

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 7<sup>th</sup> July, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PETITION

#### GOVERNMENT INTERVENTION TO END THE SUFFERING OF CHARTER HOUSE BANK DEPOSITORS

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.205 with regard to a petition to the National Assembly of Kenya.

The petition calls on Parliament to take all appropriate action to require the bringing to an end of the continued suffering brought upon the depositors of the Charter House Bank without any reasonable justification from 23<sup>rd</sup> June, 2006 to date.

Mr. Speaker, Sir, as required by the Standing Orders, I have the requisite signatories. I have 35 of them although the Standing Orders require 20 signatories. The reasons underlying the request for intervention are as follows:-

On 21<sup>st</sup> June, 2006, certain documents were tabled before the House alleging that Charter House Bank was involved in money laundering, VAT evasion and operating fictitious accounts. Those allegations were picked by media houses and on 22<sup>nd</sup> June, 2006 they generated serious negative media publicity against Charter House Bank Limited.

On 23<sup>rd</sup> June, 2006, a statutory manager was appointed under Section 34(2)(a) of the Banking Act who took over and closed the bank at about 1.00 p.m. on the same date. The bank has remained closed to date.

Mr. Speaker, Sir, in his Ministerial Statement on the status of Charter House Bank investigations, the then hon. Minister for Finance was on record as having said: "Documents allegedly from Central Bank of Kenya (CBK) were laid on the Table of the House, thereby, causing unnecessary panic in the banking sector. In order to protect the interest of depositors, the bank and the entire financial system regrettably had to approve the appointment of a statutory manager for Charter House Bank on 22<sup>nd</sup> June, 2006." He went on to say: "It is with a heavy heart that I gave approval to appoint a statutory manager for a bank that does not have any liquidity problems."

According to the Minister, the statutory manager was to remain in the bank until he brings back confidence and safeguard the interest of depositors who have now asked me to bring this petition.

Mr. Speaker, Sir, from 23<sup>rd</sup> June, 2006 to date, we the aggrieved depositors, relatives, families, businesses and customers have seriously suffered and continue to suffer. Our businesses have collapsed or closed. Some of us have children chased from school because we cannot access our money or retrieve our title deeds because the statutory manager closed down the bank, contrary to Section 34(2)(a) of the Banking Act which requires:-

“In any case in which this Section applies, the CBK may appoint any person to assume the management, control and conduct of affairs and business of an institution to the exclusion of the Board of Directors including the use of the corporate seal.”

Mr. Speaker, Sir, this did not happen.

**Mr. Speaker:** The Member for Yatta, you have one minute to go.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I will go straight to the prayers. The petitioners pray that this House resolves that the implementation of the resolution of the National Assembly on Charter House Bank Limited be implemented immediately. The other prayers are that Parliament carries out investigations to establish whether Charter House Bank Limited was at the time involved in money laundering or tax evasion. It should also establish further if any of the directors, shareholders, depositors, customers and associates were involved in trafficking.

Finally, the petitioners will ever pray that if there is no genuine and justifiable reason to continue causing petitioners grave hardship, psychological torture and degrading treatment by virtue of being denied access to their hard earned deposits and blocked from enjoying banking services which support the petitioners’ means of livelihood, the petitioners petition that it is inhuman, illegal, unlawful and unfair to unjustly punish them for no apparent reason, save for malicious and false allegations, therefore, seek intervention for justice to be installed and for the rule of law to apply by having the bank restored to its original operating position where the petitioners will be allowed to freely access their deposits, securities, title deeds and banking services.

Mr. Speaker, Sir, I am the presenter and I have signed. I have the required signatures.

**Mr. Speaker:** You may proceed and table it. Hon. Members, is there anybody interested in this matter? Pursuant to Standing Order No. 208, you are allowed five minutes to make comments.

*(Mr. C. Kilonzo laid the document on the Table)*

**Mr. Ethuro:** Mr. Speaker, Sir, I rise under Standing Order No. 208. I wish to make comments on the petition made by Mr. C. Kilonzo. If you look at the HANSARD copy of what the Minister stated at that time, it says: “The reason I appointed the Statutory Manager was purely to protect a run on the bank and to safeguard the customers’ deposits.” He went further to assert; “The faster we do that, the better.”

The petitioner has said that from 23<sup>rd</sup> June, 2006, up to date, no action has taken place.

The Departmental Committee on Finance, Planning and Trade whose chairman then was the current Assistant Minister for Finance, tabled a Report in this House on 12<sup>th</sup> October, 2006 on the same matter. In that Report, they recommended that the Bank must be re-opened immediately. Why has the Minister not acted on the recommendations of

the House and on their recommendations? The Committee was also informed that there was a court order to the same effect and they even had a copy of that court order. Again, why did the Minister not act on those documents?

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Speaker, Sir, during that time when the issue of Charter House Bank was brought to this House, I remember, I asked the Minister for Finance a question. He told this House that he was acting to stop a run on the bank. He promised this House that he would reopen the bank after a while. However, up to now, even the licence for the authority of the person from the CBK to remain in the bank has expired. This has not been renewed. It is really a pity that a senior member of the Government made a statement in this House that has not been honoured up to now.

Mr. Speaker, Sir, I support the Petition that something should be done. The depositors and investors have suffered long enough. Investigations have been done by all the authorities and they have found out that there is nothing illegal the bank was doing. So, I think it is high time the Government came out and issued an order for the bank to be reopened, so that the depositors and investors can continue enjoying the facilities.

**Mr. Speaker:** Order, hon. Members! Pursuant to Standing Order No.208, the time for this Petition is up. Following the provisions of Standing Order No.210, I direct that the Petition stands committed to the Committee on Finance, Planning and Trade.

*(Applause)*

#### **PAPERS LAID**

The following Papers were laid on the Table:-  
Report on the scrutiny of the annual estimates of the Financial Year 2010/2011  
for the following Votes:

- Vote 04 – Ministry of Foreign Affairs
- Vote 08 – Ministry of Defence
- Vote 24 – Ministry of East African Community
- Vote 45 – National Security Intelligence Service

*(By Mr. Keynan)*

Report on the scrutiny of the annual estimates for the Financial Year 2010/2011  
for the following Votes:

- Vote 20 - Ministry of Water and Irrigation
- Vote 21 - Ministry of Environment and Mineral Resources.
- Vote 36 - Ministry of Lands
- Vote 55 - Ministry of Forestry and Wildlife.

*(By Mr. Musyimi)*

The first quarterly Report of the Kenya Anti-Corruption Commission for the year 2010, covering the period 1<sup>st</sup> January, 2010 to 31<sup>st</sup> March, 2010.

*(By the Attorney-General)*

**Mr. Speaker:** Hon. Members, please, note that this is an important Report prepared by the Kenya Anti-Corruption Commission. You are urged to ensure that you read it and acquaint yourselves with the contents of this Report.

## ORAL ANSWERS TO QUESTIONS

*Question No.221*

### DELAYED PAYMENT OF DUES/ARREARS TO ABDI ABDULLAHI GERIOW

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

- (a) why Abdi Abdullahi Geriow (P/No.91020556), who was stationed at Wajir District Forest Office, was removed from the payroll in June, 1996;
- (b) why it has taken so long to pay him his dues even after an order was made for the release of salary vide PCA No.320/5/97; and,
- (c) when his dues and arrears will be paid.

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

- (a) Mr. Abdullahi Geriow (P/No.91020556), who is a forest guard was appointed in February 1991. He was removed from the payroll on 7<sup>th</sup> March, 1996 on account of desertion of duty in March, 1994.
- (b) It has taken long to pay Mr. Geriow's dues because the Pay Change Advice (PCA) and minutes of the Wajir District Advisory Committee which discussed his case were not forwarded to the Ministry headquarters for approval. This is a pre-condition for such payment.
- (c) Mr. Geriow's dues and arrears will be paid upon review of his case. I have already directed my accounting officer to get the necessary information and details to review the case within the next 30 days.

