

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 2nd March, 2010**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### WELCOME TO UGANDAN PARLIAMENTARY DELEGATION

**Mr. Speaker:** Hon. Members, I wish to introduce to you, and welcome this afternoon, a delegation from the Parliament of Uganda who are seated at the Speaker's Row. They are as follows:-

The Hon. Reagan Ronald Okumu – Leader of Delegation;

The Hon. Sebuliba Reueumba; and,

The Hon. Steven Kaliba;

Hon. Members, those hon. Members are accompanied by the following staff:-

Ms. Martha M. Kaganzi;

Mr. Jonathan Enamu;

Mr. James Peter; and,

Ms. Jacqueene M. Oidu.

They are Members of the Parliamentary Standing Committee on Commissions, Statutory Authorities and State Enterprises and have been in the country since Sunday, 28<sup>th</sup> February, 2010.

They are here to meet the Members of the Public Accounts Committee (PAC) and visit Government statutory bodies in order to familiarize themselves with their workings. The delegation leaves on Saturday the 6<sup>th</sup> of March, 2010. On behalf of the House and on my own behalf, I wish the delegation a fruitful and happy stay in Kenya.

Thank you.

Let us move on to the next Order!

### PAPERS LAID

The following Papers were laid on the Table:-

Special Audit Report of the Controller and Auditor-General on the purchase of land for cemetery by the City Council of Nairobi, February, 2010

Special Audit Report of the Controller and Auditor-General on the sale of 51 per cent of GoK shares in Telkom (K), July, 2009

Special Audit Report of the Controller and Auditor-General on Safaricom Ltd. Initial Public Offer, July, 2009

*(By the Deputy Prime Minister and Minister  
for Finance)*

Report of a Parliamentary Delegation on a study tour to Somaliland from 22<sup>nd</sup> to 29<sup>th</sup> December, 2009

*(By Mr. Farah)*

Report of the Parliamentary Select Committee on the Review of the Constitution Report and Draft Constitution of the Republic of Kenya prepared by the Committee of Experts pursuant to Section 33(3) of the Constitution of Kenya Review Act, 2008.

*(By Mr. Abdikadir)*

## NOTICES OF MOTIONS

### ADOPTION OF REPORT OF PARLIAMENTARY DELEGATION ON STUDY TOUR TO SOMALILAND

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

THAT, this House adopts the Report of Parliamentary Delegation on a study tour to Somaliland from 22<sup>nd</sup> to 29<sup>th</sup> December, 2009 laid on the Table of the House on Tuesday, 2<sup>nd</sup> March, 2010.

*(Mr. Keynan stood up in his place)*

**Mr. Speaker:** What is it Mr. Keynan? I have no notice that you intend to give a notice of Motion.!

**Mr. Keynan:** I have, Mr. Speaker, Sir.

**Mr. Speaker:** Let me be sure! Please, resume your seat for a minute! Let me be certain that you have given notice to give a notice of Motion.

*(Mr. Keynan resumed his seat)*

Mr. Keynan, yours is an unusual situation! The first thing that you normally do, by our practice and usage, is to table the Report and then give a notice of Motion for the House to adopt the Report. This afternoon, you have not tabled the Report!

**Mr. Keynan:** Mr. Speaker, Sir, on 10<sup>th</sup> December, the day we went on recess, I tabled the Report. I think two days later the same Motion was---

**Mr. Speaker:** Order, Mr. Keynan! In that case, I will have to verify from the HANSARD on whether or not in fact that has transpired. Otherwise, we are departing

from practice. You will be taxing my memory too hard for me to remember everything that happened in December last year. So, allow us time to verify and you may give that notice of Motion tomorrow!

Proceed, Mr. Abdikadir!

APPROVAL OF DRAFT CONSTITUTION  
OF THE REPUBLIC OF KENYA

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

THAT, pursuant to the provisions of Section 33(4) of the Constitution of Kenya Review Act, 2008, this House approves the Draft Constitution submitted by the Committee of Experts and laid on the Table of the House on Tuesday, 2<sup>nd</sup> March, 2010.

*(Applause)*

**COMMUNICATION FROM THE CHAIR**

MEMBERS' RETREAT ON THE DRAFT CONSTITUTION

**Mr. Speaker:** Order, hon. Members. I have a communication to make, which is important at this point in time. Hon. Members, I wish to communicate as follows.

The tabling of the final Report of the Committee of Experts (CoE) and the Draft Proposed Constitution by the Chairman of the Parliamentary Select Committee (PSC) on the Review of the Constitution this afternoon marks another watershed in the journey towards a new constitutional dispensation for our country. It is a long journey which started two decades ago, and which the Tenth Parliament gave impetus to, with the enactment of the Constitution of Kenya Review, Act 2008.

As you are all aware, the National Assembly is one of the organs of the Constitutional Review Process under the Constitution of Kenya Review Act. This House is, therefore, obligated to discharge its rightful role in the Constitutional Review Process as mandated by both the Constitution and the Review Act. We salute the PSC on the review of the Constitution on the effective manner in which it has discharged its mandate, and in particular, appreciate the role hon. Members have played in building consensus with all the stakeholders in the Constitutional Review Process.

The achievements so far made should be applauded as they have brought us to the dawn of a new Constitution in accordance with Section 33(4) of the Constitution of Kenya Review Act, 2008 and the Report and the Proposed Draft Constitution having been tabled, this House is now required, within 30 days from today, to debate the proposed Constitution and do two things: (a) approve the Draft Constitution without amendments and submit it to the Attorney-General for publication or (b) propose amendments to the Draft Constitution and submit the Draft Constitution and proposed amendments to the Attorney-General who shall, within seven days, submit them to the Committee of Experts for consultation and re-drafting.

Hon. Members, you will no doubt be aware that pursuant to Section 47A(2) paragraph (b) of the Constitution, no alteration can be made to the Proposed Constitution as tabled, unless such alteration is supported by the vote of not less than 65 per cent of all the Members of the National Assembly, excluding *ex-official* members. This, therefore, calls for unity of purpose and consensus-building.

If I may repeat what I stated during the State Opening of the Fourth Session of this Parliament on the 23<sup>rd</sup> February, 2010, we will all require to approach the debate on the Proposed Draft Constitution with sobriety and patriotism. Kenyans have given their views on the proposed constitution and it is our sacred duty as elected leaders to ensure that their aspirations are reflected in the output of this House.

Hon. Members, there is no doubt that if we are to seize this opportunity, and discharge our responsibility, we will have to be well informed on the content and general constitutional framework as proposed by the CoE and other stakeholders. In this regard, I urge all hon. Members to familiarise themselves with the Report from the CoE, the Draft Constitution, and the Report of the PSC. Copies of the aforesaid documents as tabled will be available for your collection from Room No.8, Main Parliament Building.

Hon. Members, I am pleased to announce that my office will facilitate a three-day retreat for all MPs to go through and acquaint themselves with the contents of the proposed constitution ahead of debate and passage. Hon. Members, the retreat shall be held between Friday the 12<sup>th</sup> and Sunday the 14<sup>th</sup> of March, 2010. You will be notified of the venue in due course. It is my earnest hope that this retreat will assist Members to make informed contributions when the debate on the proposed constitution commences.

Hon. Members, the 10<sup>th</sup> Parliament has been bestowed with a rare opportunity that is the preserve of but a few select mortals to go down the annals of history as the Parliament which finally delivered a new constitution for our country. Hon. Members, I am confident that we all desire to claim the coveted prize and make an entry in the history of Kenya as the Parliament that rose to the occasion to bring about a new constitutional order. Thank you.

Member for Nyakach!

## QUESTIONS BY PRIVATE NOTICE

### KCC'S FAILURE TO TAKE MILK DELIVERY FROM FARMERS

**Mr. Ochieng:** Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

- (a) Why has the New KCC failed to take delivery of all the milk produced by dairy farmers and how much money have the farmers lost as a result of the failure?
- (b) What plans does the Minister have to purchase all the milk produced locally in the future?
- (c) Does the country import dairy products from other countries and, if so, what is the justification?

**The Minister for Co-operative Development and Marketing (Mr. Nyagah):** Mr. Speaker, Sir, I beg to reply.

- (a) It is true that New KCC has not been able to take delivery of all the milk

produced by dairy farmers within the country. This is because following the recent onset of heavy rains, the country has risen to witness a sudden upsurge in milk production, which has overstretched the handling capacities of all major milk processors, New KCC included. The average daily intake for the months of October, November, and December to January this year by the three main processors, who handle over 90 percent of all processed milk in Kenya, rose from 840,000 litres in October to about 1.4 million litres per day. From this table, it is evident that the problem is bigger than the New KCC. It is an industry problem. It is not possible for me to say how much losses dairy farmers incurred due to the unforeseen failure by processors to take all the milk produced during this glut.

(b) My Ministry, together with the Ministry of Livestock Development and that of Finance, are putting in place measures that will not only enable processors to purchase all the milk produced locally but also encourage a vibrant dairy industry in which co-operatives will play a crucial role in poverty eradication within the next few years.

(c) While the hon. Member is encouraged to re-direct the Question to the Minister for Livestock, I wish to point out that only a minimal amount of dairy products are imported into the country to serve some highly specialised needs whose processing capacity is not available locally. Any other product found within the country may have found its way here illegally.

Thank you Mr. Speaker, Sir.

**Mr. Ochieng:** Mr. Speaker, Sir, I still recall that this country normally wakes up when disasters occur and actually this one was in waiting. Can the Minister confirm or deny that this was a deliberate attempt to fail the New KCC in its mandate so that it can be sold at a throwaway price?

**Mr. Nyagah:** Mr. Speaker, Sir, as I have stated before, there are things that we could have done better as the New KCC; there is no question about that. As to whether it was being brought down deliberately so as to be sold at a throwaway price, I am not aware. There have been rumours but I do not go by rumours; those rumours have been everywhere. Even more serious rumours have been there about the New KCC. But I wish to confirm that we have since made adjustments and improvements because we realised that there were problems in the firm's operations that needed to be rectified, including improving the capacity, which we are currently doing.

**Mr. Bahari:** Mr. Speaker, Sir, I would like the Minister to confirm whether the key plants are operating 24 hours and seven days a week, for him to say that the capacity has been utilized to the optimum. Could he confirm that?

**Mr. Nyagah:** Mr. Speaker, Sir, I wish to confirm that they are not operating at full capacity. We were operating at an average of 400 to 400,000 litres per day for a period of about three years. When I went round - and my engineers went round independently - we are now able to confirm that by doing small adjustments - installing machinery that had been bought but not connected and by undertaking some small maintenance works in Eldoret, Kitale and elsewhere - we can reach a capacity of 700,000 litres per day in the next three weeks. Therefore, we have not been operating optimally.

**Mr. Chanzu:** Mr. Speaker, Sir, it was a sad week for Kenya. We were watching TV and saw milk being poured by KCC. Why did the Government not make earlier arrangements to give that milk to the needy people in this country?

**Mr. Nyagah:** Mr. Speaker, Sir, it is un-African, particularly from where I come from, to pour milk. Milk is given to the poor and school children. So, whereas that news item highlighted the crisis, it was unfortunate for those who organized to do it that way. But the good thing is that it was so dramatic. It caught the attention of the whole country and we all had to take action.

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to confirm that it is un-African to pour milk and that it should be given to the needy, when the Government that he serves has been unable to deliver relief maize to the beneficiaries in drought stricken areas in the last three months of October, November and December? Why did he not take the milk to them?

**Mr. Speaker:** Order! I do not find anything that is out of order in that statement.

**Mr. Mureithi:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to say that some people organized the pouring of the milk? Could he tell us who those people are?

**Mr. Speaker:** Order! That still does not amount to a point of order but I will take it as a question. Mr. Minister, can you answer?

**Mr. Nyagah:** Mr. Speaker, Sir, I said that there were many rumours. But I will not go by them. There were also articles in the Press that implied that, that was done, including by an hon. Member who has just asked that question.

**Mr. Koech:** Mr. Speaker, Sir, part (a) of the Question was asking the Minister to tell us how much money was lost by the farmers. Unfortunately, he did not answer that.

**Mr. Speaker:** Order, Mr. Koech! If that Question was not answered, you should have stood on a point of order. Please ask your question!

**Mr. Koech:** Mr. Speaker, Sir, we have witnessed, within the same period, the price of milk coming down from Kshs24 to Kshs20. Could the Minister assure farmers that the price will not slide below Kshs20 per litre?

**Mr. Nyagah:** Mr. Speaker, Sir, I am not in a position to confirm that the prices will not slide below Kshs20 because of market forces. All I can confirm is that we are doing our level best. We are trying our best to increase the capacity. Within the industry, there have been a lot of discussions within the Ministries to see how best we can help the farmers, including the recent statement that was made here by His Excellency the President.

**Mr. Mbai:** Mr. Speaker, Sir, could the Minister tell the House where the company bought the machines which were installed in December at a cost of Kshs7 million and they have never worked?

**Mr. Nyagah:** Mr. Speaker, Sir, it is correct! As I went round the country, I found machinery in Kitale which was imported from Argentina. It was never connected but it was “officially” commissioned. In Eldoret, I found equipment worth close to US\$1 million still in crates. It had not been connected. In Nyahururu, equipment was put there for three months and it was not working until we put pressure and an engineer was sent to South Africa to collect a spare part and within 24 hours, the equipment was working at full capacity. In Kiganjo, there was equipment that had been delivered from China by a Mr. Weng. That equipment had not been installed until we moved in recently and now it is in the process of being installed.

**Mr. Kombo:** Mr. Speaker, Sir, obviously, the Minister is admitting that the systems at KCC have failed and that is why we have all these problems. Could the

Minister consider touring our neighbouring countries to find out whether they have capacity that could process our milk? That way, we could take our milk in raw form to those countries so that it can be processed. That way, we will sort out some of the problems that are affecting our farmers.

**Mr. Nyagah:** Mr. Speaker, Sir, I will explore that possibility. But, as I have indicated, within the KCC itself, since this crisis developed, we are addressing the small things that were causing the inefficiencies. I hope to increase the capacity by 300,000 litres in the next three weeks.

*(Mr. C. Kilonzo stood up in his place)*

**Mr. Speaker:** Mr. K. Kilonzo! Mr. C. Kilonzo, you stood first but you were out of order because you were on your feet when the Minister was still answering.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, could the Minister, in view of the fact that farmers have incurred huge losses through a fault that was not their own - it was negligence by the Government - consider compensating the farmers for that loss?

*(Applause)*

**Mr. Nyagah:** Mr. Speaker, Sir, as I indicated, the Government is very serious. It is responsible for promoting the development of that sector. The Government encouraged farmers to go into milk production in a big way. It is for that reason that the Treasury, ourselves and the Ministry of Livestock Development are exploring all ways that could help the farmer not lose anymore and cut his losses. As you know, we have also been talking about privatization because it is important to return KCC to the real owners - the farmers - so that they can manage it better than the Government.

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. The Minister has not answered my question. My question was specific. I asked: In view of the losses that the farmers have incurred, could he consider compensating them?

**Mr. Nyagah:** Mr. Speaker, Sir, I have clearly indicated that we, at the Government level, together with all the other institutions that are affected and stakeholders, are all working day and night to ensure that farmers will never again lose money in a similar situation.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, the Government considers maize and beans when it talks about strategic reserves. Could the Government consider powdered milk to be part of the strategic reserve?

