

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th April, 2009

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PROCEDURAL MOTIONS

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER NO.38

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

THAT, this House orders that the Business appearing in today's Order Paper be exempted from the provisions of Standing Order No.38(1) being a Wednesday morning, a day allocated for Private Members' Bills and Motions.

Mr. Deputy Speaker, Sir, this particular procedural Motion is informed by precedent. In the past, we have discussed the Presidential Address in consecutive sittings and because Standing Order No.38(1) is very clear that this particular sitting on Wednesday morning is normally for Private Members' Motions, therefore, we are seeking the indulgence of the House, or concurrence, so that today this sitting be utilized for purposes of Standing Order No.38.

I ask Dr. Khalwale to second.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise to second this Motion. I second the Motion on the understanding that even those of us on the Opposition side have no problem with it because it is purely a Procedural Motion.

Mr. Deputy Speaker: Order! You are not in the Opposition, Dr. Khalwale! You are a Member of the Government! The only Member of Parliament who is in the Opposition is Mr. Jirongo. So, proceed!

Dr. Khalwale: Mr. Deputy Speaker, I am reluctant to refer you to the Standing Orders which have created a window for us to make a caucus. We have already made the caucus but we have not communicated to you. So, wait, the Opposition is coming!

With those few remarks, I second the Motion.

(Question proposed)

(Question put and agreed to)

LIMITATION OF DEBATE ON PRIVATE
MEMBERS' MOTIONS

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

THAT, the debate on the Private Members' Motions shall be limited in the following manner:-

A maximum of two hours with not more than 20 minutes for the Mover, 20 minutes for the Government Official Responder and ten minutes for each other Member speaking, and that 10 minutes before the time expires, the Mover be called upon to reply.

Mr. Deputy Speaker, Sir, I do so pursuant to Standing Order No.87(1) which reads:-

“The House may, on a Motion made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allocating a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing both such limitations.”

Mr. Deputy Speaker, Sir, once again, we are informed by tradition. We are also informed by the fact that there is only this slot available, once a week, for Private Members and it is important that we ensure that all Motions by Private Members are attended to, given that there is only this one slot.

I beg to move.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

LIMITATION OF DEBATE ON THE
PRESIDENTIAL ADDRESS

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

THAT, the debate on the Motion on the Presidential Address be limited to a maximum of four days pursuant to the provisions of Standing Order No.18(3), with no more than ten minutes for each Member speaking and twenty minutes for the Mover in moving and replying.

Mr. Deputy Speaker, Sir, this is informed by both our traditions as well as Standing Order No.18 (3), which I now quote: -

“The Leader of Government Business may give a notice of Motion to adopt the Speech or Presidential Statement but debate on the Speech or Statement shall not exceed four sitting days”.

Hon. Members will note that this is arising from our new Standing Orders which we adopted on the 10th of December, 2008.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek your direction. In terms of Standing Order No.18 (3), the Motion ought to be moved by the Leader of Government Business!

Mr. Deputy Speaker: This is a Procedural Motion, hon. Olago! It is not the Motion itself.

Mr. Olago: I am much obliged, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, Seconder!

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir.

I beg to second.

(Question proposed)

Mr. Mungatana: Mr. Deputy Speaker, again, this being a Procedural Motion, I would like to support it. Just to give comfort, we have to have the country moving. Please, let us get moving with the business of the House.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

(Question put and agreed to)

LIMITATION OF DEBATE ON
ADJOURNMENT MOTIONS

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

THAT, the debate on any Motion for the Adjournment of the House to a day other than the next normal sitting day shall be limited to a maximum of three hours with not more than five minutes for each Member speaking; provided that, when the period of recess proposed by any such Motion does not exceed nine days, the debate shall be limited to a maximum of thirty minutes, and shall strictly be confined to the question of the adjournment.

Mr. Deputy Speaker, Sir, I move this Procedural Motion under Standing Order No.87 (1). This is purely procedural and, arising from the sentiments of hon. Mungatana, we want to move on. So, the House Business Committee decided that we should expeditiously go through some procedures to amend the business of the House and occasion the Supplementary Budget. We want to tackle the issues regarding the pending commissions, particularly the Interim Electoral Commission of Kenya (IIECK) and, for that reason, I beg to move.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

(Question put and agreed to)

LIMITATION OF DEBATE ON
SUPPLEMENTARY ESTIMATES

Mr. Midiwo: Thank you, once again, Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, each speech in the Committee of Supply (Supplementary Estimates) shall be limited to ten minutes excluding the Mover, who shall be limited to thirty minutes while moving and replying and the Chairperson of the Departmental Committee on Finance, Planning and Trade, who shall be limited to twenty minutes.

Mr. Deputy Speaker, Sir, this is a new provision. Arising from our new Standing Orders, we shall have the Chair of a Parliamentary Committee replying to the Government Ministers. I think this is good for Parliament. It will be relevant for Committees to reply to those issues because most of the time, they are sent to those Committees anyway.

Mr. Deputy Speaker, Sir, because this is important to our discussion this afternoon, relating to the Supplementary Budget, I think it is important and I ask hon. Members to support the Motion.

I beg to move.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I rise to second.

Mr. Deputy Speaker, Sir, the new Standing Orders that we have passed have created more space for us to put the Government and, in particular, the Ministry of Finance, to account to the rest of Kenyans.

Mr. Deputy Speaker, Sir, the primary duty of this Parliament is to look after the funds that are paid into the Consolidated Fund. This particular change that we have put into the new Standing Orders should be supported by all of us.

I beg to second.

Thank you, Mr. Deputy Speaker, Sir.

(Question proposed)

(Question put and agreed to)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Minister for Education (Prof. Ongeru): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 21st April, 2009, laid on the Table of the House on Tuesday, 21st April, 2009.

The Minister for Housing (Mr. Shitanda): Mr. Deputy Speaker, Sir, I wish to second the Motion.

(Question proposed)

Ms. Karua: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Speech. I support the Motion with reservations.

The Presidential Speech on exposition of policy was okay on the issue of reforms. As I said before, it merely flirted with judicial reforms. The President said that more money will be allocated to the Judiciary and also that more judges and magistrates will be hired. Reforms in the Judiciary are not about money and increased personnel. They are about the manner in which the Judiciary is run and duties are performed. I am aware that certain reforms will require constitutional reforms. It is possible for the Judiciary to make every magistrate and judge accountable to the public for the work they do. It is possible to have indicators that measure the quality and quantity of the work of judicial officers. These do not need constitutional review.

The returns the Judicial officers make every month can be subjected to a vetting committee, which can then monitor what is happening. It is also possible to have proper criteria for appointment of Judicial staff, so that people of integrity and those who have excelled, either while serving in the Judiciary or working elsewhere, can be appointed. It is wrong to use reform language while continuing to appoint people implicated in graft, even those who recently stepped down from parastatals because of graft. Reform language must be matched with reform actions. It is time that the Government took up its duties seriously and ensured that there are reforms in the Judiciary.

We also need reforms in the police force. Some of those reforms need not wait for constitutional review. We know that the police authority cannot be formed without the review of the Constitution, but it is still possible to make certain changes, which will pave way for reform. We cannot continue with the wanton violation of human rights of Kenyans by a section of the police force without doing something about it.

The recent killings in my home district, Kirinyaga, and in parts of Nyeri, is an indicator that something drastic needs to happen to the police force. For the last two years, the police force has been fighting *Mungiki* by perpetrating criminal acts on Kenyans. We cannot fight crime with crime. There is nothing in the law that permits police officers to become executioners. They are supposed to apprehend suspects and take them before a court of law. Use of fire is only allowed if the lives of the police officers, or citizens, are threatened. We now hear routinely of police gunning down this or that suspect. We no longer hear of arrests. Kenyans demand that the police officers follow the law. Citizens must also follow the law. I am calling upon the so-called vigilantes in my home district to know that once they arm themselves and burn people's houses, they cease to be vigilantes and become criminals.

We cannot fight crime with crime without eliciting the kind of reaction that was seen; a cycle of violence. We are calling for calm and for leaders to know, myself included, that this is no longer a purely Government matter. We have to be active as leaders in talking to our community and the people to ensure that we all abide by the law and find solutions to the many social problems that may lure our youth to wayward matters.

Mr. Deputy Speaker, Sir, the Speech also fell short on issues of corruption. It is idle to talk of Vision 2030 without showing that bold steps are being taken to fight

corruption. This Coalition Government has tolerated and welcomed corruption. In my assessment, the door has been opened wide and corruption has been welcomed into the fold. The handling by the Government, of both the maize and oil scams and of many other indicators within the Government, show that corruption is welcome. We have not so far been given an account of what is being done about the Kshs7 billion oil scam. Oil is like money. It cannot leave the depot without proper documentation and without guaranteed payment from the bank of the recipient. What went wrong? Why are we hearing that tax was also not collected and that Triton should pay taxes? All those issues are supposed to be taken care of before the oil moves. Something needs to happen drastically in the energy and agricultural sectors.

We heard Kenyans confessing that they made money just by shuffling papers, which is an indication that something went wrong. How will we cushion the poor if we legitimize irregular practices? Although the policy is good on paper, the fight against corruption was long abandoned by the Coalition Government.

I am calling upon both Principals – because I will not differentiate--- Both principals have not dealt with the issue of corruption decisively. Both of them have powers over dockets that are responsible for the messes that we find ourselves in.

Mr. Deputy Speaker, Sir, the reform agenda given is right because those are all items on Agenda Four according to the National Accord and Reconciliation Act. We should rise up and do what is necessary for Kenyans. What I heard Mr. Speaker say, in his ruling yesterday, is that there has to be consultation. We cannot pass reforms without consultation between the two Principals, Members of Parliament and the different parties in Parliament. When sections of certain parties think that they own the “Government” or that they can ride roughshod on others, that cannot help us at all.

I finally want to say this: This is a Government of civil servants facilitated by politicians. It is time we returned to the Government of politicians facilitated by civil servants. Civil servants must stop meddling in political affairs. The problems we are having, the misadvice and the collapse of this Government, will be caused by letting civil servants hijack institutions in this country.

It is time for Parliament to say “no”. It is time for Kenyans to say “no”. Let us not pay lip service to reform. Let us support reforms, and let us begin with the police force, the Judiciary and the institutions that we need to reform.

With those very many words, I support with the reservations indicated.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I also want to support the Address.

The Address fell short of calming down the political climate in the country. Only last year, we went through very tumultuous times in this country. As Mr. Speaker said yesterday, the blood that was spilled has not even gone under the ground. In many places, we still have Internally Displaced Persons (IDPs). We still have old women and children living in tented camps, one year down the line. Kenyans are not happy with us. They are saying that we are only interested in politics and our stomachs. That may well be true.

Mr. Deputy Speaker, Sir, the true perspective is that, as a Government comprising of the most political parties, we are failing Kenyans. I think there is an attempt to grab power from the people and put it in the hands and pockets of very few individuals. The politics of succession is threatening to tear the fabric of this society. It is a shame that we should be treated to politics that is hatched behind doors in night meetings. We, the

rest of Kenyans, do not understand what that politics is all about. What I am saying is that there are people who do not want to change the system, so that they can perpetrate corruption and increase poverty and landlessness, which are the main problems in this country.

Mr. Deputy Speaker, Sir, I listened very carefully when the President was speaking. There was no mention of Agenda Four. Agenda Four has the issues of constitutional review, land reforms, judicial reforms and police reforms, amongst others. I disagree with the President's Address; that in order to reform the Judiciary, we need to give it more money. The Judiciary has enough money, but it is riddled with corruption. Kenyans are not getting justice from the judicial system. We must address this problem as a country. We cannot allow a group of us to allow Kenyans that chance after what we went through last year.

Mr. Deputy Speaker, Sir, there is the issue of who is in charge, particularly when it comes to the issue of our territorial borders as in the cases of Migingo Island, West Pokot District and Turkana. Related to this is also the issue of *Mungiki*. After looking at the involvement of the Commissioner of Police, I think he is just being used as a scapegoat. There is a political "police force" under the Commissioner of Police that is being controlled by some politicians. That political "police force" is the one that is killing people and the Commissioner of Police is being blamed. How on earth could we have police officers massacring our people, as the leadership of this country keeps quiet about it? I have not heard the top leadership of this country talk about *Mungiki*. We must act! We cannot keep quiet any more.

Mr. Deputy Speaker, Sir, there is the issue of food security. Why is Kenya begging for food 45 years after Independence? What is the Government doing about it? We cannot keep complaining year in, year out, about lack of maize, and bad weather, yet we have rivers. How much money is being put into dams? We have so much water. This is a country that is naturally endowed. It is because we have refused to embrace the necessary reforms that will make sure that the civil servants Ms. Karua has criticised are not in control of public funds without supervision. We must control what they are doing with it. You keep hearing of a road being built at a cost of Kshs3 billion but when you look at it, you find that there is no money that has been spent on it.

Mr. Deputy Speaker, Sir, I am, therefore, calling upon the President and the Prime Minister to reform the systems. Let us run away from systems that are not working. Billions of shillings are being used through the *Kazi Kwa Vijana* Programme; to give work to the youth. The system is using the wrong method. That money must be taken to the constituencies.

I hear the World Bank and the International Monetary Fund (IMF) are opposed to that programme, but this country belongs to us. If the Constituencies Development Fund (CDF) is working well in most parts of this country, the system of decentralised funds is what is going to work. That is the only way we are going to make sure that, in Gem, we do not go without funds. Right now, money is being spent very sparingly.

