

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 20th January, 2009

The House met at 2.30 p.m

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

RESUMPTION OF THE HOUSE TO BE TREATED
AS CONTINUATION OF SECOND SESSION
OF TENTH PARLIAMENT

Mr. Speaker: Hon. Members, Standing Order No.7(1) provides as follows:-

"Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, Mr. Speaker shall, at the request of the Government, appoint a day or, as the case may be, a day other than the day already appointed for the meeting of the House, and, such day, having been notified to the Members, the House shall meet thereon at such time as shall be appointed by Mr. Speaker."

Pursuant to the provisions of this Standing Order, and in consultation with the Government, I appointed this day, 20th January, 2009, for the meeting of the House.

I wish to bring it to the notice of hon. Members that this is a continuation of the Second Session of the 10th Parliament as the House has not been prorogued by the President as provided for in Sections 58 and 59 of the Constitution of Kenya. The House shall transact its business as if it had been duly adjourned to this appointed day. A Session commences when the House first meets after its prorogation or dissolution and terminates when the National Assembly is prorogued or dissolved without having been prorogued.

MEMBERS' WORKSHOP ON NEW STANDING ORDERS

Hon. Members may recall that the House adopted new Standing Orders on 10th December, 2008. These new Standing Orders shall come into operation on the date of commencement of the Third Session of the 10th Parliament.

The Standing Orders currently in use will then stand repealed as per the new Standing Order No.220. However, some provisions of the new Standing Orders may be operationalized as need arises by the Speaker in consultation with the Standing Orders Committee.

To date, no new Standing Orders have been brought into operation as envisioned above. The current Standing Orders will, therefore, continue to apply.

In order to enable Members to understand the new Standing Orders for the purpose of smooth transaction of business in the House, we intend to hold a workshop for all Members of

Parliament between 11th and 13th February this year, to take Members through the new Standing Orders. The new dates supersede the earlier dates of 28th to 30th January, 2009.

I implore, all hon. Members, without exception to attend this very important [workshop, so as to acquaint themselves with the new Standing Orders.

I thank you.

PAPERS LAID

The following Papers were laid on the Table:-

Sessional Paper No.1 of 2009 on Kenya Government Guarantee of a Loan of US\$100 million equivalent to Kshs7.9 billion through the United States of America Department of Agriculture to the National Cereals and Produce Board.

(By the Minister for Environment and Mineral Resources (Mr. Michuki) on behalf of the Minister for Finance)

The Financial Statement of the Kenya Marine and Fisheries Research Institute for the year ended 30th June, 2007 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister for Finance (Dr. Oburu) on behalf of the Minister for Fisheries Development)

Annual Report and Financial Statements of the Agro-Chemical and Food Company for the year ended 30th June, 2005 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of the Agro-Chemical and Food Company for the year ended 30th June, 2006 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of the Coffee Development Fund for the 14 months ending 30th June, 2007 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister for Finance (Dr. Oburu) on behalf of the Minister for Agriculture)

Annual Report and Financial Statements of the Kenyatta University for the Financial Year 2006/2007 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister for Finance (Dr. Oburu) on behalf of the Minister for Education)

Annual Report and Financial Statements of National Housing Corporation for the year ended 30th June, 2007 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister for Finance (Dr. Oburu) on behalf of the

Minister for Housing)

Annual Report and Financial Statements of School Equipment Production Unit of the year ended 30th June, 2008 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance
(Dr. Oburu) on behalf of the
Minister for Education)*

Annual Report and Financial Statements of Moi University for the year ended 30th June, 2006 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of Maseno University for the year ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of Maseno University for the year ended 30th June, 2006 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance
(Dr. Oburu) on behalf of
the Minister for Higher
Education, Science
and Technology)*

Annual Report and Financial Statements of Tana River Water Services Board for the year ended 30th June, 2006 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Finance (Dr. Oburu) on behalf
of the Minister for Regional
Development Authorities)*

Annual Report and Financial Statements of Kenya Industrial Property Institute for the year ended 30th June, 2008 and the certificate thereon by the Controller and Auditor General.

*(By the Assistant Minister for
Finance (Dr. Oburu) on behalf
of the Minister for
Industrialization)*

The Abstracts of Accounts of the County Council of Kisumu for the year ended 30th June, 2007 and the certificate thereon by the Controller and Auditor-General.

Abstracts of Accounts of the Municipal Council of Nakuru for the year ended 30th June, 2006 and the certificate thereon by the Controller and Auditor-General.

Abstracts of Accounts of the County Council of Laikipia for the year ended 30th June, 2007 and the certificate thereon by the Controller and Auditor General.

*(By the Assistant Minister for
Finance (Dr. Oburu) on behalf of
the Deputy Prime Minister and*

*and Minister for
Local Government)*

NOTICE OF MOTION

APPROVAL OF SESSIONAL PAPER NO.1
OF 2009 ON GOK LOAN
GUARANTEE TO NCPB

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Speaker, Sir, with your permission, I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Section 5(2) of the Loans (Guarantee) Act, (Cap. 461, Laws of Kenya); this House approves Sessional Paper No.1 of 2009 on the Kenya Government Guarantee of a loan of US\$100 million equivalent to Kshs7.9 billion through the United States of America Department of Agriculture to the National Cereals and Produce Board.

QUESTION BY PRIVATE NOTICE

DISAPPEARANCE OF J.M. NGOLO IN
REPUBLIC OF GUINEA

Mr. Kiilu: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Under what circumstances did Mr. Jonathan Muema Ngolo, a Kenyan businessman, disappear while on a business trip to the Republic of Guinea between 1st and 10th October, 2008?

(b) What urgent steps is the Minister taking to trace his whereabouts and ensure his return to Kenya?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, I beg to reply.

(a) According to family sources, Mr. Ngolo left Kenya for Conakry Guinea on 30th September, 2008. The purpose of his visit was to assist his son who is based in the United States of America (USA) to verify the authenticity of an alleged mining company that had contracted him through the internet offering to sell him gold dust. Representatives of the alleged company met him at the airport in Conakry on 1st October, 2008. They, however, turned out to be kidnappers who had used the promise of a good business deal as bait.

Hon. Members: We cannot hear the Assistant Minister!

*(The microphone on the Table
went off temporarily)*

Mr. Speaker: Order! Order, hon. Members! It is now on!

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Thank you, Mr. Speaker, Sir. After being kidnapped, Mr. Ngolo was taken to an unknown place in Conakry, Guinea. He was availed with a mobile phone to contact his family and inform them of the kidnappers' demand for US\$500,000 as ransom. His abductors threatened to kill him if the money was not paid within the first three days of his kidnap. These threats have been sustained for over three months now. His family has been sending money through Western Union Money Transfer to enable the kidnappers feed him but the ransom remains unpaid.

(b) On instructions from our Ministry, the Kenya's High Commissioner in Abuja, Nigeria, contacted the Embassy of Guinea in Abuja and requested the Embassy to notify the relevant authorities in Guinea on this matter and seek their assistance in apprehending the kidnappers and in securing the release of Mr. Ngolo. A similar formal request was relayed through the Guinean ambassador resident in Addis Ababa with multiple accreditation to Kenya and the UN.

Mr. Speaker, Sir, the Minister for Foreign Affairs subsequently wrote a letter on the 27th November, 2008, to his Guinean counterpart seeking expedited action by the Guinean security authorities on the matter. Follow up on this correspondence is being made by our High Commission to Abuja but following the recent changes of Government in Guinea, our High Commissioner is now under instructions to take up the matter with the new Minister for Foreign Affairs of the new Government of Guinea.

Mr. Speaker, Sir, further, our police authorities have been in touch with their Guinean counterparts for assistance. In this regard, my Ministry has requested facilitation from the Guinean authorities for officers from the Kenya Police to be allowed to visit Guinea to assist in the investigations. We are awaiting the response of the Guinean authorities on this matter.

Mr. Speaker, Sir, my Ministry is very seriously seized with this matter and will not relent in its endeavour to work closely with the Guinean authorities to ensure the release of our Kenyan brother and apprehend the perpetrators of this crime.

Thank you, Mr. Speaker, Sir.

Mr. Kiilu: Mr. Speaker, Sir, I would like to thank the Assistant Minister for a detailed explanation he has given regarding the disappearance of Mr. Ngolo and the efforts the Government is making to trace him. However, you will realise that from October last year up to now is a long time. The family of Mr. Ngolo has been frequenting the Ministry and they have not been given adequate information regarding the efforts the Government is making to trace this person. Although he has said that the High Commissioner in Abuja has been instructed, could the Assistant Minister tell us the actual action the Ministry is taking to trace this person?

Mr. Onyonka: Mr. Speaker, Sir, the Kenyan High Commissioner to Nigeria has been given specific instructions to go to Guinea. The delay occurred because there was a military coup in Guinea as you are aware. The instructions the Kenyan High Commissioner has been given include: One, he must facilitate the Kenyan police officers to travel to Guinea to start investigations.

Secondly, Mr. Speaker, Sir, once we have received all the necessary Government clearance, we should receive a report which then will necessitate and facilitate our seeking further help from other international agencies, including the United Nations (UN). However, the Kenyan Government is, right now involved directly. We expect that sooner than later, we should have results which would be positive.

Mr. K. Kilonzo: Mr. Speaker, Sir, there is nothing to thank the Government for on this matter. In fact, it is very sad that this family has lost its bread winner, Mr. Ngolo, who is a prominent Kenyan yet the Government could not even involve the Interpol since October, 2008.

Now they are telling us that they want the Kenya police to be allowed to go to Guinea. Could the Assistant Minister explain whether they were able to trace the phone number the kidnappers were calling with and why the Government has not involved the Interpol?

Mr. Onyonka: Mr. Speaker, Sir, I would like to inform the hon. Member that, without information, we cannot make reasonable judgement and decisions. That is why we have decided that we are going to ask somebody, that is the Kenya Police, to do investigations so that we have the relevant and concrete information which then---

(Mr. Mbugua entered the Chamber)

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Speaker, Sir. Are you satisfied with the way Mr. Mbugua is dressed? Look at the way he is dressed! The coat is upside down, the shoes are---

(Laughter)

Mr. Speaker: Order, hon. Members!

*(Mr. Mbugua approached
the microphone)*

Order, Mr. Mbugua! Hon. Members, when Mr. Speaker is on his feet, there ought to be no movement in the House! You must freeze wherever you are!

Hon. Members, going by one of my senses, which is the sense of sight, I see that Mr. Mbugua is not dressed appropriately in accordance with the Speaker's Rules. As I see it, Mr. Mbugua, you appear to be dressed in clothes that are patched up! I will, therefore, order that you withdraw from the Chamber for the rest of today!

(Applause)

*(Mr. Mbugua withdrew
from the Chamber)*

Mr. Speaker: Mr. Imanyara!

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

Mr. Speaker: Order, Mr. K. Kilonzo. We are back to where we were on the Order Paper.

Mr. K. Kilonzo: The Assistant Minister has not answered my question!

Mr. Speaker: Mr. Assistant Minister, could you, please, answer the hon. Member's question?

Mr. Onyonka: Mr. Speaker, Sir, I was saying that the reason why the matter delayed was because the Government had not got enough information which then would have necessitated us to move quickly because this was a very private deal.

As you are all aware, there has been a problem in Guinea and it looked like there was nobody answerable for this matter. The Government decided that, in order for us to involve the relevant parties to try and sort out this problem, we had to involve the Kenya Police to investigate the matter.

Finally, the point I want to make to the hon. Member is that we believe that Mr. Ngolo is still alive and the Government will make sure that we get him as soon as possible.

Mr. Imanyara: Mr. Speaker, Sir, given that Guinea is a French-speaking country and further that the Kenyan police officers are trained in English and Kiswahili, could the Assistant Minister tell us which police officer is this who is being sent to Guinea who can speak French and can undertake investigations in the French Language?

Mr. Onyonka: Mr. Speaker, Sir, I would like to tell the hon. Member that Kenyans are very highly educated and the police service has got bi-lingual officers who will do the job.

Mr. Kiilu: Mr. Speaker, Sir, I would like to know from the Assistant Minister whether they were able to trace the mobile number that was being used to communicate between the two countries and appeal to this House for further intervention.

Mr. Speaker: That question appears to be a repetition! Mr. Assistant Minister, did you respond to the question when earlier asked?

Mr. Onyonka: Mr. Speaker, Sir, he did not ask me about the mobile number. Since the matter is being investigated and we would not want the captors to know that we already have their contacts and we are trying to follow up the matter, I would rather we rest it there.

ORAL ANSWERS TO QUESTIONS

Question No.270

COST OF NDUNG'U COMMISSION TO EXCHEQUER

Mr. Chanzu asked the Minister for Lands:-

(a) whether he could state how much the Ndung'u Commission on land cost the Exchequer; and,

(b) what the status of the implementation of the recommendations of the report of the Commission is.

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

(a) A total of Kshs75,399,768 was incurred by the Government on the Ndung'u Land Commission.

(b) Following the release of the report by His Excellency the President on 2nd July, 2004, the Ministry took a number of measures to stop dealings in all title deeds adversely mentioned in the Ndung'u Report. The Ministry issued Ministerial circulars directing all public institutions affected by illegal or irregular allocations, including all public parcels of lands not listed in the Report, to take possession of any such land as they have been illegally dispossessed from them.

One of the key recommendations by the Commission was the revocation of illegally-allocated public land and restoration of the same to the original purposes. A total of 17 title deeds illegally issued to private developers have so far been surrendered or revoked.

Letters of allotment in respect of 102 plots have been cancelled and the land has been repossessed. A total of 17,350 plots have been caveated.

The Ministry is working on a list of other title deeds that will be revoked and the land repossessed. The process has, however, been delayed by the need to establish the state of development, or otherwise, on the ground before initiating the revocation of the titles and repossession of the land. My Ministry, in consultation with the State Law Office, published the Law (Amendment) Bill, 2005 in the Kenya Gazette on 24th November, 2005. The Bill was intended to set a legal framework for implementation of the findings of the Ndung'u Report. Among the recommendations is the establishment of the Land Titles Tribunal as the first step towards revocation or rectification of invalid title deeds.

The Attorney-General has been requested to re-publish the Bill for introduction in Parliament for discussion. My Ministry is also working with the Kenya Anti-Corruption Commission in providing information on matters which were referred to court by the Commission arising out of the Ndung'u Report.

Mr. Chanzu: Mr. Speaker, Sir, I would like to commend the Minister for the measures he has put in place to ensure that matters in the Ministry of Lands are streamlined. I would like to get an assurance from him that he has put in place enough safeguards to ensure that these kinds of incidents do not occur. Some of them occurred through the members of staff while others were from the top. What measures has the Minister put in place to ensure that this does not occur again?

Mr. Orengo: Mr. Speaker, Sir, that is a different Question but we have taken steps to ensure that allocation of land is streamlined and title deeds are streamlined and that no single officer in the

Ministry makes a decision to allocate land. There must be justification for every allocation of land.

However, what is worrying is the issue of land transactions, be they transfers that have been executed, double registrations or allocations of land. We can control that in a firm manner once we modernise and computerise our land information systems and land transactions so that we do not depend on manual records. That has been the source of most of the fraudulent transactions that have taken place in the Ministry of Lands.

We have also been carrying out audit in many of the registries. We have identified the registries where there have been a lot of problems including Eldoret and Mombasa. Where necessary, we have brought in new staff to manage those land registries.

Mr. Abdirahman: Mr. Speaker, Sir, we appreciate the efforts the Minister is making. Knowing very well the number of commissions that were established and issues that lie ahead for this Parliament and the Government, could the Minister give us the timeframe within which he seeks to take action on the Ndung'u Commission Report?

Mr. Orendo: Mr. Speaker, Sir, it is difficult to talk about timeframes because some of these matters are in court and it is very difficult for me to interfere. Some of these land cases have been in court for the last five years. I hope that, by the time we discuss the land policy, if it goes through Cabinet, we will have the political basis and will for trying to recover a lot of this public land and put in place a modern land information system that will ensure that these malpractices are stopped.