*(Applause)*

**Mr. Nyagah:** Mr. Speaker, Sir, I said that the Cabinet has discussed the matter at great length and approved some money in the past. His Excellency the President, during the State Opening of Parliament, confirmed that powdered milk will be part of the strategic reserve. It is only fair that people get food, maize and other things. Milk is a very important part of it. We are working closely with my colleague from the Treasury to ensure that, that is implemented.

**Mr. Anyanga:** Mr. Speaker, Sir, the Minister has indicated that he is exploring some ways with the Ministry of Finance. I believe he wants to get funds from the Ministry of Finance to distribute to various processors to buy milk. Could he confirm whether Government funds will be given to private processors for that purpose?

**Mr. Nyagah:** Mr. Speaker, Sir, I am the Minister for Co-operative Development and Marketing and I wish to confirm that I am pushing very hard for the New KCC which is under my docket. The co-operative dairies around Kenya, that together provide a very important part of this business, should be looked after. I am not aware of private sector involvement but I am aware of the need for the public sector through co-operatives and the New KCC being funded by the Government.

NON-PROVISION OF FOOD UNDER SFP  
TO SCHOOLS IN NAIRIMIRIMO LOCATION

**Mr. Letimalo:** I beg to ask the Minister for Education the following Question by Private Notice.

(a) Why has the Ministry not supplied food under the School Feeding Programme to the six primary schools in Nairimirimo Location in Samburu East since January 2010?

(b) What measures has the Minister taken to ensure that the food is delivered to the affected schools without further delay?

**Mr. Speaker:** The Member for Samburu East not here? The Question is dropped!

*(Question dropped)*

DISPOSAL OF SEWAGE INTO HAMBITSI WATER  
SPRING BY MASENO UNIVERSITY

**Dr. Otichilo:** Mr. Speaker, Sir, I have not received a written answer. However, I beg to ask the Minister for Environment and Mineral Resources the following Question by Private Notice.

(a) What urgent action is the Minister taking to ensure that the management of Maseno University immediately stops disposing sewage into Hambitsi Water Spring, which is a source of drinking water for Ebusakami and Ekwanda communities in Emuhaya constituency and other communities in Kisumu Rural constituency?

(b) When will the Minister also dispatch officers from the National Environment Management Authority (NEMA) to the site to determine the level of water pollution and take appropriate action?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Speaker, Sir, I beg to request that this Question be deferred to next week so that I can provide a more comprehensive answer.

**Mr. Speaker:** How long have you had this Question?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): As I stand here today, I have said that the answer is not comprehensive.

**Mr. Speaker:** You are not answering the Question? How long have you had the Question in your Ministry?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): For the last one week, Mr. Speaker, Sir.

**Mr. Speaker:** That means you are not doing very well! Could you, please, pull up your socks?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): We are doing very well, Mr. Speaker, Sir! I have said that for us to be able to provide a more comprehensive answer---

**Mr. Speaker:** Order, Mr. Assistant Minister! A week is too long! This House expects you to be a lot more diligent. You have taken a whole week to answer what on the face of it, is a simple and straightforward Question. So, could you, please, confirm to the House that you will pull up your socks?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Thank you.

**Dr. Otichilo:** Mr. Speaker, Sir, this matter is very urgent and you know that what the Question has raised is very important to the people of Emuhaya. I would like to have the answer as soon as possible. So, when will the Assistant Minister provide this answer?

**Mr. Speaker:** That is very well, Dr. Otichilo but if you say “as soon as possible” then it deflates the urgency in your question. “As soon as possible” can be whenever it will be possible.

Mr. Assistant Minister, can you provide this answer by Thursday this week?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Speaker, Sir, I can provide it next week on Tuesday. I will be away tomorrow and Thursday.

**Mr. Speaker:** Fair enough. The circumstances here are clear and simple. The Question is deferred to Tuesday next week.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.002*

### MEASURES TO STOP OVER-EXPLOITATION OF BIRDS BY SPORT HUNTERS IN NORTHERN KENYA

**Mr. Chachu** asked the Minister for Forestry and Wildlife:

(a) if he could confirm that parts of northern Kenya have been recognized as important bird areas attracting tourists who practise bird hunting as a sport and indicate the number of birds that have been shot in the last three years; and,

(b) to state what mechanisms the Ministry has put in place to ensure that birds in the region are not over- exploited by the sport hunters.

**Mr. Speaker:** Anyone here from the Ministry of Forestry and Wildlife? Hon. Members, we will revisit the Question before we come to the end of Question Time.

*Question No.007*

NON-SUPPLY OF ELECTRICITY TO  
UPENDO/MALIVANI MARKETS

**Mr. Kiilu** asked the Minister for Energy:-

(a) why electricity supply to Upendo Market and Malivani Market has not been connected despite the payment of Kshs4,330,425 to KPLC by Makueni CDF on 6<sup>th</sup> December, 2007 and 11<sup>th</sup> December, 2007 respectively; and,

(b) when the supply will be connected.

**The Assistant Minister for Energy (Mr. Keter):** Mr. Speaker, Sir, I beg to reply.

However, I want to assure the House that the answer which I have is not the right answer. With the information which I received in the last 30 minutes--- I always give correct answers. So, I do not want to read what I think is wrong, but I can give the information on the current position which I got within the last half-an-hour---

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. Hardly two minutes ago, another Assistant Minister stood here and told us he had an answer which was insufficient. Now the Assistant Minister for Energy is telling us he has yet another answer which is wrong. Is this a way of answering Questions in this Old Chamber or are Ministers not taking Questions from hon. Members seriously?

**The Assistant Minister for Energy (Mr. Keter):** Mr. Speaker, Sir, Mr. K. Kilonzo knows very well that I answer Questions in this House. I do not shy away from doing that. That is why I thought that instead of deferring this Question, I can give an answer which is a commitment from the Ministry.

**Mr. Speaker:** Is the answer you have adequate, as far as you are concerned?

**The Assistant Minister for Energy (Mr. Keter):** I feel it is adequate, Mr. Speaker, Sir.

**Mr. Speaker:** Then proceed!

**The Assistant Minister for Energy (Mr. Keter):** Mr. Speaker, Sir, I beg to reply.

(a) Electricity supply to Upendo and Malivani Markets was paid for in December, 2007 through Makueni CDF but up to now they have not been connected. I have found out that despite the payment which was done on 24<sup>th</sup> December, 2007 of Kshs1,167,305 for Upendo Market and Kshs2,565,818 for Malivani Market, there was an omission of the VAT exemption which was not given on time, hence the reflection at KPLC was not showing full payment and that has caused the delay.

(b) I want to assure the hon. Member that with the information which I have got in the last half-an-hour, these two projects will be done by next week.

**Mr. Kiilu:** Mr. Speaker, Sir, I am satisfied with the answer that the Assistant Minister has given. I will go by his word; that the power will be connected this week.

**Mr. Ethuro:** Mr. Speaker, Sir, I have no doubt in my mind that this is one effective Assistant Minister. But this Assistant Minister seems to be effective in answering our Questions but not in ensuring that KPLC works. I want to demonstrate

that. Turkana Central CDF paid a cheque of Kshs1.7 million to KPLC for Soweto-California Electrification. Up to now, it has not been connected. Could he also assure me the way he has assured the Member for Makueni that next week, this one will be connected?

**Mr. Keter:** Mr. Speaker, Sir, with this information which I have just received, I want to reiterate that it should not have waited for almost three years yet the payments were done in full. I want to assure hon. Ethuro and the House that most of the pending projects, either paid through CDF or the Exchequer, will be completed by this month. We have given full instructions that they ought to finish all the projects so that when the Rural Electrification Authority (REA) takes over; we do not have any job which is pending with the KPLC.

*Question No.013*

DELAYED CONSTRUCTION OF  
KIBWEZI-KITUI ROAD

**Mr. Nyamai** asked the Minister for Roads:

(a) to state the reasons for the delay in the construction of the Kibwezi-Kitui Road; and,

(b) to indicate when the construction of the road will start.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

(a) Construction of the Kibwezi-Kitui Road, otherwise referred to as B7, has not been delayed. Nevertheless, my Ministry has earmarked the road for upgrading to bitumen standards under the proposed Kibwezi-Kitui-Mwingi-Isiolo Road Corridor which is currently under design for upgrading to bitumen standards.

(b) The construction is expected to commence once a detailed design is finalized and funds have been allocated for the project's implementation.

**Mr. Nyamai:** Mr. Speaker, Sir, while I appreciate the answer given by the Assistant Minister, it is not satisfactory. This Question came to this House the first time on 19<sup>th</sup> January, 1968. Thereafter, it has been asked by nine Members of Parliament from Ukambani. The last time it was asked by hon. C. Kilonzo in December 2009. However, the answer was the same. Having given the same answer to this House since 1968, how serious is he about completing this job?

**Dr. Machage:** Mr. Speaker, Sir, I am usually a very serious person. I only talk about what I have confirmed on the ground. The consultancy contract, feasibility study, environmental social impact assessment and other preliminary and detailed engineering design and tender documents which are ongoing have been awarded at Kshs150 million. We actually have a report that was given to the Ministry in January. We are in the second phase of the same report. I wish to request the Member to take it from me and rest assured that we have already started spending Government money on this project. The Member should be patient because this project will be done this time round.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, this is one of the international roads which cut through the northern corridor. Indeed, what hon. Nyamai has said is true, that designs for this work have been done three times. In 1974 and 1994, design works were done. Last

year, hon. Ngilu, hon. Nyamai and I, walked out of a meeting where the Ministry's officials had come to discuss design works. We realized that nothing was being done.

Could the Assistant Minister be more specific as to when the design works will be completed? When will construction works on this road start? Where will the funds come from?

**Dr. Machage:** Mr. Speaker, Sir, I expect the completion of the design works in six months time.

**Mr. Nyamai:** Mr. Speaker, Sir, I have heard the Assistant Minister. He has said that he is a serious man and I want to give him the benefit of the doubt. But if his seriousness in answering this Question is the same seriousness with which he answered a Question about a bridge in my constituency, then probably, I need the protection of this House because this Question has come to this House so many times. Where will the money come from? He has not answered that question.

**Mr. Speaker:** Hon. Nyamai, you have the protection of the House all the time, but please, ensure that you also exploit opportunities that are available for you in that package of protection from the Chair.

**Dr. Machage:** Mr. Speaker, Sir, the first batch of the US\$2 million that has already been used for the design works, whose first phase was completed in January, was given to us courtesy of the World Bank. Right now, we are negotiating with the same bank and other financiers for the purposes of constructing the same road which is 422 kilometres long. We are sure that we will implement this project this time. The Member should bear with me because I was not the Minister for Roads in 1968, 1974 and in the many other years that he has mentioned. This time, we are serious.

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. While I appreciate that this is a different Assistant Minister, when we ask Questions, we ask them to the Government. When a Minister speaks, he speaks on behalf of the Government. What assurance do we have that the Government of Kenya will assure the people of Kitui West that this road will be completed this year?

**Mr. Speaker:** That is valid. The Government is perpetual in succession.

**Dr. Machage:** Mr. Speaker, Sir, it is also true that Ministers keep on being changed. May I assure the House that my Ministry is serious about completing this project. All factors notwithstanding, we intend, at least, to complete this project before the end of this year.

**Mr. Speaker:** That brings us to the end of Question Time.

**Mr. Chachu:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Yes, Mr. Chachu. We did indicate that we will come back to your Question. Proceed!

**Mr. Chachu:** Mr. Speaker, Sir, I want to indicate that, up to now, I have not received any written response to this Question.

*Question No.002*

MEASURES TO STOP OVER-EXPLOITATION OF BIRDS BY SPORT  
HUNTERS IN NORTHERN KENYA

**Mr. Chachu** asked the Minister for Forestry and Wildlife:-

(a) if he could confirm that parts of Northern Kenya have been recognized as important bird areas attracting tourists who practice bird hunting as a sport and indicate the number of birds that have been shot in the last 3 years; and,

(b) to state what mechanism the Ministry has put in place to ensure that the birds in the region are not over-exploited by the sport hunters.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Speaker, Sir, first of all, let me apologize for coming late. But it is better being here finally to answer this Question. This Question came to the House sometime in June, 2009 and I believe that my officers sent out an answer to hon. Chachu. If he confirms that he does not have it, I do not know whether he can allow me to proceed or we give him an answer first, so that I can respond to the Question.

**Mr. Chachu:** Mr. Speaker, Sir, I have never received an answer from the Ministry, but he can proceed to answer the Question.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Speaker, Sir, if you will allow me, this is more of a technical Question and the answer that I have is a bit lengthy and detailed, so that it can respond to the Question.

**Mr. Speaker:** Can you take five minutes, if it is very long?

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Speaker, Sir, I will try.

**Mr. Speaker:** You do it, do not try!

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

(a) Yes, parts of northern Kenya and specifically Dida Galgallo Desert, Ol Donyo Sabache and Lake Turkana areas are recognized as important bird areas attracting tourists who practise bird hunting as a sport and vocation. Under the Wildlife Conservation and Management Act, Cap.376, game bird hunting is permitted only within gazetted seasons. The Kenya Wildlife Service (KWS) has various designated bird shooting blocks in Kenya. As for northern Kenya, there are five bird shooting blocks in the greater Marsabit District within the areas I have just mentioned. A total of 2,427 game birds were shot as sport from 2006 to 2008 in the bird blocks of northern Kenya.

(b) The KWS has a record of all the licensed bird shooters. They are licensed to shoot game birds after passing a bird test exam conducted by the KWS. After passing the test, the licence holders are normally given conditions which they are supposed to adhere to every time. Shooting parties are required to report at the designated KWS control post to familiarize themselves with any special conditions imposed by the warden and sign a register detailing names of the parties, game license held, block booking vouchers and the number of days booked. On leaving the block after shooting, the shooting parties are supposed to sign out and give the following information:-

(i)The date of departure and the number of birds by species shot by each licence holder.

The bird shooting regulations are very specific on the type of bird to be shot within the designated game bird shooting blocks. The regulations also stipulate the maximum number of birds to be shot per day, per species of birds within a block. This ensures that birds are not exterminated within a particular area.

Below are the types of birds and their limits:

(a) Guinea Fowls, Francolins, Spur Fowls, which should be up to 20 per gun, per day.

- (b) Ducks, Geese and Snipe; up to 15 birds per gun, per day. Not to shoot Maco ducks, black ducks, white bird ducks, spur winged and pigmy geese.
- (c) Pigeon and doves; up to 25 birds per gun, per day.
- (d) Quills; up to 20 birds per gun, per day.
- (e) Sun grouse up to 20 birds per gun, per day.

The bird shooting exercise is done within the gazetted seasons and the stipulated standard conditions within the provisions of the Wildlife Act Cap.376. Open seasons for ground birds are from 1<sup>st</sup> February to 31<sup>st</sup> March and 1<sup>st</sup> July to 31<sup>st</sup> October of each year. The seasons are recommended scientifically to ensure that the birds are not hunted during the breeding season and when tending to young ones. Bird shooters must not exceed eight guns for a maximum period of three days.

All licensed bird shooters must file returns to the Kenya Wildlife Service (KWS) Director and local warden after a bird shooting exercise.

From time to time, KWS officers monitor activities of game bird shooters.

Kenya is closely working with the Birdlife International Partnership in order to open up Kenya for birdlife tourism. This is expected to bring the country more revenue from birders in the diaspora.

Kenya Wildlife Service is in the process of preparing a National Bird Research and Conservation Strategy. The draft is expected to be out by June, 2010 and it will give direction on conservation of birds in Kenya.