**Mr. Abdirahman:** Mr. Speaker, Sir, first of all, I would like to thank the Assistant Minister for the effort he has made. This is because the answer I had yesterday is quite different from the one I have today. I do not attribute this to the entire Ministry but the personal effort he made as hon. Nanok to help this gentleman. However, for his own interest and the interest of the gentleman who is out of the payroll, I would want to tell hon. Nanok or the Ministry that a PCA is normally prepared at the Ministry headquarters and not at the district level. If they have difficulty in getting a copy of the PCA, I can provide one. These 30 days which the Assistant Minister has talked about is sufficient enough to get the right information. We have suffered because of the inconsistency of the Ministry from the lower level to the national level. What is he going to do about this?

**Mr. Nanok:** Mr. Speaker, Sir, I appreciate the comments made by hon. Abdirahman. To say the least, basically, you will realize that this is an old case which happened in 1996. One of the reasons we asked for more time in this House is because we could not trace the records that were being kept at the Ministry. We had to wait for

the records to come from Wajir District to be able to establish a foundation of how to handle this particular case. Right now, as I have said, we will need 30 days. We are still liaising very closely with the Public Service Commission, so that we can relook at this whole issue. If the staff member is to be paid, then I think that is the decision we are going to take.

**Mr. Bahari:** Mr. Speaker, Sir, this officer has stayed for a long time without being paid. I have no doubt that he must have been coming to Nairobi everytime until, perhaps, his shoes got worn out. Since that was not his mistake, could the Assistant Minister consider paying *ex-gratia* to compensate him for all that agony that he has gone through?

**Mr. Nanok:** Mr. Speaker, Sir, this matter was only brought to our attention by hon. Abdirahman and we did not know about it. As you know, the way records have been kept before in the Government Ministries has been a problem. But this is an issue we will look into, make considerations and see if the staff member deserves to be paid his dues. This matter seems not to have been handled in the right way as it should and that is the decision we are going to take.

**Mr. Affey:** Mr. Speaker, Sir, even as we acknowledge the individual role by the Assistant Minister, he says that Wajir District Advisory Committee which discussed this case did not forward those minutes to the headquarters. It seems that it has taken 15 years for those minutes to be forwarded to the headquarters from Wajir. It, therefore, means that somebody somewhere did not do the job he was supposed to do. What is the Assistant Minister doing in order to instill discipline in civil servants, so that this is not done to any other Kenyan? This was done to Mr. Geriow, but I am sure many other Kenyans will be suffering the same fate---

**Mr. Speaker:** Order! It is Question Time!

**Mr. Nanok:** Mr. Speaker, Sir, we have taken note of that and we will be looking into that matter. As you realize, the District Advisory Committee is a human resource committee that is normally chaired by the District Commissioner at the district. Its role is normally to review these cases and make recommendations to the accounting officer who delegates that responsibility to them. So, one of the things that we will also be looking at is to review things. Where we will have areas that we will need to make corrections, definitely that action will be taken.

**Mr. Speaker:** Last question, Mr. Abdirahman!

**Mr. Abdirahman:** The Assistant Minister has said that he needs 30 days to provide the information. Instead of me filing this Question again, would I be in order to ask him to provide that information to this House? That is because 15 years is a long time and yet, the man does not have a dismissal letter from the Public Service Commission. That is for the information of the Assistant Minister. So, could we have the information provided to the House, so that I can follow up?

**Mr. Nanok:** Mr. Speaker, Sir, there are procedures that are laid out by the Public Service Commission in terms of returning a staff member into the payroll. We want to go through those procedures exhaustively. If we establish, after close consultation with the Public Service Commission, that the staff member needs to be put back on the payroll, then we will do that. That is why we are asking for 30 days to do that. I can assure you that we are looking into that matter and after that period, I am sure that the hon. Member will be satisfied with the outcome.

*Question No.038*

POPULATION OF ELEPHANTS/BUFFALOES  
IN MARSABIT FOREST

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

- (a) to indicate the current population of elephants and buffaloes, respectively, in Marsabit Forest;
- (b) what has been the result of the drastic poaching menace in percentage terms to elephant and buffalo populations over the last five (5) years; and,
- (c) how many poachers have been arrested, prosecuted and/or charged in the last five years.

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

- (a) Marsabit Forest is home to about 300 elephants whose home range extends to the lower ranges of Barchuma, Sirgite Lava and Koya. The population of buffaloes in the same forest is about 250.
- (b) The following is as a result of elephant and buffalo poaching and their populations in Marsabit Forest in the last five years.

**Elephant Poaching**

The location of Marsabit on the Kenya-Ethiopian Highway makes its elephants vulnerable to poaching due to illegal ivory trafficking. During the last five years, a total of 26 elephants have been poached within Marsabit District. That represents an average of 8.7 per cent of the elephant population in the district as tabulated in the table below. I will not read it because the hon. Member has the data.

**Buffalo Poaching**

Marsabit National Reserve has not experienced any case of buffalo poaching in the last five years. However, some isolated cases of buffalo poaching by cattle rustlers have been reported outside the reserve.

(c) Within the last five years, a total of 66 suspects have been arrested and charged in a court of law for cases related to wildlife poaching as tabulated in details in a table laid out here.

**Mr. Lekuton:** Thank you Mr. Speaker, Sir. I asked this Question because northern Kenya is opening up. We have a tarmac road from Isiolo. It is now in Sorerifi and very soon it will be in Marsabit. It is going to attract many local and foreign tourists who will come by road. The elephants and buffaloes are disappearing at a very fast rate. I do not believe in these figures. What comprehensive plan does the Ministry have to preserve those animals so that, at least, when that infrastructure is completed, we have a source of livelihood in that part of the country?

**Mr. Nanok:** Thank you, Mr. Speaker, Sir. First, we are enhancing the internal security system in all the reserves and, secondly, we are working very closely with the Ministry of State for Provincial Administration and Internal Security. As we said, illegal arms in that area have been the biggest contributor to the dwindling number of elephants in the last five years. But there has been an improvement of the infrastructure. I am happy

because the hon. Member has noted that a tarmac road is being constructed in that area and more funds are being put onto those feeder roads. So, with that, I think the flexibility of the game wardens to move around and be able to police the wild animals will increase.

**Mr. Ochieng:** Thank you, Mr. Speaker, Sir. The Western Tourist Circuit is being opened at this particular time. As a result of that, we are also experiencing a situation where many hippos are roaming around Lake Victoria. What is the Ministry doing to make sure that those hippos are herded at one place so that they can be a tourist attraction, instead of leaving them to roam around and damage the crops of my people in Nyakach?

**Mr. Nanok:** Mr. Speaker, Sir, I admit that, that may be a bit tricky because hippos live in the water. We do not have enough wardens and rangers to guard every kilometer of the water. I would like to ask the hon. Member that when those hippos come out in large numbers to attack the villages, a report should be made to the nearest Kenya Wildlife Service (KWS) offices. If you do not get any assistance there, that is the reason why we are here. As a Ministry, we will support you to make them do their job.

**Mr. Ethuro:** Thank you, Mr. Speaker, Sir. Marsabit Forest is one of our catchment areas. It also covers southern island and central island on Lake Turkana. Those islands are in my place. The Assistant Minister has said that elephant poaching is a problem because of the location of Marsabit being nearer to Ethiopia. Is he confirming to this House their inability to protect our boundaries and all the game reserves? If that is so, could he be considering deploying a plane which can provide surveillance in the entire zone?

**Mr. Nanok:** Mr. Speaker, Sir, we have eight conservation areas. In each of those conservation areas, we have an aircraft placed there. Marsabit has an aircraft. Kitale has one. Nakuru has an aircraft and many other areas. Secondly, apart from the 26 elephants that died as a result of poaching, the total number of elephant mortality over the last five years in that general area is 86. A total of 40 died due to natural causes and drought, while 20 died because of conflicts and accidents. So, if you look at the percentage of how many we have lost through poaching, it is small as opposed to what we have lost through drought and natural deaths.

**Mr. Lekuton:** Mr. Speaker, Sir, my last question to the Assistant Minister is: There is a place South of Marsabit and East of Abkarare called Chop. Most buffalos are killed and poached in that region as a result of cattle rustling. Could the Ministry consider putting a permanent KWS camp in that place, so that we reduce the rate of cattle rustling and the number of buffalos that are being killed?