Rev. Murgor: Mr. Speaker, Sir, there were parcels of land that were requested by churches. In the process, the plots were taken by individuals and the title deeds went to individuals in the churches or organisations. What is the Ministry doing about such cases because the intention of acquiring that land was for public use by the churches and yet it ended up going to individuals within the churches?

Mr. Orendo: Mr. Speaker, Sir, looking at the Ndung'u Report, some of the legal entities which actually participated in land grabbing, and I have no fear in saying this, are the churches. The hon. Member is quite right because, after getting the land, some of these churches would allocate it to individuals within the church. Even in circumstances where churches are involved, if the land was not available for alienation, I am revoking those title deeds. If that can stop me from going to Heaven, I am prepared to take that risk!

Mr. Kioni: Mr. Speaker, Sir, could the Minister tell us what was achieved within what time and particularly in the last one year when he has been in office?

Mr. Orendo: Mr. Speaker, Sir, a lot has been achieved during the time that I have been in office, particularly the revocation and surrender of title deeds. Some of the persons who thought that we would repossess their land elected to surrender some of those title deeds well in advance.

I think 80 per cent of the title deeds that I have talked about have been recovered during my tenure, including the land in Changanwe where the water works were located and had been grabbed. I had to cancel the title deed and issue a new one. I have also recovered land belonging to KARI in Limuru and elsewhere. There is land in Eldoret belonging to the courts and Judiciary, the Lands Office, the Railways and we have cancelled all those title deeds in the last one year.

Mr. Mbau: Mr. Speaker, Sir, in view of the fact that the Ndung'u Land Commission was initially set up to curb impunity and the culture of corruption, and in view of the fact that this Commission has taken about four years since this Report was laid on the Table of the House and now that the Minister is making a very good effort--- We can see that the Minister has recovered some title deeds. Could he lay on the Table the names of these people whose title deeds have been revoked and others so that we can know as a country that those who committed this crime will one day be unmasked and be known for who and what they are?

Mr. Orendo: Mr. Speaker, Sir, I am quite happy to do that and I will lay this document on the Table. You will notice that a lot of land grabbers do not use their names. They use companies which

have got funny names. So, if you are looking for the name of somebody who is big in society, you will not find it. I would suggest that you go to the Registry and you will find that the high and mighty have been involved in land grabbing.

*(Mr. Orengo laid the document
on the Table)*

Mr. Speaker: Thank you, Mr. Minister for being prepared. Ask the last question, Mr. Chanzu!

Mr. Chanzu: Mr. Speaker, Sir, could the Minister confirm or deny that some sections of the Report were expunged before it was released?

Mr. Orengo: Mr. Speaker, Sir, I have no way of knowing, but my determination is that even if the land was not in the Report and it was irregularly allocated, we will follow it up.

Mr. Speaker: Next Question, Mr. Letimalo!

Question No.416

INTERFERENCE WITH GRAZING
AREAS IN UASO DIVISION
BY MILITARY

Mr. Letimalo asked the Minister of State for Defence:-

(a) whether he could state the particulars of land gazetted for use by the Department of Defence (DOD) for military training exercises in Uaso Division in Samburu East District,

(b) whether he is aware that the military training exercises are being carried out beyond the gazetted area, hence interfering with the community grazing areas; and,

(c) what action he is taking to ensure that the community is not deprived of their grazing land.

The Minister of State for Defence (Mr. Haji): Mr. Speaker, Sir, I beg to reply

(a) Archers Post Military Training area, which is in Ewaso Nyiro Division of Samburu East District, was gazetted on 31st October, 1977, as a military training area by the Commissioner of Lands. That is vide Gazette Notice No.3210 dated 31st October, 1977. The area involved is about 83,327 acres.

(b) I am not aware that the military training exercises carried out beyond the gazetted area are interfering with the community grazing area. However, military training is restricted to the gazetted areas, where live ammunition is used during the exercise, for the safety of the community and wildlife.

But where live ammunition is not used, the military undertakes normal training in any part of the country in liaison with the Provincial Administration. That ensures that the community is informed of the presence of the military and hence, there is no interference with the flora and fauna.

(c) Since the military operates within the laid down training regulations, and the training exercise takes a very short duration, there is no deprivation of the grazing land belonging to the community. In those circumstances, no action needs to be taken by the Ministry.

Mr. Letimalo: Mr. Speaker, Sir, I thank the Minister for that answer. I would like to state, from the outset, that the community is not opposed to the use of that land by the military for training purposes. Our concern is the additional acquired land without the consent of the community. I have personally been there. I have been able to meet community leaders who were able to identify the initial

marked boundaries. My question to the Minister is: Under what circumstances was that additional land taken without the consent of the local community?

Mr. Haji: Mr. Speaker, Sir, with a lot of humility and great respect for my colleague, who has been an administrator like myself, the procedure used by the Government to acquire public land is that, if it is trust land, the request goes through the county council, which then approves. If it is individual land, the Commissioner of Lands would normally issue an acquisition notice and, therefore, go ahead to acquire. I believe that, in 1977, when that land was set aside, that procedure must have been followed.

Mr. Abdirahman: Mr. Speaker, Sir, we very well know that it is imperative for communities to accommodate the training of army personnel. But looking at such areas that are disadvantaged one realises that, the roads are dilapidated and there are no boreholes. What is the military doing for those communities in return, apart from training and shooting around? What are they doing for those people?

Mr. Haji: Mr. Speaker, Sir, the docket of roads falls under the Ministry of Roads. I think the military should be commended for assisting the community. We are sinking boreholes and constructing dams all over the country. Where need arises, like in Mount Elgon where there were no roads, we have opened up roads. In Maralal, we have also opened up roads, although it is not in our docket. We have not been given resources to do that. We do that out of our allocation.

Thank you.

Mr. Lekuton: Mr. Speaker, Sir, I am one of the beneficiaries of the army. But, that notwithstanding, the issue that Mr. Letimalo is talking about is real. There are gross human right abuses in those regions. Foreign forces train there. If you go to Samburu District today, you will find many children who are half-black and half-white. What is the Government doing to make sure that our women are not raped in those exercises?

Mr. Haji: Mr. Speaker, Sir, I think even outside the military training areas, all over the country, you will find many white and black people. That could happen between two persons who agree to do whatever they do. But if there is any proof that any women were raped, we are prepared to investigate. That notwithstanding, even the British Government has already compensated some people who were born white. So, I think those women should not go about with white people thinking that they will get compensation.

Mr. Letimalo: Mr. Speaker, Sir, the Minister has said that the army is there to assist the community in terms of development. Could he consider supporting the Samburu community by sinking boreholes and constructing dams?

Mr. Haji: Mr. Speaker, Sir, having been the Provincial Commissioner in the Rift Valley Province, I know the problems of water in Samburu. We will do everything to help.

Mr. Speaker: Next Question! Mr. Bett!

Question No.450

SHORTAGE OF TEACHERS IN
BURETI DISTRICT

Mr. Bett asked the Minister for Education:-

- (a) what the current shortfall of teachers in both primary and secondary schools is in Bureti District;
- (b) how many trained primary school teachers remain unabsorbed into employment in the Republic to date; and,
- (c) when the Ministry will employ those teachers to meet the shortfall.

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

(a) The current shortfall of teachers in Bureti District is 440 in primary schools and 150 in secondary schools.

(b) The number of trained primary school teachers who have not been absorbed into employment in the Republic since 1998 is 48,000.

(c) The Ministry will employ those teachers when the Government allocates sufficient funds for that purpose. Currently, the Ministry employs a small number to replace those teachers who leave the service through natural attrition. However, I wish to appreciate the efforts made by the Government. It provided the funds which enabled the Ministry to employ 4,000 teachers in 2007 and 6,000 teachers in 2008.

Mr. Bett: Mr. Speaker, Sir, I want to thank the Assistant Minister for that answer. It is candid. He has disclosed that 440 teachers in primary schools and 150 in secondary schools are lacking in Bureti. That is a shortage of three teachers per primary school and three teachers per secondary school. That explains the poor results in that district.

The Assistant Minister has said that 48,000 teachers are simply staying in the villages. The villages are staffed with too many teachers. The Assistant Minister has said that teachers will be employed when funds are available. I would like him to be very sincere and candid to this House. When shall funds be available so that we can save on the quality of education in our schools?

Prof. Olweny: Mr. Speaker, Sir, number one, let me tell the hon. Member that he was in the Government sometime back, when the employment of teachers in this country was frozen.

Mr. Speaker, Sir, however, this year, we are going to employ 16,000 interns to improve the situation. We are going to spend Kshs1.6 billion to improve the situation.

Mr. Midiwo: Mr. Speaker, Sir, there is a sad thing going on around the country about the teachers' strike. We realise that it is the right of the unions to call for strikes. It is similarly important to note that it is wrong for the Government to use security [**Mr. Midiwo**] forces to beat the teachers when they are asking for their rights.

Mr. Speaker, Sir, the teachers could be right or wrong. We know that the Government has made offers. But I think it is uncivilised for us to watch, as a Parliament and a people, as teachers get beaten as if they are not Kenyans. Could the Minister - not the Assistant Minister--- The Minister is there! Could the Minister assure this House that he is going to take a high moral ground and negotiate with those teachers? Even if they are to be replaced, the Government should stop the unethical beating and harassment of teachers.

Mr. Speaker: Order! Mr. Assistant Minister, you need not respond to that. That question is not within the scope of Question No.450. It may be an important matter, but certainly outside the scope of that Question.

Mr. Nyambati!

Mr. Nyambati: Mr. Speaker, Sir, it is a shame that most schools, especially where I come from are operating at less than 50 per cent of the required number of teachers. The Assistant Minister has said that we have 48,000 teachers out there. Could he give us a plan, when the Ministry is going to employ these teachers to teach our children, because we cannot improve performance if we do not have enough teachers? We must invest in our children.

Prof. Olweny: Mr. Speaker, Sir, the Ministry of Education is fully in charge of the education sector. We have trained enough teachers to take care of our schools, but we do not have enough money to employ all teachers. If the Government gave us the money today, all of them would be in schools giving services.

Mr. Speaker: Last question, Mr. Bett!

Mr. Bett: Mr. Speaker, Sir, I wish you had given more Members time to ask questions. But you heard the Assistant Minister say that they are employing interns. What does he mean by "interns?"

Are they not teachers? Are they going to be learning how to teach?

Prof. Olweny: Mr. Speaker, Sir, these are trained teachers and individuals who are actually currently employed by Boards of Governors (BOGs) and committees managing schools. But the Government is going to assist in helping the BOGs and those committees meet part of the costs of hiring them. They are trained and qualified teachers, but we do not have enough money in the Ministry to give them full salaries. That is what we mean by interns.

Question No.474

REHABILITATION OF KIBOSWA/JUNCTION
SECTION OF KISUMU-KAKAMEGA ROAD

Mr. Shakeel, on behalf of **Mr. Olago**, asked the Minister for Roads:-

- (a) whether he is aware that the stretch between Kiboswa and the Junction along Kisumu-Kakamega Road is so dilapidated that it has become risky and dangerous to motorists driving downhill;
- (b) whether he could provide statistics of the number of accidents on that road since 1st January, 2003, including the number of fatalities, serious injuries, slight injuries and non-injury accidents; and,
- (c) what plans he has to create diversions, a by-pass or alternative routes to make the stretch passable and to ease traffic in the event of accidents on the road.

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the section between Kiboswa and Kondele along Kisumu-Kakamega Road is in a bad condition.

(b) Between January 2003 and now, we have experienced a total of 145 accidents. Out of this number, 31 of them were accidents in which people died; 50 of them were those in which people sustained injuries; 30 of them major injuries and the rest were not injured at all.

The condition of the road is not the only factor contributing to the many accidents in the area. We accept that the section has been a black spot since 1984, partly owing to old and poor geometrical standards of road safety. Other causes of accidents include weather conditions, human error, vehicles which are unroadworthy and, of course, speeding.

(c) To address this situation, the Ministry of Roads has commissioned a consultant to re-design the whole road, from Kisumu through Webuye to Kitale. The consultant is expected to re-engineer the section between Kisumu and Kiboswa to make it safer. The cost of reconstruction of the road between Kisumu and Kitale is Kshs5.5 billion. This money is not immediately available. As a stop-gap measure, my Ministry has procured two contractors to work on the road pending major works at a later stage.

There are two contractors on site right now. One has started from Kisumu and will proceed to Chavakali. The other has started from Chavakali and is right now at Mukumu Mission, proceeding to Webuye. We hope that, after the contractors have completed the assignments that they are working on now, the condition of the road will improve to make it motorable for travellers.

Mr. Shakeel: Mr. Speaker, Sir, I am happy that the Minister has agreed that the road is in a bad condition. Actually, it is in a terrible condition. We do agree that there may be other factors behind the accidents that he has mentioned. But I do not think that he has travelled on that road recently. There is no tarmac between the Cathedral of Father Pesa up to Riat. It is just a series of potholes.

I am not also satisfied with the Minister's answer in respect of the by-pass and the two contracts. I travel on that road everyday---

Mr. Speaker: Order, Mr. Shakeel! Do you have any supplementary question?

Mr. Shakeel: Yes, Mr. Speaker, Sir!

Mr. Speaker: Could you ask one?

Mr. Shakeel: Mr. Speaker, Sir, I am sorry about that. The Minister has informed us that the Kisumu-Chavakali section has been awarded to M/s Wallukat Enterprises at a cost of Kshs80 million. He has also informed us that this is for site clearing, gravelling, cleaning of culverts, drains and patching of potholes. In fact, that is not good enough Mr. Minister!

Mr. Speaker: Order, Mr. Shakeel! Could you quickly come to the question?

(Laughter)

Mr. Shakeel: I am sorry Mr. Speaker, Sir. Since this is a road that I use often, sometimes I get carried away.

Mr. Minister, are you satisfied that, that contract you have given for Kshs80 million is good enough to make that road motorable, because I do not think that it is?

Mr. Obure: Mr. Speaker, Sir, yes, I am satisfied. I wanted to emphasize that, that is only a stop-gap measure. We intend to provide funds for this road in the next Budget, so that this road can be constructed to international standards.

Dr. Khalwale: Mr. Speaker, Sir, while the Question is limited to the section between Kiboswa and the junction, what is said about this section applies to the entire road from Kisumu all the way to Webuye. When this matter was raised in the House by hon. Chanzu, the Minister was quick to visit the site and confirm that, indeed, there was no road. Now, he is saying that two contracts have been awarded and that the contractors are on site. I happen to come from there and I know that they are not on site. Could he undertake to travel tomorrow quickly the way he did last time, to confirm that these contractors are not there?

Mr. Obure: Mr. Speaker, Sir, I do not know when Dr. Khalwale travelled on that road, but I have personally spoken with the two contractors this afternoon. I know that one contractor is working between Kisumu and Kondole right now, while the other one is right at Mukumu Mission, working.

Mr. Muturi: Mr. Speaker, Sir, we appreciate the efforts the Assistant Minister is making in answering this Question; we also appreciate that the roads are in very bad shape. However, before we went for recess, he promised that the road between Kenol and Murang'a would be patched up and re-sealed. As soon as he answered the Question, the work was stopped. To date, nobody is patching up or re-sealing the road. Is it the same thing? Could the Assistant Minister confirm that when he tells this House that something is being done, that remains the case?

Mr. Obure: Mr. Speaker, Sir, I am aware of the road the hon. Member is talking about. My officers were there yesterday and they are due to submit to me the report on the condition of the road and the performance of the contractor on it. I want to assure this House that what I say here is, indeed, true and is nothing but the truth.

Mr. Were: Mr. Speaker, Sir, the Minister has indicated that the two contractors are on site. Could he tell us the duration that they will take to complete the work?

Mr. Obure: Mr. Speaker, Sir, I do not have the correct answer to that particular question, but I will check on it and bring the answer to the hon. Member.