**Mr. Chachu:** Mr. Speaker, Sir, I thank the Assistant Minister for that very elaborate answer. These birds are resources in areas where they live. It is common in this country that where there is wildlife and birds, the local communities derive some benefit from them. What kind of benefits do these communities which live in areas these birds are being shot derive from this utilization of wildlife?

**Mr. Nanok:** Mr. Speaker, Sir, normally, the KWS implements Corporate Social Responsibility (CSR) projects. When all this money is collected from bird shooting, national and game parks, it is put into one pool. A certain percentage is earmarked for certain projects within the surrounding areas where the game parks and reserves are.

**Mr. Shakeel:** Mr. Speaker, Sir, I am a licensed bird hunter for many years now. It is with great sadness that I would like to inform the Assistant Minister that what he has read is just on paper. What, in fact, is true is to the contrary. Bird shooting is not regulated at all. Many birds including ducks, sparrow wings and other geese are shot indiscriminately. Most of the people who are flouting these rules are foreign sportsmen. I am afraid that even the fee that is paid for the birds and even booking the licence are ridiculously low. The whole thing needs to be reviewed.

**Mr. Speaker:** Mr. Assistant Minister, you do not have a question there. You have a long statement.

**Mr. Bahari:** Mr. Speaker, Sir, I think the Assistant Minister is misleading the House, particularly on the issue of the benefits to the community. Could he tell the House why in areas where there are bird shooting blocks the community is given very nominal amount of money and, therefore, the benefit is very low? Could he further explain why they are charging very low as the hon. Member has just said?

**Mr. Nanok:** Mr. Speaker, Sir, there is no provision in law that says a certain percentage should be used to benefit the community. As I said during the last Session of Parliament, we have revised the law. As soon as the Cabinet approves it, it is going to

come here. When it comes here, I think we will get the opportunity to correct the law to take care of a certain percentage that can go to benefit the communities living around the parks and reserves.

**Mr. Chachu:** Mr. Speaker, Sir, my concern is about the regulation of this industry. As far as I know, in Marsabit North, this Ministry does not even have a single staff except for those who are at Sibiloi National Park. Which mechanisms are they using to ensure that these birds are not being overshot by these sport hunters?

**Mr. Nanok:** Mr. Speaker, Sir, as I have just said in my elaborate answer to the Question that those who are licensed are normally supposed to file returns. The Ministry, through the KWS, is supposed to monitor and make sure that the recommended number of birds to be shot per day or season is adhered to. But if the hon. Member has any information to the contrary, let him bring it to my attention so that we can address it through the correct channels.

**Mr. Speaker:** Hon. Members, that brings us to the end of Question Time.  
Next Order!

## PROCEDURAL MOTIONS

### LIMITATION OF DEBATE ON THE PRESIDENTIAL ADDRESS

**Mr. Midiwo:** Mr. 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. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

**The Assistant Minister for Roads (Dr. Machage):** Mr. Speaker, Sir, indeed, His Excellency the President of the Republic of Kenya delivered his Statement for the year during the State Opening of this House this Session. Among the issues he outlined was the need for togetherness and, especially so in the dispensation of the new Constitution, amongst other issues in his Speech.

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

*(Question proposed)*

*(Question put and agreed to)*

### LIMITATION OF DEBATE ON PRIVATE MEMBERS' MOTIONS

**Mr. Midiwo:** 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 twenty minutes for the Mover; twenty minutes for the Government Official responder and 10 minutes for each other Member speaking, and that ten minutes before the time expires, the Mover be called upon to reply.

I beg to move.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

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

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 be strictly confined to the question of the adjournment.

I beg to move.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF SPEECH ON COMMITTEE OF SUPPLY

**Mr. Midiwo:** 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.

I beg to move.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

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

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair, laid on the Table of the House on Tuesday, 23rd February, 2010.

Mr. Deputy Speaker, Sir, the President in his Address touched on very many issues that are pertinent to Kenya today. None could be more important than the process of constitution-making which this House is about to embark on by playing its useful role as representatives of the people. We need to ensure that a journey that has taken more than 20 years comes to an end in a manner that is expected by the people of Kenya.

Mr. Deputy Speaker, Sir, at this very early stage, I wish to personally commend the Parliamentary Select Committee on the Constitution (PSC) who have not only shown a willingness to work late into the night, but have also demonstrated their patriotism by going across the party divide and coming together to ensure that Kenyans get a Constitution of their choice. I feel duty bound to also thank the Committee of Experts (CoE), even though I feel personally they could have done much better to reflect the will of the people in the draft Constitution. That is why I specifically feel that the PSC did a fantastic and commendable job on behalf of this country. They have done us proud. It is my humble request that this House takes note of that and do the needful without dividing the country. There are some contentious issues. There are issues that are in the public domain that need to be discussed here. But I have no doubt that through the spirit of give and take exhibited severally in Naivasha, this House will deliver to the people of Kenya a draft Constitution that will guide us and generations to come after us. I do not want to go into that issue too much, so let it rest at that.

Mr. Deputy Speaker, Sir, in his Address, the President also touched on job creation. The *Kazi kwa Vijana Programme* was a very well intentioned programme that, in my estimate, failed to deliver on expectations for various reasons. We cannot throw the baby out with the bath water. Once again, there is an opportunity to salvage the situation. I urge both the Prime Minister's office as well as the Deputy Prime Minister and Minister for Finance to consider coming back and putting in practice the lessons that were learnt from the last attempt to help our youth. Currently our youth are disaffected and dissatisfied despite the fact we constantly, in this House and in other fora, refer to them as being the majority of this country. If we cannot cater for that majority, then who will? This is another matter I would want us to look into.

The President's Address also touched on roads and infrastructure. I must say that as the Member for Juja Constituency I am very excited by the current construction going on between Nairobi and Thika on our first express way. It is coming along well. I spend a lot of hours just looking and marveling that this is happening in my life time as a

parliamentarian. I know this is true in other parts of the country. I know other road construction projects all over Kenya are going on well. Indeed, the Ministry of Roads is one of those few that we can stand and commend in public for doing a very commendable job. In fact, they are utilizing well the vast resources allocated to them in a way that Kenyans can see and feel that they are benefitting. But it is not enough to say that so much is being done. We need to do even more. To the person who does not have access to markets and to the person who does not have a motorable road to their place, the fact that “x”, “y” and “z” roads are being done is not good enough. He does not have the patience to wait. This infrastructure is life and death for many Kenyans. I would urge that more funds be allocated to ensure that this commendable job continues. Clearly, and I am glad the President mentioned it, there is no doubt in mind that one of the greatest legacies of the Kibaki regime will be roads and infrastructure. I am also thinking of the fact that we have the fibre optic connectivity with the rest of the world and, indeed, within various towns starting with Nairobi and other big towns; connectivity to businesses and homes is almost complete.

This is very exciting and, probably also, will address some of the issues we are talking about job creation for the youth. I, indeed, hope so. But I, at the same time, appeal to those who own this infrastructure to be patient before the costs can come down. But I feel strongly that we ought to start seeing the benefits now, and that they should not postpone these benefits. They can only bring them to us when we are probably gone too far downwards.

Mr. Deputy Speaker, Sir, the President also mentioned national cohesion. I must commend his Excellency the President as well as the Prime Minister for marking the second anniversary of the National Accord jointly in a church, at the All Saints Cathedral, Nairobi. It was a fitting way of--- Oh no! It was at the Holy Family Basilica; I am sorry. Maybe, it is because I meet them there more often than at the Holy Family Basilica. But whatever the case, they were in a church and I am not wrong on that score. I was not there, I must admit.

But, Mr. Deputy Speaker, Sir, that we were able to mark this day and to re-dedicate ourselves, or themselves, at least, to the extent that they were together, to national healing and to the cohesion of this country. At the end of the day, we are all embarrassed by what happened in 2007 and early 2008. It is not something we wish to go back to; it is not something we are proud of and, therefore, we must make every effort to ensure that this does not befall this country again. The rest of us, it behooves us to follow the example that has been set by the principals and, in following this example, to do so not just in words but also in deeds. Sometimes we are given, as politicians, to saying one thing and doing another. This is one case where we must do as we say and we must, indeed, be seen to do so by the public.

Mr. Deputy Speaker, Sir, I also want to commend the President for touching on the issue of graft. Sadly, we have not been able to have one vision of where we want to go on graft. We say we want to fight it, but when it comes to the actual fight, we seem to be divided into political camps, yet graft knows no political camp! Graft is eating away into this society every single day and affects all levels of this country. It does not choose between the rich, the poor, ODM, PNU, male or female. We must come together; we must make up our minds as a community that this is one scourge that we must purge from our midst. I wish to commend the Kenya Anti-Corruption Commission (KACC). I must

say this. A few months ago when we got an acting head of KACC, cases have been brought to court; matters are being investigated. It may not be enough; it may not be the ultimate, but there is progress.

Let me also ask my colleagues that, as we consider tackling graft, one of the areas where we must get support must be in the Judiciary. One of the most amazing things about the Judiciary is that they have to go through cases where judges have to hand-write notes. It is an old and archaic system! People have moved on. Here in Parliament, we have the HANSARD. It makes life so much easier for all of us! You can imagine how much easier it can be for the courts if they had, for instance, the HANSARD. They would be able to move on with speed and have a record that is accurate and that is accessible to all the officers involved – the judges, the lawyers and others who are involved so that matters do not progress at the speed the at which a judge writes!

So, Mr. Deputy Speaker, Sir, I urge this House, let us also put our money where our mouths are! Let us not talk about a system in the fight against graft or, indeed, improving judicial services without allocating the necessary resources. We, ourselves, have determined that we are going to expand at a cost of close to Kshs1 billion in Parliament. Clearly, for much less, we can give the Judiciary the ability to move along much faster, reduce inefficiencies, reduce long waiting times for lawyers which end up making the legal process so expensive that the bulk of Kenyans who live below poverty – and statistics say about 46 per cent – have no chance of accessing justice in this country. Part of the cost of justice is the inefficiency with which we allow the Judiciary to perform. But we scream at the top of our voices when we demand justice and demand that the Judiciary follows our lead in terms of reform. The reform must start here and we must start by providing the resources necessary for those reforms.

Mr. Deputy Speaker, Sir, I also want to touch briefly on the issue of police reforms and to say that it is welcome. Police reforms, I hope, will take amongst other forms, the form of making them friendly, more interactive with society and a society that feels that the police are part of them and that volunteering information to them can only enhance our security. I also hope that it involves sensitizing the public to the fact that it is not possible to secure every Kenyan or to provide every Kenyan with a personal police officer; security must start with us! Only we can enhance our own security enough to ensure that we have the environment in which we can be productive. Without security, the rest of our planning on productivity, employment, *et cetera* will not happen.

Mr. Deputy Speaker, Sir, there is a lot I would like to say, but I can see that hon. Members are very anxious to contribute, or if not all, at least two behind me are very anxious to contribute to this Motion.

With those very few remarks, Mr. Deputy Speaker, Sir, I beg to move. I call upon my equal colleague, hon. Midiwo, to second me.

**Mr. Midiwo:** Thank you, Mr. Deputy Speaker, Sir. I rise to second the debate on the President's Address.

Mr. Deputy Speaker, Sir, my colleague has said a lot and I know hon. Members are anxious to talk, but I wanted to say that this is a historic moment in our country, as stated by the President last week. We finally have a perfect opportunity to have a new Constitution. There are may be differences on the draft. We want to thank the Parliamentary Select Committee for pushing us forward, but I want to ask that whatever

the differences, I think this House has an opportunity to iron them out in good time, so that we can go ahead and give Kenyans the much awaited Constitution.

Mr. Deputy Speaker, Sir, I want to thank the Speaker and the Office of the Clerk for arranging a retreat for hon. Members, so that we could go and talk as needed. I hope that within so many days, we shall have finished this work without much controversy.

Mr. Deputy Speaker, Sir, the issue of corruption is a big thing, and I think that denying or refusing to accept that this country has some serious issues with corruption would be burying our heads in the sand unnecessarily. We have, again, a perfect opportunity, once and for all, to slay the ghost of corruption. I think corruption is personal to individuals; corruption is not about tribes, corruption cannot be abbreviated in any way other than us going after the culprits. I think we also ought to say fairly and squarely that it is not only the civil servants who can be corrupt.

Politicians can also be corrupt. In most cases, they spearhead corruption. So, we need to be clear. What is it that we are trying to achieve? The President was right in saying that we should not use corruption to victimize people. I think it is also fair to say that we should not victimize some people and leave others to walk scot free.

Mr. Deputy Speaker, Sir, the President said that we need to be cohesive as a country and that is important. Lately, I have been watching a case which is playing out in the media. I have a lot of bewilderment about it. We agreed two years ago that we would seek truth, justice and reconciliation. However, it seems to me that the people who are not interested in knowing the truth are trying to stall the process. I am particularly talking about Amb. Bethuel Kiplagat, an eminent Kenyan. Every day, I see groups and groups accuse him in a way that I think is unfair.

I have read in the newspapers. I do not know what may have happened in the Ouko case, but I know that Amb. Kiplagat is the Chairman of the Ouko Foundation which has even educated his children. Some things had better be put right. We better smear people with the truth and not fabrications. That is important if we will be cohesive as a country. In my view, Amb. Kiplagat is as good as it gets. He may have his own faults, but to go after him to stall the TJRC process is unfair, uncouth and a misuse of the due process.

Mr. Deputy Speaker, Sir, lastly, we, the Members of Parliament have been accused, particularly by a few Cabinet Ministers, that we are unable to absorb the money meant for infrastructural development. I appeal to the Ministries, particularly the Ministry of Roads, to help Members of Parliament. This is because there is an attempt by these Ministries to push Members of Parliament away from infrastructural development. I think there is an attempt by some people to prove that Members of Parliament do not have the capacity to absorb infrastructural funds when we know the opposite is true. Even some of these monies have not left Treasury. So, I do not think it is fair to blame Members of Parliament.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to second the Motion.

*(Question proposed)*

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

I thank the President for highlighting Government policy in his Speech. However, there are some fundamental things which lack in the Speech. I do not think I will blame the President for that but the Speech writers.

The President's speech writers do not have the pastoralists in their hearts. There was no mention of the suffering of the pastoralists in the Presidential Address. Last year, and the whole country is aware, pastoralists lost between 70 and 80 per cent of their livestock, and yet there was not even a mitigating statement in that Address that could give hope and courage to the pastoralist community.

Mr. Deputy Speaker, Sir, for the purpose of record, the livestock sector generates Kshs43 billion annually. It employs 90 per cent of Kenyans in the rural areas and it forms 5 per cent of the country's GDP. It is unfortunate that this sector was not mentioned in the President's Address. Those speechwriters should wake up because that is very unfortunate.

There is another area which I felt was very important, and the President's Address ought to have touched on. We have the Interim Independent Boundaries Commission (IIBRC), but it was not mentioned in the President's Address. This is a very emotive area because there are historical injustices which the President should have mentioned in his Address so that when we dwell on this debate outside this House, it carries some weight. For me who comes from Kajiado Central or the Maasai community of southern Kenya, the railway line was the boundary between Rift Valley Province and Eastern Province. That should be adjusted. This is the right time to correct the wrongs of the past. This is the right time to dwell on those issues. There is a place called "Olerian" which borders Kyulu. It was taken and given to the Kenya Wildlife Service. That should be corrected and this is the right time to do that.

Matters to do with the environment are very important, but the speechwriters did not touch on them. The water towers of this country should be given due consideration.