**Mr. Nanok:** Mr. Speaker, Sir, I think that is a very good suggestion. I will ask the hon. Member to put the request in detail. We will then look into it and give him a feed back.

#### *Question No.111*

DISMISSAL OF CORPORAL RICHARD  
RAMATTA JILLO

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

(a) why Police Corporal Richard Ramatta Jillo (PF/No. 61956) who was based at Mwingi Police Divisional Headquarters was illegally dismissed even after the court had declared him innocent;

(b) whether he could confirm that the officer was on duty at the time of the alleged breaking out from the police lines; and,

(c) what immediate action he will take to reinstate the officers, who had served the Kenya Police for over 19 years.

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

(a) Mr. Richard Ramatta Jillo was enlisted in the Kenya Police Force on 9<sup>th</sup> February, 1991 and was promoted to the rank of corporal on 6<sup>th</sup> January, 2004. On 29<sup>th</sup> September, 2006, he was the Division Duty Officer at Mwingi Police Division. He was issued with a Ceska Pistol, serial No.SNOF3120 with 15 rounds of ammunition. He proceeded on mobile patrol within Mwingi Township in the company of two other police officers. They conducted their patrol up to the early hours of 30<sup>th</sup> September, 2006, when he left the others and proceeded to Kanini Kaseo Bar, where he engaged in a drinking spree in the company of a woman until 6.00 a.m. He hired a room to sleep where he went accompanied by the woman, woke up late and found the lady, the Ceska Pistol loaded with 15 rounds of ammunition and his mobile phone missing. The officer then alerted his colleagues and conducted a fruitless search without informing his superiors.

Later the same day at about 4.00 p.m., he made an official report in the occurrence book. A police inquiry within Mwingi No.1/2006 was opened to inquire into the circumstances leading to the loss of the fire arm and ammunition. After the inquiry, the officer was charged before a court in police case file No.CR491/203/206 and court file No.1215/2006 with the following offences:- Count one was failing to ensure safe custody of a firearm, contrary to Sections 18(3) and (4) of the Firearms Act, Cap.114, Laws of Kenya. Count two was failing to ensure safe custody of ammunition, contrary to Sections 18(3) and (4) of the Firearms Act, Cap.114, Laws of Kenya. The court case was finalized on 9<sup>th</sup> May, 2007, and the accused was acquitted under Section 215 of the Criminal Procedure Code on the grounds that the case was not proven beyond reasonable doubt.

The court proceedings and the judgement were forwarded to the Provincial Police Officer (PPO), Eastern, who decided that the officer be dealt with in discipline. Thereafter, the officer was charged through the Orderly Room proceedings with four counts against discipline as per the Force Standing Orders on 11<sup>th</sup> November, 2009. He was found guilty on two counts. The proceedings were forwarded to the PPO, Eastern, who dismissed the officer from the force with effect from 27<sup>th</sup> January, 2010. The appeal was dismissed by the PPO, Eastern, on 11<sup>th</sup> February, 2010, and he was informed of his right of appeal to the Commissioner of Police, which he did not do.

(b) Although the officer was supposed to be on duty, evidence adduced during the disciplinary proceedings proved that he was neither in his house nor on duty as was required. It was evident that he instead hired a room in a local lodging house where he spent a better part of the night, when he was supposed to be on duty.

(c) The officer was given a chance to appeal against the decision of the PPO, but he did not do so, as required under the Force Standing Orders. Therefore, there are no immediate plans to reinstate the officer.



**Mr. Chachu:** Mr. Speaker, Sir, this is a nation that is governed by the rule of law. As far as the court proceedings are concerned, this officer was acquitted. The Assistant Minister has mentioned that this officer did not appeal. I want to lay on the Table a document showing that he appealed on 19<sup>th</sup> February, 2010. He received the dismissal letter on 16<sup>th</sup> February. So, he appealed only a day after. So, the allegation that the officer never appealed is not true. I am happy to lay this document on the Table of the House.

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

With regard to the judgement, the court acquitted the officer of all those offences that he has mentioned here. I have a copy of the court ruling which acquitted the Corporal Ramatta Jillo. After he was acquitted by the court, the police orderlies prosecuted this officer. He was acquitted of all the counts, except two. With your permission, the counts state that he broke out of the police line while on duty. This is an officer who had served for 20 years in the Police Force.

The Assistant Minister has alleged that the officer was not on duty. I have a document here showing that he was on duty that day. This is the police occurrence book, signed by the Officer Commanding Police Division (OCPD), Mwingi South, where he was working then. These facts show that this Kenyan was dismissed without any grounds and I am appealing to the Assistant Minister to reinstate this officer.

**Mr. Ojode:** Mr. Speaker, Sir, if you go through the papers which have been laid on the Table, you will find that, indeed, it is true that the officer was charged with four counts. He was discharged on two counts, namely, one and two, but he was charged by the orderlies for counts three and four. He lost the pistol and we told him to show us where it was.

Our Force Standing Orders are quite categorical on the misuse and loss of firearms. The officer has not requested or applied for reinstatement through the Commissioner of Police. He has done that through the PPO, who had dismissed him. I am telling my colleague to let the officer now apply for reinstatement to the Commissioner of Police. If he applies through the PPO, the PPO had already finished with him. If he appeals against the dismissal directly to the Commissioner, his case can be reconsidered. But as at now, if he appeals through the PPO, the PPO will not even be able to forward his appeal letter to the Commissioner because as far as the PPO is concerned, he had already dismissed the officer. I would just request my colleague to ask that officer to apply for reinstatement or to appeal through the Commissioner of Police and not through the PPO, for consideration.

**Mr. Abdikadir:** Mr. Deputy Speaker, Sir---

**Mr. Speaker:** Order! The person who caught the Speaker's eye is the Member for Kisumu Town West! Proceed!

**Mr. Olago:** Mr. Speaker, Sir, the answer by the hon. Assistant Minister raises very serious concerns about impunity by the Police Force and the way the Force treats its junior officers. Many times, junior officers are interdicted, charged in court, acquitted and then dismissed. In this case, what is disclosed is not even double jeopardy, but triple jeopardy in the sense that first, this officer is charged, two, he goes through Orderly Room proceedings and three, he is found innocent and then dismissed. Under these circumstances, what action is he taking to ensure that this officer is reinstated by the

Commissioner of Police without having to go through the PPO? He does not have to go through the PPO.

**Mr. Ojode:** Mr. Speaker, Sir, I want the hon. Member to know that this is a disciplined force. It is not an ordinary Public Service department. Misuse of firearm and losing a firearm is a very serious offense within the disciplined forces.

**Mr. Olago:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to talk about this officer having lost a firearm when the proceedings he has show that this officer was acquitted of that offense?

**Mr. Speaker:** Is that so, Assistant Minister?

**Mr. Ojode:** Mr. Speaker, Sir, I had mentioned earlier that he had four counts. He was charged with count one, count two, count three and count four. He was relieved of counts one and two, but he has other charges, which border on count three and count four. I would have wished that the officer is reinstated but we cannot reinstate him if he does not appeal. Let the officer appeal through the Commissioner.

**Mr. Chachu:** On a point of order, Mr. Speaker, Sir. This officer did appeal to the Commissioner of Police, through the Provincial Police Officer, Eastern Province, on 24<sup>th</sup> February, 2010. I have the document here with me. What else does the Assistant Minister want this officer to do?

**Mr. Ojode:** Mr. Speaker, Sir, it is true that the officer appealed to the PPO. I am telling my friend to inform the officer to appeal to the Commissioner of Police because if he appeals through the PPO, his application might not go through.

**Mr. Speaker:** Order! Order! You have already said that, and that would be deemed repetitive. Your answer was clear at the beginning.

Last question, Mr. Chachu!

**Mr. Chachu:** Mr. Speaker, Sir, this is a nation which is governed by the rule of law. Our court proceedings are very clear. Even the police orderly did acquit this officer. If the Government is not willing to reinstate him, could they retire him with all his benefits, because he has served this nation for over 20 years?

**Mr. Ojode:** Mr. Speaker, Sir, the hon. Member is now talking. If he appeals to the Commissioner of Police, we might consider that other avenue.