Dr. Nuh: Mr. Speaker, Sir, the HANSARD will confirm that the Minister said, while trying to dodge Dr. Khalwale's request, that he visited the site, spoke to the contractor, and he takes it as the official position that the contractors are on site. How many contractors are within Nairobi and when you call them they tell you that they are on site? Could the Minister tell us who he confirmed from within his Ministry, so that he can give the official position as that the contractors are really on site, and that his officers spoke to them?

Mr. Obure: Mr. Speaker, Sir, I confirm that I spoke to the Resident Engineer, who is an employee of my Ministry. He confirmed that both contractors were on site. I have no doubt about the information I was given. It is true that the contractors are on site.

Mr. Shakeel: Mr. Speaker, Sir, could the Minister confirm whether the contract for Kshs80 million given to M/s Walgat is for the re-patching of the road or is just for re-gravelling and clearing of the shoulders? What is happening right now---

Mr. Speaker: Order, Mr. Shakeel! You have asked the question; allow the Minister to respond.

Mr. Obure: Mr. Speaker, Sir, the contract that has been awarded for the total of Kshs80 million was in respect of bush clearing, re-gravelling of the shoulders, clearing of culverts and the drainage systems, and patching up of the potholes along that section.

Question No.605

REHABILITATION OF KUTUS-KERUGOYA
-KARATINA ROAD

Mr. Kariuki asked the Minister for Roads what steps he was taking to repair and reseal the surface of Kutus-Kerugoya-Karatina Road (C74), which is in a serious state of disrepair.

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I beg to reply.

To improve the condition of Kutus-

Kerugoya-Karatina Road, the Ministry of Roads plans to patch up potholes, improve drainage systems, clear the bushes and re-gravel the shoulders pending major resurfacing later. To carry out these works, we have allocated a total of Kshs10 million. The contractor is expected to be on site in the middle of February. He is expected to undertake the works and complete them within a period of six months.

Mr. Kariuki: Mr. Speaker, Sir, I would like to thank the Minister for the answer, but in view of the fact that this is a very important road, which joins two provincial headquarters, Nyeri and Embu, rather than the Ministry spending money on minor resurfacing, when is the Ministry going to start the major resurfacing of this road?

Mr. Obure: Mr. Speaker, Sir, we appreciate that this road traverses a very productive agricultural area, and is, therefore, a very important road from an economic perspective. We are currently making provision to do the 24-kilometre road within the next financial year.

Mr. J.I. Kamau: Mr. Speaker, Sir, I would like the Minister to tell us why the Ministry has to wait for many years, because these roads start becoming bad and then the problems become bigger, until they are in such a state that they cannot be repaired.

Could he tell us whether they are going to stop this kind of thing? Let him tell us whether they are going to do things in a different way; that is, repairing roads as they break down?

Mr. Obure: Mr. Speaker, Sir, the House appreciates the problem at the Ministry of Roads; that, we have a huge backlog of roads which need repairs. That backlog arises from the days when we were not able to maintain the roads. Right now, we are coming up with a programme of periodic and regular maintenance of roads. We hope that we will clear the backlog and ensure that we become proactive in the days ahead.

Mr. Kariuki: Mr. Speaker, Sir, in view of the fact that at one time we were promised by the Ministry that, that road was going to be done two years ago, could the Minister give us that assurance that it will really be done in the next financial year?

Mr. Obure: Mr. Speaker, Sir, yes, I can say with certainty that, that is among the roads that

we have taken up, and in respect of which budgetary provisions will be made in the next financial year.

Question No.475

NON-PAYMENT OF COMPENSATION
TO MERCY WANJIRU

Mr. Mwathi asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that five-year old Mercy Wanjiru was attacked by stray elephants in Bibirioni Village on 22nd August, 2004, and sustained serious injuries but no compensation has been paid;

(b) whether he could explain the failure to pay compensation and state when the same will be paid; and,

(c) what measures the Ministry has put in place to generally ensure timely compensation to victims of human/wildlife conflicts.

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

(a) Yes, I am aware that five-year old Mercy Wanjiru was attacked by stray elephants in Bibirioni Village on 22nd August, 2004 and sustained serious injuries and compensation has not been paid.

(b) The claim could not be processed in time due to some administrative problems, but now it has been processed and the payment is ready at the DC's office, Kiambu.

(c) My Ministry continues to sensitize Chairmen of the District Compensation Committees, who are District Commissioners, to meet regularly, deliberate on and approve compensation claims on a regular basis to avoid a pile up of pending cases.

Mr. Mwathi: Mr. Speaker, Sir, the Minister has just read the same answer that he gave me on 18th December, 2008, which was unsigned then. He says that the money was sent to the DC's Office, Kiambu. Up to now, unless it was done this morning, the money has not been received by the said family. Secondly, there are two districts, namely, Kiambu East and Kiambu West.

I would like him to, therefore, confirm whether, indeed, this money has been paid. If I prove otherwise, the House should reprimand him severely.

Dr. Wekesa: Mr. Speaker, Sir, first of all, regarding the answer that was unsigned, I cannot claim to have given an answer if I did not sign it. Secondly, according to my officers on the ground, the money is with the DC, Kiambu.

I would feel very concerned if my officers have not given me the true story. In fact, this afternoon, I checked with the particular officer, who confirmed that the money is there.

Mr. Gunda: Mr. Speaker, Sir, regarding damages arising from human-wildlife conflict, could the Minister tell us what they compensate and what they do not compensate?

Dr. Wekesa: Mr. Speaker, Sir, I did not get the question. Could he repeat, please?

Mr. Speaker: Order, Mr. Minister! I heard the question. According to the law, what does the Ministry compensate and what does it not compensate?

Dr. Wekesa: Mr. Speaker, Sir, we do not pay for crops that have been damaged by wild animals. However, we pay for injuries. The amount for injuries was fixed many years ago at Kshs50,000. For death, the compensation is Kshs200,000. However, we have a Draft Bill which seeks to address these issues. When it comes to the House, I will be seeking support from Members of Parliament to update the current law.

Mr. Speaker: Last question, Mr. Mwathi!

Mr. Mwathi: Mr. Speaker, Sir, the answer to part "c" of the Question says that the Minister

is training the committees that meet regularly to deliberate on these issues as the compensation aspect delays. In order that I bring some information to this House, I would like the Minister to confirm whether the claim payment is with the DC, Kiambu East or DC, Kiambu West.

Dr. Wekesa: Mr. Speaker, Sir, I would also like to check on the same, because these districts are new. In fact, some of the administrative problems were caused by the creation of new districts. This particular claim was sent to Kajiado District, where it was deliberated, because we did not have a committee in either of the two districts in Kiambu.

Mr. Speaker: Mr. Minister, how long do you require to make that verification?

Dr. Wekesa: Mr. Speaker, Sir, I can avail the information tomorrow.

Mr. Speaker: Very well! I will defer that part of the Question to Thursday this week. Only that part of the Question as to which DC the cheque was sent is deferred.

(Question deferred)

Next Question, Mr. Mwachugu!

Question No.489

UPGRADING OF MARIWENYI CAMPUS
TO UNIVERSITY STATUS

Mr. Mwachugu asked the Minister for Higher Education, Science and Technology when he will elevate Mariwenyi Campus to a constituent college of a public university, or to a fully fledged university.

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

(a) Mariwenyi Campus is the name used in Taita Taveta to refer to the recently established Taita-Taveta Campus of Jomo Kenyatta University of Agriculture and Technology (JKUAT).

Mr. Speaker, Sir, before the establishment of the new campus, it had been proposed that this place be a teacher training college, but its development stalled for about 10 years until last year, following the recommendation of the Public Universities Inspection Board, when it was upgraded to a university campus under JKUAT. The handing over of the campus to JKUAT took place in September, 2008 and its inauguration took place two weeks ago. My Ministry was involved in this exercise.

Mr. Speaker, Sir, lastly, since the establishment of this campus has just taken place, there are no plans to immediately upgrade it to either a constituent college of a university or a fully fledged university. However, subject to appropriate development of staff, physical facilities and other learning facilities, the upgrading of the campus to initially a constituent college should take place within a period of two years.

Thank you, Mr. Speaker, Sir.

Mr. Mwachugu: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that answer. Due to the distance from Juja and where the campus is, could he give a specific date as to when it will start functioning independently?

Mr. Kamama: Mr. Speaker, Sir, it will start from tomorrow.

Mr. Lekuton: Mr. Speaker, Sir, middle-level colleges are very important in our country. As much as we appreciate the fact that we are building campuses and converting other institutions into universities, could the Assistant Minister tell us the criteria they use for such conversions? Middle-level colleges are slow dying, and we do not want that to happen, because they play a big role in the

economy of our country. They serve specific needs in our society.

Mr. Kamama: Mr. Speaker, Sir, I agree with the hon. Member that middle-level colleges play a crucial role in the development of education in this country. However, I want to confirm to the House that the Ministry normally does a lot of consultations with local leaders before such an action is taken. We do not just do it arbitrarily, but we consult and get the consensus of local leaders.

Mr. Speaker: Last question, Mr. Mwachugu!

Mr. Mwachugu: Mr. Speaker, Sir, now that the Assistant Minister says that the campus will start functioning independently from tomorrow, what measures have been put in place, from yesterday to today, to enable it function independently?

Mr. Kamama: Mr. Speaker, Sir, I want to point out that the Ministry has done quite a lot in this particular campus for the last one year. The first lot of students who were supposed to go to that campus took their courses at JKIA, Juja.

From tomorrow, they will move to the Taita Taveta Campus. I also want to confirm that arrangements have been put in place to make sure that the programme goes on without any problem.

Thank you, Mr. Speaker, Sir.

Question No.509

NON COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Mr. Speaker: The Chair is informed that Prof. Kamar is away on parliamentary business in Tanzania. So, that Question is deferred until Tuesday next week!

(Question deferred)

Hon. Members, given the nature of Business that is before the House this afternoon, I am afraid that we have to come to the end of Question Time at this point. The few Questions that are still left will be deferred to tomorrow. They will take priority over Questions that may, otherwise, be scheduled to appear on the Order Paper tomorrow.

Question No.530

RESTORATION OF SECURITY IN
MIGORI CONSTITUENCY

(Question deferred)

Question No.535

NEW X-RAY MACHINE FOR KAPENGURIA
DISTRICT HOSPITAL

(Question deferred)

Question No.542

CONSTRUCTION OF SEWERAGE SYSTEM

IN MUMIAS MUNICIPALITY

(Question deferred)

Question No.564

ADJUSTMENT/LEGAL DEFINITION
OF YOUTH

(Question deferred)

Question No.571

UPGRADING OF RWAMBWA/TING'I
WANG'I HEALTH CENTRES

(Question deferred)

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

Mr. Speaker: What is it, the hon. Member for Naivasha?

POINTS OF ORDERMAIZE PRICE/CURRENT FOOD
SITUATION IN THE COUNTRY

Mr. Mututho: I rise to seek a Ministerial Statement from the Minister for Agriculture on matters touching on maize and the current food situation in the country. In his Statement, the Minister should cover the following areas:-

(i) The total volume of maize harvested in the year 2007/2008, the proportion destroyed by post election violence, the proportion withheld by farmers and the proportion sold to the National Cereals and Produce Board (NCPB), the balance awaiting sale by NCPB or willing buyers and the total sales to NCPB.

(ii) The current recommended sale prices of maize by farmers and factors underlying the recommended price.

(iii) The importation status of maize, country of origin and whether any Genetically Modified Organism (GMO) maize is being imported and the price it landed in Nairobi.

(iv) The irregular purchase of maize by politicians or their companies, the countries of origin and from NCPB that led to the escalation of prices in maize and maize products.

(v) List of registered millers and why they were not allowed to buy directly from NCPB prior to the current mega scam involving maize.

(vi) The action taken by the Government to correct that mega corruption.

[Mr. Mututho]

(Applause)

(vii) Current stocks at NCPB, strategic grain reserve, famine relief, special programmes maize, commercial stocks or maize stored by private companies.

(viii) Comparative purchase price locally, from African countries, especially from Malawi and Zambia and GMO maize, including maize from South Africa.

(ix) Finally, deaths reported and confirmed as a result of the current famine and measures undertaken to stop any further casualties.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: The Minister for Agriculture, when will that Ministerial Statement be available? The nature of it is such that it is urgent.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, we will bring it. But I want to ask something.

Mr. Speaker: When will the Ministerial Statement be available because it is an urgent matter? Will you bring it on Thursday?

The Assistant Minister for Agriculture (Mr. Ndambuki): Yes, Mr. Speaker, Sir. We will bring it on Thursday.

Mr. Speaker: It is so ordered. You will bring it on Thursday this week.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, the food issue is not only being handled by the Ministry of Agriculture. There is the Ministry of Special Programmes which deals with strategic grain reserve---

Mr. Speaker: Order, Mr. Ndambuki! The key Ministry here is the Ministry of Agriculture!

(Applause)

If you require information from other Government departments, please, secure that information. In case of difficulties, ask the Leader of Government Business to assist you to secure that information!

Proceed, Mr. David Ngugi!

ESCALATION OF FUEL PRICES BETWEEN DECEMBER AND JANUARY

Mr. D. Ngugi: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Energy on the fuel prices that are being experienced in the country between December, 2008 and January, 2009.

In particular, the Minister should state and clarify the following:-

(a) The amount of fuel that was available in the country between October, 2008 and January, 2009.

(b) The reasons that caused the shortage in the months of December, 2008 and January, 2009.

(c) The status of Triton Company in relation to the fuel prices and the alleged fraud of Kshs7.6 billion to both local and international financiers.

(d) The involvement, if any, of the Ministry officials, the overseeing body or the agency of the oil industry.

(e) Finally, the involvement of the Kenya Pipeline Company (KPC) both at board and management level.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well! The Minister for Energy, when will that Statement be available?

The Minister for Energy (Mr. Murungi): Thank you, Mr. Speaker, Sir. We will table the Statement on Thursday this week.

Mr. Speaker: Very well. That is good! One just wonders! The Minister for Roads said this afternoon that he is unable to find Kshs5 billion to rehabilitate the Kakamega-Webuye Road and we are hearing that Kshs7.6 billion was stolen!

(Applause)

Proceed, Mr. Linturi!

LEASING OF LAND TO AFRO-ASIA
INVESTMENT CORPORATION BY KAA

Mr. Linturi: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Transport in regard to the lease of Land by the Kenya Airports Authority (KAA) to Afro-Asia Investment Corporation of Qatar for the construction of a hotel cum a trade exhibition centre. The Minister should clarify among other things:-

(a) Whether an environmental impact assessment was carried out in accordance with the provisions of the National Environmental Management Authority (NEMA) Act.

(b) Whether a feasibility study and due diligence was carried out in identifying the latter.

(c) The value of the investment by the corporation, the period of lease and the Government stake in the investment.

(d) Who authorised the transaction and who were the signatories to the contract?

(e) Finally, whether the necessary procurement procedures were followed in the execution of the deal with regard to the relevant Public Procurement and Disposal Act.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well. I am not sure I know which Minister will deal with this issue. Is it the Minister for Transport?

The Minister for Transport (Mr. Mwakwere): Mr. Speaker, Sir, the Statement will be tabled on Thursday this week.

(Loud consultations)

Mr. Speaker: Order, hon. Members! That is quite in order. We will reduce the number of Questions and take all those Statements.

What is it, Prof. Ongeru?

MINISTERIAL STATEMENT

COUNTRYWIDE STRIKE BY TEACHERS

The Minister for Education (Prof. Ongeru): Mr. Speaker, Sir, I seek your indulgence, in view of the current strike by teachers, which touches on various families, communities and the nation at large, to make a Ministerial Statement at this point.

Mr. Speaker: Yes, you may proceed!