Mr. Deputy Speaker, Sir, regarding the Youth Enterprise Development Fund (YEDF) and the Women Enterprise Development Fund (WEDF), in my constituency, nobody has received money from those Funds. I only see advertisements of success stories on television. This money is given to banks that are politically controlled.

If you walk to such banks in Kisumu and ask for money from these funds, you will be given the loan, using Government funds, at 19 per cent yet this money is supposed to be lent out at 3 per cent. So, this issue of access to funds, be it for the youth or for women, the Government must open it up for scrutiny. Let us not do postmortem. Let us be proactive.

Mr. Deputy Speaker, Sir, recently, the Office of the President made a pronouncement that civil servants will now retire at the age of 60. While I think this is a good idea, it is ill-timed. Our youth do not have jobs. Whether these retirees are in ODM or PNU, they must go home to create jobs for young people. How will you create jobs if you have a 70-year-old person as a Permanent Secretary and a 75-year-old man as an Ambassador in London? What are we doing, as a country? We must refuse!

This Parliament has a responsibility to lead, because the youth are the majority, even in this House. Let us lead! Let us say that we want the YEDF to be open to scrutiny. Members of Parliament have a right to know who benefits from the fund and who does not. Civil servants should not use this Fund to divide this country along tribal lines.

Mr. Deputy Speaker, Sir, we want all public appointments to be brought here for ratification. We want the Government to revise our foreign policy. What value do we get from people serving in foreign missions? What would this country lose by retiring somebody who is recycled back into the Government? The country will gain more.

As Government, we need to give hope to our people. We have no choice, and if we do that, as a country, we will be better off. We will stop talking about Vision 2030, because we can do it now. We have the resources, but they are going into the pockets of people who have very high political appetites for money. The Government must go out of its way to stop this high political appetite for money, so that public funds are not squandered and then we just do a postmortem audit.

Mr. Deputy Speaker, Sir, in the last one week, this country has been treated to very good politics. That was democracy at its best. I want to thank the Office of the Speaker for its good performance.

Having said that, due to lack of time, I beg to support.

The Minister for Foreign Affairs (Mr. Wetangula): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

(Loud consultations)

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. With due respect to the hon. Members seated at that corner, we cannot hear what the Minister is saying because they are consulting loudly!

Mr. Deputy Speaker: Order, hon. Members! Mr. Wetangula deserves a hearing.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I thank Mr. Mungatana for his intervention.

Mr. Deputy Speaker, Sir, we politicians have kept the country on the brink for the last two weeks. Kenyans and our friends have been anxious. I was in Brussels last week and our European friends who support us strongly – as you know, the European Union (EU) is the number one donor supporter to Kenya – were obviously anxious. They looked frustrated and expressed fear that we may be losing track of the reform process. They also expressed fear that we may be reversing the gear towards pacification of the country.

This anxiety and fear is not just from our friends. Kenyans out there are frustrated and embarrassed by our conduct as leaders. I want to plead with all of us who are here and those who are not here that it is incumbent upon all of us to give the country hope. We also need to assure the country that we can make things better.

Mr. Deputy Speaker, Sir, the President outlined, in his Address, a long legislative agenda that this Parliament is supposed to undertake during this Session. I hope that we will live up to the challenge and effect the necessary legislation, more particularly, putting in place the Interim Independent Electoral Commission (IIEC) that must immediately start reconstructing the voters' roll.

Even in the case of Bomachoge Constituency, where our colleague lost his seat through a petition, the people of that constituency cannot go to elections and vote for his successor simply because the voters' register was declared invalid by the Independent Review Commission on the 2007 General Election. We adopted that Report and now, there is no electoral voters' roll in this country.

We need to adopt the list of members of the Interim Boundaries Review Commission nominated by a Committee of this House so that they can start addressing issues of electoral representation and equity.

Mr. Deputy Speaker, Sir, as a House, we need to address the issue of giving this country a new Constitution. This is an agenda that has been on the table for the last 15 years. It is also an agenda that has been debated, argued and fought over, on the Floor of this House and in the streets of our cities. If we, in the current Parliament, do not deliver a new constitution to this country, history will judge us very harshly. This is because good Constitutions are normally drawn as an aftermath of problems, difficulties and conflicts.

The events that took place in January, 2008, and the unfortunate loss of human life in this country, formed a proper foundation for this country to move with speed, precision and determination to deliver a new Constitution. However, what is happening? You can see that we are all degenerating back to business as usual. We are all grandstanding and playing to the gallery. We are also speaking with both sides of our mouths and engaging in unhelpful double-speak while the people are waiting for us, as Parliament, to tell them when we will deliver a new Constitution.

I know the Committee of Experts on constitution Review is working on this aspect but they will not deliver a new Constitution. It is all of us, as Members of Parliament, who should set the correct tempo in the country and have a Constitution that will address all the issues under Agenda Item Four.

These issues are land, youth difficulties, inequitable distribution of resources in the country, the structure of the Executive, the reforms in the Judiciary and the Electoral Commission of Kenya. These issues will be tackled effectively through a new Constitution. They cannot and will not be solved in piecemeal. We know that piecemeal approach to reforms ends up creating confusion. If we really want to give this country a new Constitution, time has come for each one of us to deny ourselves the many things that are negative in our society, including corruption that my colleague has talked about. We should face the reality and deliver a new Constitution to this country.

Mr. Deputy Speaker, Sir, I would also like to touch on security. It is important that all of us, as Members of Parliament, join hands in the war against the proliferation of criminal gangs in the country. The events that took place in Kirinyaga two weeks ago,

and the many cases we hear about organised criminals behave all of to say enough is enough.

During the Inter-Parties Parliamentary Group (IPPG) in 1997 and under the exuberance of reforms, we mutilated the Chief's Authority Act that used to be a major beacon for assisting chiefs in certain areas in this country to fight crime. I know that chiefs had some excesses that people were uncomfortable with, but we also know that our over-stretched police force needs help from many quarters.

The mushrooming of vigilante groups in the name of keeping security is because some structures of the Government have been weakened under the guise of reforms. We need to look back and see how we can structure security organs from the village up to the top so that a person in the village feels just as secure as you feel, in your Mercedes Benz, in the streets of Nairobi. This will also make a person in Korogocho feel as secure as you feel in your better house in Lavington.

It is not tenable and, in fact, it is false that poverty is the cause of criminal activities in this country. We have neighbours who are poorer than Kenya and yet their crime rate is not high. We have neighbours with less organised social systems than Kenya and yet their crime rate is not as high as ours. I think there is something tragically wrong that we need to address as a leadership.

Mr. Deputy Speaker, Sir, let me talk about Migingo Island. I know that many colleagues have felt frustrated and that something more should be done. However, in my humble estimation and submission, a diplomatic approach, like the President said, to resolving issues that arise with our neighbours is definitely better than any other alternative.

I have no doubt that the question of Migingo is going to be resolved amicably. Days when countries went to war are long gone. There are many avenues of addressing difficult issues with our neighbors.

Mr. Deputy Speaker, Sir, I am very happy that, yesterday, the Ugandan Government brought down their flag on Migingo Island. By Monday, Ministers from Kenya who have been working with me like, Mr. Orenge, Dr. Otuoma, Prof. Saitoti and our Ugandan counterparts, will be launching the re-survey of our boundaries. Not that the survey is going to determine anything new; all maps indicate that our territory is clear where it starts and where it ends. However, it is a requirement by the African Union (AU) and the United Nations (UN) that all countries of Africa must define their boundaries, execute protocols and deposit them with the AU by the year 2010. The UN requires all countries to do the same and deposit them with the UN by 2012 so that in future, there are no arguments about boundaries even where they are clear. This is in progress and I have no doubt that it will be done properly.

With those few remarks, I beg to support.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. I would like to seek the Chair's indulgence because, in moving this Motion, my very good friend and colleague, the hon. Professor, was not able to realise that the very first Procedural Motion that this House adopted was that the Mover was entitled to 20 minutes for moving and 20 minutes for replying.

Mr. Deputy Speaker, Sir, I thank Prof. Ongeru for stepping in for me. I was wrestling with traffic jam to get here. I am wondering, because of the importance of this Speech to the nation, could the Chair grant me an opportunity to make a contribution? I

am told that the Minister used less than a minute to move. It was also anticipated that we would all be talking about the Procedural Motion. I think, this morning, the mood was that we pass the Procedural Motions very quickly. I was wondering if you could allow me to add a bit more on what Prof. Ongeru did, while reserving my right to reply.

Mr. Deputy Speaker: Yes, indeed, the Chair takes note of the fact that the mover of the Motion did not know whether he was moving the substantive Motion or a Procedural Motion. That is why he just stood up and said, "I beg to move". The Chair is going to allow you to contribute to this Motion and still retain the right to reply.

Proceed!

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Thank you Mr. Deputy Speaker, Sir, for that indulgence.

I want to join my colleagues who have spoken before in supporting this Motion. As a nation, we have to appreciate that we live under very unusual circumstances, as Mr. Speaker himself said yesterday. Soon after the General Elections of 2007, this country became a very unusual arena in which to play politics. Because of this, our nation is still hurting as a result of the post-election violence and all that happened. Therefore, we have to congratulate His Excellency the President for the Speech that he made before this House. In fact, the only negative comment I heard out of the House was by a learned friend who is also a former Member of this House, Ms. Njoki Ndung'u. She wrote her comments in a newspaper column and said that issues to do with gender were not sufficiently addressed in His Excellency the President's Address.

Mr. Deputy Speaker, Sir, while I may not necessarily share the sentiments that she put there, it behoves us that when we come to discuss Agenda 4 of the Serena Peace Talks, we have to take that whole thing holistically. If we are going to be serious about creating jobs for the youth. If we do not give the Kenyan youths those jobs, we are sitting on a time-bomb.

Mr. Speaker, Sir, 42 per cent of our population as it stands today comprises young Kenyans aged below 15 years. These are very worrying statistics. This is because they are growing very fast. They are also growing into a situation where there is hopelessness and lack of employment opportunities. I think it is important that, as a nation, we rise to the occasion and give hope to the youth of this country. Therefore, even as we talk of *Kazi kwa Vijana* programme which was launched by the President and the Prime Minister, I want to agree with Mr. Midiwo that we should decentralise it to every constituency.

(Applause)

Mr. Deputy Speaker, Sir, the sums that are involved here are tremendous and I do not think, as a nation, we should be run by the International Monetary Fund (IMF) and the World Bank. This is our country and we have to take hold of the destiny of this nation. I am sure that our development partners will have to listen to what we have to say. Therefore, *Kazi kwa Vijana* is a very useful initiative. I know that there are those amongst them who feel that we should be talking more about the professional cadres. At this time, we are talking about issues of bread and butter.

In addition to the Ministry of Water and Irrigation, officials went and cleaned the Yatta Canal the other day but, that canal is over-worked. It has been cleaned every year. I am sure when Ms. Karua was responsible for water, she took interest in that canal. I saw

the President and Prime Minister going to clean it and we were all there cleaning. I think we need additional water canals that would give capacity for irrigation.

Mr. Deputy Speaker, Sir, when the President gave a list of six dams that the Government is going to deal with, I thanked him. These dams are; Badasa Dam in Marsabit for water supply and irrigation, Chemusus Multi-purpose Dam in Baringo, Umaa Dam in Kitui District, Kiserian Dam for water supply, River Nzoia Dam for irrigation of Bunyala and Budalangi and Upper Ewaso Nyiro Dam for irrigation and water supply for Ewaso Nyiro Basin.

Mr. Deputy Speaker, Sir, I think it is about time our water engineers took seriously the matter of irrigation. If we continue to rely on rain-fed agriculture, we will not even be able to feed this nation; 45 years after Independence, it is a great shame that we still have to rely on external partners to come in and help us. I think we should be able to grow our food. The only way forward is to go irrigation. The Ministry of Water and Irrigation should also give priority to irrigation. The long rains are finally here and we are thankful to God. But, even in my own constituency, there are patches of rain. If you look at it, it is very scary. We will continue to have problems. This is why regional leaders from that part of the country came up with this initiative on *Mutui Museo*, which means good neighbour. This is meant to try and see whether we can feed our people in the first instance. I am sure, looking at parts of Baringo North and Turkana, the situation has not improved.

The President declared famine a national disaster. Let us all rise to the occasion. In the first instance, we have to feed our people this year. In feeding them, we must determine that we cannot continue this way and the way forward is irrigation.

Mr. Deputy Speaker, Sir, Kenyans are still living as refugees in their own country. The President did realise this matter and he felt very strongly that there is still a lot of work to be done. I know all of us may have forgotten the Christmas gifts we sent to the Internally Displaced Persons (IDPs), as Members of Parliament. I am sure they appreciated. However, we also need to go out there in groups as Members of Parliament and give hope to those Kenyans. We should literally confirm to all of us that never again shall we allow our country to go down this road again. It is important to appreciate that people are still suffering in IDP camps and we need to reach out to them.