**Mr. Speaker:** Next Question, Member of Parliament for Isiolo South!

*Question No. 066*

MEASURES TO ASSIST LIVESTOCK FARMERS  
ADAPT TO ENVIRONMENTAL CHANGES

**Mr. Bahari** asked the Minister for Livestock Development:—

(a) how the Ministry has assisted livestock farmers to adapt in view of the current adverse environmental changes; and,

(b) what plans the Ministry has to assist pastoralists who lost their livestock during the just ended drought, to restock.

**The Minister for Livestock Development** (Dr. Kuti): Mr. Speaker, Sir, I beg to reply.

(a) It is true that the country is experiencing climatic changes, manifesting itself in frequent drought, floods and general degradation of the environment. In view of the

above, the Ministry has been implementing a number of interventions to help livestock farmers adopt to the changing weather patterns. Amongst these interventions are:-

(i) training of livestock keepers on livestock feed conservation both as cut hay and standing hay;

(ii) implementing livestock early warning systems for drought, together with livestock keepers, to supplement their traditional indicators in order to respond early enough to impending adverse weather conditions; and,

(iii) training livestock keepers to diversify from their traditional livestock types of choice to more hardy ones that can cope with adverse conditions. This is witnessed in the introduction of camels to communities that usually keep cattle.

Mr. Speaker, Sir, we have also just passed through the Cabinet, and policies are coming to this House on poultry, which will enhance, encourage and promote keeping of poultry, especially the free range type that are common amongst rural communities. This policy is also on methods of improving those chickens, so that they can also be of help to farmers who usually keep cattle and other susceptible livestock.

We are also going to table a bee-keeping policy, which has passed through the Cabinet and is being fine-tuned at the Attorney-General's Chamber, where this diversification will help livestock farmers to cope with the changing climatic conditions, where their traditional livestock are not able to cope.

The Ministry is also promoting fodder production and conservation in ASAL areas as a coping strategy. We are also promoting grass seed multiplication for re-seeding the denuded rangelands.

We are also undertaking construction and rehabilitation of water pans and dams. There are also traditional methods, where communities stay close to permanent water sources and also reserve certain grazing areas for very hard times, during which they move in when the conditions become very difficult. We support this traditional method of movement by also making sure that there are boreholes and water pans in such areas.

It is important to note that my Ministry is participating, together with other sector Ministries, in developing a climate change policy and food security action plan, which spells out actions to be taken to protect livelihoods. Among those measures is the inclusion of milk and meat in the national strategic reserve. We would like to change from the Strategic Grain Reserve to Strategic Food Reserve, which will include mild power, which can remain good for two years; and meat, especially coned beef, which can stay good for over five years. So, instead of just piling up cereals, we are planning to see to it that meat and milk are also stored to be used in times of drought.

(b) This country has experienced two major droughts in close succession: One in the year 2005-2006, and the recent one in 2008-2009. This has disrupted the livelihoods of the pastoral communities in arid areas. In the just ended drought, the country lost over 612,000 cattle, over 800,000 sheep, about 700,000 goats and about 14,000 camels. This is estimated to cost over Kshs23 billion. The number of households that have been involved in this loss are estimated to be about 34,000.

Mr. Speaker, Sir, in an effort to address the affected livelihoods, the Ministry has instituted a number of measures. The Ministry, in its account right now, has Kshs130 million, and we have asked for more, for purposes of restocking the communities that lost their livestock. Hon. Members will realise that it is not possible to restock all the lost animals, but we will try our best to ensure that we liaise with Treasury, where discussions

are already ongoing, so that the Kshs130 million can be remarkably enhanced, so that we can take pastoralists back to their usual work of looking after livestock, which they lost to the drought.

**Mr. Ochieng:** On a point of order, Mr. Speaker, Sir. The Minister is taking too long to read his answer. Could he summarise so that we can probe the Question?

**Mr. Speaker:** That is a valid concern, Mr. Minister. In fact, part (b) of the Question is very simple and yet you have taken ten minutes to say the plans you have.

**The Minister for Livestock Development (Dr. Kuti):** Mr. Speaker, Sir, you will realise that this is the livelihood of about 30 per cent of the population of this country who occupy 80 per cent of the landmass of this country. It is---

**Mr. Speaker:** Order, Mr. Minister! Even then, you must answer the Question. Be relevant!

**The Minister for Livestock Development (Dr. Kuti):** Mr. Speaker, Sir, I am sorry.

Funds are being sought by my Ministry to ensure that re-stocking and all entrepreneurial activities whereby livestock farmers can start purchasing and selling of animals can start very soon.

**Mr. Bahari:** Mr. Speaker, Sir, I have listened with keen interest to the answer by the Minister and I note that these things are not happening in my constituency other than one which is remotely being implemented. Many of these are not happening and they will not help answer my Question. My Question is; "How has the Ministry assisted---" Many of these are just plans which have not even been implemented and nothing has really happened. Could the Minister tell us what they have on the ground? Many of the things he has said here are not on the ground except for the camels that have been introduced by some Non-Governmental Organizations (NGOs) in Maasailand.

**Dr. Kuti:** Mr. Speaker, Sir, drought indicators and drought monitoring officers are in most Arid and Semi-Arid Lands (ASALs) districts. One of key ways to adopt is to even know when the drought is around the corner so that livestock farmers can start preparing themselves. I am sure that, that activity is in all the ASAL districts.

**Mr. Lekuton:** Mr. Speaker, Sir, I thank the Minister for a very long answer but I am thinking that the issue of drought is just one component of the problems of nomads. What this Ministry needs, considering the fact that the livestock sub-sector contributes to 2 per cent of the Gross Domestic Product of this country, is marketing. That is what we are lacking. When there is drought you want to transport your cows from Laisamis to Nairobi but there is no incentive to do that because the livestock industry has failed to produce a comprehensive market for the nomads. So, what has the Minister done to correct that situation?

**Dr. Kuti:** Mr. Speaker, Sir, I fully agree that marketing is one of the most effective ways of checking the livestock especially as we approach the drought season. Last week and this week, the Ministry has been involved in contacting investors from Egypt. Starting this week, we will have 1,000 metric tonnes of beef exported to Egypt every week through the Kenya Meat Commission (KMC).

**Mr. ole Lankas:** Mr. Speaker, Sir, for the last three years, livestock farmers have not sold their cows due to poor health. Now that the rains have come and the animals have fattened, it is still very difficult for the livestock farmers to sell their cows. Could

the Minister confirm that even the KMC does not buy animals from farmers because they are fat? What will the Ministry do to save the farmers from that situation?

**Dr. Kuti:** Mr. Speaker, Sir, I am not aware that animals are being turned away because they are fat. I know that animals have been bought by the Government when they are skinny even to the point of death. Television stations showed that we bought the much we could during the drought in order to save the farmers. I would like to say that we have aggressively sought markets. As we speak now, I would like to say that one of the most important methods of assisting livestock farmers is through the creation of a market. I fully concur with the hon. Member for Laisamis. We are trying to ensure that there is a market and its requirements. So, we will attract a certain market to certain pastoral areas like Iraq, the United Arab Emirates and Egypt so that the animals mature for that market. We will also create awareness among farmers so that they prepare their animals for a certain market of which the conditions would have been known to them. Already, the Egyptian market is operational and that is the effort we have currently made.

**Mr. Bahari:** Mr. Speaker, Sir, for pastoralists, livestock is about their dignity. Once they lose their livestock, they become demoralized and dehumanized. My constituents, particularly those ones around Gafarsa lost nearly all the livestock they had. You can imagine that, that is what they solely depend on. Could the Minister immediately consider disbursing part of the money he has in his account since it is one year down the line, to parts of my constituency and the rest of the country so that a few of these pastoralists can benefit, including his constituency, particularly the Merti Area?

**Dr. Kuti:** Mr. Speaker, Sir, you will realise that Kshs130 million is a drop in the ocean compared to Kshs23 billion lost. While I fully agree with the sentiments of the hon. Member, we are actively in consultation with the Treasury in order to increase these funds so that even if we are unable to meet the Kshs23 billion loss, we can help the farmers the much we can.