Mr. Deputy Speaker, Sir, the President talked about corruption, but there was no decisive and firm message. Our yesterday's thieves are today's heroes who sit at the front row of the State. We know the Triton scandal and the maize saga. The Presidential Address should have touched decisively on these issues and the people involved. Talking about fighting corruption without action is nothing. It is a song Kenyans are used to. It will be fair during this Session if this House seized these matters and exposed this vice.

The President talked about national cohesion. Hon. Members of the august House have to preach peace, unity and oneness in this country. We are all one nation. The message of the President with regard to this was very important. However, we have a habit in this country that the big tribes want to join together. We have a monster which is growing. It is called "KKK". If you bring up the issue of KKK, and yet we are talking about national unity, the smaller communities will feel--- The President's Address on national cohesion should have started by attacking tribal factions. Ethnicity is a disease in this country.

Mr. Deputy Speaker, Sir, another area the President's speech writers did not put emphasis on is the issue of impunity in this country. There are several things that happen in this country and one would think that the law does not exist. It is the responsibility of this House to ensure that impunity is eliminated in this nation.

Mr. Deputy Speaker, Sir, that is the only time we can confront the dragon called "corruption". If we cannot deal with impunity, it will be an exercise in futility for us, as

Members of Parliament, to fight the dragon called “corruption”. Dragons fight back. We have a tendency, as a Government, to sacrifice people who are not responsible for corruption. We have a tendency of going for the blood of the innocent and leaving the real culprits outside the dragnet.

It is, therefore, important for this House, especially now that we are debating this very important Speech, to send a very strong message that Kenya is not a country of corrupt people. We cannot have thieves becoming the heroes of this country just because of their looted wealth. We have to fight that vice from this House.

Mr. Deputy Speaker, Sir, on the issue of the constitutional review process, the new Constitution that has been the dream of many Kenyans for many years, should now become a reality. Of course, the Draft Constitution has some few grey areas. I would like to urge my colleagues to pass the document – we can do the amendments later – so that we can give Kenyans what they have been yearning for all these years.

I want to conclude my remarks by thanking the President for his Speech. But I think it is important for the people who have been given the responsibility--- I think somebody has to proofread his Speech so that areas that may not have been covered can be given emphasis. I will come back to the issue of pastoralists, which is a very big sector that has been given a raw deal.

With those very few remarks, I support.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to contribute to the Motion that is before us. There are many things that the Head of State mentioned in his Speech, but I want to, specifically, zero-in on the question of the Constitutional and the business-related legislation that the Government proposes to put through this House during this Session.

Mr. Deputy Speaker, Sir, I want to join my comrades in saying that, indeed, the process of constitution-making in Kenya has taken a long time. In 1989, this country started the journey towards getting a proper Constitution that will serve the interests of the Kenyan people. The road towards making a new Constitution has been punctuated by a lot of history in this country. One of the things that is part of that history is the constitution-making process; the conference that was called “Bomas Conference”.

The late Christopher Kijana Wamalwa, then our Vice-President, on 30<sup>th</sup> April, 2003, during the occasion of the State Opening of Kenya’s National Constitutional Conference, had the following to say as he invited His Excellency the President:-

“Ladies and gentlemen, we are in this nation, a people of many tribes, many religions and many cultures. This is not a weakness. This is, indeed, the strength of this Republic. In our effort to write the supreme law of the land, we must go the extra mile to cater for every community, however small; for every religious sector, however small; for every Kenyan who has a view, for the Constitution is the defender of the weak, the protector of the mighty and not so mighty; and the modern defender of the faiths.”

Mr. Deputy Speaker, Sir, that quotation from the late Vice-President could not have been more correct then, and cannot be more correct now. I want to say that the Chairman of the Parliamentary Select Committee on Constitutional Review, hon. Abdikadir; his Vice-Chairman and the team that was there, have done a fantastic job up to this day. They have guided this process properly. They have held the team together, even when it was very difficult to do so. They have worked extra hard. I was privileged to be part of that team.

I want to state here that we have no choice but to succeed. Indeed, what the President said was that it is possible for us to get a new Constitution. We are going to get a new Constitution. I want to state that the countries that have surrounded us, and have done their constitutions correctly, have also struggled, like we have struggled ourselves. So, as Kenyans, and as Parliament, we need to take courage from the fact that other people have made it. We can make it.

Mr. Deputy Speaker, Sir, a case in point is just our neighbour here, Uganda. Everybody knows the turbulent history that Uganda has had as far as constitutionalism and political stability is concerned. But when the NRM Government took over, within the three years of the current President taking over in 1989, he set up what was called the “Odoki Commission”. It was the equivalent of the constitutional review commissions that we have had, which had the responsibility of structuring a draft constitution. Uganda travelled the path – not for a short time – for ten years. Uganda struggled with the process of constitution-making.

Four years after the establishment of the Odoki Commission, it presented its views to the President of Uganda. Even after presenting those views, a lot of intervening things took place. For ten years, they travelled and on 22<sup>nd</sup> September, 1995, the Republic of Uganda was able to obtain her current Constitution. We can take heart from that example. We can take heart from the example of the Republic of South Africa, which also travelled a long path. Ugandans did it in ten years. We, Kenyans, have been doing it for more than 20 years. The Republic of South Africa used even a longer path because the struggle to obtain justice in that country had been as long as the apartheid regime.

Mr. Deputy Speaker, Sir, even with that, the Constitution of the Republic of South Africa which is much celebrated underwent a long process. The first Conference for Democratic South Africa (CODESA 1) went on from the date it was established, in November, 1991.

A lot of consultation took place. Originally, there were 23 organizations that went to form the Conference for Democratic South Africa. These organizations increased in number. Many things happened in the process of making the Constitution of South Africa.

Mr. Deputy Speaker, Sir, in fact, the whole thing came to a screeching halt in the middle of the process when people completely disagreed. People said they wanted to go their ways in the middle of constitution-making in South Africa. It had to take President Nelson Mandela, the then leader of the African National Congress (ANC) and the sitting President, Mr. De Klerk, to sign a record of understanding. They resumed on 26<sup>th</sup> September, 1992, after the signing of that agreement. It is another lesson for us, as a country, that even when things are thick or all low, it is possible for us to get a new Constitution.

Mr. Deputy Speaker, Sir, when the Conference for the Democratic South Africa resumed the second round, they were able to go all the way. They even held a proper election which formed a Constituent Assembly in 1994. They had an interim Government for two years. That Parliament which converted itself into a Constituent Assembly was able, with more than two-thirds majority, to adopt the Constitution in 1996.

Mr. Deputy Speaker, Sir, a country such as South Africa which had a very bitter history or a country such as Uganda which had a very long and bad struggle are two

outstanding examples that were able to deliver a Constitution when people decided that they would do it.

I believe that it is with this kind of detail in mind and advice that the President spoke about the fact of our determination and the possibility of our success to get a new Constitution.

Mr. Deputy Speaker, Sir, I want to zero-in on this one in particular because some people have been casting doubts in their minds and in the spirit of Kenyans. Some people who have been pushing for sectarian interests have been casting aspersions on our ability to get a new Constitution. My appeal today, on the Floor of this House, is that from the exposition of the public policy in this Speech, I believe the entire Government in this country will come together to support this Constitution. It is my prayer that all sections of the public out there who have any issues will reach their Members of Parliament in time so that we can pass the new Constitution.

Mr. Deputy Speaker, Sir, I believe with all my heart that if we purpose, we shall surely succeed this time round.

With those few remarks, I beg to support this Motion.

**The Assistant Minister for Livestock Development** (Mr. Duale): Thank you Mr. Deputy Speaker, Sir, for giving me this chance to contribute to the President's Address on the State Opening of the Fourth Session of Parliament.

Mr. Deputy Speaker, Sir, in my opinion, the President's policy document was excellent because it gave hope to the people of Kenya. In particular, the President touched on a number of key and fundamental issues. The President touched on the Constitution, poverty reduction, the fight against corruption, national cohesion and unity. Finally, he touched on job creation.

*(Mr. Deputy Speaker left the Chair)*

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

Mr. Temporary Deputy Speaker, Sir, more fundamentally, the President challenged this House and the nation that we must always look for ways to steer the nation forward. He reminded us of his motto of making this country a working nation.

On the new Constitution, I would like to commend the Parliamentary Select Committee, the Committee of Experts (CoE) and the key stakeholders in the constitution-making process for making this country proud; that today, 2<sup>nd</sup> March 2010, the Parliamentary Select Committee on Constitutional Review has tabled the document.

I urge my colleagues in the Tenth Parliament that we must live to the day. We must live to the moment of truth that the Tenth Parliament is there to deliver a new Constitution to the people of Kenya. I urge my colleagues that the Constitution is bigger than the two principals. The Constitution is bigger than any political party. The Constitution is bigger than any region. The Constitution is for all Kenyans, future generation and for prosperity. I am sure that every Member of this House and everybody in this country is aware that it is very hard to get a perfect document.

However, I would like to say that the document the Chairman of the PSC has presented to the House today is fairly good. We must walk the talk. We must discuss this

document in a very sober way. We must remove our discussions on this document from our ethnic interests. We must remove our personal, regional and political interests so that we can deliver a new Constitution to this country.

Mr. Temporary Deputy Speaker, Sir, the President touched on the issue of corruption. We agree with him that the fight against corruption should not be personalized, politicized and taken to ethnic enclaves. The fight against corruption should not be portrayed from a regional perspective. The fight against corruption needs both the support of the Government and Members of Parliament. It needs the support of all stakeholders.

The fight against corruption needs good laws. The institutions that fight corruption should also be empowered. I would like to say it again categorically, that after the eight years of President Kibaki's rule, we are yet to see serious war against graft. We are also yet to see big people being taken to court on the basis of corruption. The leadership of this country must be at the forefront in the fight against corruption.

Mr. Temporary Deputy Speaker, Sir, on national cohesion, one of the reform agenda that this House passed after the post-election violence was the creation of the National Commission on Cohesion and National Unity. We need to walk the talk. We need to see this country implement equity. We need to see this country implement fair cohesion policies. Two months ago, you read in the media what the Somali community in this country went through. It is high time the leadership and the people of this country differentiated between the Somalis of this country who occupy 22 per cent of the land mass of this country--- They are close to 5 per cent of the population of Kenya and most important investors in this country.

The people of northern Kenya should not, at any given time, be discriminated against on the basis of the problems in Somalia. We must deal with the people of northern Kenya fairly when it comes to identity cards and constitutional rights. The people of northern Kenya should be treated like any other people in this country.

Mr. Mr. Temporary Deputy Speaker, Sir, I want to dwell more on the policies and the Bills that the Government is going to present to this House during this Session. I want to pick on those Bills that have significance to the economic aspects of this country. The President challenged us and everybody--- The private sector in this country will agree with me that one of the best legacies of President Kibaki is that he has steered the economy of this country, he has invested in infrastructure, he has invested in rural electrification; he will leave a legacy of empowering the people of this country. If you look at the Nairobi stock Exchange Bill, the Tourism Bill and the Special Economic Zones Bill that the Government wants to introduce, they are an indication; they show that this is a Government that wants to achieve the 4.5 per cent economic growth as projected for this country.

Mr. Temporary Deputy Speaker, Sir, to go back to the issue of poverty reduction, we must encourage the Minister for Finance to, again this year, introduce more economic stimulus projects. It is those economic stimulus projects, that have shown the people of Kenya that there is equity in the distribution of resources; when health centres, when teachers, nurses are given resources across the board in all regions, in all constituencies, regardless of ethnic background; whether you are a pastoralist or from a marginalised community, then the equitable country we want to have will be realised.

With those few remarks I beg to support.

**Mr. Muthama:** Thank you Mr. Temporary Deputy Speaker, Sir. I also rise to contribute and support this important Presidential Address that was delivered on the 23<sup>rd</sup> February, 2010. A lot has been said and the Head of State touched on many important issues. But I want to zero in on three important issues which I picked and I thought they were very important for our nation.

One point the President raised was to say that Kenya belongs to all of us irrespective of who is poor, who is rich, who is tall, who is big and who is small. He did not discriminate or say that Kenya belongs to a certain group or class of people. If truly we have to live with that statement, what I stand here to say is that after the general election of 2007, we all know that we had problems in this country, we had violence and a certain class of people was very much affected. That class of people is that of people who are known as people who belong to that very low class of citizens of this country. It is the same group of people which is today known as the Internally Displaced Persons (IDPs).

Mr. Temporary Deputy Speaker, Sir, I watched the television and listened to radios on Sunday in this country; the most devastating thing was what was brought on television screens to show the problems and the pain that Kenyans are going through. The pictures we saw were those of old women, old men, young people and little children. Those poor Kenyans were being shown after we had the prayers to mark exactly two years after the signing of the National Accord. I attended the prayers at the Holy Family Basilica here in Nairobi; the President was there, the Vice President was there and the Prime Minister was there. A lot of things were brought to the fore on how we have achieved development, how we have managed to bring peace to this country. But then in the evening, we were shown women and children crying when in dire straits.

Mr. Temporary Deputy Speaker, Sir, if this country belongs to Kenyans and if it belongs to all of us, we know that the President himself, the Vice-President, the Prime Minister, the Ministers and the MPs, including myself, our right of ownership of land is protected. When you have a title deed to the land you own in Nairobi, you are assured it is secure and it is protected by the Government. These poor Kenyans who are still on the streets to date, their hope is pegged on the Government that they elected in 2007. If we are saying that Kenya belongs to all of us, as the president said, why should we have Kenyans still suffering out there? If truly the Government cannot solve the problem of those poor Kenyans, where are they supposed to go? Where truly are they supposed to put their case?

I want to say that some people were evicted from Naro moru in 1960; they were chased away; this game did not start yesterday. Those poor Kenyans came all the way from Naro Moru to State House and that was in 1960 when the late President Kenyatta was alive. The Minister of state, the late Mbiyu Koinange, went to tell Mzee Kenyatta that outside the State House were poor Kenyans, little children and men, who were seeking to see him because they had been evicted from their land in Naro Moru. Mr. Koinange said that he thought that people were giving Mzee problems and he preferred to send them back to the PC, or the Provincial Administration, so that they could be resettled.

Mr. Temporary Deputy Speaker, Sir, President Kenyatta being a true nationalist asked his Minister: "*Bwana waziri*, these people travelled all the way from where they came from to see Kenyatta because he is the Head of State of this Republic of Kenya and

they are outside there seeking help from the person they elected to lead them! Where do you want me to send them now?" The Minister had no answer to give to the President, but he told him to try his level best and see how the problem could be solved. Kenyatta told him; "You and that DC who told them to leave that place, I want in the next two days to hear that they have been settled."

If the Government is in place, where else can we send these Kenyans? Where shall we tell them to go to be assisted? IDPs are rightful Kenyans and they have constitutional rights. Truly, if you want to say that the Grand Coalition Government has achieved anything, it has to settle those Kenyans and give them back their rights. Nothing will hurt like when you go back to your house and then you find that someone else has occupied that house; he has got all the rights and he is telling you: "This house does not belong to you; I have taken it over; it is mine; and it belongs to me".

The first thing you imagine is to go to the police station, the police then turns you away; you go to the PC's office and the PC turns you away; you seek to see the Minister and the Minister will have no capacity to help you. You will then seek to see the President and if you do not get the help there, all I can say is that the world is over for that person.