Mr. Deputy Speaker, Sir, the President was explicit on Mgingo Island. I know that, that was a very big issue and I thank the Minister for Foreign Affairs. I also want to thank the Ugandan Government for having lowered their flag. This was welcome news and even the British Broadcasting Co-operation (BBC) was able to pick on it. We need the East African Corporation. As I speak, East African Heads of States are meeting in Arusha at the Summit level. We congratulate both President Kibaki and President Kikwete for rehabilitating the road between Arusha and Nairobi. This is part of connectivity as part of the regional infrastructure---

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. Is the Vice-President and Minister for Home Affairs in order to say that he is thanking Ugandans for lowering their flag which they hoisted on Kenyan land?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I know that the hon. Member for Muhoroni, Prof. Olweny, feels very strongly about this. Indeed, we all feel the same way. The position is that not an inch of Kenyan soil should go to another country. You will remember the words of the

founding President, the late Mzee Jomo Kenyatta when we had the shifta problem. That continues to be our policy. As the Minister has said, we need to be diplomatic. It is important to appreciate that good gesture because it means a lot. That means that the Ugandans are not claiming Migingo as their own and we can have dialogue. We need a little bit of patience, so that we do not unnecessarily take the law in our hands.

I thank the youth in Kibera for agreeing finally to have the railway line repaired. Hon. Olago could not get to Kisumu Town by railway when that happened. So, it affects all of us. We have to also say no to impunity. Every time we get away with crime, the international community is watching. Is it in order to commit economic sabotage by pulling down the railway line and then we get away with it? For now, I just thank them, but say that, that should be discouraged.

Mr. Deputy Speaker, Sir, I think what happened yesterday is important. We have to keep hope alive. That is what I believe in. We have to continue talking with each other and not at each other. On culture of abuse, even when we go out there, let us, in our speeches, build the confidence of this nation. But every time Kenyans watch television, they think we are at war with each other. At the same time, we have also to really get uphold the dignity of this House. This House has also been vilified. I said at the beginning of the last Session that this is a reform Parliament. If we do not get it right in terms of giving our country the Constitution that she has been waiting for, for so long, and with such bated breath, we will have let down not just the present generation, but generations to come. This, indeed, is reform time. This is important for all of us. Let us seize this moment as the Tenth Parliament and be able to confound the critics of this House who think that we are overpaid and yet, we do not do anything.

I agree with those who have spoken before me on the importance of the dialogue that took place in this House. I remember standing on a point of order and told the Speaker that it was important for us to ventilate the issues that were before us. I think we were not disappointed. I do not think it was work not done. We achieved alot because we had that dialogue. As a result of that dialogue, a ruling was made. Whichever way it went and whatever options are available to those who might feel aggrieved, the nation can now make progress. Today, I hope we can all rise to the occasion because Kenyans are expecting food on the table. They want to be assisted through the famine. They want to get jobs. Hon. Midiwo pointed out that the statement on the retirement age came from the Office of the President. It is a collective Cabinet decision, which the House can discuss. These are issues that hon. Otieno, the Minister responsible, highlighted. In fact, hon. Otieno is a Minister of State in the Office of the Prime Minister.

With those few remarks, I beg to support.

Mr. Jirongo: Thank you, Mr. Deputy Speaker, Sir. Let me also take this opportunity to contribute to the Address by His Excellency the President to this House. Various issues were raised in the Presidential Speech which included security. The President indicated to us that by the creation of more districts, issues of security would be dealt with. That is moving services closer to the people, but the issues of security in this country go beyond the creation of districts. The first problem with our security system is inequality. The security organs in this country are not harmonised. You will find that the officers in the National Security Intelligence Service (NSIS) are paid five times more than the officers of the Kenya Police and yet, their training is almost similar. Probably,

the police officers offer much more serious services than the officers of NSIS. We need to harmonise the salaries of our security institutions in this country.

Mr. Deputy Speaker, Sir, if you look at the way our police officers are handled in this country, you will be surprised. First of all, about seven police officers are given one house. It is not possible to expect seven officers to live in one house with their families. There is an issue of the irregular forces taking control of security in this country. There are various reasons as to why that is happening. We have a clear mandate for our police force. One of the mandates of the police force is to prevent crime. There are times in our history when we had an intelligence service within the police. They would collect information and the police would use it to prevent crime. One wonders what happened to that service. About 30 people were killed in Central Province and the police had no idea that they were going to be killed. That shows that, definitely, something is wrong with our police in the country.

We have spoken about police reforms for a very long time. There are even documents that propose those reforms. But if you look at what has been implemented, it is only the purchase of vehicles. When it comes to the issues of changing the management of the police force and who they would report to, nobody takes this issue seriously. Definitely, one sees that he will not benefit from changing the management of the police force. The way our Police Force is structured at the moment, it is going to be very difficult to get any effective security service in this country. That is simply because the police officers are responsible to an individual, and not to the security of the citizens. Until our police officers are for "*Utumishi kwa Wote*", it is going to be very difficult for us to maintain security in this country.

Mr. Deputy Speaker, Sir, we all know that wherever there are irregular forces, the first thing that we do is to disarm them. Guns in this country are handled by anybody and are available to everybody. I am wondering: Why do we pay the NSIS the billions that we pay it and yet, that information cannot be provided so that we can take measures to pre-empt the situation and make sure that those guns do not cause harm in this country? We need to have serious reforms in our security system. Those reforms cannot be achieved by the proposal by His Excellency that by creating more districts, we are going to deal with the security problem in this country. The President needed to take the issue of security much more seriously. It is embarrassing that, during this Speech, despite the fact that people had died in Central Province, he did not take the issue of security seriously.

The other issue is to do with the economy of this country. All of us have witnessed, over a long period of time, assets of this country being sold year in, year out, to meet budget deficits. I find that a very interesting way of running an economy. In the village where I come from, if you have a child who is supposed to go to school and you have no money to pay school fees, the normal thing that you do is to sell your cow, sheep or even excise a bit of your land and sell it, so that you can pay the school fees. In this country, when we need money, the Government turns to selling assets to raise money to pretend that our Gross Domestic Product (GDP) is higher. Even for a villager, when he sells his cow, his GDP becomes higher. When you sell your land, your GDP becomes higher.

I am not against the sale of the assets of this country. However, could we sell these assets and utilize this money as capital to carry out serious projects that are self-sustaining?

Mr. Deputy Speaker, Sir, we have spoken, for a long time, about the issue of the Lamu Port. It takes very little intelligence for one to realize that if we, for sure, moved ahead and constructed the Lamu Port, built a road and connected it to Ethiopia, which is landlocked at the moment, and has exports worth US\$7billion, let us assume that this country could earn only 10 per cent of that, that would be US\$700 million. That is sustainable. We would get that money every year and even if we commercialized the port, it would have the capacity to repay. If we constructed that road and connected it to Southern Sudan and Northern Uganda, we would also be addressing the insecurity problem in that area because of the economic activities.

We all know that in Nairobi, there used to be a major problem. The Maasais used to fight with the Kikuyus on a daily basis. However, once we have this economic corridor from the Port of Mombasa, all the way to the border of Uganda and the other Eastern African countries like Congo, Rwanda and Burundi, that situation will change. If we truly believe that we have to be equitable in developing this country and if we believe in transformational economy and not just fixing, selling things to construct roads and yet we will not repair those roads tomorrow because we have no money to repair them, we would have taken this project extremely seriously and ensured that we open that corridor. That would give this country much more money than we get today out of the corridor that we have from; Mombasa all the way to Uganda.

Mr. Deputy Speaker, Sir, I wonder why people are quarreling over Migingo. Our President needs to sit with President Museveni and President Kikwete and resolve to put up a canal that will connect Lake Victoria to Lake Tanganyika. We will have to construct a highway that goes all the way to Zambia. We will then tell them that we want to do business with them. How will we communicate? What are the means of transport that we are setting up? This will be a permanent highway that does not require repair because we will be using the waters of Lake Victoria and Lake Tanganyika and we will change the western region of this country. Kisumu would become a bigger capital than even Nairobi, if you look at the exports that would come from Zambia and from Eastern Congo. The entire region will change. I believe that if this country, and if our leadership was serious about changing the economy of this country, we would not be talking about *Kazi Kwa Vijana*. We would be talking about transforming the economy of the Republic of Kenya. *Kazi kwa Vijana* is *Jua Kali* thinking. We did not take our children to the universities for them to become trench diggers. That thinking is coming from the Government. It is embarrassing that the Government can be thinking of creating something like *Kazi kwa Vijana* instead of investing that money seriously to create jobs. We are not producing graduates to dig trenches in this country. I think it is high time the Government became more serious. If they are short of ideas, we are full of ideas. We can sit down with them and tell them what we need to do in this country to have enough food and transform the economy of the Republic of Kenya.

Mr. Deputy Speaker, Sir, I believe that the leadership in this country needs to take things more seriously than they are doing today. I will give you an example. Sometime back, I talked and said that we could not hold an election soon and asked why people

were insisting on sending Kivuitu home. Today, everybody agrees that they made a mistake in sending Kivuitu home.

Yesterday this Parliament was celebrating because the Speaker made a wise ruling. Yes, it may have been a wise ruling. In my view, yesterday's ruling could be the beginning of another set of problems in the Republic of Kenya because we clearly created two centres of power. We must not go with populist views. We must decide to be leaders and tackle issues seriously for the sake of this country and not because we will impress Kenyans by appearing as if we took a middle ground by making hard decisions that will help this country move forward.

Thank you.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to also contribute in support of this Motion on the Presidential Address. Let me first start by what the President described as a national crisis; the issue of food insecurity. We continue to experience this problem because of what I will call inequitable policies in the Ministries that are concerned with food production in this country. First, I would like to start with the Ministry of Agriculture. We have several areas in this country that produce food and they have different weather patterns. I am referring to the North Rift, the South Rift and the other areas. I would like to see the Ministry of Agriculture coming up with policies and programmes that suit these areas during different times. If you look at the way the Ministry of Agriculture plans its activities, you will see that they plan them in a uniform way. When they plan for harvesting, they plan for the whole country. When they have plans for planting, they plan for the whole country. However, we have different climatic patterns in this country. For instance, when it is planting season in the North Rift, it is harvesting season in the South Rift. The Ministry of Agriculture should take this into account. So, the issue of supplying fertilizer and seeds should be done differently. When the North Rift is harvesting, the South Rift region is planting. So, when farmers are planting in the North Rift, it is harvesting season in the South Rift, especially in Loitokitok. Such a programme should be made to suit all areas that produce food.

Still on the issue of food insecurity, a lot has been said about irrigation. I want to say that if we could put all our resources in the right places, the issue of food insecurity would be a thing of the past. This goes with what my colleagues, who spoke before me, termed as some dams that are being proposed for construction to be used for irrigation. A lot of resources should be put in the Ministry of Regional Development Authorities because these dams are supposed to be under this Ministry. If you take, for instance, the dam in Marsabit and the one in the Ewaso Nyiro Basin, these dams are supposed to be done by the Ewaso Nyiro North Development Authority and the Ewaso Nyiro South Development Authority. There is also Wei Wei in Sigor. They fall under the Kerio Valley Development Authority and Kimira-Oluch in Rachuonyo and Homa Bay, which fall under the Lake Basin Development Authority. These authorities were created by this House to ensure that there is equitable distribution of resources in those areas. They became white elephant institutions due to lack of resources. If resources could be put into the right place, a lot could be achieved in terms of food security.

I would like to talk about some of the policies that His Excellency the President said will be introduced in this House during this Session. One of them is the policy on arid lands. Eighty per cent of our land mass is arid. If we could invest a lot of money in

those areas in terms of irrigation and other developments, we would be talking about achieving the policies in the Vision 2030. We would like to see the arid lands policy being given priority. Recently, the Ministry of State for Development of Northern Kenya and other Arid Lands was created. However, if you create Ministries and you do not put in resources or give substantial monies to develop projects in those areas, the Ministry will have no meaning. So, this is one of the policies that we would like to see being given priority in the Third Session of the Tenth Parliament. We should ensure that it is debated and fast-tracked and more resources are allocated to the Ministry because the arid and semi arid lands cover 80 per cent of our landmass. That way, we achieve a lot of development in this country.

The other policy that His Excellency the President talked about, and said should be brought to this House, is the one on livestock development. The livestock industry contributes nearly 12 per cent of our GDP. The resources allocated to that Ministry are meagre. Every time, we talk about policies to do with livestock development. However, it is a pity that we pay lip service to this very important industry.

Mr. Deputy Speaker, Sir, currently, we are faced with famine in this country, which has been declared a national disaster. Animals are dying. We see livestock being sold at less than Kshs1,000 per cow. We would like the policy on livestock really to take into account these calamities. During their campaigns of 2007 General Election, our political parties went a step further to even propose livestock insurance. This is the time livestock insurance policy is most required. The Kshs500 million given to the Kenya Meat Commission (KMC) to do livestock off-take is not only peanuts, but inaccessible. The rules and procedures put in place by the Ministry for livestock farmers to access that money is totally impossible. So, in the proposed livestock development policy, a lot must be done to safeguard that industry.

Mr. Deputy Speaker, Sir, another policy that the President talked about, and I really support and want to see it fast-tracked, is the wildlife policy. Wildlife is a very important natural resource in this country. We should actually be having a wildlife policy in place because it has been talked about for so many times. It should go along with the park policy because we have protected and unprotected areas in this country. Wildlife co-exists in these areas. About 80 per cent of livestock lives outside protected areas. At the moment, because of the famine, we have seen livestock moving towards protected areas such as parks. There is no mechanism by which our animals can access these protected areas during this hardship period. The wildlife policy should be fast-tracked and should take into account those difficult times when livestock can also move to protected areas. During rainy season and, in fact, at all times, our animals graze in the unprotected areas or individual lands.