The Minister for Education (Prof. Ongeru): Mr. Speaker, Sir, hon. Members are aware that in early 2008 - to be exact, in February, 2008 - I appointed the Teachers Service Remuneration Committee (TSRC) under the Teachers Service Commission (TSC) Act Cap.212 of the Laws of Kenya. The Committee was gazetted on 15th February, 2008, and inaugurated on 22nd of April, 2008. The Committee is made up of the Ministry of Education, Ministry of Finance, Ministry of Public Service, TSC and the Kenya National Union of Teachers (KNUT). Between May and December, 2008, the Committee held 13 meetings to discuss issues of basic salaries for all the teachers under the employment of TSC. During the first meeting of the Committee, KNUT submitted a memorandum which demanded adjustments amounting to an extra cost of Kshs88.5 billion over and above the current expenditure. The salary scales proposed in the memorandum were way above all other groups in the public service. Thus, the Government side requested for time to analyse the financial

implications and offer a counter proposal.

In the subsequent meeting, after consulting the Treasury and other relevant Ministries, the Government team proposed the harmonisation of teacher's salaries with those of the Civil Service. That was also in consideration of the KNUT earlier demands for harmonisation of teachers' salaries that had been presented by the KNUT leadership as early as 2003.

As part of the Government's commitment to harmonisation, the Treasury committed a sum of Kshs10.8 billion to be availed over a period of six years. Immediately after the presentation of the Government proposal, the Minister of State for Public Service announced salary awards to civil servants, effective 1st July, 2008.

As a result, the Kenya National Union of Teachers raised concerns over the emerging discrepancies, even after the

Government team had presented the proposal to harmonise salaries. On the basis of the changes made, the Government team offered to revisit their proposal and submit a new one and subsequently, a second proposal amounting to Kshs16.45 billion was presented payable in a period of six years on the basis of the ability to pay. The KNUT rejected this proposal because teachers in the lower job groups of P2, P1, AT4 and AT3 were getting very little increases with some getting only 2 per cent. The KNUT asked the Government side to also consider an additional Kshs808 million to enable teachers in the lower grades to receive significant increases.

Mr. Speaker, Sir, following consultations with all the relevant Ministries and departments, an additional Kshs808 million was accepted, even though it would give teachers a higher entry point than their Government counterparts of similar qualification and training. As a result of this, by the twelfth meeting, the negotiations achieved the following:-

(i) Salary levels for teachers in Job Groups "K" to "R", who are all graduate teachers in the secondary schools and some of them are in the primary schools, their salaries were agreed upon and fully harmonised with those of their colleagues in the Civil Service. So, there was no contention for Job Groups "K" to "R", even at the time when the negotiations were going on.

(ii) The Government agreed to higher minimum salary points for teachers in Grades P2, P1, AT4 and AT3 than would have been the case if harmonisation was adhered to strictly, giving them only a margin of 2 per cent. This means that the Government accepted an increase of 35 per cent for lower grades as opposed to 2 per cent increase which would have harmonised teachers' salaries with those of the Civil Service.

Mr. Speaker, Sir, the negotiating teams reached a stalemate on the following three issues:-

(i) The phased implementation of the salary award. On this issue, our extensive consultations with Treasury and all those involved in the management of the national economic affairs have advised that the six years is the minimum period in which the country can accommodate this sum of money. However, KNUT insists on one year period and we in the education sector are caught between what the economy can afford and the KNUT demand.

Mr. Speaker, Sir, I must say that even after that, intensive consultations from six years came down to five years and then subsequently to four years. Finally the Treasury and the Government accepted to accommodate this salary, a total package of Kshs17.3 billion within three phases starting from 1st July, 2009 and ending 1st July, 2011.

(ii) The effective date: KNUT demands that the effective date be 1st July, 2008 while the Government side, based on resource limitations have recommended 1st July, 2009.

(iii) The maximum salary points for teachers in P2, P1, AT4 and AT3: KNUT demanded that teachers in these four grades be awarded a 35 per cent increase at the maximum salary points. At the minimum, we all agreed but at the maximum, we have not agreed because that will obviously distort the salary structures based on the harmonisation policy.

Mr. Speaker, Sir, secondly, the award will render the schemes of service in the teaching service irrelevant, thus causing chaos and, therefore, that particular aspect will have again resulted in another additional Kshs1.92 billion, bringing it close to Kshs20 billion when as a matter of fact, we had

already agreed at the quantum figure of Kshs17.3 billion after having raised the request of Kshs808 million.

Mr. Speaker, Sir, following the submission of the report and the stalemate by the Chairman of the Teachers Service Remuneration Committee (TSRC), I summoned all the members of the committee in my office on 6th January, 2009. During the meeting, I informed the committee of the results of my intensive consultations with all the stakeholders in the Government. I also confirmed that a total of Kshs17.3 billion would be availed to meet the new salary award and that the advice from the Treasury was that this money was only available beginning from 1st July, 2009. For the avoidance of any doubt, I have it in writing from Treasury that, that figure Kshs17.3 billion would be availed over a period of three phases.

Mr. Speaker, Sir, in the absence of an amicable agreement after they rejected this, following the meeting on 6th January, KNUT wrote to me rejecting the offer by the Government. I was to learn later that despite my invitation to the meeting of 6th January, 2009, KNUT had on 30th December issued a strike notice. In the absence of any amicable agreement, I was forced to refer the trade dispute to the Minister for Labour as I am required to do under the law.

The law governing the Teachers Service Commission Remuneration Package under the Teachers Service Commission Act, Section 15(2) (a) and (b) states that in the case of a stalemate, I summon the committee and try to harmonise them. It should be to the knowledge of the hon. Members of this House that I summoned them twice after the stalemate and they did not agree.

Section (b) states quite clearly that in the event that the matter is not resolved amicably, then I have no choice except to refer the matter to the Minister for Labour in accordance with the Labour Act of 2007.

Therefore, in view of this, on Thursday, 15th January, 2009, I sent a letter to the Minister for Labour who on 15th January, 2009 appointed a conciliation committee. The committee summoned the parties to a meeting on 16th January, 2009 in which the Government, TSC and KNUT were fully represented. Again, the labour law is very clear since the Minister for Labour has two avenues which are; to appoint a conciliation committee which he has done so within 21 days. He has done it within a day in view of the urgency of the matter. If the issue is not resolved within those 21 days, he has the option to refer this matter to the Industrial Court for settlement. This he has not done, but the meeting of the Ministers Conciliation Committee on 16th January, Friday, 2009 when the KNUT committee submitted itself, it meant that all hostilities including industrial action would cease until the committee's work was completed and see whether we could reach an amicable solution.

Mr. Speaker, Sir, in addition to the above, on the establishment of the reconciliation committee, the Teachers Service Commission (TSC), as an employer, moved to the industrial Court to challenge the strike action by the Kenya National Union of Teachers (KNUT). The Industrial Court issued an injunction, restraining the KNUT from calling its members to join a strike action on 19th January, 2009.

The judge also ordered the parties to appear before him on 20th January, 2009 at 2.15 p.m. for inter-parties hearing. The KNUT was duly served both in their office and in the media as the law requires. It is very sad that both the committee process and the court's injunction have been ignored by KNUT. As a result, most of the primary school teachers have joined the strike. For me, this is a very sad day, as I thought that with experience of early 2008, the error of impunity had ended.

Finally, I wish to make the following observation. First, those of us in the education sector stand accused for nothing, because we are ready to pay all the money availed to us. In this case, it is Kshs17.3 billion over three phases. The problem we face is the inability of the economy to meet the demands of teachers in one year. This is the advice that we have repeatedly received from those charged with the management of our economy. Consequently, the current strike cannot be against the Minister in charge of education, but can only be against the capacity or incapacity of the national

economy to meet the demands. Secondly, if the economy cannot meet the financial burden in one year, the strike will not change that situation.

Thirdly, we in the education sector are ready to pay all the money we receive, and pay it in the shortest time possible. However, if the money is not available, there will be no payment with or without the strike. That will remain the position, regardless of the name of the person, or persons, managing the sector. For this reason, I urge all Kenyans to face the reality of the current state of the national economy.

Mr. Speaker, Sir, as I conclude this Ministerial Statement, I want to appeal to all Kenyans that we need to rethink and readjust our attitudes towards the concept of dialogue. Let dialogue not be taken as a means getting one's demands accepted, but a means for getting to understand each other and why we all need to adjust our positions on the basis of the common good.

I want to record my sincere thanks to all the secondary school teachers, who have understood the plight of this nation, like hunger, where 10 million Kenyans are starving, and have reported to work dutifully. I would also like to thank some of those in the primary schools sector, who have reported on duty. We are not against the pay of teachers, but the position is that the economy--- We have had several meetings with the Minister for Finance, and have revised positions. He has looked at the entire situation and issued a statement in connection with the state of the economy.

Instead of people spending time burning the effigy of Prof. Ongeru, they should be looking at the economy and seeing how it is performing. If I am part of that economy, then I will be guilty of the offence I am accused of. As of now, we have had several informal meetings with teachers; some going on to as late as 1 a.m. in the morning in the name of dialogue in order to be able to reach an agreeable position, but they are demanding Kshs17.3 billion in one pay-off cheque.

Mr. Speaker: I will allow a few clarifications. As a matter of fact, I will allow five clarifications. Let us begin with Mr. Linturi.

Mr. Linturi: Mr. Speaker, Sir, I think teachers have been taken for granted for a very long time and it is sad. The role played by teachers in modelling the future of this country cannot be underestimated. The Minister for Finance can come to this House with a Sessional Paper for getting guarantee of a loan to feed Kenyans, and the money they sought may end up disappearing into the pockets of very a few people!

Mr. Speaker: Order, Mr. Linturi! I have allowed you to seek clarification and not to debate, or argue against, the Ministerial Statement issued by the Minister. From the Statement that the Minister has made, what is not clear to you?

Mr. Linturi: Mr. Speaker, Sir, why is it not possible for the Minister to take urgent measures, even if it means borrowing money so that teachers can be paid and our children get back to school?

Dr. Khalwale: Mr. Speaker, when the Minister talks about percentages like 35 per cent or so on, people might think that he is giving teachers everything. What he means is that he is raising the salary from Kshs10,000 to Kshs13,000. If you want to spread the increment of Kshs3,000 over a period of three years, it means you want to pay the teachers only Kshs1,000.

I have had a session with these teachers. They are saying that they are dropping all the contentious issues, and asking for only one thing; that the Kshs3,000 that you want to pay, be given in July and not in January. We want the Minister to come to this House and ask for money and we will vote it in the next financial year, so that you can pay the teacher Kshs3,000 in July. What is difficult about that? Could he clarify whether he is now going to change that position or not?

Mr. Midiwo: Mr. Speaker, Sir, first of all, I want to thank the Minister for having gone through those negotiations. We need to be reasonable about these things. I want the Minister to clarify to us--- Since parents and students are now being affected, could he assure Kenyans that he will not close the window for dialogue, so that this issue can be sorted out in an amicable manner, so that the teachers, students, and parents, who have just paid a lot of money to take children back to school, do

not suffer?

Lastly, I would like to ask the Minister whether he could be kind enough as to stop the policemen from tear-gasing innocent teachers, because it looks barbaric? It is out of place and I do not think that the modern Kenya, or the modern world, can take it.

Mr. Abdirahman: Mr. Speaker, Sir, you have heard the Minister concede to the fact that those teachers in Job Groups "K" to "R" have no problem with harmonization of their salaries. But the bulk of teachers who fall on Job Group J and below are members of KNUT. There seems to have been more attention to the Kenya Union of Post-Primary Education Teachers (KUPPET) members than to KNUT members. I think this is what has whipped up the emotions of the KNUT leadership. We do not need to have two rival unions, one bending towards the Government and one opposing it. Could the Minister consider listening to the KNUT leadership? As parents and also leaders, we do not support this strike. However, the Government is to blame partly for what has happened.

Ms. Chepchumba: Mr. Speaker, Sir, indeed, it is a sad moment because we are experiencing a teachers' strike at this moment. I would like to seek clarification from the Minister on an issue regarding KUPPET. Teachers do not seem to subscribe to KUPPET. In fact, from the information we have, teachers who are supposed to be members of KUPPET are seeking membership in KNUT. Why is the Government not giving a listening ear to the teachers, especially at this moment when they are on strike? The Government should not talk about the economy at this moment. Kenyans know that the Government has money. At least, for once, the Government should listen to teachers and not take them for granted as if they do not deserve a pay increase. Indeed, I feel that teachers should be given a pay rise.

Mr. Speaker: Hon. Members, we will make one exception because the Chairman of the Departmental Committee on Education, Research and Technology is up on his feet. Could you, please, Mr. Koech, seek your clarification in 30 seconds?

Mr. Koech: Thank you, Mr. Speaker, Sir, for giving me this last opportunity. As the rest of the hon. Members have mentioned, this is a very sad day for this country.

We have agreed before as a Committee and even requested that the Government ensures that we do not see anybody on the streets this year because that will remind Kenyans and even our students of the happenings of last year. It is even worse to see the Minister at the point of almost giving up. I think that will make this day a dark one.

Mr. Speaker, Sir, certain things could have contributed to the strike that is taking place today. First, it is the offer that was made of six years. It was then reduced to five years, four years and eventually three years. Natural justice informs everybody that it is still possible to come down to one year. Why did the Government, in the first place, give an offer of six years?

Secondly, while the negotiations were going on, salaries for the civil servants were increased in July, 2008. That must have informed the strike that we have today. So, it may not be practical for the Minister for Education to convince teachers that we do not have enough money. It is important that we swallow this pill. I support my colleagues who have said that the Minister needs to institute some changes. The Government should look for money so that those in the lower cadres---

Mr. Speaker: Order, Mr. Koech! You cannot be supporting your colleagues. If you are supporting your colleagues, then you must come to an end now. This is because our rules do not allow us to be repetitive!

Mr. Koech: Thank you, Mr. Speaker, Sir. I do not want to mention the other things that have been mentioned because of the time you have given me - I thought I was going to mention all of them.

Mr. Speaker: Go ahead!

Mr. Koech: Mr. Speaker, Sir, we do not wish to see students in school alone minus the teachers. Could the Minister consider increasing the salary, especially of those teachers in the low cadres this July 2009? That way, we will not have further interruption of learning.

Mr. Speaker: Mr. Minister, can you deal with all that in seven minutes?

The Minister for Education (Mr. Ongeru): Mr. Speaker, Sir, I will do so. First, why six years? Yes, it is true that the civil service pay package of about Kshs4 billion which was paid in July, 2008, was done over a period of six years in order to effect the harmonisation process. That is why the period of six years was suggested for the KNUT when the negotiations were going on. Therefore, you should be congratulating the Government that despite that set period of six years of harmonisation, we have been able to reduce it to three years. This was arrived at after having had two stalemates. In order to break the impasse, the Government painstakingly reduced the period from six years to three years. That is now the position.

What about the civil service salaries? I will combine that question with that of Dr. Khalwale regarding a 35 per cent increase in the teachers' pay. When the harmonisation process was to take effect, the net salary for Job Groups F to J--- Job Group F comprises of P1, P2, AT3 and AT4. If the harmonisation was to take place in accordance with the existing policy, then teachers in this category would have walked away with a 2 per cent increase. The Government realised that it would not be convincing enough. So, we allowed a little distortion to occur in the harmonisation process so that we could give teachers an increase of 35 per cent.

Mr. Speaker, Sir, if, today, I am told by Treasury that I pay this money within a year, I will do so. However, I do not hold the purse. I may wish to do so, but if the will to bring that money on the table is lacking - and the money is not there - my wish will simply be a wish!

With regard to Mr. Abdirahman's question on the KUPPET issue, there is total misunderstanding about that union and I want to put it to rest. KUPPET is a registered union representing post-primary school teachers, basically graduate teachers. They have been in existence for ten years. They have an agreement with the Teachers Service Commission (TSC) and, therefore, the members' dues are subtracted from their salaries by the TSC and remitted to KUPPET.

However, they were not members of the Teachers Salary Review Commission (TSRC) because the law tells me that they must have a statutory simple majority of 51 per cent membership for them to be part of the TSRC. They made a petition to me as the Minister in September or October last year. I looked at it. That time, their membership was 11,000 teachers. I called the TSC because they made an allegation that there were 20,000 applications in the TSC which had not been processed. When I looked at the whole process and since it involved the Collective Bargaining Agreement (CBA) with the employer, I determined that they need to go to the Ministry of Labour and harmonise.