Kenyans are suffering and they need to be assisted by the Government that they elected. I want to say that to eliminate poverty in Kenya is very easy. The only thing this Government needs to do is to work round the clock to make sure that the middle class that lacks in this country is created. The middle class includes teachers, chiefs and district officers. Those are the people who do zero-grazing and hire maids. Those are the people who hire shamba boys. The jobs that we want to create are not the permanent secretaries' jobs. We are not looking at those top class jobs in this country. When we talk about creating jobs for 500,000 Kenyans, we are talking about shamba boys, clerks and those kinds of groups. Those are the people who need to work and generate that little income to keep them going. So, if the middle class group is created and empowered in this country, they will hire many people and we will not have young people flooding to Nairobi to look for jobs.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): On a point of order, Mr. Temporary Deputy Speaker, Sir. Listening keenly to Mr. Muthama's contribution, I am wondering whether he is in order to classify teachers and chiefs, who we know are struggling to achieve their basic needs, as the middle class that is intended to create jobs in this country. Is he in order to mislead us that chiefs and teachers, who are struggling even to achieve medicare, proper housing and facilitation, as the middle class?

**Mr. Muthama:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has missed the point. What I am saying is that they should be paid a higher salary to enable them to hire low class groups of workers. Unity is very important! We need it in this country and it is up to the politicians to stop preaching hatred wherever they go. We should speak about one country and stop cheating our people that---

**The Temporary Deputy Speaker** (Mr. Mungatana): Time up!

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

**Mr. Nyamweya:** Mr. Temporary Deputy Speaker, Sir, perhaps, I will repeat what I have said before. I said that before you pull down a fence, ask yourself why it was put up in

the first place. We are very keen here talking about bringing in a new Constitution. I am not going to be the one to say we should not. But let us first ask ourselves: Do we believe and think that by simply saying that there is a new Constitution in place, we will solve our problems? I think the first thing all of us should ask, including the President, is: Why are we not complying with the current Constitution and the laws that are there? Why are we still boarding an overloaded *matatu* and yet, there is a law that says you should not? Why do you encroach on riparian reserves and you know that is against the environment? Do we think that by simply saying we now have a new Constitution, these things are going to change? I think we need to really emphasize on civic education. Even if we get a new Constitution, we must still comply with the laws that exist.

Having said that, I think it is very important that when we start talking about bringing in counties, the senate and other aspects, we should ask ourselves: Did we not have those very same organs here at the beginning of Independence? We had a senate, regional assemblies and so on. We should ask ourselves truly, what went wrong with those ones? Why did they fail? Have we adequately discussed them so that when we put those new ones in place, we do not fall into a trap that brought the other problems? For example, there are certain districts or counties which are now going to be amalgamated, if you insist on having 47 counties instead of 74 or more. You will now be perpetuating another form of discrimination, especially when it comes to devolution of resources. Having dealt with that, therefore, you know my sentiments about the new Constitution. I think we should tread very carefully with it, particularly, in terms of devolution of resources. Have we paused to ask ourselves: How are we going to generate the resources that we are going to devolve?

The President touched a little bit and, perhaps, not enough, on what is it that we seek to do. When we talk about the infrastructure and roads, what is it that we are trying to achieve? Are we not trying to expand the ability to produce and market our resources at a cheaper price than when our roads are non-existent? Did we mention the railway lines at all? How do we market our produce? How do we transport the heavy goods which destroy our roads? Did we talk about the waterways? If you do not supply water or sufficient electricity, how do you hope to industrialise? How do you hope to get the monies that you are going to distribute to those counties and other places? Honestly, I think we should focus more on this one. I propose - and I would have hoped to have heard it from the President - that we should have two years of free nursery school, eight years of primary school and four years of secondary school so that we have somebody who starts education from when he or she is a child to when he or she qualifies to get an identification certificate. What are we doing with our children now? If you leave at Standard Eight, what do you expect that 13-year-old to do? They are not useful for employment and you cannot do anything else with them. But would it not make more sense to take them up to Form IV? When they reach there, they can work and get employment or take them to the polytechnics or National Youth Service (NYS), where you train them for the Vision 2030 that we are talking about. That is because if you do not have a properly educated human resource, then you are not going to achieve all these things. You can have many counties and many other things but the economy will not grow sufficiently enough to be able to manage what we are hoping to achieve.

I do not believe that, that is something we need to look for from outside Kenya. Even the free primary education--- I know and I have been in delegations where we were told it is not possible to have free and compulsory primary education. But it is possible and we know it. It is for us to allocate resources to the right areas. If you ask yourself: What sort

of budget do you give to the Ministry of Industrialisation? It is shameful! It cannot do what you want it to do. Why is the Ministry of Agriculture not talking about processing and adding value? I was very sad today when I listened to the Minister for Co-operatives Development and Marketing in respect of milk being poured and yet, it is something that we can export.

It is something that we are able to distribute within the country. There are areas which lack milk and there are areas which have over-production. If you have proper infrastructure, you can distribute the milk within Kenya. Kenya is the biggest economy in the region. Almost 60 per cent of the entire region is the Kenyan Gross Domestic Product (GDP) and yet, we are very busy giving ourselves some very strange comparisons. Why do we compare ourselves to a country which is hardly able to manage itself? Why do we not look at the international market where we ought to be competitive? Why should we not ask ourselves why we are bringing the pirates from the Indian Ocean to try them in Kenya? What are we supposed to achieve from that, other than exposing ourselves to security risks? Why are the Americans and the British unwilling to deal with that aspect? Why should it be a burden on Kenya? I would like to see a day when Kenyans will stand up and say that they are going to manage their affairs. When they will say: "We are proud of ourselves and we shall do our things in our own ways and in a manner that suits us." If you look at the Judiciary, I do not think that by saying that we should remove all those fellows and put in new ones will solve the problem.

Some of us are lawyers, so we know how long it will take for a magistrate or a judge to go and record proceedings, go and write judgments and then hope that you will say you will bring a new one in without giving him the facilities and funds. How will you make him work any better? We are saying we want so many counties. Let us have a judge in each county. Let us have magistrates in those counties. But have we got the law courts to put them there? You do not have them. So, will the new Constitution suddenly transform itself into producing new law courts? Will it transform itself into producing new police stations?

Mr. Temporary Deputy Speaker, Sir, so, besides the ideal, how we will manage our society through a new Constitution, we must, as a Parliament, still work on those infrastructural issues; that is the things that matter to people. I am not too sure that Kenyans are too bothered about having a new Constitution. I think they want to see a functioning Government. The way we have been managing our affairs is very far from satisfactory because we pay lip service in the fight against corruption. We are all saying that we must catch the big fish but who goes to the Ministry of Lands? Who offers Kshs100 so that you can jump the queue? Who goes to the District Commissioner's office? Is it not ourselves, the ordinary people who prompt this? Let us not simply think that if we got one or two people, we will have solved our problem. Let us sincerely work on civic education. I remember, in 2003, Kenyans were arresting police officers at the traffic checkpoints because they were saying that it is not proper for police officers to take bribes. It is not proper for you to enter into an overloaded matatu. What went wrong? Where did that aspect go? Until we recapture that mood and those ideas, we will not move forward in this country.

So, let us go back to the basics. If you want our economy to grow, look at our Companies Law. How many licences do you need to start a business in Kenya? How many visits do you have to make to the Ministry of Lands? How many visits must you

make to the local authorities to get approvals for your drawings, plans or licences to do anything? All this is happening and yet we think the solution is having a new Constitution. It is not. It is one thing because at least, we will change our mindset to start thinking afresh. When you are thinking about it, ask yourself when you will have a governor, senator, four or five MPs, or a woman elected across the county, just imagine when they get home, how they will function. Who will be competing for the CDF and county funds? These are things that we have to be very careful about. I have gone out to check what made the regional assemblies collapse and why the Senate was removed. These are the disputes which arose at home.

With those many remarks, I beg to support.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in responding to the Speech by His Excellency the President.

First, let me applaud the President for expounding on the priority areas which the Grand Coalition Government will focus on during this Fourth Session of this Parliament. I do so knowing that the President is serving the second part of his last term as the President of this country. There is a lot that is on his shoulders to ensure that this country achieves that.

For 20 years now, Kenyans have been yearning for a new Constitution. This is because the present Constitution that is governing this country has so many loopholes and problems to a point where a significant number of Kenyans feel marginalized. They feel that they are living in this country but are outside this country. An example are the Kenyans from the north. When they come to Nairobi, they say that they are going to Kenya. When they leave here, they are now going to an area which has been forgotten. I think that is the reason why every single Kenyan feels that a new constitutional dispensation will help resolve some of these chronic problems that have been in existence up to today.

I join the President in saying that we must have a new Constitution. It is not only us, politicians, who want a new Constitution; majority of Kenyans out there, all the way from Lokichoggio to Mombasa, Kisumu to Lamu, need a new Constitution in place. I believe that the new Constitution that has been laid here has more or less addressed quite a significant number of issues that have been a problem in this country. I can only urge my colleagues that let us join the President in making sure that we have done our constitutional role and give Kenyans what they deserve so that they can have a piece of legislation that can govern this country for the next period to come.

In his Speech, the President has also outlined certain key areas that may help sort out the inequitable distribution and allocation of resources in this country. I so much support his statement with regard to infrastructure, particularly the opening up of the northern areas, the second transport corridor that will link a new port in Lamu all the way to Ethiopia and then to Southern Sudan. I believe this is laudable because our policies in this country have always concentrated on old resources in 20 percent of this country's land mass. The potential of 80 per cent of the arable land of this country has never been tapped. It is this potential that exists in this 80 per cent of this country that will propel this country forward because we have exhausted any little resources that we have in 20 per cent of the land mass.

If you look at what is happening in the water tables, all those problems of encroachment on the water towers is as a result of population coming from everywhere and going into those fragile areas and exhausting everything. I think it is a good point that we start looking at the arable land as the savior of this country. The potential of this country lies in those arable lands.

One of the issues that I will point out which the President should have emphasized on is on the area of allocation of resources which I still feel is not provided for in the right way. Let me give the example of the *El Nino* floods. In 1997 and earlier this year, we had floods in this country. The area that I represent; that is the larger Turkana, was heavily affected by the floods of the 1990s. The roads, bridges and canals were all destroyed. Up to today, none of them has ever been repaired. Early this year, we had terrible floods in Turkana which was the most affected place in the whole country. It is unfortunate that it is only less than Kshs30 million that has been allocated out of a budget of almost Kshs4.5 billion which is meant to cater for the rehabilitation of irrigation, the water and the road system. This is a very unfortunate situation.

Mr. Temporary Deputy Speaker, Sir, when I hear some of my colleagues say that this country had counties and devolved governance at one point, I really feel very sad. This is because during Independence, we never gave this country the opportunity to execute some of those governance institutions that the founding fathers of this nation had developed. This would have ensured that an area like the one I represent does not lag behind when all the other parts of this country are enjoying the fruits of Independence.

The second point that I would have wanted the President to focus much on is the fact that the resources in this country are normally allocated on the basis of population. You can remember that as recent as August last year, we conducted a census. The Ministry of State for Planning, National Development and Vision 2030 was meant to have released preliminary data by December last year. To date, this data has not been released. Yet we are talking about boundaries review, budgeting and so many other things that this population data is supposed to guide us on. What is delaying the Government from releasing the census data? That is a question which the President should have addressed himself to. Is it because certain ethnic groups have been found not to be giving birth? Is it because certain areas, where people had never been counted in the past, have been found to have a much bigger number than was projected? Can the Government release this data to Kenyans, so that we can use it in planning?

I know Turkana is one of the places where the Government is doubting the census data. My understanding is that the 1999 Census data was skewed. Therefore, it can never be used to determine the population of this country, particularly for Turkanas. That census was conducted within two days. The other census was done within a period of one week. Many of our people were counted this time, much more than they were counted in previous census. I can only ask the Government to release this data, so that many Kenyans will not miss out from the opportunity to benefit from the Government resources.

Mr. Temporary Deputy Speaker, Sir, the other area that I would have wanted the President to emphasize is the area of energy. Recently, the Ministry of Energy and the President himself were in Ethiopia to negotiate an agreement for this country to purchase electricity from Ethiopia. One of the things that they may have ignored and which we have kept telling them is that the electricity they were negotiating is being produced from

River Omo that feeds into Lake Turkana. Environmental experts have indicated that the production of close to 2,000 megawatts of electricity from River Omo on the Gilby Three Project, feeding into Lake Turkana, is going to have a devastating impact on Lake Turkana and the livelihoods of more than 500,000 Kenyans who live around this lake. Let me advise the Government that I serve. I do not think that it is critical for us to go for blood electricity to benefit some parts of this country while putting the livelihoods of more than half a million people at risk. We do not need that energy. What we can do is to utilize other renewable energy in the country to cover the deficit that we have.

With those remarks, I support.

**Prof. Kamar:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the debate on the President's Speech. Like most Members have said, I would like to appreciate the Speech as put forward by the President. However, I would like to comment on a few things.

The first thing is on the Constitution. The President called upon this House to ensure that this time round, we get a new Constitution. I want to laud him for that and to encourage my colleagues because it is true that we can make history as the Tenth Parliament in giving Kenyans a new Constitution. For those of us who were at Bomas, it was very disappointing to come out with nothing after the Government had spent a lot of money. So, it was very encouraging to hear the President, in his own words, say that he would like to see this Parliament come up with a new Constitution. How shall we come up with it? We will only ensure that Kenyans get a new Constitution if we continue in dialogue and to assure each other that the new Constitution will be good for all of us. The small fights that we have seen have been fights of who will gain more than the other. We can assure each other and the nation at large that the Constitution is bigger than all of us and we must compromise and agree to negotiate. We must agree to come up with a document in the fastest time possible to give Kenyans a new Constitution. There is no option to this. We must have a new Constitution.

The President also touched on national cohesion and integration, which I think this constitution can answer. It can answer if we ensure that every part of this country is satisfied with the product. We may not get a perfect document because everybody has something that they would like to have, but with a bit of compromise from all sides, we should come up with something. So, we must have a document that will bring us together as a nation, as a people and that will make us proud of our country Kenya.

The President talked about the way the economic growth has been and actually mentioned the fact that for us to have a steady economic growth, we must have policies or politics that promote unity and stability in this country. I would like to urge my colleagues in this House that it does not pay for us, especially now when we would like to have this Constitution, to destroy and undercut one another or to make statements to the public that create a lot of suspicion and dissatisfaction. It is really upon us, as a House, to take leadership when it comes to the Constitution. It is only when we promote politics that, as the President put it in his words, bring about stability that will be able to come up with a Constitution that will satisfy all of us. We must agree to persuade the population in this country to accept lesser than the ideal on all sides, if we have to satisfy everybody.

One other thing that the President touched on, which I would like to comment on, is the issue of the milk glut that we have currently. Milk was poured in this country which was a very sad thing. For those of us from the farming communities, it was extremely sad

to see milk being poured. We would even have been willing to donate the same milk to areas that do not have any food. How can a country that does not have enough food, pour milk to the drainage? How can a country that is going hungry pour milk to the drainage? This was a very sad moment, especially for those of us who are from the farming communities. We have seen crop failure in the last few years and we thought that milk was going to be preserved because when the rains came, it was impossible to grow any crops. It was encouraging to hear the President encouraging the Ministry of State for Special Programmes to include powdered milk in its programmes.

Mid-last year, the Chairman of the New Kenya Co-operative Creameries (KCC) came to Eldoret and assured us that the only requirement in Eldoret was milk in order to convert it to powder. It is very sad to learn that both the Eldoret and Kitale depots have been vandalized and they do not have the right gadgets to make the same powder milk. I think it is very important that the Ministry of Livestock Development looks into this and actually finds a way of ensuring that our KCC depots, which were producing powder milk, can go ahead and produce the same as soon as possible, so that we can implement what the President said. This is because if we converted this milk into powder and even distributed it to the areas that are suffering, it would have been more useful than pouring it to the drain.