**Mr. Ochieng:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to confirm that he will compensate those who lost their animals during the drought and forget mentioning those who lost their animals through the recent El-Nino floods?

**Mr. Speaker:** Order! As I hear that, that is a question and yet you stood on a point of order.

Let us move on to the next Question by the Member for Nyakach!

### *Question No.191*

#### LOSSES CAUSED BY ILLEGAL TRADE IN MOLASSES

**Mr. Ochieng** asked the Minister for Agriculture:-

- (a) whether he is aware that approximately 50,000 tonnes of molasses is sold to the neighbouring country at the expense of the local traders;
- (b) whether he could confirm the extent of losses caused to the country by the illegal trade in terms of revenue, job opportunity and shortages to the local farmers; and,
- (c) what steps he is taking to solve the problem.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Speaker, Sir, first, before I answer this Question, I would like to thank the Members for standing with me

through prayers and their financial assistance during the passing on of my mother. I received more than Kshs600,000 from Parliament and I would like to take this opportunity to say a very big “thank you” to hon. Members.

I beg to reply.

(a) I am not aware that approximately 50,000 tonnes of molasses is sold to a neighbouring country at the expense of local traders.

(b) I am aware that 721 tonnes valued at Kshs2,056,320 was exported to a neighbouring country which accounts for about 0.04 of the total production in 2009, which is insignificant in terms of losses in revenue, job opportunities and shortage to the local farmers.

(c) To safeguard our domestic market, I have gazetted the sugar imports/exports by-products regulations requiring that importers and exporters of sugar and its products seek permit from Kenya Sugar Board (KSB).

**Mr. Ochieng:** Mr. Speaker, Sir, the Government, especially the Ministry of Agriculture, has failed for a very long time to regulate the buying and selling of molasses. Molasses, as a by-product, is being used by quite a number of factories in this country actually to generate yeast, power alcohol and spirits. For this purpose, they cannot operate fully because a lot of molasses is being bought illegally from these sugar factories and exported illegally to a neighbouring country. What steps is the Assistant Minister taking to make sure that molasses is not bought haphazardly so that these local producers can be protected?

**Mr. Ndambuki:** Mr. Speaker, Sir, if the hon. Member has any evidence of the 50,000 metric tonnes which were sold out illegally, I would like to see it. We will use that information to follow up that matter. With regard to the other issue, I would like to say that our factories only use 198,000.060 metric tonnes and the production of molasses is almost the same figure. So, 50,000 metric tonnes being exported outside, that is really a lot of molasses. These people are using it to make illegal brews and so on. So, I would like the hon. Member to give the evidence and then I will deal with that case.

**Mr. Speaker:** Fair enough! The hon. Member for Nyakach, ask your last question!

**Mr. Ochieng:** On a point of order, Mr. Speaker, Sir. Would it be in order if we defer this Question so that I can be able to provide---?

**Mr. Speaker:** Order, Member for Nyakach! Ask your last Question. When you come to ask a Question and it is on the Order Paper, you must be prepared.

**Mr. Ochieng’:** Mr. Speaker, sir, then let me take the answer as it is.

**Mr. Speaker:** Fair enough! The matter must rest there, then.

Next Question by the Member for Kisumu Town West!

*Question No. 200*

FAILURE TO DICHARGE DECREE  
OF MOMBASA COURT

**Mr. Olago** asked the Attorney-General:

- (a) whether he is aware of the judgment of Kshs1,051,500 with costs and interest awarded in Mombasa HCCC No. 723/1990 to Gabriel K. Namisi and 14 others;

- (b) why the Government has failed to discharge the decree of the court, despite all the attempts by the Decree Holders over the period of over 12 years; and,
- (c) what steps he is taking to ensure that the Government complies with the law and discharges the decree by paying the plaintiffs.

**The Attorney General** (Mr. Wako): Mr. Speaker, Sir, I beg to answer.

- (a) Yes, I am aware of the judgment;
- (b) There has been a delay caused by the advocates in not getting the relevant documentation such as certified copy of the decree and certificate of costs, and partly, by the Office of the President who have not paid in spite of numerous reminders;
- (c) In addition to letters written by my officers asking the Office of the President to pay, I have personally written to the relevant office to pay. We have also sent circulars and held seminars to impress upon the accounting officers to pay the decrees of the court.

**Mr. Olago:** Mr. Speaker, Sir, it is incredible that 12 years after judgment was delivered by the court, the A-G's Office and the Ministry concerned have not paid. Could the A-G confirm that the impunity that is being demonstrated by failure of the Government to pay court decrees is as a result of the immunity that the Government has under Cap 40, Section 21, Government Proceedings Act? If it is not true, then there needs to be an amendment to that section so that the Government is open to scrutiny like every other party. This problem is all over the country.

**Mr. Wako:** Mr. Speaker, Sir, it is not necessary to amend that section. In fact, the law provides for a procedure of executing the decrees against the Government and the procedure is to apply for the order of *mandamus* to be directed to the Accounting Officer of the Ministry directing that Accounting Officer to pay the decretory amount. If the Accounting Officer does not pay the decretory amount, then he is committed to civil jail. This has worked in many cases.

**Mr. Olago:** Mr. Speaker, Sir, could the hon. Attorney General tell this House why successful litigants have got to beg for court judgments to be paid? Why do they have to beg?

**Mr. Wako:** I agree with my learned friend that successful litigants do not have to beg. That is what my office clearly communicates, as I stated in the reply, in a number of circulars, written to all the accounting officers. We have impressed upon them to pay promptly. For example, in the circular that I sent out on 29<sup>th</sup> June, 2005, paragraph N which deals with settlement of awards and judgments; we advised client Ministries that they should ensure that judgments are settled promptly to avoid accruing interest.

If I may take this opportunity, because this is a problem that we have to address, it may very well be that since the Office of the A-G does not have the mandate to pay and the decretory amounts are paid by the Ministries concerned, that these Questions be directed to the Ministries concerned so that the Minister and the Accounting Officer can come here and inform this House why they have failed to pay on time.

**Mr. Olago:** Mr. Speaker, Sir, the A-G is the constitutional advisor to the Government. For him to say that he is now impotent, and asking that Questions be directed to the Ministries concerned, is he not running away from his responsibility as the legal advisor?

*(Dr. Nuh stood up in his place)*

**Mr. Speaker:** What is your point of order, Dr. Nuh?

**Mr. Wako:** Mr. Speaker, Sir, the Attorney General is the principal legal advisor to the Government, the Government includes Parliament. I am advising Parliament that maybe in future, they should be directing these Questions to the Ministries concerned, so that they can come and explain to the House why they have not paid.

*Question No. 202*

LOSS OF FOREIGN INVESTMENTS DUE  
TO RED TAPE/CORRUPTION

**Mr. Wamalwa** asked the Deputy Prime Minister and Minister for Finance-

- (a) whether he was aware that Kenya is losing a lot of foreign investors to Rwanda, Uganda and other neighbouring countries due to Government bureaucratic red tape and corruption ; and,
- (b) what the Government is doing to streamline the foreign investment process by establishing an effective one-stop shop.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, I beg to reply.

- (a) I am not aware that Kenya is losing a lot of foreign investors to Rwanda, Uganda and other neighbouring countries due to Government bureaucracy, red tape and corruption. On the contrary, the Government is pursuing measures aimed at attracting more investment into the country. These include infrastructure development with a view to reducing the cost of doing business, and implementation of business regulatory reforms which have, among others; simplified business registration and eliminated a number of licensing and regulatory procedures and, thereby, created a more enabling business environment;
- (b) In order to establish an effective one-stop shop for improved foreign investment process, the Government has undertaken the following measures:
  - (i) facilitated the enactment of the Investment Promotion Act, No. 6 of 2004 which created the momentum towards realization of the one-stop shop;
  - (ii) Prepared physical space that would accommodate relevant Government agencies
  - (iii) Prepare the Cabinet memo on the concept which will soon be presented to the Cabinet for consideration and approval.
  - (iv) Establish an investments facilitation facility where relevant Government agencies are brought under one roof for purposes of effective co-ordination and prompt, efficient and transparent provision of services and relevant investment information to investors.
  - (v) I assure the House that the Government is committed to the implementation and operationalisation of an effective one-stop shop during the Financial Year 2010/2011.