Finally, there was another policy proposed by His Excellency the President. This is the tourism policy. From 2005/2006 Financial Year, tourism industry was rated as the highest foreign exchange earner in this country. However, because of political instability in this country, it has really been affected. We should have a policy to address those issues. I also urge our political leaders to tone down political statements. This is because this is one of the industries that is mostly affected by our political bickering. So, those four policies: wildlife, arid lands, tourism and livestock policies, surely, I see them as very important documents and pieces of legislation that should be fast-tracked and brought to this House and given the support that they deserve.

With those few remarks, I beg to support.

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I want to support this Motion with reservations. I always say that when Parliament goes on recess, the Government is on a honeymoon. A few decisions have been made by the Government. One of the decisions was to increase the retirement age from 55 years to 60 years. To understand what that meant one needs to look at the age brackets in the Civil Service. As I talk here, the age brackets are as follows.

Those who are 20 years and below, in the Civil Service, are 29,000. Those who are between 20-24 years, are 13,000. Those in the age bracket of 25-29, are 23,000. Those in age bracket of 30-34 are 26,000. Those in age bracket of 35-39 are 28,000. Those who are in 40-44 bracket, are 32,000. Those between 45-49, are 36,000 and those who are in the age bracket of 50-54, are 26,000. In essence, we are saying we will prolong the period of those who are supposed to have retired rather than employing those who are in their 20s to join the Civil Service. It has been said that it is very disappointing to have somebody serving in the Government and parastatals at the age of 71 and above. Even those who are 55 years and above should not be entertained. When you are 55 years, you should have invested enough. That is why you are on pension and you can live on your pension.

Mr. Deputy Speaker, Sir, at the same time, the Permanent Secretary, Office of the Deputy Prime Minister and Ministry of Finance, was quoted saying that if there are couples serving in that Ministry and its parastatals, they should decide who would go home, in the pretext of discouraging corruption in Government. That reason is not acceptable. It is a decision which was made by the Government and it is totally not acceptable. This House will ensure that the decision is reversed.

Mr. Deputy Speaker, Sir, we have seen a Government where civil servants insult Members of Parliament, and in particular the Permanent Secretary, Head of Public Service and Secretary to the Cabinet. I do not wish to say what he said, but indeed, he insulted each Member of Parliament. I want to remind him that the Head of State is a Member of Parliament. His appointing authority is a Member of Parliament. The Prime Minister is a Member of Parliament. How does the Head of State expect us to support him when he has a civil servant who calls Members of Parliament unprintable names?

Mr. Deputy Speaker, Sir, yesterday's ruling by the Speaker, perhaps, is what this House needed. My plea to Members is that let us not become troops to fight other people's wars. Let us not agree to go and help certain political leaders to fight wars. We have seen where Members of Parliament are used to insult other leaders. We must desist from that. This country is tired of political bickering. I wish to plead with our Members who have said they will go to court. By the time the court rules, we will be in the Eleventh Parliament. The best thing is that in yesterday's ruling, there were no winners or losers. When we saw Messrs. Midiwo and Thuo moving and seconding Motions, respectively, on behalf the Government, it is very encouraging. We are one country and one people.

Mr. Deputy Speaker, Sir, during the holidays I had an opportunity to host the entire Government; the Head of State, the Prime Minister, the Vice-President and Minister for Home Affairs, my good friend here, Maj-Gen Nkaisserry and very many Ministers on the launch of the Project, *Kazi kwa Vijana*. Let us not call it *Jua Kali*. If you want to know what *Jua Kali* is go to Gikomba. It is a lifeline in this country. In fact, we

should be talking about promoting such ideas. These two major projects were launched in my constituency. These are the desilting of the Yatta Canal and the construction of a massive dam where the Government had employed over 700 people who worked there five days a week and were being paid Kshs300 per day. In areas where there is famine, when people are in employment, they do not ask for famine relief food. This is an idea which should be promoted. The Government should set aside about Kshs20 billion every financial year and ensure that this money goes to projects dealing with *Kazi Kwa Vijana*. *Kazi Kwa Vijana* does not necessarily entail digging. It can be garbage collection and provision of security. It can be anything. It is a project which Members need to understand before they criticize it.

Mr. Deputy Speaker, Sir, the Government has failed to protect water towers in this country and in particular, the Mau Forest. I have never understood what the controversy is all about. The people who are in the Mau Forest have title deeds to their pieces of land. Some of them are squatters who have lived there for a long time. The solution is simple, pay them off. I am sure, with Kshs1 billion, you would be comfortable rather than debate on how to evict people who have title deeds and you do not want to pay them. If a Government gives people valid title deeds, then it has a duty to compensate them. The longer it takes, the more we continue destroying the forest. Politics aside, let the Government set aside and repossess the land through the Compulsory Land Acquisition Policy and pay off the farmers.

Mr. Deputy Speaker, Sir, on agriculture, there has been a failure by the Government to clearly invest in agriculture. In particular, when I talk about agriculture, there seems to be over-emphasis on water for irrigation. The emphasis should be on new technology and new methods of farming. A single borehole can irrigate five villages with the right technology if we adopt the use of greenhouses and drip irrigation. This is the way to move as opposed to providing dams costing billions of shillings. It is a good idea but when will we be provided with those huge dams in every village? For the time being, until we provide those dams, let us talk about investing in technology. The farmer should be taught. There used to be Structural Adjustment Programmes (SAPs) under the IMF and World Bank. Those programmes ruined the economy of this country. Those are the programmes that told us to sack our agricultural field extension officers and veterinary officers. We now need to re-employ them and have as many extension officers as possible. In my constituency, I have only two but we need about 20 extension officers to teach farmers new methods of farming.

Mr. Deputy Speaker, Sir, on the issue of security, we need to do something in the police force. I, being a son of a policeman, would like to say that if you see the pay slip of a policeman, whether senior or junior, it is very discouraging. If a policeman takes home Kshs4,000 to Kshs7,000, how is he going to feed his family? How is he going to support his family? How do you expect him to work? When police officers do not have the right housing, how are they going to deliver proper services? As we talk about reforms in the police force, one of them should be the welfare of officers. The Budget of 2003 was Kshs256 billion. The salary of a Police Officer then was merely Kshs4,000. Today, the Budget is Kshs750 billion, three times more and the salary remains the same. The establishment of the police force is also small. We have a very small police force compared with the population of the country. If we are going to have a situation where

the police force can deliver, we need to virtually have enough police stations and manpower in the country.

I have heard people say that we need to go for elections. I am against those who are calling for elections. What this country needs is a new Constitution and healing. We cannot get healing if we go back to elections. What this country needs is for us to deliver jobs and ensure that we feed our people. I will really plead with the political leaders and more so the senior politicians to love each other and be humble. The immediate former Head of State was humiliated when he was the Vice-President, even by policemen. That did not stop him from becoming the Head of State. So, I wish to plead with those leaders who are feuding in the Government to humble themselves. It is those who are humble that are rewarded.

Mr. Deputy Speaker, Sir, the other day the Government said that they want to bring a Bill in the House---

Mr. Deputy Speaker: Time up!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I want to thank you for giving me this opportunity to also make my contribution this morning.

The Speech by His Excellency the President, in my very humble opinion, failed short of the expectations that Kenyans had when he took over the Seat of State to address the matters that this Parliament must deal with.

Ordinarily, it is a sacred moment when the Head of State is supposed to put clear the agenda that this Parliament is supposed to put before Kenyans and to tackle in this House. My first disappointment was that the President kept on talking about presenting this and that policy. This august House makes laws for this country. We anticipated that there would be a clear programme spelling out the policies the Government intends to introduce in the House. This is what we need to debate. Policy debates do not really amount to much. We have amended the Standing Orders in this House, specifically to save time. We used to bring a Motions here, first of all, as Private Members' Motions, to seek leave to bring legislation. We debated Motions and after leave was granted, then we brought the real legislation. The process through which Cabinet brings policy documents here for debate is a waste of time. We need a clear programme like the way Parliament has done. You come directly with a Bill and let us debate the laws of this country, as we should. The Cabinet needs to bring proposals of law for us to change the status of this country and not to bring us policy documents for debate. For Christ's sake, we are paying them enough money and allowances to sit in the Cabinet to debate those policies so that we can have real law proposals from the Government to discuss in this Parliament.

The other disappointment was with the Grand Coalition. There was absolutely no mention. We were just being told that the Grand Coalition is functioning well; the Grand Coalition is not functioning well. In fact, in this very House, Mr. Orengo has said that the Grand Coalition is dysfunctional. We expected to get very clear statements from the Chair of State on how we are going to move forward in terms of consultations and how this Government is going to function. We are very disappointed that, for the fourth week running, there has been no Cabinet meeting. That is not an indication of a functioning Grand Coalition Government. In other countries, which have similar situations like ours, Cabinet meetings are held twice a week. Why? Because it is important for principals, and

when I talk about principals, I am not talking about the Prime Minister and the President making telephone calls to each other and saying: "Hi! How are you?" We are talking about serious structural engagements between the two sides of the Coalition. Yesterday, I said that if we are going to be fair, let us be just to all sides. Consultations must continue because we were almost pushing this country to a problem yet again. Those who were going to suffer were the ordinary people like those I represent in Garsen Constituency. We want honesty in this Coalition on both sides. We want clear directions in terms of how consultations are going to be done.

Mr. Deputy Speaker, Sir, I also want to say that the issue of corruption was not even mentioned. The President only said, in passing, that he is going to increase the number of judges so that the Judiciary can deal with corruption. I know that the Judiciary has problems and practical difficulties. I am also an officer of the court, as a practicing advocate, but the issues of corruption go beyond the Judiciary. In the Cabinet, the Prime Minister chairs sub-committees and the President chairs the whole Cabinet, there are suspects of grand corruption. How can you say that when you increase judges in the judiciary, it will actually reduce corruption in this country? Let us follow what Mr. Jakaya Kikwete did. He said that "I am not the Judge and I am not accusing you but there is public money which has been misused". Some of the Cabinet Members have been mentioned. Why can you not move? Ministers resign but why can that not happen in this country? I am saying that there is no action taken on the grand corruption in this country. It is a big disappointment to Kenyans who were watching him on television and listening to him on radio.

Mr. Deputy Speaker, Sir, regarding reforms in the Judiciary, I do not agree that we need to add more judges in order for us to deal with the reforms in the Judiciary. If you look at the Constitution that still serves us today, in Section 68, the Judicial Service Commission (JSC) which appoints judges, consists of the Chief Justice as the Chairman, the Attorney-General, two persons who are appointed by the President and the Chairman of the Public Service Commission (PSC). All the five are Presidential appointees. When we speak about reforms, those are some of the things that we need to look at. How can the President be an appointee of the people who are supposed to vet those people who are supposed to be judges? In Uganda, there are two ordinary people who sit in the JSC. When we talk about reforms, even our brothers are doing it. When those people sit there, they are able to say what the ordinary people are saying. The vetting process is thorough. So, I am saying that the reforms in the Judiciary are not enough in this country.

The outlining of the fact that we need to have more judges, in the President's Speech, does not meet the standards that we have set in this country. Kenya is a signatory to the Commonwealth standards as far as Judiciary appointments are concerned. When we go out there, we spend a lot of money in conferences and then we sign and append signatures in large ceremonies but never apply those standards in this country. We have not even applied the Commonwealth standards which we have signed to be part of. As a result, we are continuing to have *pata potea* appointments of people to be judges in this country. No standards are followed. This kind of thing must change and this Parliament must be the one which pushes the reforms ahead. Some people have eyes but do not see, they have ears but do not hear and they have noses but do not smell. We are saying that we want reforms. The air in this country smells of reforms. What you see in this country is about reforms. What you hear in this country is reforms and we cannot talk about

reforms with such kind of appointments being made in the Judiciary. So, I disagree with the President to this end. This is not how we are going to bring about reforms in the Judiciary.

Mr. Deputy Speaker, Sir, looking again at the policy statements that the Head of State issued, they miss very fundamental points. As far as food security is concerned in this country, I support the idea of reviving irrigation schemes because it was a good thing. But even the people who have planted crops in their *shambas* today have a big problem with wildlife menace. People are losing crops, up to three acres, to animals and nothing tangible is being done towards solving that problem. We are always being told that the Kenya Wildlife Service (KWS) is coming but it does not solve those problems. They only come to count how many crocodiles you have eaten. If you kill one, they will be on you but if your crops are destroyed in the *shambas*, nothing is done. I want to see that law, that talks about compensation, passed very quickly.

With those few remarks, I beg to support.