Mr. Temporary Deputy Speaker, Sir, it is very important that farmers are also recognized as an entity that is stabilizing the country politically, economically and socially. This is because without food, you cannot have anything. But until we recognize our farmers as an entity that stabilizes the country rather than looking at them as businessmen, we will not be able to move far. I think the Ministry of Livestock Development should be encouraged to ensure that they have a clear plan through which the farmers are recognized. They need to be given subsidies. The turnaround that a country called Malawi had a few years ago was basically because of that recognition; that a farmer is a very important person. For that reason, they ensured that their farmers were given subsidies. It is very important that these people are given subsidies so that when you have excess milk, the Government takes responsibility and uses it for whatever it should be used. So, I support what the President said; that we must bring in powder milk as part of the food security.

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

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in supporting the Presidential Speech.

Mr. Temporary Deputy Speaker, Sir, I listened very carefully to His Excellency the President when he was reading his Speech. I want to applaud from the outset his call for unity. He very clearly stated that the only way out for us, as a country, is to be united and move forward, so that we will be able to concentrate on the development agenda.

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

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

Mr. Temporary Deputy Speaker, Sir, he also outlined the Government agenda in the House, which was very clear. He singled out the process of Constitution-making. The Constitution-making process is very important to this country. Kenyans for years have been yearning for a new Constitution. I want to join His Excellency in congratulating the Committee of Experts (CoE) and the Parliamentary Select Committee on Constitution Review (PSC) for striking a balance and agreeing on the way forward, where in Naivasha they built consensus. Therefore, there is a lot of hope in the country as a whole. I support the Constitution-making process and want to join the Committee in urging Kenyans to accept this proposed Constitution. However, allow me to point out one area which is likely to make us quarrel a little bit. I sincerely believe that the CoE overstepped its mandate. I had an opportunity to read a copy of what was laid in this House this afternoon. The area that I am talking about is the chapter on representation. The Committee proposes formulas in the Constitution to sub-divide boundaries, be it for constituencies, locations, districts or provinces. Well, I think they had very good intentions, but to put a formula such as the one they have proposed in the current form is very dangerous. This is because it effectively locks out some sections of this country from benefiting from this process. When they talk of upper limit and lower limit, we must appreciate the disparities that exist within our borders. They gave special emphasis on the population. Our current Constitution gives us five parameters. We have argued out there severally that we have to give equal weight to all, because all are very important. But to go ahead and single out one and say, "let us give such and such limit," I think that is the mandate of the Interim Independent Boundaries Review Commission (IIBRC). Otherwise, why did this august House establish that Commission? I think that is an omission on their part. I want to plead with the hon. Members that we look at that soberly. This is because if we talk of a certain population--- When they say: "Take an average of the Kenyan population and if you do not meet a certain number, you do not qualify for an extra constituency---" At Independence, constituencies were created. Those people who created Lamu and Moyale Constituency, where I come from, knew what they were doing, even if the population was not big enough. Those are parts of the country which must be represented equally.

Mr. Temporary Deputy Speaker, Sir, when you say, "give this formula to this kind of aspect", why do you not give weight to other parameters which have been singled out in the Constitution like, for example, means of communication, the geography of the country and community of interest? Therefore, I want to plead with the House that we omit these kind of formulas from our Constitution because it is a dynamic kind of a process. We have to look at different interests within the country and make sure that all of the Kenyan population is going to be proud of the Constitution we are going to bring forward to this nation.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Government for initiating the Moyale-Isiolo Road. We have been yearning for this road for a long time. As has been elaborately put by one Member who spoke before me, people from those parts of our country, whenever they travel to Nairobi, those who are left behind say: "Please, when you reach Kenya, greet our people who are there." This clearly shows that they do not consider themselves as being part of the country. This is because over 40 years down the line we still talk of--- For example, today it rained in Moyale and I have

been called and told that some parts of the road are impassable. Vehicles are stuck and the travelers are stranded. This is a very sad situation which must be corrected.

So, I commend the Government for starting that road. In the meantime, I want to urge the Ministry of Roads to ensure that the roads are motorable and people can travel safely to their destinations. It is a very sad state of affairs which must be corrected.

Mr. Temporary Deputy Speaker, Sir, when we talk of developing and the President talked about this, development must be handled in a manner that every part of the country is taken into consideration. On that note, I want to congratulate the Deputy Prime Minister and Minister for Finance for having started the stimulus package which has ensured that all parts of this country receive equal budget in terms of certain projects to be undertaken such as centres of excellence for education, hospitals and many others. I want to urge the Deputy Prime Minister and Minister for Finance to go a step further and consider those marginalized areas for many years such as northern Kenya, so that they can be treated a little bit special. I want us to adopt the affirmative action so that development in that area is also accelerated so that we catch with the rest of the country. Maybe, after ten or 15 years when we would have reached the level of other cities, then we can revert back to the normal way of distributing resources equally. This is the same for the Ministry of Roads. We, as Members of Parliament, have passed laws to ensure that the Roads Maintenance Levy Funds are shared equally regardless of where a constituency is situated. I think we need to relook at that because in some parts of the country roads are very good whereas certain parts of the country do not even have roads, in the first place. I think it was an oversight on our part to have passed such a legislation which made sure that finances were equally distributed to all constituencies. It was a good process and initiation, but then we need to go back and look at it again and be a bit more practical, so that we get the resources fairly. Definitely, some areas need more of these resources than others.

Finally, Mr. Temporary Deputy Speaker, Sir, this brings me to the point raised earlier by one Member about national identification cards. Yes, we need to protect our country from foreigners. We need to know who genuine Kenyans are and who are not. But in so doing, our people are suffering. People who have cleared Form Four examinations and want to be recognised as true Kenyans are being denied the right to have this document. This is simply because some foreigners have infiltrated the country. I think the Government needs to do better than that and put in place measures to make sure that innocent wananchi do not suffer.

With those few remarks, I beg to support and my time is up.

**Mr. Konchella:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to join my colleagues in contributing to this very important Motion.

I also wish to thank the President for the Speech that he gave on the exposition of the Government policy. He particularly touched on areas which are to enhance our unity and peaceful co-existence as people of Kenya. He said that we should not look outward for solutions to our problem. I agree with him a hundred per cent. Indeed, we should never try to look for people from outside just because we cannot agree or sit and talk together. We, as Kenyans, are equal in the eyes of the law and God. Therefore, all of us have a right to live in this country and share what God bestowed on us in this land.

Mr. Temporary Deputy Speaker, Sir, I wish to comment on some of the issues raised by my colleagues, particularly the issue of arid land. The people who live in these

marginalized areas for years have been left out. Of course, they are complaining that they are being harassed due to lack of proper documentation. They are denied this vital document because of infiltration by other people from other countries; we must understand that we are border communities. Some of those people are their relatives from those countries. For example, last year when we had drought, almost all Tanzania Maasai's moved into my constituency because of pasture, but eventually they went back. Of course, we must understand that we are now heading towards one nation of East African Community. In fact, in July a protocol on free movement of labour and businesses was signed. This is a very important development for the people of East Africa. From July onwards, they will be able to mix freely within East African Community without restrictions. They will be able to sell their goods and services to the people. Therefore, Kenyans must prepare themselves for this opportunity, not only to do business, but also get employment. Indeed, other countries turn to Kenya for skilled labour in certain areas such as industries. When you visit most of East African countries, we know how far we are as a country in terms of infrastructure and economic development. In terms of manpower, these countries look on Kenya to support their industries. When you talk about our youth being unemployed, the Ministry of State for Youth Affairs and Sports should actually be empowered to take care of the youth. I know that last year we passed the Youth Council Act which is now a law. This will enable the Minister to institute measures that will address the issue of youth unemployment. We have many young people who have completed universities, but have no jobs. We can create jobs for them through either retraining or actually looking for jobs outside East Africa and within parts of Africa because they do not have the manpower that we have here in Kenya. So, the Government should do something to help our youths who are suffering due to lack of employment. The Government is there to provide for its own people.

Mr. Temporary Deputy Speaker, Sir, I always believe that a nation that has no social justice is doomed to fail. Majority of people must be provided. Majority of Kenyans today live below poverty line. When you saw the other day milk been poured because a Government institution is not able to process it, it shows how inefficient and careless we are. I believe that the new Constitution will empower institutions to manage their affairs. The Government must show leadership in ensuring that systems that address the issue of social justice are properly addressed by providing adequate budgetary provisions. You also realize that money provided by the Government does not do much because of corruption. I believe that the buck stops with the leadership in the fight against corruption. If you are not able to address the issues of corruption in this country at whatever level then there is nothing we are doing here. Corruption is a cancer that has destroyed our society and unless it is managed and controlled, we will not develop and improve the economy of this country.

We even heard people who took money meant for resettlement of IDPs. How much does it take the Government to allocate money for three financial years systematically to purchase land and settle these people? Why do we have an eyesore of our own brothers and sisters suffering and yet, we have money which people loot to make themselves global billionaires? This money is from tax paid by the people of Kenya.

So, these are the issues that the Government must be serious about. We must have leadership that concerns itself with the poverty and needs of the people. We have our own

interests, because this is where the problem is; once you are given a job, instead of taking it seriously and making sure you use your position for solving the problems of the people of this country, you use it for your own personal interests. I believe this is why we go wrong, and that is why we have to address this issue. I am glad that the new Constitution is going to take care of this.

Mr. Temporary Deputy Speaker, Sir, the issue of the environment is very crucial. We know, for example, that we are lucky now we have rains; thank God, because of the rains we have. But we need a sustained programme to ensure that we have rain out of natural design than out of a serious situation like *El Nino*, which we have seen before.

Mr. Temporary Deputy Speaker, Sir, the issue of the Mau is in the minds of Kenyans today, just like it was before. People must leave the Mau so that it can be replanted with trees. We must have a forest cover in the Mau and other watersheds so that we have sufficient rain to feed our people. There is no need of us continually being beggars. You know what happened during the Ninth Parliament, when President Kibaki was serving his first term as President of Kenya. When the economy grew by 7 per cent, those people who used to give us money came begging us to take their money because they had excess liquidity in their accounts, and they wanted to dispose of the money to earn interest and they did not do so! Now, it was because the economy was growing we were able to provide--- The issue then of triple effects of that particular economic boom to the poor, and this would have been done except for us going into unnecessary wars and fighting. I think 2007 should be a lesson for Kenya, that you should not destroy or kill yourself through fighting because of elections or because of an individual. We, therefore, wish political parties well now that we have the Political Parties Act; they are even being supported and should be managed properly. In the future, we will have political parties that are going to be issue-oriented; they will address what they will do for the Kenyan people, but not--- None of it will have anything to do with using your own community or your numerical strength to try and subdue others or to maintain your position.

Mr. Temporary Deputy Speaker, Sir, this is where we want this country to go and those people in the marginal areas are the future of Kenya. We must realize that these are the areas we are going to expand. Most of our traditional agricultural areas are over-populated now. So, the more we develop the arid lands; you know, the eastern, north eastern parts of Kenya and the Maasai land, the more they will accommodate a lot of our people who are now saying that they are jobless, because they are not able to utilize the land they have because it is uneconomical to farm.

So, Mr. Temporary Deputy Speaker, Sir, these are the issues we need to address in our future budgeting and in the Constitution, so that we are able to move forward. But the most critical issue concerns the youth of Kenya. Unless and until we are able to sort out the problems of the youth, we will not go very far.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister of State for Provincial Administration and Internal Security for the issue of disarmament. I know that a lot of people have returned firearms. The Government should never allow civilians to own firearms. Only if you are a registered firearm holder, but not to acquire because you want to kill your brother because of cattle rustling and tomorrow, he will also get a gun and kill you. So, I want to thank the Government for what it is doing now, especially the Minister of State for Provincial Administration and Internal Security, because I think he has done a good job. But he needs to do much more here in Nairobi, because as people

walk down the road--- I mean, how can Uhuru Highway be the most dangerous place in Nairobi today? How much does it take the police to do an operation and clear the place? I believe that if they have not done so, then they do not know what they are doing. I think they need to be retrained on operations in terms of ensuring the safety of people, because you cannot allow--- If you want the capital of this nation to be the most secure place, and then just do nothing---

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister for Fisheries Development** (Mr. A.C. Mohamed):Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii niungane na wenzangu ili niweze kumpongeza Rais kwa Hotuba yake ya kusisimua aliyoisoma hivi majuzi. Hotuba yake imegusia mipangilio ya maendeleo katika sehemu zote za Kenya. Ametuhimiza tuwe na umoja wa dhati katika kujenga taifa hili, na vile vile tusitumie siasa ili kuweza kuwakandamiza wanasiasa wengine kwa sababu hii au nyingine.

La pili, Bw. Naibu Spika wa Muda, sisi hivi sasa tuko katika hiki *chamber* kinachoitwa *Old Chamber*. Hapa ndipo tarehe ya Taifa letu la Kenya kujinyakulia Uhuru kwa mara ya kwanza, ilipotengenezwa kupitia Sheria za nchi hii. Hii *Old Chamber* ina *tarikh* kubwa na hivi sasa, ni bahati kubwa kwa Bunge hili la Kumi kupata fursa na kuwapatia Wakenya kitu ambacho wametarajia kwa miaka 20 iliyopita. Katiba mpya ilitarajiwa miaka 20 iliyopita; Kenya nzima, pembe zote zilivyo, hakuna kitu muhimu leo kushinda kuwapatia Wakenya Katiba mpya. Kwa hivyo, Bunge hili, kupitia kwa Kamati hii ya Abdulkadir, ambayo imefanya kazi nzuri; ni Kamati ya Bunge hili; inayofaa watu waipongeze sana. Pia, inafaa watu walipongeze Bunge hili likiongozwa na Spika, Bw. Marende, na jambo hilo litaingia katika historia ya taifa hili la Kenya kwa sababu itakuwa ni mara ya pili kwa Wakenya kupata Katiba ambayo wanahitaji.

Kitu cha pili ambacho nataka niseme hapa, Bw. Naibu Spika wa Muda, ni kutambua juhudi ya Serikali ambayo iliyofanya katika mkasa wetu wa moto uliotokea katika kijiji changu cha Faza. Nataka kumpongeza Rais, Mhe Mwai Kibaki; nataka kumpongeza Waziri Mkuu, Mhe Raila Odinga, kwa ule umuhimu walioichukulia kazi hiyo ili kuweza kuwanusuru wale waliopatikana na mkasa huo; walikuja haraka iwezekanavyo, chini ya wiki moja, na kuweza kuchangisha pesa zisizokuwa chini ya Ksh60 milioni. Hilo ni jambo ambalo limewatia moyo watu wangu wa Faza Rasini. Mimi mwenyewe ndio nilisimamia jambo hilo; nilizungumza na hawa viongozi wetu wa kitaifa wote wawili na wakanikubalia. Hivi sasa, ni wajibu wangu kutambua juhudi hiyo iliyofanyika. Ijapokuwa pesa zilizopatikana hazikutosha kwa sababu mkasa ulikuwa mkubwa-nyumba zilizochomeka zilikwa zaidi ya 400, tunashukuru hivi sasa, tunaipongeze pia ile Kamati iliyochaguliwa, kwa sababu karibu nyumba 60 au 70 tayari zimejengwa. Nataka kuchukua nafasi hii kumuomba Waziri wetu wa Fedha, Mhe Uhuru Kenyatta, atuchangie pesa za kutosha kupitia kwa Wizara yake ili tuweze kumaliza kazi hiyo iliyoko mbele yetu. Sisi tunahitaji kupata zaidi ya Kshs200 milioni.

