporary Deputy Speaker, Sir, when I was young, I used to fish up to Migingo Island. Even then I knew it was our territory. I was never harassed. In 1991, the first inhabitants of Migingo Island settled there. They were all from Kenya. As I talk today, about 90 per cent of the population in Migingo Island are Kenyans. Over 50 per cent of that population come from my constituency.

I would like to point out that even with the map, the Ugandan Constitution and the Kenyan Constitution confirm that Migingo has always been and will always be in Kenya. Yesterday when I listened to the President of Uganda talk, I was amazed. First of all, the Government of Kenya must take immediate steps to protest to the President of Uganda to be a bit civil in his language. I do not understand how a President of a whole nation can abuse a community that forms a third of his own country. The Luos are not only in Kenya. There are more Luos in Uganda. As members of the Luo community, I want to confirm that we have no problem with Uganda. We have our cousins in Uganda and we will be the biggest losers if Kenya went to war with Uganda.

That notwithstanding, we cannot entertain and tolerate the President of the so-called friendly country exporting his dictatorial tendencies to our country. I do not want to hear Alfred Mutua speak today over Migingo. I want to hear the President of this country speaking to the President of Uganda and telling him that his comments on the Luos are unacceptable. We, as a country, are trying to heal from the effects of ethnicity. We are trying to work on cohesiveness of this country. We cannot at this time accept another country to come and segregate us and turn a national issue to a community issue. Mr. Temporary Deputy Speaker, Sir, I am a Luo and I am not mad. If Luos are mad, are Pokots in Kacheliba also mad? Why are Ugandan military personnel removing the beacons in Kacheliba, if only Luos are mad? Luos have not gone to Kacheliba. If he is using the skin colour, he should be told that all Nilotes are black. All Africans are black, but all Nilotes are so black. So, when he sees Pokots, he thinks he is seeing Luos.

We want to remind him that Kacheliba and Migingo are in Kenya. The President of Uganda must desist from interfering with our country. Our country must remain sovereign. He is referring to the water around Migingo Island as Ugandan water. He should be reminded that the bulk of the water in Lake Victoria comes from Kenya. That includes the water in Jinja. So, he should not intimidate us. We fought dictatorship in this country. We cannot fail to fight dictatorship from another country. If we fought dictatorship of a President who was residing in Kenya, what can stop us from fighting dictatorship of a President who is residing in another country?

Mr. Temporary Deputy Speaker, Sir, looking at the economic effects of what has happened ever since this controversy began, I can tell you that I have some of my constituents, who used to fish around Migingo Island. Due to fear, they have grounded all

their boats. Eighty per cent of my constituency is dependent on Lake Victoria. So, the economy of my constituency is already affected. In terms of foreign exchange, fish brings not less than Kshs7 billion to this country every year. So, this matter should not be taken lightly.

As a matter of fact, I would tell you that, probably, Luos do not even benefit a lot from the returns from fish. All the fish factories are located in Nairobi and Thika, and are manned by members of other communities. All the profits go to members of other communities and we have not complained. Employment has been created. Not only Luos are employed in those factories.

Mr. Temporary Deputy Speaker, Sir, we would like to see a firm stand from the Government. We would like to see the Head of State coming out firmly and telling President Museveni: "You have invaded my country enough. You either stop it or I react." He removed his country's flag from Migingo Island only the other day. Yesterday, he confirmed that the island is in Kenya. So, he was confirming that he invaded Kenyan land from 2004-2009.

For five years, the military forces of a foreign country have been residing in our country. That is not something to laugh about! That is something to be quiet about! Even if you are a fence sitter, for heaven's sake, can you not wake up one day and make a decisive stand, so that people can know that you are also like that? When I was growing up, my father used to tell us: "If you want people to know that you are a man, you also have to beat your chick." I am not slighting the ladies, but that is the traditional way of thinking. So, you will forgive me for that.

My father used to tell me: "If you want to be a man, behave like a man. You must beat your wife." So, our President must show that this country is managed by a "man". So, can we hear the President today reacting and coming out forcefully to tell President Museveni to not only remove his country's flag, but to also remove his military forces from Migingo Island today. They have no business being there.

Mr. Temporary Deputy Speaker, Sir, as a community and a nation, we pay taxes to the Government.

Mr. Musyimi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I find it strange that we have reached a point in this country where we talk about "Luo" issue. This is not a Luo issue. It is a national issue.

The Temporary Deputy Speaker (Prof. Kaloki): So, what is your point, Mr. Musyimi?

Mr. Musyimi: Mr. Temporary Deputy Speaker, Sir, I just think the language ought to be changed. Is he in order to talk about a "Luo" issue. This is a national issue.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir---

(Mr. Poghio stood up in his place)

Mr. Temporary Deputy Speaker, Sir, can I finish responding to the point of order raised by Mr. Musyimi?

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order! On the point of order raised by Mr. Musyimi, the issue of "Luos" is actually what we are discussing in this particular Motion. It is already contained there as some of the submissions that were brought forward by the Mover of the Motion. So, let me hear one point of order and then

you will proceed and complete your submission, Mr. Mbadi.

Proceed, Mr. Minister!

The Minister for Information and Communications (Mr. Poghio): Mr. Temporary Deputy Speaker, Sir, my point of order is on procedure. The hon. Member on the Floor is using an amendment to actually address himself to the Motion on hand. He has not said anything about the amendment. That is what has been happening repeatedly. Is he in order not even be relevant to the amendment?