Mr. Bahari: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. I want to support the President's Speech which has generally outlined the policy issues that he wants the House to handle. I want to focus on the much talked about reforms in this country. We should ask ourselves why we need reforms in the first place. We need reforms because the world around us is doing its business differently. We cannot afford to use the same old skills, styles and apply outdated laws to run the country today. We are seeing the level of poverty increase in this country because we are using old tactics to do current things. This is completely unacceptable. Unless we move forward as a House and take charge of the reforms in this country, I fear that there is no goodwill from whoever we expected to take us through. There is no goodwill from the Government to carry out reforms in this country. You will be surprised at how we have handled the issues affecting some parts of this country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Deputy Speaker, Sir, I want to relate this issue of reforms to the marginalized area that I represent. There is not a single kilometre of road passing through Isiolo ever since we got Independence. That means that there has not been any change in that sector and yet money has continued to be allocated to that department. If you look at education, where the results are announced every year, the marginalized areas are at the lower bottom and that does not change. We continue to vote money to the Ministry of Education because we want that part of the Republic to be like the rest of Kenya. Unless we bring in radical reforms, then we should not expect those parts of the country to be like the rest. If you neglect any part of your body, then you cannot expect to be healthy. You cannot expect a better life when you ignore 80 per cent of this country. Look at what we have done in the name of the Ministry of State for Development of Northern Kenya Development and other Arid Lands which has no resources. How are they expected to change that part of the country? Year in, year out, we have seen famine in some parts of this country and people continue living on relief food and nothing is being done. There is

no fundamental change in how we do our business. I can assure you that whether it is the business of the country or whatever business it is, if you do not attempt to change how you put your factors of production in place, then you cannot survive. The same applies to the country. Kenya is a well-endowed country but we have not made use of it. We do have better human resources than the rest of the region but we have not utilized them properly because we have not given them the avenue. In fact, what has been constant around is that nothing has actually changed!

Mr. Temporary Deputy Speaker, Sir, we compare even very badly with the rest of the region. We have always been proud that we have been ahead of most parts of this region, even on how we conduct our elections. All that we had gained over a period of time went into the dustbin in 2007. We are now being quoted as a bad example as opposed to what we have been. Indeed, I am surprised that some of us are calling for elections. What elections? Elections for the sake of it when, instead of conducting elections, we go, pick *pangas* and slash our brothers? Is that what you call an election?

Mr. Temporary Deputy Speaker, Sir, we need healing. We need civic education to know that elections are different from burning houses of our brothers; from interfering with their democratic rights that they want to exercise in the manner they want to. In fact, there is more than, perhaps, putting in place an Electoral Commission, however independent it is.

Mr. Temporary Deputy Speaker, Sir, we need to be serious and bring serious reforms. I want to tell my colleagues here that we are not going to wait for anybody to do that. We have to take responsibility ourselves; we have to emancipate ourselves from the bondage of the political parties and represent our citizens. It is the time to do it.

Mr. Temporary Deputy Speaker, Sir, I know that much has been said about the issue of Mau Forest. But it is not Mau Forest alone! It is all the water towers in this country; the Aberdares and the Ewaso Nyiro which is dry; it is empty! It is because of the interferences that we have had upstream. All the pastoralist communities downstream have been adversely affected because they cannot find water for their livestock.

Mr. Temporary Deputy Speaker, Sir, the famous Lorian Swamp, which is in my constituency, is not there any more. It is a completely dry belt although it used to be a swamp. So, the issue is not about Mau Forest alone. I think we should enlarge that and this House, perhaps, needs to set up a Select Committee that will look into the issue of water towers, so that we can adequately address this matter! It is increasing poverty all over.

Mr. Temporary Deputy Speaker, Sir, as we now move ahead with the Speaker chairing the House Business Committee, I think this House needs to be alert to the fact that we need to move reforms forward. I want to urge my colleagues that, if there is any Government business that comes here and does not address reforms in this country, we must throw it out. We must throw it out. We must justapose all the business of the Government that comes here against the reforms especially the Agenda Four Item. It is only by doing that, that we will compel the Government to bring forth the reforms that we require in this country. Time is running out!

Mr. Temporary Deputy Speaker, Sir, I heard an hon. Member talk about the International Monetary Fund (IMF) and the World Bank (WB). Most of those under-developed countries that have moved out of that position and improved the livelihoods of their citizens had defied the IMF and the WB. You know how much the issue of the

Constituencies Development Fund (CDF) has been criticized by IMF and the WB. But there is no other model in this country, for the last 45 years, that we have brought, as Parliament where we actually arm-twisted the Government to implement and which has performed better than the devolved funds and, in particular, the CDF.

So, Mr. Temporary Deputy Speaker, Sir, we must be ready, as a nation, to chart our own course and determine our own destiny. Unless we do that, all the advice from WB and IMF will not enable countries to get out of poverty. Take the case of Malawi, for example. Malawi ignored the advice of WB on food security and went ahead to use their local resources and all that at their disposal to promote food production. Today, they have become a classic example of how we should go about in terms of avoiding famine. It is the same institutions that are rushing there to issue them with certificates of recognition. If I was in charge, I would reject that because they did not advise me. It is hypocritical in the first instance. So, there is no need for them to be recognized by those same institutions.

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

Dr. Khalwale: I thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

Mr. Temporary Deputy Speaker, Sir, when I listened to the President on the State Opening day, I was impressed by the eloquence of his Speech. But how I wish the President had commenced by registering apologies on behalf of his Government to Kenyans on how the Government has failed Kenyans in addressing matters of corruption!

Mr. Temporary Deputy Speaker, Sir, he should have apologized to Kenyans for the level of insecurity in this country. He should have apologized for how the Government has been posturing and delaying the need for reforms in this country. He should have apologized for the fact that, since the Grand Coalition Government came into operation, we have not seen any attraction of foreign investment into the country. In fact, the youth of this country were expecting an apology because they remain unemployed when they know that both the ODM and the PNU promised them, during the campaigns, that they were going to employ them.

More importantly, Mr. Temporary Deputy Speaker, Sir, I would have expected his Excellency to apologize for the issue of the mismanagement of the food situation in this country!

(Applause)

Mr. Temporary Deputy Speaker, Sir, if we can deny Kenyans security; if we can deny them schooling; if we can deny them drugs in hospitals, food must be brought on the tables of Kenyans, at the very least!

Mr. Temporary Deputy Speaker, Sir, on the issue of leadership in this country, if the President had remembered to apologize, he would not have allowed hon. Olago to raise the point of order which caused the Speaker to make the kind of ruling he made yesterday. All this emanated from the fact that there is no clear leadership in the country. It is important that the country knows that it is not too late for the Prime Minister and the President to go back, preferably to Sagana, where it all started, and agree amongst themselves and then come and address us as Kenyans, the way they addressed us from Sagana on the structure of leadership of this country. The ruling by the hon. Speaker

yesterday, which I support wholeheartedly and which all FM Stations and all the print media houses have supported this morning, was excellent. But it must be looked into in the perspective of a medical emergency.

Mr. Temporary Deputy Speaker, Sir, in a medical emergency, for example, a very hot abscess, when a mother takes a child to hospital with a hot abscess, the real reason why the mother takes this child to hospital is that the child is crying because it is feeling pain. When the doctor or the surgeon is asked to come and books this child for theatre the following morning and forgets to prescribe a pain reliever, to the mother, as far as she is concerned, that doctor has done nothing. That nurse who will sneak in a strong pain reliever and cause the child to sleep until the time for surgery is the hero as far as the parents are concerned. All that the Speaker did yesterday was to sneak in a strong pain reliever. The real surgery must be done. The abscess must be incised! Until that abscess is incised, we will be visited with what Mr. Jirongo has referred to as the operation of two centres of power in this country.

Mr. Temporary Deputy Speaker, Sir, we Members of Parliament belong to the President, but for God's sake, we do not want two centres of power to compete. Do you know that because of extraordinary circumstances, the Speaker is now discharging the role of the leader of the Legislature and also doing some of the functions of the Executive? We must answer this. Also yesterday, the Speaker actually removed the Vice-President as Leader of Government Business. According to Standing Orders, that required a Motion to be moved in this House, asking this House to remove the Vice-President as Leader of Government Business. We have accepted it, because we want to move forward. These are matters if we, as a nation, do not address we will start running when it is too late.

On the issue of insecurity in this country, both internal and as far as our territorial boundaries are concerned, I am surprised that the Vice-President and the Minister for Foreign Affairs are mentioning it so casually. They are congratulating a stranger in the name of the President of Uganda for lowering a flag, which we do not recognize within the Republic of Kenya. I do not want to pre-empt debate, but there is a Motion which I have filed in this House. I want to tell anybody, including the President of Uganda, that Kenyan soil is Kenyan soil. Therefore, I cannot join others in congratulating him, the way the Vice-President and the Minister for Home Affairs has done, for lowering the flag.

Mr. Temporary Deputy Speaker, Sir, on the issue of internal security, I cry for the *Mungiki* youth who are killing rich people and the vigilante groups who are defending their homes against the *Mungiki* menace. I cry for both of them. These children are telling us that the Government has failed in providing security. I know some of those children represent the brilliant fraction of children in Central Province. Those boys have failed to go up to Form Four because there is nobody to pay school fees for them.

If you will remember the Form Four results for the exams for last year, it was in Central Province where we saw that the number of girls finishing Form Four is higher than the number of boys. That means that we are losing the boys who went to Form One in Central Province. Where are they going? Are you saying that children of poor people should not be given an opportunity if they come from Central Province? We do not want a Government that protects only the children of rich people of Central Province. We want a Government that protects both the children of the rich and of the poor in Central Province. This will ensure that people from Central Province who are sons and daughters

of *chang'aa* brewers like myself also compete like sons and daughters of Ministers and former Ministers from Central Province.

Mr. Temporary Deputy Speaker, Sir, I am glad that the Assistant Minister, Ministry of State for Provincial Administration and Internal Security, Mr. Ojode is here. The so called operations by Administration Police (AP) officers have nothing to show other than going to raid villages where people are enjoying a glass of traditional brew. They never go there to address the issue of insecurity. Until we address that, we will think our AP officers are working when actually they only end up arresting people. They arrange *Kangaroo* courts through which they make money.

The President talked about dams. He wanted to bring in the issue of food security. We support him for this. However, the real problem is how we take care of the food that eventually finds itself in our stores. We wanted the President to tell us about the mismanagement of the National Strategic Grain Reserve (NSGR) by the Ministry of Agriculture and Ministry of State for Special Programmes. This matter was very hot a few months ago. We wanted him to tell us when they will table the report by the Kenya Anti-Corruption Commission (KACC) after the Minister for Agriculture said he had ordered that an investigation be carried out. We wanted him to tell us when they will table the special audit report that was ordered by the Prime Minister into the matters of the SGR. We wanted the President to tell us what of CID has done about the matter of mismanagement of NSGR.

To show that this Government does not care about corruption, we already have two sons of one of the people who was the conduit for siphoning maize out of the country being held by police because they were caught also stealing fertilizer. This, therefore, means that this matter---

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Dr. Khalwale to make insinuations about a matter that is before a court of law whereby an individual has been arrested, but has not been found guilty, to be discussed here in the House?

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the hon. Member is quite right. He is quoting the *sub judice* rule. For his information, *sub-judice* rule only limits an hon. Member from talking about the merits and demerits of a matter in court. Have I done so? If not, I am, therefore, in order.

The Temporary Deputy Speaker (Mr. Mungatana): Dr. Khalwale, I do not think any substantive matter was discussed as far as the criminal case pending that is referred to by Mr. Onyonka is concerned. So, there was no breach of the order.

Please, proceed!

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Mungatana): Your time is up!

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a few remarks on the Presidential Speech. Firstly, I wish to echo my support for the Speech that was given by the President. I wish to direct my attention to two to three areas. One concerns the Internally Displaced Persons (IDPs) in this country. It came out very clearly that a very strong effort is being made by the Government to settle the IDPs. In my view, enough has not been done.

As I speak right now, there is a good number of IDPs. They are scattered across the country. They need to be assisted. They need food, medicine, tents and schools for

their children. In my constituency, or Lari District, which was elevated the other day, there are about 13,000 IDPs. They live in very dehumanizing conditions. This is a case that is repeatedly seen in other areas of the country. I think it is high time a commission was set up to address the issue of the IDPs, so that the whole nation can see the way this House and the Government are thinking. Our people are in tears. They are living in deplorable conditions, which we are not able to address.

Mr. Temporary Deputy Speaker, Sir, regarding food security in this nation, it is really pathetic that the NSGR that was set up in 1963 has not been raised to date. We have been talking about two million bags of maize. The population of this nation is now almost 40 million people. The NSGR must be raised. Once the NSGR is raised, there must be a special body, which should be mandated to manage food in this nation. We should have a body like the one that supervises the Kenya Commercial Bank (KCB) or the Agricultural Finance Corporation (AFC), which should be independent of the Ministry of Agriculture or any other authority, so that it can be in charge of that very important commodity.

Mr. Temporary Deputy Speaker, Sir, beautiful stories have been told about what has happened concerning certain personalities, who were involved in embezzlement of the NSGR. It is high time the Government made public the actions it has taken against these people. If they are suspects, they should appear before a court of law for prosecution. As we do that, Kenyans are suffering. They are hungry. So, something must be done about this matter.

The other area I need to address is the frequent shortages of fuel in this nation. It is as if the multinational corporations, or those companies that are charged with the responsibility of importation and distribution of this very important commodity are not working. There is no harmony between them and Government agencies. Why should Kenyans continue to lack fuel when the international market, and the private sector in particular, are completely down?

Mr. Temporary Deputy Speaker, Sir, we have repeatedly talked about the need to re-introduce price control, but there is nothing tangible coming out. This is a total shame to our people. You can imagine the spiraling food prices and the problem of non-availability of kerosene on the market! People in the rural areas are really suffering. Shortage of fuel must be contained. The spiraling aspect of the prices must also be addressed.

Concerning the national image of this nation, as already indicated by the President, we have seen what our athletes have done. Men and women have already played their part. Just the other day, it came out clearly that Mr. Wanjiru did this nation great pride. The athletes of this nation, with the help of the Kenya Amateur Athletics Association, have done a good job.