Indeed, both KUPPET and the TSC went before the Ministry of Labour in October and November 2008. They were advised that the TSC, who is the employer, can only receive individual membership and not corporate membership. One of the things that KUPPET did is that during the whole of November, 2008, they went on recruiting individuals and today, they have the required 51 per cent. As if that was not enough because they were going to derail the TSRC negotiations, the TSC went to court to bar them from being members of TSC and, therefore, bar them from any strike action.

Mr. Speaker, Sir, the court ruling, which I am prepared to lay on the Table, states that KUPPET is a *bona fide* union member. They have existed for ten years and, therefore, the employer, the TSC, must comply with the normal labour laws. Therefore, the signing of the CBA by the TSC is a product of the court ruling. The only remedy to a product of a court ruling is an appeal.

Mr. Speaker: What is it, Dr. Khalwale?

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. You have noticed that there were so many Members of Parliament who wanted to seek clarifications but time could not allow. Given that the Minister has not told us a single action that would lead the children of poor parents to go back to school, could I beg that we have a Motion of Adjournment so that tomorrow, we can deliberate on this issue until we force the Minister and the Government to take children of poor people to school? All these people's children are in academies!

Mr. Speaker: Order! Order, Dr. Khalwale! Indeed, you have been in this House for some time now. I am aware that you are doing your second term so that the provisions of Standing Order No.20 ought to be a matter familiar to you. You must know what it says! You must comply with those provisions. I do not want to read through it because I expect that with your professional standing, you ought to know the provisions of that Standing Order.

(Mr. Imanyara stood up in his place)

What is it Mr. Imanyara?

**NOTICE OF MOTION FOR
ADJOURNMENT UNDER STANDING ORDER NO.20**

CONGRATULATIONS TO PRESIDENT OBAMA
ON HIS INAUGURATION

Mr. Imanyara: Mr. Speaker, Sir, on a happier note and with your permission; pursuant to the provisions of Standing Order No.20, I rise to give notice of Motion for adjournment of the House in order to congratulate the citizens of the United States of America (USA) and the President-elect, Mr. Barack Husein Obama, on his impending inauguration as the 44th President of the USA. As I speak, the ceremony is underway.

Mr. Speaker, Sir, I have indicated this to the Leader of Government Business and he is in agreement.

Mr. Speaker, Sir, the impending inauguration of President Obama is a historic event which will be celebrated worldwide. It is indeed being celebrated worldwide. I have no doubt, being an American of Kenyan decent is a matter of our own national importance as stipulated in Standing Order No.20.

(Applause)

Mr. Speaker, Sir, I, therefore, humbly request you to allocate time this afternoon for us to congratulate the President-elect of the USA.

Mr. Speaker, Sir, I am sure those who support me will stand up.

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

Mr. Speaker: Order, hon. Members! I am satisfied that Mr. Gitobu Imanyara's Motion has the necessary support as laid out under Standing Order No.20. Indeed, Mr. Gitobu Imanyara has complied with the provisions of paragraph 2 of that Standing Order in the sense that he has given to the Chair, prior, to the commencement of this sitting, two hours notice in writing.

Given the level of interest that this matter has attracted in Kenya by way of public interest and comments, I am satisfied, therefore, that this is a matter of national importance and that it is definite and urgent. This is because, indeed, Kenyans must be associated with this moment of glory particularly in respect to the claimed linkage of the American President-elect to Kenya. Therefore, I will allocate this matter time to begin at 5.30 p.m. today. It will last one hour.

Hon. Members, I have heard a comment on that claimed linkage. I think during the debate, you will be able to assert positively that indeed, there is lineage between the American President-elect

and Kenya.

(Applause)

BILL

Second Reading

THE MERCHANT SHIPPING BILL

The Minister for Transport (Mr. Mwakwere): Mr. Speaker, Sir---

(Loud consultations)

Mr. Speaker: Order, hon. Members! The Minister will be heard!

*(Several Members withdrew
from the Chamber)*

Please, those who are withdrawing from the Chamber, do so quietly!

Mr. Minister, please, proceed!

The Minister for Transport (Mr. Mwakwere): Mr. Speaker, Sir, while I stand here to move that the Merchant Shipping Bill be read for the second time, I wish at the same time to highlight a few salient points relating to the Bill and the importance it has to the Republic of Kenya.

Mr. Speaker, Sir, Kenya is a maritime nation. It is one of the few maritime nations. It is a maritime nation that serves a broad interland over and above its own country. Kenya as a maritime nation, serves the maritime interests of Uganda, Rwanda, Burundi, the Democratic Republic of Congo, Southern Sudan and some parts of northern Tanzania.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, as a maritime nation, we have the Kenya Maritime Authority which manages matters related to our maritime world. However, it is important that the Kenya Maritime Authority becomes more functional in its role and relates not only to Kenya's maritime regulations but also with regulations that have been approved by world bodies and to which Kenya is a party.

Mr. Temporary Deputy Speaker, Sir, as a maritime nation, we have to register our ships. We have to do that systematically and in line with what prevails globally. We have to ensure that certain standards are set and met; that is, standards that contribute to the safety of ships, cargo and passengers as the case may be.

Mr. Temporary Deputy Speaker, Sir, although we are a maritime nation, we are one of the maritime nations that make very little use of the exclusive economic zone that is in the jurisdiction of the Republic of Kenya. We can make use of our exclusive maritime zone if we have regulations and laws that encourage the utilisation of our zone for the benefit of Kenya and those countries that depend on Kenya for their maritime activities.

Mr. Temporary Deputy Speaker, Sir, the question of registration of ships is extremely important. We may not have ships of our own but we can, through the Merchant Shipping Bill, be in a position to register and recognise ships that are hired from elsewhere. They could be the flag of convenience ships or ships that are hired on bare-boat process. It is important that we activate merchant shipping in our country. We have regulations that have to be applied. It is for Kenya to spearhead the application of a lot of issues that relate to maritime activities like the hijacking of ships on the high seas by pirates. We found that at one stage, some pirates were brought to Kenya to be tried and possibly be sentenced here. However, the process hit a snag because our Merchant Shipping Bill is yet to be enacted into law.

It is important that we move with speed because of that international interdependence on maritime nations. We have some problems that, sometimes, occur, but we are unable to address them effectively. Take the question of salvage and wreckage of ships. There are international regulations.

Yes, the International Maritime Organization has got protocols and conventions to which Kenya is a party. But the systematic application of the same require that our maritime authority is empowered through the Merchant Shipping Bill to discharge its duties in accordance with international set standards. At the moment, our seafarers are not trained in Kenya. Most of them are trained in Tanzania, or even in Europe. The reason is that we have not adequately addressed the modalities and regulations that relate to the training of seafarers; modalities that would be acceptable internationally.

The enactment of the Merchant Shipping Bill, 2008 will, indeed, empower the Kenya Maritime Authority, together with sister institutions that have activities relating to maritime activities like the Kenya Ports Authority, to organize training for our seafarers at all cadres, so that they may get appropriate certification as approved by the International Maritime Organization.

Once we do that, and as a maritime nation, we will have more and more seafarers who will get employment not only in our ships, but even in liner ships or merchant ships that call at the Port of Mombasa and elsewhere in the world.

It is recognized that there are some countries which earn substantial foreign currency because of their maritime activities. The Philippines is such an immediate example. The money that is remitted by seafarers to their country contributes to more than 20 per cent of that country's GDP. That can be done in Kenya even at a higher level if we apply what I hope would be passed as the Merchant Shipping Bill, and the role that the Kenya Maritime Authority is already playing to actualize the same.

Mr. Temporary Deputy Speaker, Sir, it is important to note here that the Kenya Maritime Authority, together with the Kenya Institute of Education and other institutions that do training, have come up with a curriculum for training our seafarers in all areas of knowledge that are necessary for managing a ship. The curriculum was passed and is ready for application. In fact, it is a curricula because they cover all aspects of maritime jobs and chores. Once this Bill is passed, we shall be in a position to train our seafarers here. We have institutions like the Bandari College. Even other institutions have shown willingness, including some of our universities, to give higher courses to our seafarers and people who will be working in the merchant marine sector.

Mr. Temporary Deputy Speaker, Sir, I said earlier that it is important to register our own ships. So far, our register of ships mainly covers small vessels that ply the coastal zones, not too far away from the Coast. We do not have vessels that sail to foreign countries. We do not have numbers that would significantly contribute to our economy. The main problem here is that our regulations have got to be in place because the work of seafarers has got to conform to many international conventions and protocols. Once you register ships in Kenya in whatever mode, you will be in a position to follow their voyages in a systematic manner. Whatever needs to be addressed here by our courts of law will have the guidance of the Merchant Shipping Act once it is passed.

Mr. Temporary Deputy Speaker, Sir, the question of safety at sea is extremely important. Seafaring can be pretty dangerous. But with a systematic mode of regulation, our seafarers should be

safe as they perform their duties in our waters and beyond. So, safety at sea is extremely important and the categorization of ships is also extremely important. There are ships that are exclusively for cargo; ships that do not carry passengers. There are those ships that carry passengers. It is important that we have regulations that relate to the safety of passengers and the professionals who run the seafarers who are engaged on board those ships.

These regulations are incorporated from international conventions which Kenya is a party to. It is, therefore, necessary that we move with speed. Otherwise, we shall still remain as a maritime nation that is hardly utilizing its maritime resources. As we know now, ships that do a lot of fishing in our waters are not Kenyan ships. We just give them authority to ship in our waters and they pay something like US \$20,000 per year. But what they harvest from our waters is probably a hundred or a thousand times more than what they pay as licence fees. The problem here is that we do not have our own ships and merchant fleets that can do meaningful fishing in the high seas. What is blocking all that is lack of training and proper legislation relating to the registration and ownership of ships by Kenyans, or by people who invest in Kenya. Today, most of the fishing in our exclusive economic zone is done by ships from the East; companies from the East.

It is not easy to monitor the quantities they carry away and the frequency of the work. The licenses may say so, but the mode of ensuring that they adhere to regulations as given by ourselves remains an enigma. However, with the enactment of the Merchant Shipping Bill, we will have a legal and systematic manner of managing our maritime affairs to the satisfaction of ourselves and for the benefit of our people and economy.

Mr. Temporary Deputy Speaker, Sir, the Merchant Shipping Bill also addresses inland waters or inland shipping activities. We have Lake Victoria and other large masses of water inland, where we can benefit a lot as a nation. We can give appropriate service to people who want to do trade within our waters, shores and even beyond to other countries that have the same waters within their borders. Once that is done, it will be possible to address many issues that have already been raised not only by ourselves, but even many others before us and yet, the solution lies in a Bill that would regulate our merchant shipping.

Mr. Temporary Deputy Speaker, Sir, there is a lot of money that can be raised from merchant shipping. As a maritime nation, we could probably even raise more of our national revenue from shipping; probably more than any other activity, including tourism. Whereas liner shipping is taken as revenue in tourism, it is in reality revenue generated from merchant shipping sector. We have more ships calling at the Port of Mombasa. Very soon, the second port of Lamu where I am sure--- More tourists will visit here rather than go to other maritime nations which probably offer more facilities for tourism than ourselves. We shall be in a position to contribute even more to the activities of small fishing vessels along our shores.

Mr. Temporary Deputy Speaker, Sir, right now, fishermen in Kenya do their fishing not more than 200 metres from the shore. In other words, we are making very little use of what we have as a natural resource for this country. Yet, we have more than 200 nautical miles into the high seas where we can exploit not only the fish, but also the minerals that lie in the bed of the ocean.

Mr. Temporary Deputy Speaker, Sir, while I emphasize that it is important that this Bill be passed, I would like to point out here that countries which have got a Bill such as this one are in a better position to co-operate in their activities in a meaningful way for the safety of ships and people at sea and movement of dangerous goods. Right now, it is very difficult to monitor what comes to our shores. But with the Merchant Shipping Bill, we will be in a position to do better control on the movement of, particularly, dangerous goods onto our shores and ports.

Mr. Temporary Deputy Speaker, Sir, it is also important to note that this Bill will address the issue of the maritime environment which is highly threatened by pollution, which may occur thousands of miles but float to our shores. It will empower the Kenya Maritime Authority to organise itself in a

better way, legally and systematically. In the process, it will ensure that our maritime shores are safe not only from pirates but also the threat of pollution that may be occasioned elsewhere and not necessarily within our waters.

Mr. Temporary Deputy Speaker, Sir, this Bill will also look into issues relating to wages payable to seafarers. The situation today is that many of our seafarers are being exploited. There are workers aboard ships but it is difficult to monitor the regulations. We have the Seamens Union which is doing its best, but it needs to be backed by laws that relate to their profession. This Merchant Shipping Bill is doing just that.

There are also issues that relate to charter ships. We may charter ships from other countries, but so far, there is no proper co-ordination as guided by the Merchant Shipping Acts that obtain in other countries. We will be in a position to do that and address even criminal activities at sea through out ports, with specific references that they can make to the Merchant Shipping Act, and in the process ensure that our maritime world is efficient, secure and more useful to our people.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to emphasize that The Merchant Shipping Bill, being a Bill for an Act of Parliament, is to make provisions for the registration and licensing of Kenyan ships, to regulate proprietary interactions or interests in ships and the terms of engagement of masters and seafarers and matters auxiliary thereto, and to provide for the prevention of collisions, the safety of navigation, cargoes, carriage of bulk and dangerous cargoes, the liability of ship owners and others, and the inquiries and investigations into marine casualties and consolidate the law relating to shipping and for the connected purposes.

Mr. Temporary Deputy Speaker, Sir, I beg to move and request Eng. Rege to second the Bill.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I beg to second the Bill. By the size of this Bill, one can attest that Kenya does not have any existing law on maritime activities.

The Committee on Energy, Communications and Public Works has taken a lot of time to look at the Bill. We have travelled to Mombasa and taken a lot of time to examine what exists at the Kenya Maritime Authority. We have examined the ships as they dock in Mombasa and inspected ship-building areas. As a matter of fact, probably the only section that is missing in this Bill is the one on building of ships both in Mombasa and other Kenyan waters. That does not seem to have been covered in this Bill. We have many problems in our waters and the Kenya/Somalia border waters. Therefore, it would be prudent that we pass this Bill as soon as possible.

The Minister has said almost everything that I wanted to say about this Bill. But I would like to just emphasize the fact that this Bill should have been brought to this House many years ago. But it is better late than never. I think we should pass it as soon as possible. From what we saw in Mombasa, many Kenyans that are now working on the ships, including engineers and even seafarers are not covered under any Act at all. But if we pass this Bill, Kenyans will get jobs in the maritime industry.

I beg to second this Bill.

(Question proposed)

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill knowing that it was brought to this House very late.

The registration of ships has been delayed, even though Kenya achieved her Independence in the year 1963. Since then, nobody, be it the Kenya Maritime Authority, Kenya Ports Authority, Harbours Corporation or the Government, has come up with an idea of the registration of ships. Some Kenyans have enough money to buy ships, but when they do so, they would want their ships to get registration. Kenyans have never been able to buy ships not because they cannot do it, but it is because there was no law to protect this business. Time has come now to support this Bill so that the

registration of ships can be done. This should not only be done for vessels sailing on oceans and seas, but also within the lakes in our country, for example, Lake Victoria. I think that will be very viable.

Mr. Temporary Deputy Speaker, Sir, I heard the Minister saying that if this Bill goes through, then seafarers will be trained. When we achieved our Independence, seafarers were being trained in our ports. It was just recently when that training was abolished, and then our young people were forced to go to neighbouring countries like Tanzania and South Africa. The problem here is that the training centre that used to train seafarers was Bandari College. Time has come to upgrade Bandari College to a university that will specialise in maritime studies.

(Applause)

When we talk about maritime issues, many Kenyans do not understand, because they are not trained in them in public universities. There is need to make Bandari College a fully-fledged university for maritime studies.