The Temporary Deputy Speaker (Prof. Kaloki): You are right, Mr. Minister! Could you go ahead and complete your submission, Mr. Mbadi, so that we can go back to the main Motion?

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, if you analysed my speech properly, you would have known that I am contributing to the amendment.

Let me conclude my submission by asking the Government that as we explore these other channels, we also set up a military base around Lake Victoria and in the Western side of the Kenyan border. We can donate Ruma National Park, because it is only killing our domestic animals. It is not helping us. We can donate that vast land to the Government to set up a military base.

With those remarks, I beg to support the amendment.

(Question, that the words to be added be added, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Musyimi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity---

The Minister for Information and Communications (Mr. Poghio): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to raise a matter of procedure.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order! Mr. Musyimi, are you now contributing to the Motion?

Mr. Musyimi: Mr. Temporary Deputy Speaker, Sir, I am contributing to the amendment.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Musyimi, we have disposed of that amendment. We are now back to the Motion, as amended.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for such an important amendment to be discussed by only three hon. Members; that is the Mover, the seconder and one hon. Member? It is unprocedural!

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Kabando! I will come to your side.

Proceed, Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to contribute to the Motion as amended. May I thank Ms. Odhiambo for the wonderful amendment she has made to this Motion.

(Several hon. Members stood up in their places)

Mr. Temporary Deputy Speaker, Sir, could the hon. Members allow me to proceed with my contribution on the amended Motion?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, on the Question of the amended Motion which we have already disposed of, I would like to repeat it so that it is clear to everybody. At the end of the word “Kenya” in the original Motion, we added “and that---“. That is what we were disposing of. I can repeat those words at the end just for the record.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir. The proper procedure was not followed because Ms. Odhiambo proposed the amendment which was seconded by Mr. Ethuro. That is the time you should have proposed the Question.

Hon. Members: He did that!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, when you proposed the Question of the amendment, you allowed one hon. Member to contribute. We rose on the Government side but you did not allow anyone of us to contribute. It is only fair that if you have heard one side you should also hear the other side. In this case, could I request that whatever has happened now be disregarded and we continue with the amendment?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Musila, we are actually discussing a matter of procedure. We want to make sure that we keep our records right and then continue with the debate. I would like to go by the amendment proposed by Ms. Odhiambo. I now want to put the Question on the insertion of the additional wording by Ms. Odhiambo.

Hon. Members: We have already done that!

The Temporary Deputy Speaker (Prof. Kaloki): Let us just be sure of that because the Clerks-at-the-Table did not get it.

An hon. Member: No, they did!

The Temporary Deputy Speaker (Prof. Kaloki): Order! I repeat this for the record of the National Assembly.

*(Question, that the words to be added be added,
put and agreed to)*

The Minister for Information and Communications (Mr. Poghiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. It will be helpful.

The Temporary Deputy Speaker (Prof. Kaloki): I will not allow any more points of order on that matter.

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

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Wamalwa, you will contribute to the Motion as amended!

The Minister for Information and Communications (Mr. Poghiso): Mr. Temporary Deputy Speaker, Sir, the Motion has not been amended yet!

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Wamalwa, you will debate the Motion as amended.

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to contribute to the Motion as amended. I would like to thank Ms. Odhiambo for the very valuable amendment she has made to this Motion---

Hon. Members: Shame! Shame!

The Minister for Information and Communications (Mr. Poghio): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is not my intention to try and disrupt this debate, but the right procedure must be followed. As a senior Member of this House, I want to point out that we have not followed the right procedure. Even the Question of the amendment has not been put correctly. Could you put the Question correctly the way you proposed it? You cannot read an attachment at the end and put the Question!

My point of order is that the procedure should be carried out in a proper manner for our records. You proposed the Question in one way and you put it in a different way. I am just asking you to put the Question exactly the same way you proposed it before it was debated.

Hon. Members: We have done that!

The Minister for Information and Communications (Mr. Poghio): Mr. Temporary Deputy Speaker, Sir, I was here and you did not do that.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Poghio! We have done that!

Proceed Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. May I again thank Ms. Odhiambo who has brought this valuable amendment that includes the requirement that the President seeks the assistance of the United Nations (UN) Security Council to deal with this matter as a threat to peace and security of not just Kenya, but the region as a whole.

Kenya is member of the family of nations and it is, therefore, in order that when any member of this family is threatened by a bully neighbour, the UN comes in and deals with the situation to prevent any insecurity or instability in the area. For that reason alone, I would like to thank Ms. Odhiambo.

Mr. Temporary Deputy Speaker, Sir, I would also like to support this Motion because what has happened or is happening in Migingo and other parts of this country, including Kanyerus in Pokot, is a matter that is not about tribes. It is a matter that concerns countries and, indeed, the international community's intervention is necessary.

I was quite saddened to hear His Excellency President Museveni say that the Migingo issue is a Jaluo affair.

QUORUM

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing a very important matter. If we have to refer a matter to the UN, then it is a very important matter.

However, is there a quorum in the House?

The Temporary Deputy Speaker (Prof. Kaloki): No, we do not have a quorum. Ring the Division Bell!

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, we are unable to raise the requisite quorum. Therefore, this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 11.55 a.m.