Mr. Temporary Deputy Speaker, Sir, the political leadership of this nation should copy what our young people are doing. If we are serious, we will give the nation the required image. Yesterday, the Speaker of this House came out in his true colours to give this Parliament and the nation a proper direction. We are comfortable with his ruling, and this should be the trend that should be followed. It is just like the second "National Accord". The 40 million Kenyans were waiting for that ruling. So, we should not start grumbling, because we were in a major crisis that required urgent attention.

Mr. Temporary Deputy Speaker, Sir, the issue of cohesion in Government is a concern that needs to be addressed properly. There is no gain for Kenyans when we see Ministers quarreling with one another as to which Ministry is supposed to take this or that. That should not be seen to be happening in our Government.

Regarding stability in our institutions of learning, it is notable that we have some people interfering with institutions of higher education in this country. When institutions are left to run on their own, we can see good results. Look at the University of Nairobi; for quite some time now, it has been stable, with the current Vice-Chancellor in that university. See the kind of political interference that has been generated at Kenyatta University.

Kenyatta University has been running very well. It is a university that has twice come on top of old universities. Politics has now been introduced in the running of that university with a view to discrediting the female leader in that university. In fact, we should not allow politics to get into these institutions. The moment we allow penetration of politics into these institutions, the whole nation will be destroyed. We should create an enabling environment in all public universities. Regarding appointments, tribal inclinations should not be allowed in our public universities.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to comment on the issue that has come up – that we need snap elections in this nation. What is urgent on the minds of Kenyans is putting food on the table and ensuring that there is security in the nation. We have placed an international appeal for food assistance. We do not have any budget for snap elections. In fact, we are causing unnecessary tensions in the nation.

With those few remarks, I support the Motion.

Mr. Olago: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

In my comments on the exposition of public policy by His Excellency the President, I wish to say that it was more like a mini skirt, because it exposed little vital information and hid a lot of vital information. I wish to refer to His Excellency's remarks on the reforms in the Judiciary. It appears that in the mind of His Excellency the President, the reforms in the Judiciary simply means allocating more funds. That is not so.

Mr. Temporary Deputy Speaker, in this regard, I wish to totally adopt the address that you gave to this House a few minutes ago. I also wish to adopt the address by Ms. Karua, my learned junior sister. I do not agree with her on very many aspects, especially on the grounds for her resignation from the Cabinet, but I agree with her totally on the remarks she made about the Judiciary.

The Judiciary that we have in Kenya today is opaque in the manner in which judges and magistrates are appointed. There is a requirement in the Judicial Service Commission Act that those who are supposed to be appointed to the High Court Bench and the Court of Appeal Bench must be members of the Law Society of Kenya (LSK).

Therefore, it becomes necessary that before members of that professional body are appointed to those positions, that body must give its views on the candidates who are supposed to be appointed. I have served for many years as a member of the Council of the LSK. I have served as Chairman of the LSK for many years as well. I know, as a fact, that every time appointments are supposed to be made to the High Court, the LSK's views are sought.

The LSK is normally asked to recommend names of persons who are fit for appointment. However, when the names are submitted, appointments are made excluding all the names forwarded by the LSK. What that means is that appointments are made in total disregard of professional opinion on candidates. The result is that when appointments are made – this includes the latest appointments that were made a few weeks ago – we have persons going to the High Court as Judges, who have irregularities against their names being handled from either the private sector or as advocates.

Mr. Temporary Deputy Speaker, Sir, that situation can only be avoided if the process of appointment is streamlined. It is important that His Excellency takes note of the fact that the Judicial Service Bill that is pending in the Office of the Chief Justice should be brought to Parliament. It was drafted. Ms. Karua, who was the relevant parent Minister then, looked at it and it was referred back to the Chief Justice. That is the only thing that would open up appointment of judges in this country. So, it is important that, that Bill is brought to the relevant Departmental Committee of this House and is tabled in this House, as a matter of urgency.

There are very many hardworking, honest, dedicated and competent chief magistrates in the Judiciary, but they have always been left out when appointments to the High Court are made because they are not politically-correct. They do not know the people to talk to, be it the Chief Justice or His Excellency the President and because of that, we leave out very good brains of men and women who could be useful in the Judiciary.

Mr. Temporary Deputy Speaker, Sir, judicial officers sometimes risk their lives by living in insecure areas. It is very sad when you hear of a Senior Magistrate living in the slums next to the house of a robber and yet he has no security. No wonder we are having so many cases of magistrates being attacked. It is time we offered salaries and emoluments that would enable the Judiciary to attract and retain the best. We cannot do that if the benefits are not looked into properly.

There is a report from the Chief Justice in the media that very soon, not less than 25 judges will be appointed. In my view, if we have to make the process transparent, then the appointment that is proposed of 25 Judges must be frozen until the Judicial Service Bill is brought before the House and passed. This will cause a little backlog, but we would rather have it now than have 25 judges that we will be stuck with for the next 30 years.

My second point is on irrigation-fed food production. His Excellency the President made reference to this aspect, but he did not specify how the Government will do it. We have perennial floods in Kano Plains, Lamu, Budalang'i and Nyatike. All these floods are invariably followed by dry spells. The rains are experienced in the Highlands, for example, Mau and Nandi Hills. It is possible for the Government to build dams upstream to store water during the rainy season which can be used to irrigate dry areas by force of gravity. This will help improve food production. However, without a master plan on how to use the water that flows into Lake Victoria, the Government will never achieve its goal of securing food production.

I am saying this because you are aware that usage of the waters of Lake Victoria is controlled by an old colonial agreement that we are stuck with. The waters of this lake are used downstream in Egypt for food production through irrigation. It is a pity that we have to import some food and fruits, such as oranges, from that country. We can use that

water for irrigation in this country if we control its flow. Most of the water that flows into Lake Victoria and flows out through Jinja to Egypt comes from Kenya. Let us tap this water and use it economically.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President made reference to Migingo Island. He must be aware that one of the instruments that created the East African Community (EAC) is the East African Court of Justice in Arusha. The court was established to resolve disputes that arise between member countries among other things. If it is true that Uganda is taking claim of Migingo Island which is in Kenya, then the legal process would have been not just to lower the flag. We will not apologise for that. That flag must be removed, and this has been done. All the Ugandan military personnel on Migingo Island must be removed and if there is a valid claim, let the Government of Uganda file a case at the East African Court of Justice in Arusha. It is important for us to do this.

The time-bomb that this Government is facing now is unemployment and access to finance by women. It is important that both the Youth Enterprise Development Fund and the Women Enterprise Development Fund are distributed in a more transparent manner so that the youth and women on the ground have access to these funds. The interest charged on the funds should be the one recommended by the Treasury. What has been happening is that the Treasury transmits the funds to the ground through certain financial institutions, which give out the money to the youth and women. However, those institutions give out the money on difficult terms. Consequently, many applicants either do not qualify or if they do and get the funds, the interest rate charged is so high that, invariably, they default. The whole purpose of the funds is missed out. It is important that we make information on these funds quite clear so that the youth and women can use them as required.

Lastly, I will talk about the Internally Displaced Persons (IDPs). Many people from Nyanza Province who lived in Nakuru, Naivasha, Thika and other towns came back to stay with their relatives. Their eviction from their places of work was not registered. As of now, they have not received the nominal compensation that the Government is offering and yet they live with their relatives. Some have rented houses in Kisumu and cannot do anything about this.

Last week, there was a big demonstration in Kisumu by IDPs. They were asking: If IDPs in other areas of Kenya were receiving nominal compensation, why could the same not be extended to the IDPs living in Kisumu? It is important that the issues raised by the IDPs in Kisumu are addressed because these are also Kenyans.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

I would like to begin my contribution by congratulating the Speaker for the wise ruling he made yesterday. It is important that this country moves forward. Parliament must assume the role of steering this country in the right direction.

Mr. Temporary Deputy Speaker, Sir, I hope the reforms this House will discuss during this Session will be based on law. The Government raised the retirement age of civil servants from 55 years to 60 years without bringing a Sessional Paper before this House. That is impunity. This House will oppose that move because we have thousands

of unemployed youths in this country. If we raise the retirement age of civil servants from 55 years to 60 years, we will lock out the unemployed youth in this country from employment.

The other issue, which is very important for this Session is with regard to the Constitution. A Parliamentary Select Committee will make recommendations to this House on the nomination of members to the Interim Independent Electoral Commission (IIEC). This House should pass those recommendations so that we can push the agenda for a new Constitution. That is the only way we can address institutional reforms. Piecemeal reforms will not help this country. We should address all the reforms in the new Constitution.

Mr. Temporary Deputy Speaker, Sir, I have alluded to the issue of impunity. Hon. Members who have contributed before me have talked about the Judiciary. How can you appoint judges without the recommendation of the Judicial Service Commission? That is impunity! The other day, some Ministers appointed directors to the boards of some parastatals. They even appointed people who were involved in the rigging of the last general elections. That too is impunity.

The other issue that the President never addressed is corruption. We have many Reports regarding major corruption in this country, for example the Triton and the maize scandals. We expected the President to tell us that the Government will table these Reports before the House but he did not. That is impunity.

Mr. Temporary Deputy Speaker, Sir, on security, we have IDPs as a result of insecurity in this country. We also have killings going on in Central Province because of insecurity. The reforms we were talking about in the police force are meant to make the officers deal with insecurity more effectively in the country. This morning, I heard the Minister for Foreign Affairs say that diplomacy should be given a chance. I believe that diplomacy should be given a chance but the sovereignty of this country should not be taken for granted.

Mr. Temporary Deputy Speaker, Sir, in 1967 when the founding father of this nation was addressing the nation, he said: -

“We covet no inch of our neighbours and yield no inch of our own.”

That message still stands today. Therefore, when the Minister for Foreign Affairs says we need to follow diplomacy, it must be supported by the nation. Therefore, as I support the lowering of the flag of Uganda, I have to say it was overdue. It is not a privilege. It is a right! If the East African Community (EAC) has to survive, they must follow the Act establishing it.

Mr. Temporary Deputy Speaker, Sir, on the issue of development, we have mortgaged this country. We have mortgaged Tana Delta so that we can develop the Lamu Port. We have also mortgaged the Jomo Kenyatta International Airport (JKIA) land. This is unacceptable. If the Government wants to get some people to lease land in this country, they have to bring a Sessional Paper to this House so that it is approved. This House asserts its authority. We cannot allow this country to be mortgaged.

Mr. Temporary Deputy Speaker, Sir, the President's Speech missed a very important aspect. That is the issue of livestock. We have had drought since last year. We have lost so many livestock. However, not even a single mention was made of this in the Speech. Not even a single mention was made on how we can help livestock farmers. Livestock farmers in Kajiado District owe the Agricultural Finance Corporation (AFC)

Kshs300 million. That is peanuts. The President should have alluded to the fact that the Government would writeoff these loans. If the Government can writeoff loans in the sugar industry to the tune of Kshs47 billion, what is Kshs300 million?

Despite the fact that we have been supported by donors, relief food is not properly distributed. We have not seen even a single Minister involved in this. They are not even visiting the affected areas yet that is the responsibility of the Government.

Mr. Temporary Deputy Speaker, Sir, when you look at the issue of local authorities, councillors all over the country are crying. This is because they are very lowly paid. The Government should move with speed to bring a Sessional Paper to this House so that we can look at the situation and help these councilors. This will reduce corruption.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of the Youth Enterprise Development Fund and the Women Enterprise Development Fund. The funds should be consolidated and sent to constituencies the way the Constituencies Development Fund (CDF) is sent. At the moment, these funds are channeled through financial institutions at very high interest rates. Why can the Government not channel these funds through District Accountants where they will not pay interest? I would like to suggest that the Ministers concerned channel this money through the District Accountants for the benefit of the people they are intended for.

Mr. Temporary Deputy Speaker, Sir, the issue of ethnicity is very pronounced in this country. This Parliament should address this issue. We want a cohesive country that talks with one voice. We want a country with one people who live together. We should not be talking about communities and tribes. It is the responsibility of this august House to address the issue of ethnicity. When you look at the employment trend in this country, it is lopsided. Majority of the people who get good jobs are either relatives or tribesmen of irresponsible Ministers. This has to stop! This country belongs to all of us!

Finally, I would like to mention the issue of---

The Temporary Deputy Speaker (Mr. Mungatana): Order, Maj-Gen. Nkaisserry! You time is up!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): I beg to support!

Mr. Affey: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. As I support this Motion, it is very important for all of us in this House, and this country, to recollect about the status of this nation.

Mr. Temporary Deputy Speaker, Sir, many people in this country and this House hailed the Speaker's ruling yesterday. While that ruling was able, in many ways, to cool down the political temperatures in the country and restore sanity, as I reflect on that ruling, I think that the Chair overstepped the mandate and trust this House bestowed on him.

Mr. Temporary Deputy Speaker, Sir, that ruling must worry two people in this country; not three! That ruling must worry the President and the Prime Minister. It is worrying because of the fact there are constant efforts by people in this country, particularly in responsible positions, to undermine offices of State.

Mr. Temporary Deputy Speaker, Sir, in our neighborhood, particularly in a country called Somalia, unfortunately, the things that happened before that country collapsed are the signals I see in my country today. We refused to understand that we

must have a leader. Even in a homestead there must be the head of the family. You cannot have two drivers driving one vehicle because destination the destiny is known. There is going to be an accident.