In this Bill, I do not see anywhere, where it talks about the sea men who stow away. Kenyans stow away in vessels to go to other countries to seek jobs. There must be somewhere where they are told that they will be protected by ship owners, or shipping lines. We have had problems with ship owners. When vessels come to our harbours, they start shipping and clearing agencies. So, you will see a ship owner coming to this country and that does not happen in any other country in the world. A ship owner cannot go to another country and own a shipping agency and a clearing agency. This is happening in our country, and it should be included in this Bill to stop what ship owners are doing in Kenya, otherwise there will be no security in the shipping industry. I advise the Minister for Transport to consider taking action against ship owners who have started shipping and clearing agencies.

Mr. Temporary Deputy Speaker, Sir, it is very interesting that today you see trawlers fishing in our shores. It is true that some go for licences, but if the Government licenses foreign trawlers, then they will not do any good to the local fishermen. The trawlers in the sea near our harbours clear all the fish and Kenyan fishermen get nothing when they go fishing. The local fishermen must be protected and trawlers that come to our waters should be cleared forthwith. I think this is an area which the Minister for Transport will consider to include in the Bill so as to protect our local fishermen.

Mr. Temporary Deputy Speaker, Sir, today, all the passages going to the sea have been closed by rich people, people who run hotels. Our local fishermen cannot go to the sea, because the planning of our shores is quite different from what it is in other countries. Beaches are always left to the people of a country for enjoyment and doing of business by fishermen.

If you walk along our sea shores, you will see that they have been closed. I think the Minister should include these things in this Bill to protect the local fishermen who go to seas, oceans or lakes. Whatever this Bill will provide about our ocean waters should also apply to our lake waters.

Mr. Temporary Deputy Speaker, Sir, I would like to say that since the introduction of the Kenya Maritime Authority, there has been nothing much done by it. I think some of the people do not know that there is something that exists called "the Kenya Maritime Authority". It is true that it is there. There is a structure and a management, but it does not do anything viable. I would like to suggest that the activities of the Kenya Ports Authority (KPA)--- The KPA was there before the Kenya Maritime Authority. Most of the activities being carried out by the KPA may be those that should be undertaken by the Kenya Maritime Authority. A time has come for the Minister for Transport to define what should be done by the KPA and the Kenya Maritime Authority.

Mr. Temporary Deputy Speaker, Sir, vessels that come to our ports do not have much security. I am saying this because after our vessels are attacked by thugs on the high seas, the pirates go with manifests just to show the cargo or passengers. There is no security right from the high seas to the harbour. We should use our security muscle to protect our seas, our waters, and to suppress

activities, which may take place like piracy. A very nasty incident of piracy happened, but we have not received an adequate and comprehensive report on the pirates. When you talk about this matter, you are told that it is a security concern.

Mr. Temporary Deputy Speaker, Sir, talking of the Merchant Shipping Bill, the Port of Mombasa started as a natural port. It was not made by man. Later on, the Government took it over. It was well established. Gear and equipment were bought to run the port. It is running very efficiently.

However, there is no revenue going to the local authority in Mombasa. So, this is something which the Government should consider. At least, one per cent of the revenue generated through the Port of Mombasa should go to the local authorities to help them improve the infrastructure. The heavy commercial vehicles that ferry goods from the port destroy the roads and yet the local authorities are not supported in any way.

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

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

As I said earlier on, I support this Bill because the Minister himself has been working in the port. He is well trained, not only in theory, but also in practice. So, I am very confident that once this Bill goes through, he will improve the maritime situation and the port.

With those remarks, I beg to support.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, may I take this opportunity to thank the Minister and congratulate him for taking a very historical step in the development of the maritime laws in this country. By bringing to this House this Bill for consideration, he lays the foundation of all maritime law practice in this country.

For a very long time, practitioners in the business of the sea, namely, sailors and other employees in the maritime sector, and those who are trained in that sector; passengers and everybody else who has something to do with shipping, have complained that there is no law or any regulation in this country that supports the practice and the business of maritime activities in this country.

So, I want to congratulate the Minister. It has taken a long time. We waited for this Bill in the last Parliament. I am happy that it has finally come. This Bill must be supported by this House because, every lawyer who is a practitioner of maritime law at the Coast Province and other places in this country knows for a fact that every time we need to arrest a ship which has committed an offence in the high seas, or a ship which has caused an accident, or a ship which is not paying wages to the crew, the applications and the format in which we will have to present this case to the court is always based on the practice of the English law.

We also go there quoting things that have something to do with England. In Kenya, there has never been a clear-cut law. Therefore, this Bill is a big improvement on that situation. I am sure that every person who is a practitioner of maritime law today, upon the passage of this Bill, will leave a big sigh of relief. This is because a lot of things that were dependent on the goodwill of the courts have now been clearly addressed rather than being left to the discretion of the courts, and not the law as it were.

One of the things that the Minister has stated here has something to do with the safety of the people aboard ships that come to Kenya. Although the previous speaker has talked about the Office of the Director General of the Kenya Maritime Authority not being of much relevance, in fact, this law seeks to make it mandatory, under Clauses 366 and 367, that the captain of a vessel destined for our

ports declares every passenger on board to the Director General of the Kenya Maritime Authority.

This means we will be able to know every passenger who is aboard the vessels that will be coming to Kenya. This has not been happening. Previous to this, we could have all manner of people coming into this country without the official knowledge of the Government of Kenya or the maritime authorities of this Republic. This is a big improvement. It is something we need to hammer again and again. This brings Kenya to a very high level in terms of the international maritime practice. We should commend the Minister for bringing this Bill for enactment into law.

Clause 367 of the Bill requires that all the births and the deaths that may have taken place aboard a ship must be recorded with the Director General. Again, this is something which covers a lot in terms of improving the safety and the records of people aboard the vessels. This also means that, for the first time, as a country, we will be able to tell with certainty who will be coming to this country and who will be leaving this country.

A point has also been made here, which I want to emphasise, that most of our people, and especially our youngsters from Coast Province, who have wanted to train and become part and parcel of the international labour force that operates in vessels have not been able to secure proper training due to the non-existence of an appropriate law. We have not been able to have our own people - not even those who have some form of training - recognised in other countries. This has effectively cut out a lot of employment opportunities for our young people.

So, again, I believe that this proposed law will open up opportunities for training and proper recognition in accordance with the best international practice, of our own youngsters. By passing this law, we will be creating jobs for many people, and especially those who have had interest and have wanted to work with international vessels in the Coast, but for whom there has never been a law in place that would protect them and which would provide recognition with other countries.

Mr. Temporary Deputy Speaker, Sir, there is something I need to raise, which the Minister might need to consider. Even as we talk about establishing good standards and discussing the need to develop for the first time, the maritime resources of our country within a defined legal regime, there is need for him to look into the question that is now topical at the Coast Province, concerning the development of the proposed Lamu port.

This is an appropriate time for us to mention that even as we set standards, there may have been mistakes that were made in the establishment of the natural port that became the Port of Mombasa. This was a natural port that developed. It was subsequently dredged and it became a big port. We need to avoid some of the problems that occurred while establishing the Port of Mombasa. That happened because there were no rules. Everything happened as per the will and whims of people in authority. At that time, the people who were living around the port, were displaced without any form of compensation. Many people were denied the right to the land on which they had lived and which belonged to their forefathers, because of that investment which was coming.

At that time, people who were living normal life next to the port were all evicted. The Government used compulsory acquisition powers under the law to totally disempower them economically. The port was developed. However, to date, if we go there, we will find a huge area which has many sharks and many people living below the poverty line. Many mistakes were made in those days. But what we want to say is that, in setting these standards, we want the mistakes not to be repeated in the establishment of the Lamu Port.

Mr. Temporary Deputy Speaker, Sir, I am speaking as the Member of Parliament for Garsen. Up to now, we have heard from the air that some land is going to be taken away from the people of the Tana Delta and allocated to people in Qatar and we wonder! We are being told that the port is being developed for the purposes of the people in the neighbouring district. We are told that we are going to get development, which is going to overflow on to the Tana Delta and to other districts.

I have spoken to the Minister for Lands himself, hon. Orengo! He can come to this House and

confirm what I am saying. He told me that he was not aware of those allocations which are being touted. We are being told that the Executive has gone ahead to sign some agreements with the Qatari Government committing the land of the people in the Tana Delta towards some development which they are not aware of! Even the Member of Parliament is not aware! Even the Minister for Lands is not aware!

Mr. Temporary Deputy Speaker, Sir, we have said in this House many times that the Government should never commit things outside there, without the approval of this Parliament. That is in keeping with the best practice! Even when America - and I have said it many times in this House - when they had the economic emergency, the President had to go to Congress to get his approval! You cannot commit this country to certain agreements without involving the people on the ground!

So, Mr. Temporary Deputy Speaker, Sir, we are saying, as people from the Coast Province, that we shall oppose that kind of bulldozed development! If we are going to do proper things, let us do them properly! It does not matter what office you hold in this country, but the land of the people must not be sold cheaply to some people outside the country! If you want to lease the land, that land must be allocated to the local people there first. Then the local people can enter into any lease agreements they want! The benefits must accrue to the local people!

Mr. Temporary Deputy Speaker, Sir, the mistakes that were made in the establishment of the Port of Mombasa - the impoverishment that the people of the Coast and the locals suffered there - must not happen again in the development of the Port of Lamu! We are asking the Minister, since we are supporting this Bill to establish the best international practice--- The best international practice cannot be a practice that is going to impoverish the people whose maritime land is going to be utilised for purposes of development. This law, therefore, should help us to help our people to get what is rightfully theirs!

Mr. Temporary Deputy Speaker, Sir, I want to state one more thing before I sit down. This is in regard to transactions that define the proprietary interest in any vessel that comes to Kenya. This is an area that has always been so dicey as far as the practitioners of maritime law in the Coast have seen. To have a clear provision in this law on how we shall be handling those transactions in future, is something that we need to support sincerely.

So, Mr. Temporary Deputy Speaker, Sir, this Bill is historic. It is a Bill that may look so big and everything, but basically, it is talking about protecting our people, our maritime land and giving powers to the Minister to even protect and correct mistakes that may happen within the inland waters. This is a law that we need to support.

I want to urge Parliament not to take very long. I know it has undergone a lot of checks and balances. Even the Chairman of the relevant Departmental Committee of Parliament, hon. Rege, has said that they have looked at it. But even before that, I know that the stakeholders have made a lot of input in this Bill. As you can see, the Bill does not have a lot of problems. So, I would urge hon. Members in this House to support it in full and ensure that we pass it in the shortest time possible. It is being awaited to create employment for our people at the Coast.

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

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

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Midiwo!

Mr. Midiwo: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank you, once

more, for giving me an opportunity to contribute to this Bill; a Bill which I stand to support.

Mr. Temporary Deputy Speaker, Sir, it is tragic that 40 years after independence, we do not have these laws in our Statutes. Recently, you saw that when the issue of piracy escalated, even when pirates are arrested, you can only try them under the Penal Code. Which means that they go to jail for eight years and after two years, they are back robbing our ships on the high seas! This will, therefore, be a good cure.

Mr. Temporary Deputy Speaker, Sir, before Parliament went on recess, we should have given this Bill priority. Indeed, we tried, but I think our calendar was so crowded and it was not to be. I want to say that right now, it is an opportunity to rush this Bill and let it become law in order to have a way of stopping people who think that Kenya is as lawless as Somalia. For one, our policemen, Navy and even the foreign navy can help us if we do not have the right personnel. But we have the right law so that our borders in the water or away from the waters will be safe.

Mr. Temporary Deputy Speaker, Sir, we must make sure that the benefits of the ocean and lakes that are in our country go to the locals. That shows how people have encroached the Indian Ocean in Mombasa. People have built in a way that the environment is not cared about! This is the only country I have seen that. Even if you went across to Uganda - and you have seen how Uganda has planned investment around Lake Victoria - you will think that they are in another planet! But in our case, politically well-connected people who, soon after Independence, unlawfully grabbed land around the Indian Ocean, are building indiscriminately such that no indigenous person has access to our natural resource! I think it is a shame!

Mr. Temporary Deputy Speaker, Sir, the two Ministries - the Ministry of Transport and the Ministry of Lands must force-- In fact, most of those beach hotels are structurally not good for our environment and must be brought down! We must have the 100 meters distance between the buildings and the ocean and all the beaches must be public! This is the only country where you find Italians and Germans living there. They come into our country even without visas, own hotels and we cannot do anything! Do you know what that means? They are not even paying taxes to us! So, who pays the taxes that run the country? It is only our civil servants. The people who have large investments are so powerful and they are so politically well connected that we cannot touch them! I think this is a good opportunity to end that impunity!

Mr. Temporary Deputy Speaker, Sir, we know that a lot of land was dished out since 1963 around the Indian Ocean. But we must reverse that! We must bring this country to where impunity ends and all our resources are owned and enjoyed by the ordinary citizens of our country.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the development of the ports of Lamu and Mombasa. It is high time we introduced a free port around Mombasa and Lamu as we plan.

I want to say that the plan that was implemented in Dubai was a blueprint that was supposed to be implemented for the Port of Mombasa but because politicians wanted their share, the thing had to be moved to Lamu.

I can see my time is up and I will begin from where I have left.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.20

CONGRATULATIONS TO PRESIDENT OBAMA ON HIS INAUGURATION

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Midiwo! You will have ten minutes to contribute on this Bill next time. However, hon. Members under Standing Order No.20, it is now time to move the Motion for Adjournment of the House. So, I call upon the Minister to move it and then we can proceed.

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

(Question proposed)

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, in a little more than two hours and a half, one Barack Hussein Obama will be taking the oath of office as the 44th President of the United States of America (USA). This event is of great significance to the entire world but even more so to us in Kenya because the President-elect of the USA has his ancestry in living memory of Kenya. His father was born, bred and died in this country and what was unimaginable in the many years you lived in America as a professor in an American university has happened and today an African-American stands poised to become the 44th President of the USA.

In the early 1990s, on a fellowship tour of Harvard University as the editor of the *Nairobi Law Monthly*, I had the privilege of meeting a young American by the name of Obama who had then just been elected the first President of the Harvard Law Review. At that time, little did I know that within my own lifetime, I would be celebrating an event such as would be happening in two and a half hour's time.

Mr. Temporary Deputy Speaker, Sir, those of us who have the privilege of representing this House in the Pan African Parliament (PAP) will recall that on the day Barack Obama was elected the President of the USA on 4th November, we were in session of the PAP and I had the privilege of moving a similar motion which was carried by acclamation by all African representatives of the entire African continent assembled at the PAP in Johannesburg.

So, what we are doing today is recognising an event that is of truly historic significance. It is momentous in many ways for us, not simply because Barack Obama's father was Kenyan but because he is the President of the USA with which we share a rich history on form of Government, constitution, the concept of the rule of law which we cherish and our court system. In fact, the Constitution of Kenya that we are about to embark on the process of reforming, was crafted under the guidance of another great American of African descent, the late Thurgood Marshall. So, as we celebrate today the inauguration of President Barack Obama, we in Kenya have every reason to celebrate more than just having a president who has a history with which we can share.

Mr. Temporary Deputy Speaker, Sir, some are saying that for the duration of Barack Obama's administration of presidency, we should consider ourselves a State of the USA because one of our own sits in the White House, but that is not the case. What is important for us is the lessons that we as a country can learn from the USA where they have had a dark history of racial discrimination.

In this country, where we have just gone through a period of post-election violence, where election results led to violence, death and destruction of property, we can learn a lesson from the USA that the results of an election there does not lead to death and violence. We can learn many lessons from John McCain who so gloriously accepted defeat when the will of the American people was declared through the ballot box. These are the lessons that we as Kenyans must be proud of, in that, one with our own ancestry today is going to lift the Bible and swear to protect and defend a constitution upon which our own Constitution is modelled.

Mr. Temporary Deputy Speaker, Sir, therefore, as we celebrate this occasion, let us also pay tribute to those who made it possible like our own Tom Mboya, who together with the Kennedy administration arranged the Great Air Lift that saw so many Kenyans go to the USA. That, in many ways, led to this great Kenyan who landed in Hawaii and married an American woman who has today given us the President of the USA. Tom Mboya and John F. Kennedy are people who saw so much hope for this country.