Kulingana na kazi ambayo iko mbele yetu, hiyo ni pesa kidogo. Tunafahamu kwamba Serikali yetu inatumia mabilioni ya pesa kuwasaidia *Internally Displaced Persons* (IDPs). Hizo ni pesa nyingi sana. Ni haki kuwasaidia wale ambao hawako katika makao yao kwa kutumia mabilioni ya pesa. Lakini itakuwa muhimu pia ikiwa Serikali itatupatia pesa kupitia makadirio ambayo Waziri ataleta hivi punde. Mimi nimemwomba na kumwonyesha umuhimu wa kumaliza kujenga nyumba zilizoharibiwa na moto kule Faza.

Pili, ningependa kuipongeza Serikali kwa juhudi zake za kutaka kujenga mradi mkubwa katika eneo hili la Afrika ya Mashariki na Kati. Mradi huo si mwingine bali ni ujenzi wa bandari ya pili katika taifa hili kule Lamu. Mradi huo utawaletea watu wa Lamu mafanikio makubwa. Ni matarajio yetu kwamba mradi huu ukitekelezwa basi barabara ya kutoka Mokowe hadi Kiunga itarekebishwa na kutiwa lami. Hili ni jambo ambalo tumelisisitiza siku nyingi sana. Ni nia yetu kwamba japo haya yote yako katika mipango ya Serikali, tungependa ianze kazi hiyo mwaka huu wala si mwaka ujao.

Ningependa kumpongeza Waziri wa Kawi kwa sababu nilimwomba atufikishie umeme Kiunga kupitia mpango wa *Rural Electrification*, akatuahidi na labda kazi ya kusambaza umeme tayari imeanza kule. Mambo yanayohitajika kufanywa ni mengi lakini ikiwa binadamu atayapata hata machache, basi anapaswa kuyatambua na kutoa shukurani.

Bw. Naibu Spika wa Muda, ningependa kuchukua fursa hii kuongea machache kuhusu mipangilio ya fedha za CDF. Pesa za CDF zinafanya kazi nzuri kwetu. Kwa mfano, zimetumiwa kujenga shule za kutosha. Wakilisho langu la ubunge lilikuwa na shule ya upili moja lakini sasa tumejenga shule ya upili katika tarafa ya Kizingitini na watoto wanaendelea kusoma. Pia, tumejenga shule nyingine katika Tarafa ya Kiunga. Kazi hii yote inayofanywa kwa kutumia pesa za CDF.

Kwa hayo machache, ninaunga mkono Hotuba ya Rais. Tuendeleo kuwa na umoja. Vile vile, inafaa tuwahimize viongozi wetu wawili washauriane kwa mambo yote ili taifa hili lipate maendeleo ya kutosha.

**Mr. C. Onyancha:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Address. I want to support my colleagues in what they have said with regard to various issues.

On the new Constitution, I would like to commend the Parliamentary Select Committee (PSC) on Constitutional Review and the Committee of Experts (CoE) for a job well done. I hope that when this document comes to the Floor of the House, now that it has been tabled, we shall dispose it off with speed in order to give new hope to our people.

Having said that, I do not think the Constitution is the panacea for all our ills. Most of the problems we have are not because we have a bad Constitution. It is because it is badly executed. Laws are selectively applied and, indeed, people feel that equity has not been applied across the country. That is why they are yearning for a new Constitution, which will not solve those problems. I agree with my colleague, Mr. Nyamweya, about change of heart. We must start afresh with reconciliation and kill impunity at all levels.

When I see a *matatu* passing on the wrong side of the road and a policeman standing ahead just looks at it and moves aside to give it way to pass, I think that is not only selective justice but also impunity. That is something that should be punished at the earliest opportunity. Likewise, when a Minister is under suspicion and is requested to step aside because he is full of impunity to do that on his own as a gentleman – he even goes on a war path - I think that is a measure of impunity that we have got to kill as well.

Mr. Temporary Deputy Speaker, Sir, impunity is what is punishing this country and increasing poverty amongst our people. When somebody in the Executive is accused or requested to be investigated, he falls back on his community. He or she says: “My community is being finished”, and yet that community has nothing to do with his own

cross which he should carry himself. I would like Members of Parliament to get out of that system of supporting “my man” whether he is right or wrong. We all know that we have a responsibility to our constituents and the people of Kenya.

On reconciliation, I would have expected that to be a theme on its own now that it carries a lot of weight. When we have a Coalition Government and His Excellency the President, whom we love very much, finishes a long speech without even mentioning about working well with the Prime Minister, we in the Back Bench look at it and say, “something is not right here.” The body language says that something is not right. When that is translated to the ground, you get a situation where the Prime Minister is visiting an area and the leaders from that area say, “You cannot come here.” Are we balkanizing Kenya? Kenya is one country and everybody, including myself, should be free to visit any place. We should feel free and protected, first of all, by the local leaders and secondly, by the Government.

When His Excellency the President visits Kisii, a fact which we are very proud of every time he comes, we turn out in large numbers and all Members of Parliament from Kisii--- All the seven ODM-affiliated Members of Parliament out of the ten Members of Parliament from Kisii turn up to receive the President. We all show him respect and pleasure. We are always very happy when he is there. He is also very happy when he comes to Kisii. Can our colleagues, elsewhere in the country, emulate that example, rather than indicate that there is some friction and that somebody is not allowed to visit an area? I think that is an issue that does not work towards reconciliation of our country.

On corruption, the President’s Address touched on it. He mentioned his will to stamp out corruption and we support him 100 per cent. We would like to see him not to play his kind heart to people who have been accused of certain activities or implicated in scandals. They should carry their cross.

The *Kazi kwa Vijana Programme*, as we know, has not worked out well. This, again, is because of corruption. We cannot have a society that is progressive unless we kill this monster called “corruption” and we must do it at all levels.

Mr. Temporary Deputy Speaker, Sir, on the IIBRC, I think that Commission should be left to do its job and report to Parliament. This is because there appears to be a conflict between the Constitution-makers who determine how many constituencies, counties and electoral areas we should have. That is an area that will create some conflict and we need to look at it when this Constitution is brought on the Floor of the House.

Mr. Temporary Deputy Speaker, Sir, with regard to investment, we can create employment in this country by increasing investment both local and international. However, I cannot invest my money in an area that is insecure. That is why I am very proud to tell you and the House that in my constituency which is Bonchari, we have converted young people who were jobless and were acting in a manner that was not peaceful to a force that is called “community policing” which works very closely with the police.

Those young men are working voluntarily, free of charge. I want to urge the Deputy Prime Minister and Minister for Finance to look into the possibility of compensating those young people to a certain measure, so that we can enable them to carry out their day and night duties and feed their families.

Touching on reforms and looking at Parliament, I want to commend you, Mr. Speaker, and Members of Parliament for instituting reforms that I am seeing in

Parliament. I believe that the Legislature is leading in reforms, as opposed to other arms of Government. The Executive has tried very much to reform itself. We can see that service delivery has improved a lot, when you compare with previous years.

I want to commend His Excellency the President because he has taken Government closer to the people. He has shown the civil servants that their clients are the *wananchi*. He has given a freehand to Ministers to run their Ministries. I commend him for that.

Mr. Temporary Deputy Speaker, Sir, having said that, I believe that there are some very inefficient Ministers who have served their term and who should give way. I want to encourage His Excellency the President not to be afraid of relieving such people of their Ministerial duties. We shall give him our full support. There are very many young Members of Parliament who are able to serve with a lot of energy.

An area of concern when you talk about reforms is the Judiciary. It is still lagging behind. We have not seen any improvement in the last many years. I believe that matter should come to the Floor of this House. We want to, specifically, discuss the Judiciary, because it is a hindrance to development. The rights of individuals who own property are abused every day and the Judiciary is not able to correct those inequities. When a matter lasts 20 years in court and the litigants die in the process, it is not justice at all. As they say, justice delayed is justice denied.

In conclusion, I want to thank His Excellency the President for giving my district two new divisions. I would like to urge the Office of the President to give us locations. But we do not need a division without a location. A division cannot be a location.

Mr. Temporary Deputy Speaker, Sir, I thank you and His Excellency the President for his Speech.

With those remarks, I support.

**Mr. Yakub:** Bw. Naibu Spika wa Muda, ahsante sana kwa kunipa nafasi hii kuchangia Hotuba ya Rais, ambayo naiunga mkono rasmi, na hususan maneno yenye uzito aliyoeleza na kutaka kushughulikiwa kwa dhati na sisi Wabunge wa Bunge la Kumi. Ningependa kuyanukuu maneno mazito aliyoyataja kwenye Hotuba yake. Changamoto zilizojiri katika siku hizi za majuzi, twataka ziangaliwe kwa makini sana.

Bw. Naibu Spika wa Muda, kuna swala muhimu ambalo Rais amekuwa akilitaja mara kwa mara katika Hotuba yake; Wabunge kujitolea kwa dhati kuwahudumia wananchi wa Kenya. Haya ni mambo ambayo, mara kwa mara, tunapaswa kujikumbusha kama Wabunge.

Jambo ambalo wananchi wanalionga lina uzito sana kwetu sisi Wabunge na Serikali kwa jumla ni ufisadi. Ingawa kwenye Hotuba yake Rais alitaja maneno ya kuwatia moyo wananchi, mara nyingi inaonekana kwamba kunapotokea visa vya ufisadi Serikali husahau kutekeleza majukumu yake ya kuwashtaki wale wanaofanya ufisadi.

Bw. Naibu Spika wa Muda, mara kwa mara, tunakumbushwa ufisadi uliotokea wakati wa Goldenberg, Anglo Leasing, ufisadi wa mahindi, mafuta na, hata hivi majuzi, ufisadi wa fedha za elimu ya bure kwa shule za umma. Hayo ni mambo ambayo yameregeza nyuma imani ya wananchi wetu kwa Serikali yetu kwa hivi sasa. Jambo la kufurahisha ni kwamba kuna hatua ndogo iliyochukuliwa dhidi ya watuhumiwa fulani. Waliambiwa wakae kando kwa miezi mitatu ili wachunguzwe kulingana na ufisadi huo.

Vile ilivyotokea mpaka tukaonyeshwa kwenye vyombo vya habari maziwa yakimwagwa chini, tunailaumu Serikali. Serikali ina uwezo wa kuyanunua maziwa yale

na kulipia gharama kiwanda cha New Kenya Co-operative Creameries (KCC) au hata viwanda vya watu binafsi, halafu viwanda hivyo viyachukue maziwa yale na kuwapelekea wanafunzi shuleni na maeneo ambayo yanahitaji maziwa wakati huu.

Hilo ni jambo ambalo limewafanya wananchi kuwa na masikitiko makubwa. Kuna wale wenzetu wanaoitwa Internally Displaced Persons (IDPs). Wangepelekewa maziwa yale kwa gharama ya Serikali.

Bw. Naibu Spika wa Muda, Rais pia alieleza kwenye Hotuba yake kwamba kila Mkenya aheshimiwe. Hili ni jambo la msingi wa Katiba yetu. Lakini ukija kwenye maswala ya kutolewa kwa vitambulisho, mara nyingi sisi watu wa Pwani hulalamika. Tunaona kwamba katika maeneo mengine ya Kenya, kuna sera tofauti za kutolewa kwa vitambulisho. Kwetu Pwani, sera inayotumika ni nyingine. Kijana akiwasilisha ombi la kusajiliwa, huulizwa amesoma wapi, anatakiwa aonyeshe kadi ya chanjo inayoonyesha hospitali aliyozaliwa. Pia anatakiwa aonyeshe birth certificate na kitambulisho cha babake, pamoja na vitambulisho vya babu yake, mamake na babake mamake. Katika maeneo mengine, mtu akifikisha umri wa miaka 18, haulizwi maswali kama hayo.

Hili ni jambo ambalo tungependa Wizara inayoshughulika na maswala ya vitambulisho itueleze wazi mrengo na mfumo wa Kenya nzima, isiwe katika maeneo fulani, kuna mrengo mwingine na katika maeneo fulani kuna mrengo mwingine. Lakini tunaunga mkono wageni wasiweze kupata vitambulisho, pasipoti na vyeti vya kuzaliwa. Wale ambao tuna hakika ni Wakenya, kwa sababu tumezaliwa na tunaishi nao, wasisumbuliwe. Hivi sasa, ofisini kwetu, tuna watu zaidi ya 20 waliosubiri kwa zaidi ya miaka miwili bila kupata vitambulisho vyao.

Tunataka Idara ya Mahakama ifanyiwe marekebisho. Zile kesi zinazopelekwa kwa Idara ya Mahakama zinachukua muda mrefu sana. Watu hawawezi kupata haki zao ikiwa muda wa kungoja haki itendeke utakuwa mrefu mno.

Kuanzishwa kwa elimu ya bure katika shule za umma ni fikira nzuri sana kutoka kwa Serikali iliyopita. Mpango huo umewasaidia wananchi wengi sana, hasa wale wanaotoka kwenye maeneo yaliyoathiriwa na umaskini.

Lakini masikitiko ni kwamba idadi ya walimu ni ndogo sana. Pia, madarasa yamekuwa machache sana. Vile vile, idadi ya vitabu vya kusoma imepungua sana kwa sababu wanafunzi wamekuwa wengi. Darasa lililokuwa na wanafunzi 40, leo lina wanafunzi 75 au 80. Pia, idadi ya walimu na madarasa haijaongezwa. Pesa ya kununua vitabu vya kusoma imekuwa shida kupata.

Katika maswala ya kiuchumi, hakika tunapata upinzani mkubwa sana kutoka kwa nchi zetu jirani. Jambo moja ambalo limechangia kwa upinzani huu ni gharama ya umeme. Gharama ya umeme inawafanya wafanyabiashara watorokee nchi jirani. Wengine wanahamia Misri kwa sababu ya gharama ya umeme na maji.

Ingawa kwetu tunaishukuru Serikali kwa upande wa barabara, kuna kilomita 80 kutoka Malindi hadi Lamu inafaa irekebishwe ili biashara iimalike.

Bw. Spika wa Muda, iwapo Serikali itakuja na mfumo mpya wa kuweza kupunguza gharama za umeme, ninafikiri watu watapendelea kuja kufanya kazi na biashara hapa nchini kwa sababu ya hali ya bandari tulionayo. Tuko na barabara na reli hadi Uganda lakini kuna haja kubwa kwa Serikali kupunguza gharama za umeme kwa haraka. Pia, inafaa maswala ya maji yaangaliwe. Kwetu Pwani, wenye hoteli wanafanya fujo sana kwa sababu ya shida za maji ambazo zaweza kufanya wageni wakimbie. Kwa hivyo, ni bora kuangalia maswala ya maji kule Pwani.

Ningependa kumkumbusha Waziri wa Fedha kwamba kuna pesa ambazo wazee waliofanya kazi kwenye idara saba za Afrika Mashariki iliyovunjwa hawajalipwa kwa miaka 32. Ninatarajia kabla ya Bajeti itakayosomwa mwezi wa Juni, wazee hao watapewa haki yao. Wamekaa kwa miaka 32 bila kupewa haki yao. Waziri alikubali kwamba pesa ziko na inafaa mipangilio ifanywe haraka ili wazee hao wapewe haki yao.

Pia, ningependa kumkumbusha kwamba kuna pesa zile ambazo ---

Kwa hayo machache, ninaunga mkono Hoja hii.