Thank you, Mr. Speaker, Sir.

**Mr. Wamalwa:** Mr. Speaker, Sir, I am afraid that the one-stop shop, or OSS, concept has become like other riddles; it is like the Early Childhood Development (ECD) one which we were told that it would be implemented by 2010 and ECD teachers be paid. We were told yesterday that they would not be paid. The Millennium Development Goals (MDGs) were to be achieved by 2015 and we are now being told that they will not be



achievable. Perhaps, when we get to Vision 2030, it will turn into Vision 3020. Can the Assistant Minister tell the House when exactly--- Can he give us a specific date when the OSS concept will be implemented?

**Dr. Oburu:** Mr. Speaker, Sir, at the Port of Mombasa, the OSS concept has already been implemented and Government agencies have been brought together to process the importation and exportation of goods online. The Customs Department has also started what is called the “Simba System”, where goods are now processed online through a system which is operated from the headquarters here.

Mr. Speaker, Sir, also the Kenya Investments Authority is already allocated rooms at the Railways Headquarters where officers from different agencies, with sufficient authority and senior enough to give authority and give licences, are already being posted. Some have been posted while others are in the process of being posted. We are moving very, very well; we are moving in the right direction.

**Mr. Konchellah:** Mr. Speaker, Sir, what the hon. Wamalwa has done by asking this Question shows how critical this thing is. The amount of corruption in this country and the number of people who are denied investments--- The number of people losing jobs because of corruption is just beyond any comparison; it is actually incomparable to anywhere in the world. Now, I have investors in my own constituency who have invested a lot of money and they are being denied licences to operate, because they must pay a percentage of the value of investment or they have to make certain officers directors. These are people in the highest office! Can you do whatever is possible? Can you give me somebody to whom I can give names of those organizations? I am not prepared to disclose those names because they will harass them tonight because of corruption. Or, can you inform the President---

**Mr. Speaker:** Order! Order, hon. Konchellah! This is Question Time; so, ask your question!

**Mr. Konchellah:** Mr. Speaker, Sir, there is no hope for investors in this country. Could the Assistant Minister assure this House that he can give us a point of reference, where we can go and have issues of investors, who have been frustrated because of corruption, handled?

**Mr. Speaker:** Minister, answer the question simply!

**Dr. Oburu:** Mr. Speaker, Sir, we are a point of reference as a Ministry if there is anybody who is being frustrated in one way or another in terms of licensing or even corruption. You can report those who are involved in corruption to the Government or to police officers in confidence, or even to the Kenya Anti-Corruption Commission (KACC) for them to deal with the issues of corruption. But if there are problems to do with licensing, we are there in form of the Kenya Investments Authority to assist and advise.

**Mr. Mbadi:** Mr. Speaker, Sir, the Assistant Minister has said that he is not aware of the effects that Government bureaucracy has on attracting foreign investments. I really do not know whether he is telling the truth by saying that they are satisfied as a Ministry with the prevailing business environment, as being conducive to attract direct foreign investments.

Mr. Speaker, Sir, I am aware that when the Minister was reading the Budget for this year, he indicated that there were a number of reforms that he wanted to undertake so as to make our business environment better, and to attract direct foreign investments.

When is the Ministry projecting to conclude these reforms, so that we can have a better business environment for foreign investors?

Thank you, Mr. Speaker, Sir.

**Dr. Oburu:** Mr. Speaker, Sir, as I said at the beginning of my statement, we are very much on track in effecting some of the reforms. According to Vision 2030 – of course, it will go up to 2030, because reforms are a continuous process – it is not something which you can give a timeframe. But the ones which are underway, we expect to complete them by the year 2012.

**Mr. Twaha:** Mr. Speaker, Sir, what steps is the Minister taking to ensure that local investors are given as much respect, if not more, as foreign investors?

**Dr. Oburu:** Mr. Speaker, Sir, we do not discriminate against local investors. In fact, we encourage local investors and there are a lot of incentives that we give to both foreign and local investors.

Thank you, Mr. Speaker, Sir.

**Mr. Njuguna:** Mr. Speaker, Sir, I would like to remind the Assistant Minister that recently, some donors stopped funding some programmes in the education sector because of the corruption. What efforts, systematic arrangements or plans has the Ministry put in place to eradicate corruption completely in our Government system?

**Dr. Oburu:** Mr. Speaker, Sir, this Parliament, in its wisdom, has established the KACC to deal with issues of corruption. Corruption can only be minimized, but it cannot be eliminated. I mean all over the world, corruption still exists and, therefore, I cannot give a timeframe when it will be eliminated. We are taking steps to deal with it.

**Mr. Shakeel:** Mr. Speaker, Sir, is the Assistant Minister able to provide a list of foreign investors who are known to the Ministry for the year 2009/2010, so that we can see whether the number of investors has actually been on the increase or not?

**Dr. Oburu:** Mr. Speaker, Sir, that is a different Question ; I do not really have the list of all the investors who have applied. If he files a Question, I will be able to answer it.

**Mr. Speaker:** Assistant Minister, it is understandable; you are entitled to that claim if you do not have the information.

The hon. Member for Saboti!

**Mr. Wamalwa:** Mr. Speaker, Sir, my Question was in two parts; one on the one-stop shop and the other one on the measures on corruption. In the answer, the Assistant Minister has dealt on measures to facilitate operationalization of the one-stop shop but has not put in place any measures to deal with corruption that is turning away many of our investors. We know that we have the Kenya Anti-Corruption Commission (KACC), but what is the Ministry doing to ensure that we do not lose investors?

**Dr. Oburu:** Mr. Speaker, Sir, the first part was asking whether I am aware that Kenya is losing a lot of investors to the neighbouring countries of Rwanda, Uganda and others, due to corruption and other Government bureaucracy. I said I am not aware that we are losing those investors to those countries because of corruption and bureaucracy. That was the answer.

The Question was not about the measures we are taking to deal with corruption.

**Mr. Speaker:** Assistant Minister, that is a good answer!

Hon. Members, we will now take Question No.QPM.004 by the Member for Naivasha!

## PRIME MINISTER'S TIME

*Question No. QPM.004*

### RECRUITMENT PROCESS FOR CLERKS INVOLVED IN RESETTLEMENT OF OGIEK COMMUNITY

**Mr. Mututho** asked the Prime Minister:-

(a) What process was used in the recruitment of two (2) clerks in each of the ten districts including Naivasha, currently involved in recruiting members of the Ogiek community for resettlement in the Mau forest;

(b) what the legal basis is for back-dating title deeds and other land ownership documents involving members of this community; and,

(c) why the Government has not started reforestation at Likia Forest, given that it is in vacant possession.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

(a) The 20 clerks from ten districts were selected among the Ogiek Community by the members of the committee on that community's matters.

On 1<sup>st</sup> April, 2010, the 60-member Ogiek Council of Elders was established and officially launched in Nakuru in the presence of senior Government officials from the district where the Ogiek reside.

Upon the launch of the Ogiek Council of Elders, it then went ahead to select seven of its members to represent it in the Interim Coordinating Secretariat Committee on Ogiek matters. The Ogiek Council of Elders has also been working closely with the Government through the Interim Coordinating Secretariat in handling issues affecting the Ogiek community.

I would like to remind the House that the Report of the Mau Task Force was discussed and approved by both the Cabinet and indeed, this House, and it is through this process of having established the committees that the clerks were identified.

**Mr. Speaker:** Member for Naivasha!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): I still have not cleared, Mr. Speaker, Sir.

**Mr. Speaker:** I thought you were going to sit down!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Yes, but then I realized the answer is much longer, Mr. Speaker, Sir.

**Mr. Speaker:** Okay, proceed!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, the second aspect is that the hon. Member wishes me to clarify the legal basis for backdating title deeds.

I wish to state here that there is no backdating of title deeds and other land ownership documents involving any community owning land in the Mau Forest area.

(c) The Government has not yet started reforestation of Likia Forest even though it has gained vacant possession because the re-gazetment of the forest has not yet been finalized. The Ministry of Forestry and Wildlife has initiated the re-gazetment process of the forest in consultation with the Ministry of Lands. A boundary plan has also been

prepared by the Kenya Forest Services (KFS) and presented to the Director of Surveys for approval.