Mr. Temporary Deputy Speaker, Sir, if the President of this country, whom the Speaker refereed to as the Head of State and Head of Government, gives a letter to the House giving his position and the House undermines the position of the President, you weaken the Presidency.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is actually taking us back to an issue which the Speaker made a ruling on yesterday. Is he in order?

The Temporary Deputy Speaker (Mr. Mungatana): Order! Let me make a brief ruling on that. Hon. Affey, we have been very patiently listening to you but I am afraid you are actually overstepping the boundaries. I would rather you concentrate on the Address by the President and not take us backwards.

Thank you!

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I am exactly on the Address by the President. The President talked about the status of the Coalition Government. The Address that the President made, I assume, is on behalf of the Coalition Government. Therefore, we need, as a country, to be careful on how we interpret the law. There is every danger that the more we train lawyers in this country, the more this country, I fear, is going backwards. If you give them a law, every lawyer interprets it in favour of his own political party or his leader and that is not tenable. Therefore, let me proceed.

I was saying that we should not reduce the significance of the offices that are established under the Constitution. The President and the Prime Minister must sort out their problems. This country does not belong to them. It belongs to the 40 million Kenyans. Even as that ruling by the Chair was able to reduce the temperatures, it goes against the tenets of our Standing Orders and this has been said very well by Dr. Khalwale.

The reforms in the Judiciary cannot be brought before us if the Government is dysfunctional. This Government is not working as one Government. We have two Governments. Cabinet Ministers are working at cross-purposes. It is the most indisciplined Cabinet you will find anywhere in this region where, even before a Cabinet meeting is over, the deliberations of the meeting are public knowledge everywhere in this country. The deliberations are being discussed in the media and by ordinary Kenyans. It is a very dangerous trend. Therefore, there is every reason for the House and the country to be worried.

Mr. Temporary Deputy Speaker, Sir, the President spoke about the opening up of northern Kenya through the establishment of the Port of Lamu. That is very good and we support it. However, that business has been on Government records for a long time. This time, the Government should provide sufficient funding so that, that region is opened up. In fact, many of us are questioning the rationale behind the establishment of the Ministry of Development of Northern Kenya and Other Arid Lands. We celebrated all over, particularly in the regions concerned, but that Ministry has no funding. In the last Budget, the Ministry was allocated an amount of money that was only enough to pay salaries for staff and office expenditure. The money had nothing to do with the reasons why the Ministry was established in the first place. Therefore, this time, we are very vigilant in

the coming Budget and I hope the Minister for Finance will reflect sufficient funding for the Ministry. As we open up the Lamu Port, the railway line that connects Ethiopia should go through the North East, from Ijara, Isiolo, all the way to Wajir and up to the Moyale border. That way, the people of that area will benefit from the resources that come with the railway line.

The famine situation in the country is known. It is worrying. Many people in the northern part of this country are beginning to lose their livestock. We have always said that the revival of the Kenya Meat Commission, in as much it is a good idea, does not seem to be viable. We have said that we should have satellite KMCs in all parts of northern Kenya, so that livestock from Mandera does not have to be transported all the way, about 1,200 kilometres, to Athi River. By the time the livestock finds its way to Athi River, it will have lost the weight and will have no value to the particular farmer up in the north. The President did not speak about that. About 80 per cent of the population in this country survive on livestock. There was no reference to livestock farming or to the current drought that the people of North Eastern Province are suffering. Of course, some resources have been allocated to construct dams.

In Habaswein, where I come from, we used to have a permanent source of water through the Ewaso Nyiro River. But because of the culture of impunity in this country, that is no longer the case. Some people who live upstream feel that they are better Kenyans than those who live downstream. There has been a lot of large-scale farming upstream, which denies us water for our livestock and for our use. Such a very important resource has been allowed to dry because Kenyans feel that the Government has weak laws. Somebody has decided to divert the water that the rest of the country has been using. Therefore, that permanent source of water for us has now dried. Therefore, there is need for the President and the Government to re-evaluate that.

Finally, on Agenda 4, as the President said, this House must rise to the occasion in order to address all the problems that this country has faced over the years, which is the undercurrent in the Government, and which the Chair decided to base a ruling on yesterday. This Government is dysfunctional and there are under-currents, politics and infighting. Unfortunately, the House has now been trapped in the war in the Government. If this agenda can see the light of the day, we will all be having a country that we will be proud of. This requires the resolve, not only of the House, but also of one Government, a Government that provides the Bills. The Committee of Experts is now doing the review process, which is long overdue. We require a Government that thinks and works as a team. If we do not have that Government, we will be wasting time discussing this Agenda 4. Therefore, we must get a Government that works together.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister for Foreign Affairs is here. The Ministry spoke about the issue of Migingo Island. This is a Kenyan matter. It disturbs all of us wherever we are; whether we are in the North, West or East. It is a shame for us to be seen before the Kenyan people to be showing some weaknesses, when the Ugandan Minister for Foreign Affairs can come here and tell us, on our own soil, that the Ugandan flag is flying in Migingo.

With those remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Thank you, Mr. Temporary Deputy Speaker, Sir. Like somebody has said before, it is very difficult after

you have had a good glass of wine to go out there and drink a soda. I will not discuss the ruling of the Chair yesterday.

The Speech by the President contained many issues. It left a lot out of what he said. In the process, he raised very critical issues which are the mandate of this House. This House needs to take it upon itself to correct whatever wrongs have occurred. Everybody seems to be talking about how the ruling of the Chair was wrong and, therefore, something needs to be done. If this House feels that there is something wrong with the way the Coalition Government is going, it should fix it. Everybody in this House keeps throwing words about; on how we cannot move; we are infringing on the Executive and the Judiciary and there is nothing we can do about it. Who makes the laws in this country? It is this House. If Members feel that there is a problem with the Executive, then they should come to this House and tell us what they want the President to do and what the Prime Minister should do. For now, they exist in the current disposition.

Mr. Temporary Deputy Speaker, Sir, I have heard the words of Maj-Gen. Nkaisserry. We are always hiding behind the issue of tribalism in this country.

One of the reasons why we are refusing, in this House, to fix our problems is because we are suffering from selective amnesia where, when one of our own guys has been given a job, even if he does not qualify, we do not question. However, when another guy, who is not one of "us" has stolen, we want to lynch him. This House must come above board and we must figure out what to do with our tribalism. The Americans brought in the laws of the affirmative action to solve the problems of race and that is why Obama is the President of America today. We must sort out the problem of tribalism, legally and legitimately, because the issues of this country are about distribution of resources. Before we agree on equity and on how we will distribute resources from the north eastern part of Kenya to the southern tip of Lake Victoria, we will never solve the problems of this country. So, I believe, just like the President said, that the challenges are great. This House is being called upon to change the destiny of this country. We should agree, as Members of this House, to legitimize our existence because we are not solving the problems of this country.

Dr. Khalwale said that the problem was with the Prime Minister, Mr. Raila. He also said that the problem lay with the President or even the Vice-President and Minister for Home Affairs, Mr. Musyoka. However, the problems of this country are about the Members of Parliament. That is why I was proud yesterday when 70 MPs agreed to put their party interests aside and talk as colleagues. We said that we should not demonize our colleagues, our President or even the Prime Minister. We said that we are in this problem together and we agreed to solve the problem together. The problems of this country cannot be solved by one individual. The responsibility of what must be done lies with this House. Yesterday, as a Member of Parliament, said we have children who are between eight and ten years old. Where will these children go? If this country collapses, where will our children go? Some of us have grandchildren. Which grandfather would want to destroy a country where his grandchildren should stay? It is a shame to all of us. We must be honest and candid with ourselves. We must bring genuine reforms. I love your ruling. Let us not cheat ourselves. Judges are appointed but their appointment is not done in a transparent manner. If there is an issue to be discussed, like Maj-Gen. Nkaisserry said, let us bring the laws to this House and be firm so that the Judicial Service Bill is brought to this House. That way, everyone will know that if they want a

job at the Judiciary, this is what they should do to get the job. Let us not cheat ourselves. This country is very important and too great for any of us to destroy it.

With regard to the issue of the youth, there is money being given out now to the youth. We are Members of Parliament and yet we do not know who is handling this money. We do not know who is handling the Women Enterprise Development Fund money. Why is there secrecy as to how this money is given out? Why is it that Members of Parliament who have been elected by the communities where they come from do not have the *locus standi* to handle finances the way we do with the CDF? We must be honest with ourselves. It is high time that everything was put on the table. Let us walk the talk and talk the walk. Let the Government come out and involve Members of Parliament. Let the Ministers tell us who is handling the money and why they have given the money to banks, under what conditions and how they will help us. The youth of this country expect this House to come and solve the problems which the youth are facing!

This country needs the unity of purpose! This country needs us! This country needs leadership where we are no longer going to start passing the buck. Let us all agree that we will try to come together and bring a new Constitution and that Agenda 4 is going to be sorted out once and for all. This will enable us to create a level playing field in this country so that Kenyans can continue feeling proud; and so that Kenyans can be answerable to their God knowing that they love this country legitimately.

Let me give you an example. In the President's Speech, he said that other countries are competitors of our county! In ten years, look at what Rwanda has done; their streets are clean, their airport is clean, the people are answerable; the President of Rwanda has just arrested 12 Permanent Secretaries who are corrupt and yet their human rights societies and their civil societies are not complaining about it because the President of Rwanda is serious about corruption! We should deal with this problem from the grassroots and then come up to the middle level, then to the district level and all the way to the Government Ministries. There is something wrong! There is a dysfunctionality, which we must straighten out as Kenyans! We must come out and be honest. If we used to have these bad habits before, we must stop! The buck must stop with the President, the Prime Minister, the Vice-President and all of us, as hon. Members of Parliament!

It is true that you will find hon. Members of Parliament talking about corruption in the House here. However, if you ask them how they are spending their CDF money at the grassroots level, nobody knows. So, the public does not even believe us! We are talking about other people being corrupt but when a Member of Parliament is asked how he or she has been spending their CDF money, he or she is offended and will start complaining. Let us be the first people in this country to be open and clear about how we are spending our resources! Let us be the examples that the people at the grassroots level are going to look up to and say: "Yes, these are good leaders and they are going to take our country places".

Mr. Temporary Deputy Speaker, Sir, before I finish, one of the issues that have been very sensitive in this country is insecurity, and many of you have asked here: "Why are we mistreating our police officers? Why are we mistreating our Administration Police Officers?" Like a colleague said here, you cannot take a police officer and put him in a 20 feet by 10 feet room with his seven children and expect this man to have the respect he needs when he is serving his country! Let us be honest with ourselves! Let us create an independent commission which will look at the police service,

analyze its problems and give solutions and then let us then effect those solutions. I would like to say that, it is true, as hon. Nkaiserry said, that the issue is not---- I think it was hon. Midiwo who said this. The issue is not Maj-Gen. Ali or Chief Justice Gicheru. Whether you bring an angel from Heaven and he lands into the system we have today, he will do exactly what Mr. Gicheru is doing. We only have 54 prosecutors in this country. How many cases can 54 prosecutors handle in this Republic? Those prosecutors used to handle cases from about 50 districts when they were appointed. We now have 138 districts. How many cases can one individual handle? So, there are many issues which we must sort out in this country and I am hoping that the hon. Members of this House will take it upon themselves and agree to work together as a team.

Thank you, Mr. Temporary Speaker, Sir.

I beg to support.

Mr. ole Lankas: Thank you, Mr. Temporary Speaker, Sir. First of all, I want to say that I support the Motion on the President's Address. It is unfortunate that I am coming immediately after my colleague, who stood up here to very clearly demonstrate the problems facing this country. As I said, I support this Motion. The President's Address, to me, is actually normal routine business for the Government. He fell short, at it was earlier said, of addressing the many challenges that are facing this country. It was said earlier that the Speech of the President could not have come at a better time than when he addressed the nation. It came at a time when the Kilaguni Talks had collapsed. It came at time when relations between him and the Prime Minister were strained. Kenyans expected to hear from the President the working of the Coalition Government. The nation expected to hear what direction the President was giving as far as what was happening in this country, especially the working of the Coalition Government. How has the Government implemented the National Accord and the Reconciliation Act? It is high time we rose and said that the problem bedeviling this country is the working of the Coalition Government. The pillar of the working of the Coalition Government rests on the National Accord and the Reconciliation Act. Has that been addressed? Is this Accord working in this country? We cannot apportion blame to Parliament. I am even surprised that a Member of this Parliament or a member of the Executive can apportion blame to Members of Parliament. I am a Member of Parliament and not a member the Executive. We are lawmakers. We cannot be lawmakers, and at the same time, become the Executive or Judges. There must be separation of powers. That is what is wrong in this country now. Unless we understand that and there is a full interpretation of the National Accord and Reconciliation Act--- Unless we understand on what basis the Coalition Government was formed, we will always continue to argue among ourselves. My contention here is that unless that is done, so that we get proper guidance, we will still come back here.

The National Accord and Reconciliation Act needs to be properly interpreted, even before this House. Yesterday we were in a situation, which took us a week to resolve. Who know tomorrow what other contentious issues will come up just because of the confusion surrounding the National Accord and reconciliation Act. This Act is not being properly implemented. We have heard here names of senior civil servants being mentioned. Some are being mentioned, not in a good light, just because of the interpretation of this Act. Others are said to be hurdles that cause us not to move properly. The name of the Head of the Public Service and Secretary to the Cabinet has

been mentioned several times because this Act has not been properly interpreted. The two principals are there. My colleague, I do not know why he had walked out, tries with all his strength to defend the President, the Prime Minister and the Executive. He knows that is where the problem is. The buck stops with the President and the Prime Minister or the Executive and the Judiciary, for that matter. We Members of Parliament are limited in one way or the other. Some of us were not in the Kilaguni. We were not even in the Serena Team. So, if there are any grey areas in this Accord, then they must be addressed. We must stop pretending when we come here. Yesterday we were going for each other's throats. But once that was resolved, all of us are now talking about peace. Senior lawyers in this country who avoid talking about the real problem, but quote statutes dating back to 1949 in order to mislead the country, are now talking about peace. It is high time we rose above certain issues and said where the problem is.