**The Minister of State for Public Service** (Mr. Otieno): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

It is true that the President made a good statement. It is also true that children who were born after Independence are almost 50 years old. We continue in this country with leadership that is not serious with reconciling our country as one united nation in which we look after the interests of each other. I feel we have lost a great opportunity during the Grand Coalition Government's last two years in office. It should have been possible for Hon. Kibaki and Hon. Raila to demonstrate to Kenyans that they can bring us together to pursue a development agenda that would be in the interest of all our communities.

It is a pity that an atmosphere of double speak continues; that there is a big gap between what we say and what we actually mean and do.

That to me is the measure of insincerity; the measure of serious inaction in our relations. The challenge we have as a country is: How do we change the attitudes of our people so that together, we can encourage them to work and develop this country? We are allowing a situation to continue in this country where "they are they and we are we". That is a perfect example of what I can freely describe as a failed leadership at national level. That is because as you travel in this country--- You drive through Makueni you find the people there are no different from other Kenyans in Busia. You travel all the way to Kitui and you find they are not different in their suffering from our people in Kajiado. You go all the way to Turkana and it is exactly the same experience as we have in Wajir and yet, we are allowing a situation to continue in our country where "they are they and their problems are theirs; we are we and our problems, so long as mine is solved, I do not mind". So power continues to be used in this country for the benefit of the few. We have so many leaders who seek to control the whole country, but do not intend to benefit the whole country in terms of execution of their respective policies.

Mr. Temporary Deputy Speaker, Sir, I have a lot to lament about that situation, starting with the two Principles. They have failed to demonstrate to Kenyans that, after the experience of the post-election violence, they are serious enough to lead us as one people. But it appears there is hypocrisy here and there. What is spoken is different from what is actually done and you can see frustration building from both sides until it shows in open fields: "That you are politicizing that! You are personalizing that", when the reality is that corruption is eating us day and night. I am currently the Chairman of the African Ministers of Public Service and one of our objectives is to fight corruption continentally. Kenya would have gone very far if we were serious in fighting corruption. There are no two ways about it. You fight it from the top! If the top leaves room for any corrupt activities, you will not succeed to deal with corruption. So, we have to be committed from top to bottom, and bottom-up, in the national interest of this country.

I have to lament the continuing lip service even in the constitutional making process which we thought we were all committed to, and we all agreed we should do.

People say yes today for this clause and no tomorrow for the same clause and you wonder, what leadership is that? Do you intend or is it that you do not know what is good for this country given its ethnic diversity and leadership up to now? We still have a fight between those who want to control from the centre so that they may benefit a few instead of deploying all resources, human and material, for the benefit of the whole country. Why should that continue yet we know what needs to be done as a country and we fail to do it? Let me touch on regional inequalities. We know very well that in northern Kenya, North Eastern and some of the semi arid areas, what we need is raw water, so that their animals can graze. What we need is development of some oasis where their children can have equal education with the rest. We established a Ministry responsible for the northern Kenya and arid areas and it has no resources and yet, two years have gone by. The Maasais are still struggling the way they have been struggling before. Why that double speak? Why that lip service? Why is it that good plans are there? As an economist, I can say there is no better plan than Vision 2030. But there is a big gap between what we plan and what we implement. As soon as the plan is approved, implementation goes totally a different route.

We still allocate inadequate resources for agriculture. In my constituency, the biggest problem is that too many of my constituents cannot pay their medical bills. I have too many people who cannot pay fees both for secondary school and colleges, leave alone university. How shall we bridge the gap?

Mr. Temporary Deputy Speaker, Sir, the youth who are unemployed are increasing. As *Mungiki* revolts, the leaders do not hear the bells ringing that if you do not do it, there is nothing tribal in it. Kenyans need help and the only way they will be helped is how you arrange to put them to work. Put them to work in agriculture and services. Deploy the resources in the most economical manner. Leave them to think and act together because that is what the Bible teaches. When times are difficult, put your heads together and I will give you the inspiration. I think that is the advice Jesus gave. Why do we not follow such a simple teaching? Instead, we continue to misinterpret a verse in the bible which says that those who have shall be given and those who do not have, even the little that they have will be taken away. It is interpreted totally out of context. It was never meant that the rich in Kenya should continue to be richer and the poor should be exploited to continue being poorer. You will soon not enjoy your wealth in this Republic if we allow the inequalities to continue striking as it is.

So, we should take seriously the uprising among the *Mungiki*. We should take seriously the loitering in Nairobi streets. You can see our people are walking in the streets and yet they are not going anywhere. Despite this, we are allowing the city to get bigger and bigger to the extent that life in the city is getting harder and harder for these youth to manage.

Mr. Temporary Deputy Speaker, Sir, we started the Ministry of Nairobi Metropolitan Development but not much progress has been made. We have to be very drastic if we are going to solve some of the problems in this country. We should be thinking of another twin city out of Nairobi, some three million people somewhere between Machakos, Konza, Kajiado and Athi River, totally different and move all the Government Ministries except the Office of the President over to the bush and build new estates there with residential facilities and proper sanitation next to the digital village which is coming up there. Otherwise, life is becoming impossible in the city.

The Presidential Address was good but there is still such a huge gap between what we know. There is still a huge gap between what we say and what we do. We continue to speak as Kenyans but we always act as Luos, Kambas and Kikuyus. This is the tragedy in this country and it is time we put these people to task and let our leaders demonstrate. In the remaining three years, let hon. Kibaki and hon. Raila demonstrate that first we get a Constitution and second we start clear programmes to lift this country out of the abyss we are going into. If that is not possible, we had better start teaching all our leaders to start thinking differently, if this country is going to be different the way we had planned it.

Thank you very much.

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Presidential Address which was delivered on 23<sup>rd</sup>. I wish to make a few observations on this very timely Address. The Address raised some critical issues affecting the lives of Kenyans.

Mr. Temporary Deputy Speaker, Sir, for the last two years, the Grand Coalition Government has worked hard under the stewardship of the two principals. One area that I need to commend the two principals is the area of restoring peace in this nation. They have also made sure that harmony is maintained in this country. They have come up with deliberate efforts to make sure that the economy of this nation is on the right track. As they continue to work, it will be prudent for them to continue to engage one another and to constructively consult one another for the interest of this nation. When they do not consult one another, what emerges is disagreement. This disagreement is noted by the whole nation. It does not augur well for the stability of this nation. Therefore, it is important that as we continue in this Session, the President and the Prime Minister continue to engage one another.

Another observation that I made from the Presidential Speech concerns the judicial reforms. It is in public domain that our courts require urgent surgery. We have close to 900,000 cases which have accumulated in our courts of law. These are cases which affect the lives of Kenyans. Therefore, it is important that we have sufficient, competent and qualified judges. Recently, we have seen some judges getting rejected by lawyers in this nation. The reflection and image that is created is really dissatisfying. It is important for the reforms that are required to come urgently and qualified judges should be given the opportunity to serve Kenyans. When we direct our attention to national cohesion, we encounter one area that has been neglected for a long time, which is the role played by the Mau Mau freedom fighters in this country. There are other people who fought for the liberation of this nation, but they have not had an inch of land to settle on for the last 50 years. It is the responsibility of our Government to make sure that those people have been given land so that they can enjoy the fruits of freedom in this nation. I recall that we had a Motion in this House where we agreed that those freedom fighters, who laboured and suffered for this nation, should be given two and a half acres of land. Up to now, this has not been implemented. This is making the Kenyans who really suffered, to continue agonizing with their families.

When we look at the issue of security in this nation, much more needs to be done. Why should we, at this particular time, experience kidnapping of children, mothers and even fathers in Nairobi? Even our professionals and school children are threatened. Later, ransoms are demanded from the relatives of the victims. Sometimes these ransoms are

demanded from very poor and needy families. So, security must be improved in our urban areas and also in the rural areas. Investors are also discouraged by this new phenomenon that has come to this land. It is a serious menace and must be addressed. In the same breath, security along our borders must be maintained by patriotic Kenyans. Why should our people at Migingo Island continue to be threatened by our neighbours from Uganda? Why should our borders be so porous that people come in and out any time? Some of these people are a threat to our national security. It is, therefore, important that some of these areas are given more thought and resources. When you come to police reforms, the entire police force needs to be retrained. If you look at the issue of corruption, you will find that so many vehicles are being tied up for nothing at the roadblocks. The mentality that is already exhibited by these officers does not measure with time. They need to be retrained. Again, when we come to the recruitment of these officers, be it in the Administration Police, the police force or in any other force, it should be seen to be done fairly nationally, so that all the regions of this nation are represented. It is, therefore, important that the issue of security is designated to Kenyans who are nationalist and patriotic. Allowing foreigners to land in our nation and later to spend millions of money trying to take these people to their countries of origin and that should not happen.

Mr. Temporary Deputy Speaker, Sir, on the issue of the transport sector, the President stated that a new railway will be built between Kenya and Ethiopia. This is a very good development. It will create inter-trade in both countries. It will also guarantee jobs for our own people and open up their areas. Nevertheless, it must be programmed and money must be set aside. When awarding these contracts, we must look at our own people who are qualified and have the financial resources to undertake some of these projects. We should not always wake up and think that the foreigners are the best in this area.

Mr. Temporary Deputy Speaker, Sir, when you look at the area of corruption in this nation, it is so bad and disheartening. It is even discouraging investors from investing in our country. Corruption has affected even the teaching profession, Civil Service and even the appointment of parastatal heads. We want qualified Kenyans to manage some of our parastatals. If you look at Kenya National Hospital (KNH), time and again, we have heads changing position. We even want someone now to take over at the Kenya Airports Authority. We want somebody whose background and qualifications will be accepted by Kenyans. We do not want somebody to take over because of ethnic considerations or closeness to brothers and sisters in certain areas. By so doing, we will be creating some confidence in this nation. If you look at the way we have been handling university leadership, we want qualified Kenyans to be associated with leadership in these universities. If you look at Kenyatta University, it is being led by the only lady Vice-Chancellor and the output, production and expansion programmes in that university are really desirable. She needs to be supported by all Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is also notable that the feeling today is to increase university fees. This is not the time to increase university fees because Kenyans are coming out of hunger, thirst, disease and so many things. Why should we think of increasing university fees and yet, most of the university students come from very poor families? We should be sympathetic to these people, because they will be the leaders of

this nation. So, opportunities must be created for these people. We should not deny them these opportunities by way of increasing fees at the universities.

If you look at the water requirement in Nairobi, for example, our primary, secondary schools, colleges and other institutions require water because water is life. When water tariffs are increased by the Ministry of Water and Irrigation, we do not seem to see the plight of the innocent Kenyans in these institutions. It is the high time the water tariffs are lowered by the Ministry. When you look at the way boreholes have been drilled by the Ministry of Water and Irrigation, a review must be done because all constituencies in this nation qualify to get some boreholes. For example, in Lari Constituency, we did not get any boreholes despite the fact that we have some semi-arid areas that needed immediate attention. Nothing was done and I am concerned about it.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to fully support the Presidential Statement.

**Mr. Gaichuhie:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute on the President's Speech. It was a good statement to begin with. At least, it is a new year and he gave a good statement.

I want to talk about the fight against poverty. Although we talk about fight against poverty, we still have a lot to do. If we do not think of giving enough money to agricultural areas where we have most of the people who come to towns to work, we will never fight poverty because life in town is very expensive. Although we might create jobs in towns, but life is very expensive. I want to thank the Government because through the CDF, we have seen a little bit of poverty eradication. We hope the Deputy Prime Minister and Minister for Finance will fund the economic stimulus, so that we develop our constituencies. We want to avoid influx of people from their constituencies to urban centres. We hope that a lot will be done by the Ministry of Finance to decentralise funds, so that our people can remain where they are instead of coming to towns.

I also want to thank the Rural Electrification Authority (REA). We have seen quite a number of projects that are going on. But I would urge the Government to lower the tariffs because even with a lot of electricity around not very many Kenyans can afford it. That makes it impossible to access that power.

I also want to thank the Government because I have seen roads that are being worked on. With the decentralisation of the rural roads funds, we are able to construct roads. The Government too has done national highways. They are opening up roads that traverse through the neighbouring countries. We are also told that standard gauge railways will be constructed. We hope that this will be done very soon, so that the roads that we are doing can be maintained. Heavy trucks are really wearing out our roads. If we do not do the standard gauge roads, it will be an exercise in futile.

I also want to thank both principals on their stand on constitutional review. There are very nice indications that Kenya will soon have a new Constitution. When we see both of them working together, we are happy. We can assure Kenyans that we will work hand in hand with them and give Kenya a new Constitution. The work that was done by the Committee of Experts (CoE) is very recommendable. Our Parliamentary Select Committee on the Constitution too did a very nice job. We want thank to them because of the good job they have done so far. There are a few things that are still not in good shape in the Constitution. However, I will leave it for another rainy day. But we hope that even the clergy will give us enough support, so that we can pass this Constitution.

The President also mentioned about the IDPs. The issue of IDPs has been with us since 1992, although we really felt it in 2007. We still have very many people living in tents. I urge the Ministry of Lands to buy them land. We are aware that they have Kshs1.4 billion that was given to them to hasten and buy enough land, so that people who are still in tents can be resettled. That money is not supposed to be kept there. It is supposed to buy land to resettle IDPs. On the construction of houses for IDPs, yes, they have been given iron sheets, but timber and stone are very expensive. So, maybe the Minister for State for Special Programmes should also consider doing a full construction rather than giving them iron sheets which are only for the roofs and not for the sides. I also want to thank the Ministry of State for Special Programmes through His Excellency the President and the Prime Minister because of the continued support they have been able to give the IDPs. They have been able to give them food though not enough. But at least they have tried to see to it that they have food. We would urge them to continue doing so, because these IDPs do not have farms.

The President also talked of injecting more funds to New KCC. Although it has come at the right time, it is too late because we saw milk being poured by farmers. I will urge the Government not to come in at the last minute because they have the machinery to know where they should inject more funds and at what time. It is not good to see farmers pouring milk when many Kenyans are starving.

We are also very happy because of the reforms that are going on here in Parliament. We are now in the Old Chamber; we have funds that have been allocated to refurbish our Chamber, meaning that we are having reforms going on. We have also seen quite positive reforms in the police force. We would urge them to continue with the reforms, so that we can have a polished police force. The public service is also doing quite good. We can see the Minister, who is here, trying to harmonize the salaries of the civil servants with those of the public sector, which will encourage the civil servants, who are feeling less privileged. I hope they will work harder because their salaries are being reviewed to match those of the private sector.

We also need to ask the Minister for Finance, when he gives us a policy statement, to add on to its budget the funds for the Judiciary because we keep on blaming the Judiciary but I think it is underfunded. It should have more competent judges who will be able to handle cases quickly. We should have more court rooms; we have created more districts but the courts are still the same. We should computerize the judicial system and even employ more support staff in the Judicial system, so that our Judiciary can be reformed and cases really concluded in good time.

Otherwise, we want to say that we want to be a one Kenya, a united Kenya; as we know, divided we fall and united we stand. So, we would urge the two principals that in the remaining time, during this Grand Coalition Government, to lead by example. They should be united; they should always be together and if they are united, we want to promise that we will also be united and will be with them.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I want to thank you and say that I support the Presidential Address that he gave during the State Opening of Parliament.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now 6.25 p.m. and there being no further contributions, the House will adjourn until tomorrow, Wednesday the 3<sup>rd</sup> of March, 2010 at 9.00 a.m. in the morning.

The House rose at 6.25 p.m.