As we embark on the process of rewriting our Constitution based on the American experience,

these are the hard lessons that we should learn from. We should learn that in a country of 42 tribes we should be proud of being members of one united Republic rather than 42 different ethnic groups that cannot accept the results of an election.

Mr. Temporary Deputy Speaker, Sir, the inter-racial harmony that we saw exhibited during the campaigns for the election and more so after the elections, tells us that as we embark on this exercise of rewriting our Constitution, the example of the USA shows us that yes, it is possible to in fact, deal with differences of tribe in a way that results in greater unity for us. We should learn that a country can be proud of its diversity rather than be accused of the worst example of intolerance. Let us pay tribute to this man and his family for the audacity of hope that today the world celebrates.

Obama has been in this country two times before. Once before he was a Senator and the last time when he was a senator. Our hope and prayer is that when he comes next, he should be addressing this House as a State guest under our new Standing Orders that allow foreign Heads of States to address the National Assembly. We should not just see him in the light of a foreign Head of State but one to which we can claim to be ours.

I see my good friend looking at me and he says it should be the other way round, that it is not Kenya that should be part of the USA during the administration of Barack Obama but America that should be part of the greater Kenya. I do not know how you look at it. But in whatever way you look at it, when the entire world talks about the President of the USA, it cannot fail to recognise Kenya as a country that has resulted in the great celebrations that are taking place throughout the world. My time is over, but I do move this Motion with great pleasure and privilege.

I now move that pursuant to the provisions of Standing Order No.20 we go into adjournment to recognise this great achievement.

With those few remarks, I beg to move.

The Assistant Minister for Medical Services (Mr. Mungatana): Bw. Naibu Spika wa Muda, ningependa kuchukua nafasi hii kujiunga na Wakenya wenzangu, na Bw. Imanyara kumpongeza Rais ambaye ataapishwa baada ya masaa mawili na nusu hivi kama Rais wa Jamhuri ya Marekani.

Mimi ningependa kusema machache. Sisi kama Wakenya tunajivuna kwa sababu huyu ni mmoja wetu. Babake ni kutoka sehemu hii, na sisi, kama Wakenya, tunafurahia siku hii ambayo imepatia nchi yetu sifa kubwa katika ulimwengu mzima. Hata huko Marekani tunaambiwa kwamba wanaume wetu wana soko nzuri zaidi. Kwa hivyo, sisi tunafurahi sana.

Jambo ambalo ningependa kusema la muhimu ni kwamba kuna mambo ambayo ni lazima tujifunze. Tunaweza kuchagua rais ambaye hana mambo ya ukabila katika roho yake na akawa kiongozi wa Kenya. Kama vile Obama amechaguliwa na Wamarekani bila kuwa na kabila kubwa. Ukabila si kitu ambacho kilimpeleka juu bali ni mambo ambayo aliamini.

Jambo la pili ni kwamba si lazima kuchagua wazee kuwa viongozi wa nchi ya Kenya. Kila wakati tukienda kwa kura ni kwamba lazima uwe na nywele nyeupe. Hapa Kenya imekuwa ni kama desturi kwamba watu ni lazima wawe na nywele nyeupe. Ndiyo maana viongozi wetu wanajipaka vichwa vyao rangi. Jambo ambalo tunajifunza ni kwamba si lazima tuchague wazee kuwa viongozi wa nchi ya Kenya. Bw. Obama ameingia akiwa na nywele nyeusi na zinazong'ara kama za Bw. Mungatana.

Jambo la tatu ambalo tunaweza kujifunza ni kwamba tunaweza kuchagua kiongozi wa nchi, ambaye hajahusika na mambo ya ufisadi. Barack Obama amechaguliwa kuwa kiongozi wa Marekani na hajatajwa katika kashfa za ufisadi. Kwa sasa ni lazima tujifunze kwamba kuna watu ambao tunatarajia kwamba watataka urais, na sasa wanaingizwa katika maneno ambayo hayafai. Katika Kenya hii tumesikia kwamba kuna watu wanaokula mahindi ya maskini. Ni aibu kwamba wakati huu ambapo dunia nzima inaangalia Wakenya, kuna vichwa vya magazeti vinavyosema kwamba kuna ufisadi nchini Kenya. Kuna wengine ambao wanataka ukubwa ilhali wanahusika na kashfa ya mafuta. Tumesikia kashfa ya mahindi hapa Kenya ni zaidi ya billioni moja.

The Minister for Lands (Mr. Orengo): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Medical Services (Mr. Mungatana): Do you want to inform me? Let him inform me on the issue of corruption.

The Temporary Deputy Speaker (Prof. Kaloki): Is that a point of order?

The Minister for Lands (Mr. Orengo): No; it is a point of information.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Minister! Continue, Mr. Mungatana.

The Assistant Minister for Medical Services (Mr. Mungatana): Bw. Naibu Spika wa Muda, kitu ambacho tungependa kusema ni kwamba---

The Minister for Lands (Mr. Orengo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni lazima tuseme vilivyo. Wanasema kwamba wengine wamekula mahindi, lakini wanateremsha na mafuta.

(Laughter)

The Assistant Minister for Medical Services (Mr. Mungatana): Tena kuongezea, wanataka kuwa marais. Ni aibu kwamba sisi hapa Kenya tunaona vichwa vya magazeti. Kuna kashfa ya Triton, ambayo ni ya Kshs7 billion. Tuna na kashfa ya mahindi ya karibu Kshs1 billion. Tuna kashfa katika utalii ya Kshs35 million.

Jambo lingine ambalo tumejifunza leo ni kwamba unaweza kuwa kiongozi hapa Kenya bila kuingia katika kuhusishwa na kashfa za ufisadi. Tunaomba kwamba wakati wa kura ya mwaka 2012, tuangalie swala la tatu ambalo tumejifunza kutokana na ushindi wa Rais Barack Obama. Si lazima uwe mfisadi, ama uwe na kabila ama pesa. Tunaweza kuchagua mtu ambaye atasaidia nchi hii na atupeleka mbele, na si wafisadi wanaotaka ofisi kubwa.

Kwa hayo machache ninashukuru kwa kunipa nafasi.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support this important Motion. I want to thank the Mover of this Motion for conceiving the idea that today should be a day of celebrations in this country, because it is being celebrated globally. This country has a particular reason why it should celebrate.

I would like to congratulate the people of the United States of America (USA) for making the bold decision to give this opportunity to a Kenyan-American. The blood that flows in him is Kenyan. The fact that today he has been given an opportunity, as an American citizen, to lead that country is an achievement for us and also an opportunity to learn many lessons.

As we celebrate this day, I want to express my disappointment with the Kenyan Government, because it has decided to send a delegation that was not officially invited to the USA. That is a matter for the American people. They are celebrating and the President-elect, Mr. Obama, is saying thank you to the American voters. We have official representation in Washington. It is a shame that the Minister for Foreign Affairs, the Minister for Tourism and others are going to attend an African diplomats' bash in Washington. You reduce yourselves to a level where you think it is glory to go and speak before African diplomats. This is a time when the image of this country is extremely high. This delegation is spending Kshs14 million. That is a scandal itself.

Mr. Thuo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think it is order for Mr. Affey to castigate the Minister involved, when this House has found it fit to celebrate and put aside the very serious business about maize and hunger to discuss somebody's inauguration while mere congratulations would have done. I think we are guilty of the same crime and if any of us was a Minister would probably do the same.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Affey, please, stick to the Motion

before us.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I am absolutely within my mandate. The Motion for Adjournment is about the celebrations. I am only trying to say that it is not necessary to spend money to travel to Washington DC just to attend a ceremony organised by a collection of African diplomats! The Minister for Foreign Affairs, the Minister for Youth Affairs and Sports, the Minister for Tourism and any other Minister have no reason to attend that bash. There is no justification, whatsoever. I think it is one of the scandals that we are discussing now in this country. There is the maize and oil scandal too!

Mr. Temporary Deputy Speaker, Sir, this afternoon, I was privileged to watch a recap of President Obama giving a wonderful speech at the University of Nairobi in 2006. He said that corruption in Kenya is a crisis. That is true. Indeed, it is a real crisis. How else can you explain a scenario where this afternoon the Acting Minister for Finance asked Parliament to guarantee a loan of over Kshs100 million when we know that there is every possibility that people have been lined up to steal that money? I say that because the story of Obama is very critical to---

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member say that there are people who are ready to steal the money that we are voting as Parliament? Could he, please, justify and substantiate his claim?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, it is well known that there is a maize crisis in this country. It can only be done by people and not animals.

(Laughter)

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Affey, who is ready to steal the money? Could you, please, mention the names?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I said that the country is undergoing a crisis. This is a very serious matter. It is not something for Members of Parliament to laugh about.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Affey! You said that there are people lining up to steal the money. Do you know them?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, in the interest of time, I withdraw that statement.

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

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, there is a lesson to learn from Mr. Obama's election as President of the USA.

As my colleague has said, you do not have to be corrupt to be President. You do not have to steal. You do not have to be old and use Kiwi polish every morning on your hair--- When you see these people, you will imagine that they are young.

(Laughter)

We need to elect a young person to be the President of this country. This is because 80 per cent of Kenyans are below the age of 50 years. We need to find a way of doing that. In this House, we have good Kenyans who can do the job. In this country, we have so many people who can be elected as President of this country. Let us not glorify corruption. In fact, that is what the election of Mr. Obama as President of the USA has taught us. You can be President of this country even if you come from North Eastern Province. Because of this, we are motivated to contest for the presidency of this country.

I beg to support.

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua):

Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion which I support. The simple question is: What lesson do we draw from Barack Obama's inauguration today? It is that we should not just sit and mourn about the situation in our country. We should rise up and act.

While we may lament about the top leadership, what are we, as Members of Parliament and national leaders, doing? We are supposed to be the watchdog on behalf of the people. Is Parliament playing its role today as a watchdog? And if it is, why is it taking us so long to discover when things are going wrong? We have a situation like no other, that is, a Grand Coalition Government that has effectively robbed Parliament of an official opposition.

However, we can still work as we are to make sure that things come to light. We can only do so if parliamentarians, and especially the Back Bench are themselves like Ceaser's wife, that is, above reproach. If Members of Parliament and those in Government collude to do things that are wrong, for example, a scam, then, obviously, there is nobody left as a watchdog. The test of this Tenth Parliament, whether we perform or not, is not to have a Motion for Adjournment to laud the inauguration of Obama. The test is to rise up and do what we must, that is, what we are paid to do for this country. We must ensure that we complete the constitutional review process and set up laws that will help us ensure that we have transparent systems in place.

The reason Mr. Barack Obama is President of the USA today is because they have a system that works. Our system does not work or it is choking - we know that. That is why we have a Grand Coalition Government to fix it. Are we fixing it? That is the question each one of us must ask. Mr. Obama could have lamented about slavery in America and racial discrimination which is still there. He could have listened to those who were saying that a one time Senator and a black American cannot win the presidency, but he chose not to listen to his detractors and went for it. Now he has a chance to help fix what is wrong with his country. We are called upon to do the same.

Let us not just throw the challenge. Parliament has the key to doing many things. I want to invite us, I included, to first fix it by ensuring that the constitutional review, which can bring in the new order that we want, is in place. We need to have good electoral systems which will show patriotism in our leadership. Why would you want to get several millions of shillings from maize when you have a comfortable salary which translates to hunger for millions of people?

(Applause)

Why would we allow somebody to run billions of shillings in credit in the oil industry and yet we know that before the goods leave the Kenya Pipeline Company (KPC) bonded warehouses, one's bank must confirm that it will pay. The Kenya Revenue Authority (KRA) must collect the revenue before the goods leave. In what circumstances are we being told that the Kshs2 billion is uncollected? What are we doing as Parliament? The challenge is to us in the Government and Parliament as well. I do not think that Government and Parliament have acquitted themselves before the eyes of Kenyans in the performance of our duties.

We laud Mr. Obama and there are lessons to learn. The first lesson is believing in ourselves. We do not have to bend rules to get there. We can walk the whole and torturous journey. Yes, it is difficult, but short-cuts cannot get us anywhere.

I beg to support.

Eng. Rege: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion on the inauguration of the President of the world.

With regard to the Constitution, yes, we should have one that emulates that of the USA. The question is: Are we going to stick by it? The raiding of the offices of *The Standard* Newspaper is one example. Did we follow the rule? What caused those offices to be raided? We have to look at both

sides of Section 88 which was not approved.

Mr. Temporary Deputy Speaker, Sir, I stand here as the Member of Parliament of the third grandfather of Mr. Obama.

An hon. Member: Congratulations!

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I knew Hussein Obama in his grey jacket when I was 16 years old. Unlike *mheshimiwa* who knew the President of the world, I knew his father.

Mr. Temporary Deputy Speaker, Sir, the President of the world is the son of Mr. Hussein Obama who was the son of Obama Opiyo. Mr. Obama Opiyo was the son of Jotham Ndalo Obama who was buried in Karachuonyo. Actually, the entire family lived in Karachuonyo which is my constituency. That is the very reason that today we are celebrating the inauguration of the President of the world, Obama. What we have in place are prayers, songs, dances and jublations. People are so happy in Karachuonyo. I am therefore, very happy that Parliament has allocated these few minutes to discuss this issue and send greetings to the people of United States of America (USA) and congratulate the President of the world.

Mr. Temporary Deputy Speaker, Sir, I do not want to say so much. I am so happy and thank you for giving me the opportunity.

I beg to support.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to congratulate my learned friend and Member for Imenti Central, Mr. Gitobu Imanyara, for bringing this Motion. Indeed, it is, as the Speaker ruled, a matter of definite and urgent national importance. This is because in just under two hours, President-elect Barack Obama, will be swearing to take office as the 44th President of the USA. I think it is in order for us, as the National Assembly, to congratulate the people of USA even as we personally congratulate President Barack Obama for this monumental achievement.

Mr. Temporary Deputy Speaker, Sir, indeed, history is in the making. I know that we can all try to relate to President Obama in various ways. This morning I was listening to the BBC and I heard the Southern Sudanese claim that President Obama is Sudanese. Just sitting here next to my learned friend, Mr. James Orenge, he is saying that even the Irish are claiming parentage of President-elect Barack Obama. Everybody is claiming a piece of Barack Obama. Be that as it may, what does it actually mean for the world today?

Mr. Temporary Deputy Speaker, Sir, I hold the view that after the collapse of the Cold War, when the Berlin Wall finally came tumbling down, the world had expected to reap the peace. However, we all know that the world has been engulfed in one conflict after another. I think it is really achievable within the presidency of Barack Obama to work positively towards world peace. I think that this is achievable. In fact, the very mood in the world today is pregnant with expectation that for once, we will avoid mistakes like the war in Iraq because that was an obvious mistake.

Mr. Temporary Deputy Speaker, Sir, I remember I was called upon as the Minister for Foreign Affairs to indicate whether Kenya was supporting the war in Iraq or not. I say that because then, President Bush was saying: "You are either for us or against us." I said that we were a complainant nation because due to the United States of America, we were bombed in 1998. We have never recovered from those scars. But now, with the presidency of Barack Obama, we hope that they will embrace multi-lateralism as opposed to American unilateralism which is really what has brought about big problems in the world peace.

Therefore, personally, I want to congratulate him. I have already written a personal letter to him because when I was appointed the Vice-President and Minister for Home Affairs, he called me at midnight - our time - and said: "Mr. Vice-President, can you fix the problem that has now engulfed Kenya?" I wrote to say: "Mr. President-elect, we have fixed it because we do have a Grand Coalition Government". I think he will be very proud of us today. Therefore, let us work together with

President-elect Barack Obama. Let us work towards world peace, reconciliation and understanding. I think this is a great moment.