To me, the National Accord and Reconciliation Act is where the problem is. It should be interpreted, so that we can move ahead. That is the way I want to look at it.

The other issue which I wanted raised and which the President's Address did not touch on is climate change and global warming. However, he tactfully avoided mentioning the issue of the Mau Forest. I am saying this, and I am lucky because the Minister for Wildlife and Forestry is here. This is an issue, which is long overdue. I hear the issue of Migingo being addressed with all the seriousness it deserves and, I am happy. However, I am not happy to see the issue of Mau Forest being kept pending. We cannot over-state the importance of the Mau Forest. We have said in many fora why we must save the Mau Forest. The Government took responsibility and formed a task force. The task force has since finished its work. We were even given the date when that report was to be received officially and made public. This was 21st March, 2009. We started addressing this problem about a year ago, but, up to now, we are nowhere. We do not know what is happening. It is high time we were informed about the findings of that task force and what the Government intends to do. However, when they keep on shifting goal posts, whether by intimidation or blackmail, we do not know what to do. We are not seeing any action. There is a lot of anxiety out there, because the Government promised action. But up to this minute as I stand here, no visible action from the Government is in sight. So, we are wondering why this delay on a matter that is so urgent and of national importance. It is even of international importance, but we are not seeing any action. So, we are getting worried and saying let the Government implement the task force report to the letter. That task force was fully funded by taxpayers' money. So, the report should either be brought to the Floor of this House or the Government should tell us what action they are taking.

Mr. Temporary Deputy Speaker, Sir, on the issue of corruption, a lot has been said. When we talk about reforming the Judiciary, there is a problem in the workings of the Government. The Ministries operate under Acts of Parliament. However, we see the hand of the judiciary coming in all the time to interfere with the running of Ministries. For example, in my constituency, there is a lot of corruption involving land. When the Ministry of Lands tries to take action, before it concludes, you find the Judiciary coming in by way of injunctions. That issue then takes years to argue in court and yet, the Ministry was trying to act within their legal framework. There is a lot of interference by the Judiciary. If we are going to talk about judicial reforms, we must look at them in totality.

Mr. Temporary Deputy Speaker, Sir, the other issue that I want to raise is harmonization of government Ministries. We have a big problem in this country. If you walk to a Government office thinking you will be in the right office, it is not unusual to be referred to another office. This is the case with the Ministry of Health.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Thank you, Mr. Temporary Deputy Speaker, Sir. From the outset, I want to support the President's Speech. There are those who have complained that there are certain issues which were not included in the Speech but I thought that, that is why we have this debate so that what was not included in the Presidential Speech can as well be debated openly now.

I will start by saying that, as Kenyans, we like playing politics more than anything else. We cannot play politics from the day we were voted into this Parliament to the next day when we are going to be out of this Parliament. We must differentiate between the time of politicking and the time of sitting down to work. If you look at what Obama has done in the USA, within 100 days, at least, there is something you can attribute to him whereas for over one year, we are still politicking! There is a global crunch where we, as a country, can find ways and means of thwarting it. The crunch is being felt within our locations, districts and provinces. It is being felt! It is a matter which we must come out and see a way of preventing it instead of politicking. There is a period for politics. We cannot politick from day one for the next five years without coming up with a tangible decision; something that will add value to the people of Kenya.

It is quite painful that, in this era, the 21st Century, we can still call our colleagues names. Nonsense!

The Temporary Deputy Speaker (Mr. Mungatana): Order! Order, Mr. Ojode! I heard you use a word which is unparliamentary!

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

The Temporary Deputy Speaker (Mr. Mungatana): Order, Mr. Ojode! Just withdraw that word that I heard!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I withdraw, Mr. Temporary Deputy Speaker, Sir, but you know that sometimes you get angry when Kenyans cannot speak as parliamentarians and talk about the future of this country. This country is loved by many people outside but we, as Kenyans, do not love our country because we are not doing anything tangible. We are not doing something substantial to improve the living standards of our own citizens.

A case in point is the issue of retirement age. I am glad that I can see Mr. Otieno, who is my neighbour and who is in charge of the Public Service Commission (PSC). I heard the Vice-President and Minister for Home Affairs say that it was a Cabinet decision. If a wrong decision is made in the Cabinet, why can they not do a Sessional Paper so that we debate on the merits and the demerits of that particular decision? If you are talking about increasing the retirement age to 70, 60 or 62 because in most countries, it is 62 years, they should have thought of a rider to that effect; that we should go for special skills and not just all; even drivers, clerks and messengers. My view is that when the new generation ID cards were introduced, there were those who changed their date of birth. Those who were born in 1940 for example had to come and register that they were

born in 1950. So, by the time this guy is reaching 60, the actual age is 70. What will a 70-year-old driver do?

(Applause)

In the process when you read the Federation of Kenya Employers (FKE) journal, they are saying that we are going to lose employment to the youth to the tune of 60,000 youth within five years. I would request the Minister in charge of the Public Service to go and amend that proposal that we only go for special skilled people but not any Tom, Dick and Harry. Where will we take our youth? That means that we do not care about the youth of this country! How will we get them employment? From where? Let them bring a Sessional Paper so that we debate it!

Mr. Temporary Deputy Speaker, Sir, the other issue is based on the districts. It is quite surprising that even hon. Members go outside and say that they were not informed about the districts and that they do not know about them. There was a Motion that was passed in this House on the districts. The President is implementing a Motion that was passed here in this House. So, if hon. Members do not acquaint themselves with what has been passed, they should not go and show their ignorance about the Motions and legislations that are being passed here. Why are we creating districts? We said that we were creating districts to bring Government services closer to the people. What else do you want? A human being is like an animal. We are called *Homo Sapiens*. But a human being is called a *Homo Sapiens* because he has the ability to think but he will never be satisfied. Do you want districts? Yes! The President goes ahead and creates them but tomorrow, they ask: "Where is the money? Where is the headquarters?" They even want the President to go and show them the headquarters. By the time they were asking for the districts to be created from what they had initially, I thought that they had already identified the place that was to be the headquarters. You will never satisfy a human being. You will never! It is like money. If you start with Kshs10,000, you will call it "only". If you go for Kshs500,000, you also add "only". And when you go for Kshs1 billion you also add "only"! You will never be satisfied with money.

The other bit, which is very grave, of course, is the issue of Mungiki. I heard my colleagues bashing the security team, police officers, the Commissioner of Police and even our own Ministry. I would request my colleagues to support the initiatives that are being taken by the Government in terms of security of this country. Imagine that today we decided that there will be no police services just for three hours in this country, what will happen? None of my colleagues will ever come to this House because we would have opened a Pandora's box. The killings in Kirinyaga, which I witnessed – the Prime Minister and I went to Karatina and I must thank those who accompanied us--- There are level-headed hon. Members who accompanied us. They saw for themselves the kind of primitive and senseless killings, which happened in that place in the name of *Mungiki*. At the same time, there are those who are supporting *Mungiki* as our brothers. Which brothers? Criminal brothers! I will not even want to associate with criminals if they are your brothers. Thirty people were killed the same day and not even the church leaders condemned the killings! Not even our own Human Rights Commission condemn the killings and yet when a policeman kills the same criminal, they say: "Oh, extra-judicial killings!" There is Prof. Alston saying: "You people should condemn this!" and then the

next day, he goes back to his country and we want to believe that it is true that there are extra-judicial killings!

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is talking about extra-judicial killings. Is he in order to mislead this House when extra-judicial killings took place in Kisumu and he said nothing about it? Why can he not discuss that as well? Is it in order for him to discuss the killings in Karatina when there were killings in Kisumu and he does not want to talk about it even when we bring it to his attention?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you are aware that that is not a point of order but a point of argument and he is at liberty to bring a substantive Motion in order to discuss the extra-judicial killings in Kisumu. He knows that I come from Kisumu.

The Temporary Deputy Speaker (Mr. Mungatana): Let me just agree with you that, that is actually a point of argument.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we will never relent on the issue of dealing with *Mungiki*, who are criminals. About 69 people have so far been arrested and we are continuing. If any hon. Member is found to be sponsoring *Mungiki*, his or her days are numbered. We are going to arrest him or her. I want a situation where if a policeman is killed, we all condemn the killing. It should not just be one-sided. I want to support my police officers. They have done a wonderful job and I ask this Parliament to increase their emoluments in order for us to recruit more.

The Temporary Deputy Speaker (Mr. Mungatana): Order! Your time is up!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I thought you were going to give me another two minutes because he had interfered!

The Temporary Deputy Speaker (Mr. Mungatana): No!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): With those few remarks, I support.

Mr. Yakub: Mr. Temporary Deputy Speaker, Sir, thank you for allowing me to contribute and support this Motion. I would like to take this opportunity to hail the Speaker's ruling of yesterday which saved this country from further crisis. I do remember that in our prayer there is a line which says that we ask our Lord to descend his blessings on us. I thank the Lord for descending his blessings on us in this Parliament yesterday by the ruling which was given wisely by our Speaker.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of corruption, as the Government, we have been telling our citizens that there will be zero-tolerance to corruption. It is sad that many Kenyans are blaming us that they are not aware of the outcome on the Anglo Leasing scandal, the Triton scandal and others. It is for us as leaders and the Government to make sure that those scandals are properly investigated and the public to be fully aware of the report. I would like to take this opportunity to inform this House that corruption in the police force has increased. It is good that the Assistant Minister is here. I will give you a typical example of what happened in Lamu yesterday. We had agreed with the District Commissioner (DC) of Lamu, after having a very peaceful demonstration against drugs in Lamu, that all the drugs which were

impounded and where the cases are closed and finished, should be burnt in front of the public. What happened is that among those bags of drugs which were brought in front of Kenyans in Lamu, were found to be carrying grass and some substance which was not drugs. That is for our internal security and the Police Commissioner to follow up this case. Where did those drugs go to? They were in the hands of the Police Force and it was clearly open, in front of the Officer Commanding Police Division (OCPD) in Lamu District, that the bags had no drugs, but were instead filled with grass.

Mr. Temporary Deputy Speaker, Sir, on the issue of public funds for the youth and women at Coast Province, I do agree with some of my colleagues here who have said that the politicians are not aware of those public funds. In fact, it is not the politicians alone who are not aware, but even the youth and women. I can say that with regard to Coast Province. I went to Kwale, Malindi and Lamu and the people there are not aware. They do not know where to go and access those funds! I think the Ministry should create awareness so that the youth and women can access those funds. Otherwise, there is no point of having funds in different district offices and Kenyans cannot gain access to them.

Mr. Temporary Deputy Speaker, Sir, the people from Coast Province are very positive about Lamu Port. They believe it will bring development. But our worry on the proposed new port in Lamu is about land. We have said that several times. In Lamu, there are people who came less than 20 years ago and they have received their title deeds. But those who have been born there do not have title deeds. That is the first issue.

Secondly, Mr. Temporary Deputy Speaker, Sir, I would like to talk about the issue of local fisheries. Almost 80 per cent of Lamu people depend on fishing. Has the Government prepared a proper process whereby the local fishermen could be educated or informed? That is because when we get a port, like the one we have been promised in Lamu - I am very, very sure that it will be a very big port. It will accommodate bigger ships than the ones that are docking at Kilindini. So, the fishermen in Lamu should be educated about the alternative source of funds after the completion of the Lamu Port.

Mr. Temporary Deputy Speaker, Sir, I would also like to take this opportunity to advise my fellow politicians on the issue of confusing Kenyans every now and then. Some of them keep on saying that they want fresh elections. How can we hold general elections when we do not have an Electoral Commission of Kenya (ECK)? How do we talk about holding the general elections right now when we have not given a new Constitution to our people? I think the politicians should stop, from now onwards, talking about general elections until a new ECK has been formed and a new Constitution has been given to all Kenyans.

On the issue of business, Mr. Temporary Deputy Speaker, Sir, it is very sad that a lot of business is going to our neighboring countries as we speak. For the last few years, business entrepreneurs have not been pumping any money into this country. Why? There is fear that, maybe, this Coalition Government will not work well for the business people. So, my advice to the Coalition Government is to make sure, as the Speaker said yesterday, that the two Principals must agree and accept the National Accord and Reconciliation Act. They are bound to sit together, agree and come up with a solution that will be accepted by Kenyans. We do not like to see what happened last week where two letters were received by our Speaker from the two Principals.

Mr. Temporary Deputy Speaker, Sir, on the issue of health, the whole world is quite worried about the recent development in the name of Swine Flu. I think our

Ministry, whether it is the Ministry of Health or any other, should take immediate action. We have been told that there are certain countries that are having the flu.

Mr. Temporary Deputy Speaker (Mr. Mungatana): Order, Mr. Yakub! You still have three more minutes to continue when we resume the debate on the President's Address.

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Mungatana): Hon. Members, it is time now to interrupt the Business of the House. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.