As soon as this is done, the re-gazettment shall be done and reforestation will then be commenced.

**Mr. Mututho:** Mr. Speaker, Sir, you have cautioned us thousands of times that this is not debate time. I would, however, seek your indulgence because this matter is very sensitive. I would like to explain the background for half a minute and then ask my question.

**Mr. Speaker:** Half a minute it must be! Proceed!

**Mr. Mututho:** Mr. Speaker, Sir, the matter of Mau is very sensitive and the issue at hand is that some of the officers who in themselves were involved in the disappearance of the money meant for Internally Displaced Persons (IDPs), having been recruited afresh have now gone to far places like Naivasha and other places where we do not have the Ogiek. They are recruiting specific communities as potential land owners and that forms the basis for future resettlement programmes. Why is it necessary to reconstruct records of Ogiek if they really exist in places as far as Naivasha? We do not have a single member of Ogiek community in Naivasha. Is it, indeed, not your effort to create serious clashes as it looks right now with the tensions in that area?

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Speaker, Sir, first of all I want to state that nobody doubts the seriousness of the Mau Forest issue. It is, indeed, very serious. But it is also important that we recognize that the Ogiek community exists. By virtue of that, we should take every step in dealing with the Mau Forest to ensure that the Ogiek are not in any way mistreated in the process of restoring the Mau Forest. That is absolutely important.

Mr. Speaker, Sir, I would like to state here that if indeed there are some very specific cases - even what he has said will call for investigations - that the hon. Member can help us with to finger specific people who may have found their way back into a process, I would gladly tell this House that we would take immediate action and make sure that they are not part of the process of the verification that is going on.

**Mr. Baiya:** Mr. Speaker, Sir, concerning reforestation of this Likia Forest, if the Government has managed to secure vacant possession, why does it have to wait for gazettment instead of proceeding forthwith to do reforestation to avoid re-occupation?

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Speaker, Sir, I think gazettment or re-gazettment is absolutely essential. One of the issues that has created problems in the Mau, if we reflect on it is that, there was no clear boundary plan that had been put in place and properly recognized. So, with this survey and proper demarcation of boundaries, it is essential that those are clearly known and put on record. The process of reforestation can commence in earnest. I just want to assure this House that there is no ill motive in this process. I think what is important is that the process must be done properly and in accordance with the law.

**Mr. Kigen:** Mr. Speaker, Sir, looking at this Question, it tells us that out of ten districts, clerks were sourced to carry out this exercise of identifying the Ogiek. One of those districts happens to be my own district. How comes as leaders of those areas, we have no idea that an exercise where two people were required to identify Ogiek was there? Why Ogiek alone yet all the people who were occupying Mau are mixed?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, this Question was very specific with regard to the Ogiek Community. I think if it is the question of knowing the broader aspect, that would be a different context. This Question was very specific in relation to the Ogiek Community and how the process of the clerks relating to the Ogiek were identified. That is why the response was limited to the Ogiek. It does not mean that other communities that are affected by the issue of Mau are not part of the process.

**Mr. Mwiru:** Mr. Speaker, Sir, the NARC Government in 2003 made a deliberate effort to settle the Ogiek in the Mau Complex. In 2005 and 2006, the NARC Government under the current President gave out titles to the Ogiek in that particular area. Could the Deputy Prime Minister and Minister for Local Government tell this House whether the current exercise going on is for the remainder of the Ogiek who were left or they are the same ones who are to be resettled in that area again?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I must confess here that I would need to get some very clear clarification on that specific question and I would be willing to elaborate on that at the next Session. But what I would like to emphasize here is that we must recognize that there is a taskforce that has been put in place and a secretariat. It is my hope that the secretariat will take into account all the issues that relate to the Mau so that, once that process is complete in terms of clearly demarcating where Mau stands, what the boundaries are, who has been affected and so forth, a systematic process is done. That process must follow the law and must address the concerns that the hon. Members have raised. That should be taken care of within the context of the secretariat. But if there is any further issue which he says involves other people, I will seek your indulgence and say that I need to clarify that specific point.

**Mr. Twaha:** Mr. Speaker, Sir, when a private citizen in Kenya proposes an economic activity, he is subjected to an Environmental Impact Assessment (EIA) study by the National Environment Management Authority (NEMA) and he or she is required to get a EIA licence. Could the Deputy Prime Minister and Minister for Local Government direct the Ministers in the country that before they go around doing environmental gazettement, they should undertake to do an economic impact assessment of that environmental gazettement so that we can weigh the costs and benefits of the environmental gazettements?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, as the law stands now, it requires an environmental assessment report on any development that is going to take place in any area. The hon. Member is bringing in a new angle which would really call for a feasibility study. When you start talking about the economic impact, that brings in the agenda of feasibility studies. But NEMA is the only body that is legally mandated, at this point in time, to undertake environmental assessment reports, unless there is something I did not get about the question.

**Mr. Twaha:** On a point of order, Mr. Speaker, Sir. The Deputy Prime Minister and Minister for Local Government has admitted that he has not understood part of my question. So, I would like to repeat it. I would like to state that there are many trigger happy Ministers who would like to see their names in the Kenya Gazette. They go about signing gazette notices which have very adverse economic impact on the local

communities. I want him to direct his Ministers that before they sign any of those gazette notices at the behest of some NGOs and some other busybodies, an economic impact assessment is done on that intended gazette to see whether the environmental gazette would harm the economy of the local people.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, maybe, the hon. Member should be more specific. I tend to get a feeling that he has a specific area in mind and it would be helpful if he was more specific so that I can respond appropriately. The other alternative is to say that he can declare an interest on this matter so that I can help him to take into account what he is saying and give directions to the other Ministers.

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

**Mr. Speaker:** Order! Mr. Twaha, can you please resume your seat?

I just want this matter to be put in proper context. Do I understand you, Mr. Twaha, to be saying that before a NEMA report is commissioned, or before NEMA is directed to prepare an assessment report, you want an economic assessment report to be carried out?

**Mr. Twaha:** Mr. Speaker, Sir, I have already stated in my question that when a private citizen wants to do a proposed economic project like a house, a factory or hotel, he has to go to NEMA and get an environmental impact assessment of that economic activity. Now, I want the Government to also reciprocate. Before the Ministers do some of their silly gazette, they will do an economic impact assessment of that gazette before they go ahead to gazette.

**Mr. Speaker:** But is that not the same thing as I was saying, so that the Deputy Prime Minister understands it in a manner that is straightforward and simple? So, Mr. Mudavadi, are you prepared to issue that directive to your various Ministries?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, Speaker, Sir, this is a debatable point and I seek your indulgence. That is because when you are talking of an economic activity, then you are talking about a feasibility study to justify whether that place is sound and if it will have any implications on the environment. The incline I have here is that any private individual, before undertaking any economic activity, it is important that, that activity is assessed environmentally so that it is sound. It would make sense that way. So the onus is not on the Minister to necessarily do that, the onus is on the person who wishes to undertake---

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

**Mr. Speaker:** Order, Mr. Mututho!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, the onus is on the person who wishes to undertake an economic activity. If it is building a house or a hotel, surely, you must make sure that you follow the regulations, get the approvals of NEMA and all the relevant agencies and if there is no inhibition, you go ahead and make your investment. But the danger and the truth is that in certain instances, because NEMA is a new phenomenon in our country,

people are coming to terms with the reality that NEMA exists and you have to fulfill its conditions. That is also taking some people by surprise. Previously, people would just develop and they would not necessarily take into account the environmental impact. That is a requirement and we have to abide by it because it is in the law.

**Mr. Cheruiyot:** Mr. Speaker, Sir, I would like to say that the issue that is being addressed by the Deputy Prime Minister and Minister for Finance has not been given due serious attention in the sense that the recruitment of those clerks is done by the so-called Council of Ogiek Elders. Who recruited those people? Already, we have a crisis on the ground in the sense that the real Ogiek leaders are questioning the legitimacy of that illegal outfit. That outfit is causing a crisis in the area. We are concerned because it can cause an unnecessary security problem in the area. What will the Deputy Prime Minister and Minister for Finance do to ensure that the real Ogiek elders and the local leaders are consulted? The people who are putting in place that council of elders are people with vested interests.