Last Sunday, we commemorated the fourth edition of Martin Luther King African Foundation. The delegation was led by a young exciting Kenyan by the name Mwangi Mukami, whom we had to dispatch to attend the inauguration. There are very many people who are thinking positively. The point we were trying to relay was to reflect on the story of Birmingham Alabama in 1961, when Martin Luther King had to write a letter from prison to the church. He wrote from the prison because he was complaining. What are you trying to do? Why do you not give this administration a chance? Martin Luther King was fighting against segregation. Now, had Martin Luther King lived or was alive today, I think he would have shouted as loud as he could: "Freedom at last!" That is what he fought for.

Really, the world has reason and cause to celebrate! That the first African-American is able to be sworn in as the President of the United States of America. But, of course, we should remind ourselves that the Americans elected an American President. Let us not kid ourselves that there will be goodies expected of President Obama. We have to set our country right. We have to say no to corruption in real terms. We have to expose it in all its forms and manifestations.

With those few remarks, I beg to support and thank Mr. Imanyara for bringing this Motion.

Mrs. Shabesh: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to speak, first and foremost, as a Member of the Pan-African Parliament and congratulate our Leader of Delegation to the Pan-African Parliament, Mr. Imanyara, for bringing this Motion successfully as he did at the Pan African Parliament, the day that President-elect Obama was elected. We were then having our Session at the Pan-African Parliament and our leader moved a similar Motion and we congratulated the President-elect as African Members of Parliament. I am, therefore, honoured and humbled that the Kenyan Parliament has also given us this opportunity.

Mr. Temporary Deputy Speaker, Sir, it is important for us to realize that Kenya holds a unique position not because of the lineage of the President-elect Barack Obama, but because of what we did at the end of the political crisis we had after our elections. It is important for me to point out here that, as much as we castigate ourselves as Kenyans, in the face of Africa and at the Pan-African Parliament, Kenyans are considered as people who are selfless and who can hold back on their own ambitions for the sake of peace. It is not easy to find that kind of leadership in Africa.

I, therefore, wish to say, without a shadow of doubt, the President and our Prime Minister are regarded very highly in Africa. It would be a shame for us to allow that kind of high esteem that this country is held and its leadership, to go down the drain because we are too selfish and too wrapped up in our own egos to realize that it is about time we thought about Kenyans first, before positions and power.

Mr. Temporary Deputy Speaker, Sir, what is it that Obama represents? For me, he does not represent hope in the way that he does for Americans. That is because, as the previous speaker has rightly said, he is not the President of Kenya. For me, if the President of Kenya does not inspire hope in me, then I am doomed.

If the Prime Minister does not inspire hope in me, I am doomed. If the leadership in this Parliament does not inspire hope in me, then I am doomed as a young person and woman. For me, Barack Obama is a leader who shows community - he shows a Government for the people by the people and with the people. The Kenyan Government now is showing a Government for a selected few men.

An hon. Member: And women!

Mrs. Shabesh: No women! Men! This is because if we are in a Grand Coalition Government that wants to inspire hope, really, we have 52 per cent women and 75 per cent young people, yet we have sat and cobbled together a 12-man team to say that it is going to give hope to this country. Which hope? Who are they reflecting? Are they reflecting the Kenyan society? I do not think so!

Mr. Temporary Deputy Speaker, Sir, I will speak on behalf of what people are saying out there. If we are ashamed to say what Kenyans are saying out there, then maybe a few of us can be bold enough to say it; that, that face is not reflecting hope. In fact, it reflects the real problem that this Grand Coalition has become. It has become a club of a few men, which I thought was outlawed in this country. Even clubs where they never used to allow women, now they can go in. So, how is it that the Grand Coalition can now be led by a club of men? That for me is the saddest tragedy. Today, we can speak about Barack Obama and say that we are proud of him, yet what we are practising is totally different.

When we agreed as Members of Parliament to sign and support the Grand Coalition Government, one of the things that was told to us clearly by our party leadership on both sides during our Parliamentary Group meetings was that this would be about consultation, consultation and consultation. I hold my party accountable to that. You promised us that we would be consulted on everything. You never told us that when something happens, you will rise up and say, "no one asked us." You never told us that. You told us that we will be consulted on everything. We are still waiting to see when this consultation happens.

You also promised us that you, as leadership up there will consult us, as Members. Where did the consultation go? If you have to borrow anything from Barack Obama, please, borrow consultation. A simple thing! This is because no one has the ability to say that they have all the great ideas. I am begging. I am tired of being angry and bitter because this new year for me cannot be about anger and bitterness. For me, it must be a year that I can give an answer to the constituency that brought me to this Parliament, that is, the women, young people and people with disabilities. I cannot continue this year saying that I am going to continue fighting.

Mr. Temporary Deputy Speaker, Sir, the answer for me is: If you are committed, as a Government to women, can you do what Barack Obama did with Hillary Clinton? Why must we see Hon. Martha Karua and Hon. Sally Kosgey as enemies? Is it because they are strong women? Why can you not see them as allies? For heaven's sake, is that not a small price to pay? Why must you see young people like Hon. Rachel Shabesh, hon. Ababu Namwamba and hon. Mungatana as people who just talk too loudly? Why can you not see us as an asset and engine that can drive this country, like Barack Obama has obviously done? If you are going to be proud of Barack Obama, borrow something this year.

For the Kenyans, we must reclaim our country. During the clamour for multipartism, there was a group of people called "young turks" who sit in front of me today. They are not as young, but they were the young turks. They are, hon. Raila Odinga, hon. James Orengo, hon. Martha Karua and hon. Gitobu Imanyara. When they were doing what they were doing, they were doing the right thing. When we try to do it now, we are not patriotic and we do not listen. Shame on us! Where did we come from? We are simply trying to do what you did when you brought multipartism. We are trying to bring sanity back to this country. Allow us, without having to label us traitors with our ethnicity, to do what young people know to do.

If women want to cry, allow us to cry. I cried here the other day, but for some reason it was like I had made the biggest mistake. I am a woman and I cry at home. If I come here and something is really hurting me, allow me to cry. That is what women do. But can we see society reflected in our Government? I ask this House and Kenyans that, please, if we are to learn anything from Barack Obama, let us learn that true leadership motivates, transforms, mentors and integrates. That is what we are looking for in leadership in Kenya and nothing else.

Mr. Temporary Deputy Speaker, Sir, we have had these big scandals before. We spoke about Goldenberg and the Anglo Leasing scandals. Recently, we spoke about the Grand Regency Hotel and the hullabaloo ended. Even now we are talking about maize and fuel, but it will end. To me, that cannot be the issue any more. The issue is: Are you ready to be accountable? I am ready to be counted

and this year, I am going to be counted with Kenyans and not leaders who are corrupt.

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the time is short, would I be in order to ask the Chair to allocate the remaining time and let Members speak for two minutes?

The Temporary Deputy Speaker (Prof. Kaloki): That is fair enough! Hon. Muthama, could you take two minutes because of the interest on the Motion?

Mr. Muthama: Bw. Naibu Spika wa Muda, ningependa kumshukuru sana Rais wa Marekani ambaye amechaguliwa, na ambaye ni mwenye asili ya hapa kwetu Kenya. Mtu aliyemsaidia babake kupata scholarship, marehemu Thomas Joseph Mboya, alizaliwa katika eneo langu la Ubunge. Babake alikuwa akifanya kazi ya kukata mkonge kwetu. Tuna historia kubwa sana!

(Laughter)

Ile sehemu alipozaliwa ndipo alimoishi Rais wa Marekani, Bw. Roosevelt. Kwa hivyo, ninajivuna sana na kujisikia kwamba nina uhusiano mkubwa na kaka yetu ambaye ameshinda urais katika nchi ya Marekani.

Nataka kusema kwa kifupi kwamba kuchaguliwa kwake Bw. Obama kulitokana na matamshi yake ya kweli, kusikia sauti ya Wamerikani na kuwaambia pahali wanapoelekea na kule anakotaka kuwapeleka. Nataka kuwaomba viongozi wote, hasa wanaotaka uongozi wa nchi hii, tafadhali wajifunze; katika kampeni zitakazokuja, Mungu akituajalia, tuwe na viongozi ambao wanaweza kutuahidi mambo watakayoweza kuitendea nchi hii. Hatutaki kuombwa kura na watu kwa sababu wamejaribu mara nyingi, wamekuwa pale, ni wazee au wanataka kulipwa kwa kazi waliofanya. Naomba tuwe na viongozi watakao omba kura kwa sababu watakuwa na maono kama kutuambia kuwa kwamba wakiwa rais watatupa elimu, na waahidi kwamba wasipofanya hivyo katika miaka miwili watajiondoa uongozini. Si mambo ya kusumbuka! Tumesumbuka kwa zaidi ya miaka 45 na maji yako kule kule. Hii ni kwa sababu tunapiga kura bila kujua mambo tunayoweza kumwambia kiongozi tunayemtaka. Bw. Obama aliwaambia Wamerikani kuwa atawapatia mabadiliko na ndio sababu walimpigia kura.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to congratulate Mr. Obama on his swearing in. I want to say that we, as Africans, not as Kenyans only, expect certain things from Mr. Obama. First, we do not expect handouts from America. We do not want handouts! We want Mr. Obama to help us reign in on African dictators and impunity. Mr. Obama can do it! We expect him to be a partner and help us wipe out impunity, because in Africa elections can be conducted and won and a loser refuse to leave office. One case is Mr. Mugabe. I would expect Mr. Obama to, next week, even militarily oust him, because our people there are dying. That is my expectation from Mr. Barack Obama!

Secondly, we can learn from Mr. Obama to drop our tribalistic ways as a people. Politics is not only good when it is negatively tribal. As a Kenyan people we can learn from that. I take that this is a Parliament which can lead the way and stop following pretentious ways. In fact, now we are talking about corruption. This is a good time for us, I want to agree with Ms. Karua, to end impunity. We need to vet our leaders, not only the ones who are going to run for the presidency, but also the ones who come to Parliament. You should not be here if you are, for example, a cowboy contractor. You should not be here if you are a Goldenberg or Anglo Leasing player. You should not! Our leaders should be vetted and weighed against standards which are internationally accepted.

Mr. Temporary Deputy Speaker, Sir, we have a country where we feel that we can destroy each other using our mouths. Even the most filthy think that they have better opinions than the holiest. I want to plead with my colleagues that this is the opportunity; we are now talking about even politicians being involved in maize scandals but nobody dares to say who they are. But I bet that it is

the young and the old who are involved. The Triton scandal is by the young and the old. It is not about age! I want to say that we can do it---

The Temporary Deputy Speaker (Prof. Kaloki): Your time is up!

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

The Minister for Lands (Mr. Orengo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity although the time is only two minutes.

I also wish to join my colleagues in congratulating the American people and President-elect Barack Obama, who is due to be sworn in as the 44th President of the United States of America (USA). President Obama's journey has been a long one. Sometimes we forget that when a good thing comes at the end, like now we are celebrating his victory, it does so, after a long struggle. His victory has come from a long struggle of the black people in the USA. It has not come out of nothing. Some of us who may have watched Andy Young in an interview last night, must have seen that he was in tears, remembering those moments of struggle when they were incarcerated.

Mr. Temporary Deputy Speaker, Sir, there was a time when Members of Parliament of this House were being arrested and detained, while some Members of Parliament in this country were laughing, thinking that those people were stupid. We must remember that long journey and learn to do what is right. If we celebrate his victory then we must not fail to realise that the victory in this country came out of long struggle by people like Dedan Kimathi, Jaramogi Oginga Odinga and J.M. Kariuki. However, we forget these names many times. These are the unsung heroes of our struggle.

Mr. Temporary Deputy Speaker, Sir, I want to say the following, without fear of any contradiction, because I believe it is my responsibility, even as a Member of the Cabinet of the Grand Coalition: Kenya is suffering from a crisis of confidence in leadership. The country out there does not believe that sincere people are leading this country. In fact, if a vote were to be taken today amongst Kenyans, we will all be wiped out.

In the next one or two weeks, if we do not come to Kenyans with a full disclosure of corrupt elements within Government, Parliament and the Civil Service, this country will be calling upon us all to go home. If we do not undertake to name names within a week, then some of us will be prepared to do so. I cannot be called a thief, because a responsible Member of the Grand Coalition Government is not true to the oath of office that he took to obey and respect the Constitution of the Republic of Kenya.

If we do not watch out, in another one week, people will step down in this House. Truly, there are too many problems in this country, and the leadership is sitting as if there is nothing happening. This time Obama is being sworn in as the President of the USA. We, as Kenyans, cannot afford to sleep any more. We must take the people who are destroying this nation to jail; where they belong. We must make sure that those who are in this House are accountable for their actions.

I beg to support.

Mr. Yinda: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also congratulate President Barack Hussein Obama, who is being inaugurated today as the 44th President of the USA.

Everybody wants to relate to President Obama. Eng. Rege was trying very hard to convince this House that Obama comes from Kendu Bay. President Obama's father comes from Alego Nyangoma Kogelo. That is where the father is buried. Incidentally, I am the Member of Parliament for that area. Do I say!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, for me, President Obama's inauguration today is a cause for joy as well as sadness. As Kenyans, what this means is that we are expected to take up standards

which are too high for us. I do not even know how we are going to achieve these standards. Obama visited this country when he was a senator. He talked about corruption and tribalism in Kenya. He talked about all the ills that are killing this country. Kenya is a great nation. Without these ills - tribalism and corruption - this country has a lot going on for it. I congratulate Obama and I wish we could go back to the drawing board and ask ourselves: What is it that we want for this country?

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Lands (Mr. Oregolo): Mr. Temporary Deputy Speaker, Sir, Kogelo, I want to say, is miles from Alego Usonga!

(Laughter)

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to also add my voice to congratulate the Americans and the President-elect, Barack Hussein Obama, on his inauguration today.

I just want to mention something very small about his visit to Kenya in 2006. I think very important issues were raised. I gather that Kenyans did not learn anything from that visit because, I think, those in leadership at that time looked down on Obama. We did not learn in 2006 and that is why we had trouble in the elections of 2007. But I am only hoping that this time round, we will be able to learn something. We are a small nation; we are like one State in the USA. We behave as if we are bigger than America as a whole! I think there is a lot that we have to learn as Kenyans.

Mr. Temporary Deputy Speaker, Sir, I was imagining when the earlier contributors were talking about where the leadership is; whether it is in America or it is here. I was just imagining those who are now talking like the Member of Parliament for Alego Usonga--- If they had allocated the land that Obama was supposed to have been allocated by his father traditionally in Alego Usonga and Obama decided to settle there, definitely, he would be running America from this country! So, it is a great achievement.

So, Mr. Temporary Deputy Speaker, Sir, I would like to support that view and to congratulate, once more, the election of Obama as the President of America.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Lekuton: Thank you, Mr. Temporary Deputy Speaker, Sir. I also like to join my colleagues in congratulating Obama and the American people. A win for democracy is a win for the weak and the downtrodden. It is also a win for a small village in Vietnam or Brazil, because it gives those people hope.

Mr. Temporary Deputy Speaker, Sir, to finish up, I just want to make one comment that is really key. Obama has his ancestral blood in this country. It is really embarrassing and shameful that for the last 40 years, we have had very few American Presidents visiting Kenyans. It would be a shame if we give Obama a chance not to visit us because of our corruption and mistakes. It is actually embarrassing to the whole world and to us!

Mr. Temporary Deputy Speaker, Sir, the issue of large groups; the issue of tribalism, is killing us! Obama was not chosen as a tribalist. He was chosen by democracy. For us, we continue to hide behind our tribal cocoons. Somebody steals maize and they get protected by their group. Who is going to protect the weak? Who is going to protect the small tribes in this country?

(Applause)

What happens to those who do not have numbers? Where do we run to? Obama is lucky enough to have a nation that cares for him; a nation that knew that democracy is important.

We want the leadership of this country to realize that, as a nation, we should protect the weak and give them a chance to be leaders in this country.

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

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now time to interrupt the Business of the House. The House stands adjourned until tomorrow Wednesday, 21st January, 2009, at 9.00 a.m.

The House rose at 6.30 p.m.