**Mr. Speaker:** Order, Mr. Cheruyot! How do you ask a question and begin to answer it yourself?

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Speaker, Sir, at this stage, I will say that what the hon. Member is raising is, indeed, very important. I will definitely take it up with the secretariat. There are concerns that are being raised as to the legitimacy of some of those individuals. But let me reiterate what I said earlier. On 1<sup>st</sup> April, 2010, after consultations with members of the Ogiek community, civic and opinion leaders, elders and so forth, a council of elders of 60 people was put up. They are human beings and so, it is possible that, down the line, there could be some infiltration of elements that do not want to achieve the intended objective of ensuring that, that process is handled smoothly. So, I will take that up with the secretariat to ensure that the loopholes that the hon. Member is raising are dealt with.

**Mr. Ruto:** Mr. Speaker, Sir, I would like to know how the Deputy Prime Minister and Minister for Local Government intends to proceed with that exercise. For example, once they identify the Ogiek from the ten districts across, do they intend to repatriate them back to the forest? How do you intend to get land for them to resettle? Do they intend to do some ethnic cleansing within the region so that they can resettle them? I mean you chase others so that you can settle them. How do you intend to proceed?

Secondly, can you tell us---

**Mr. Speaker:** Order, Mr. Ruto! It is Question Time and you are allowed one question as a supplementary. You have done more than enough and you must stop there.

**Mr. Ruto:** One more question, Mr. Speaker, Sir! Under Standing Order No.1---

**Mr. Speaker:** Order! We must all obey rules here!

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi)** Mr. Speaker, Sir, I would like to state here that the Government and the secretariat will not engage in any ethnic cleansing. That will not happen. There was never an intention of any ethnic cleansing to happen. What is important here is the recognition of the issues of the Mau and the Ogiek. Some of the people who had been moved out of Likia area were resettled around the Barget section in that region. I want to state here that the Government will do what is necessary, even if it means that in certain areas it will have to buy land to assist in the resettling of those people who will have moved from the forest. This will be part of the many processes that the Government will undertake to

resettle people. But there is no question of ethnic cleansing at all. This has got to be a process done above board and transparently.

**Mr. Speaker:** Mr. Mututho.

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

**Mr. Speaker:** Order, Mr. Ruto. We have given you room already.

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

**Mr. Speaker:** Order, Mr. Ruto, that is not the way to do it.

**Mr. Mututho:** Mr. Speaker, Sir, listening to the answer by the Deputy Prime Minister and Minister for Local Government there is an implication that he has not issued the gazette notice because the boundaries remain contentious. That is a dangerous contention. Could he stop the exercise to allow full investigation? The exercise should be stopped to allow full consultation and involvement of the local Provincial Administration, including the local PC, who is in the dark about this matter?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, the local administration is not in the dark. They are part of this process. Even in the answer that I have given, I said that they are being consulted and they are part of the process. You are not the administration, you are the Member of Parliament.

**Mr. Speaker:** Deputy Prime Minister and Minister for Local Government, please address the Chair and the House.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I was talking about the local administration. I was not talking about the hon. Member of Parliament. He is in a completely different category.

The point I am trying to put across is that the exercise cannot be stopped. But there will be challenges in the process of dealing with the Mau Forest issue. There will be challenges along the way. What is important is that as the challenges arise, they should be dealt with. But I do not think the process of the rehabilitation of Mau should be put to an end. As the challenges come, they should be dealt with in a proper and legal manner.

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir. The Deputy Prime Minister misunderstood my question. I was not talking about the whole of Mau but the recruitment of the Ogiek. That is what I am talking about. We have confirmation from the PC that he is not involved and does not know what is going on. Could he stop the exercise and then we start the recruitment of the Ogiek? That is the point I am trying to drive home.

**Mr. Speaker:** Deputy Prime Minister and Minister of Local Government, it is a simple question. Could you stop the exercise? Answer “yes” or “no”!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, all I can say is that the exercise will continue. I undertake to get the Provincial Commissioner of Rift Valley Province, so that he can come to the secretariat and help us deal with the concerns that he has.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. The Deputy Prime Minister has not sufficiently given us answers to the issues we wish to be ventilated. You have been a little bit economical with space to prosecute this matter. Would I be in order to request that this matter be allocated more time or we have it sufficiently investigated by the relevant committee? This process is likely to infringe on the constitutional rights of a number of citizens in that region. It is a new concept in which the Government is trying to isolate the community from the rest of Kenyans, and try to give them certain rights



over and above what other Kenyans would enjoy. I think this is not a simple matter. The office of the Prime Minister is taking it simply and casually.

**Mr. Speaker:** Order, Member for Chepalungu. This matter has been given due weight. Everybody has taken it seriously, including Mr. Speaker. It is for that reason that we have spent 15 minutes on it. I do not think you can give a Question better treatment than that. We normally have 15 Questions on the Order Paper; 15 Questions in an hour works out to four minutes for each Question. If we have given this Question 15 minutes then we have done more than good service to it. I am satisfied that this matter, in the manner that it was brought, has been adequately dealt with.

That brings us to the end of Question Time.

Hon. Members, you will notice that we spent a little more time before we came to the Prime Minister's Time. This was so because of the indication that the Chair has received with respect to the balance of the business on the Order Paper.

Next Order!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): On a Point of order, Mr. Speaker, Sir. There was a Statement I wished to make on behalf of---

**Mr. Speaker:** Order, Mr. Deputy Prime Minister and Minister for Local Government.

Next Order!

TOWARDS A DECENT AND FAIR REFERENDUM:  
"THE GOVERNMENT'S PLEDGE"

**The Deputy Prime Minister and Minister of Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I wish to make a Statement on the issue of referendum because there has been a lot of debate on it lately. So, there are some points that I wish to make a clarification on.

In recent weeks, statements have been made that plant doubts over the eagerly awaited referendum---

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. I want to seek your guidance. The last time this issue of the referendum came up, it was on the Order Paper under the Prime Minister's Time. So, I am wondering whether the Deputy Prime Minister and Minister for Local Government is bringing that report under the Prime Minister's Time or he is just making a Statement on his Motion?

I am asking this because the referendum is a very important issue and some of us were prepared to interrogate it. But now it is like an ambush. So, I would really plead with the Chair. I appreciate that the Deputy Prime Minister and Minister of Local Government saw it fit to bring it, but he should also give us time so that we can come prepared to interrogate him. So, he can bring the Statement tomorrow afternoon---

**Mr. Speaker:** Order. This business is being taken under Prime Minister's Time and further within the auspices of Statements. So, it is being properly canvassed at this point. I do not see what better notice you need than two weeks' notice. This matter should have come last week. Indeed, it appeared on the Order Paper and directions were given that it was deferred to this Wednesday. So, you have had adequate notice.

Proceed, Mr. Deputy Prime Minister and Minister for Local Government.

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Speaker, Sir, in recent weeks, statements have been made that planted doubts over the eagerly awaited referendum on the proposed Constitution. These statements have been based on events and actions in which the Government had no hand whatsoever. But they have been used to create doubts about the Government's commitment to a free, decent, fair contest and poll.

Mr. Speaker, Sir, the Government's policy is clear and straightforward. First, the Government will not deploy any of its apparatus or financial resources to favour one side or the other. The referendum will be conducted in a level playing field. The Government wants the contest to be decent, free and fair.

Secondly, the Government will provide maximum security for all participating in the campaign, either political leaders or ordinary citizens. There is absolutely no place for violence in the democratic processes of Kenya. We shall not allow anyone to intimidate any of us by any act of violence.

Third, the Government appeals to all Kenyans to be vigilant, so that the campaign will be civil and decent and that it will never be divisive. We appeal for tolerance. All of us cherish the fundamental value of freedom of expression in our society.

Mr. Speaker, Sir, the Government has begun to take decisive and credible measure to put the above policies into practice. First on security, we assure you that all campaign rallies both for Yes and No will be provided with adequate security. All persons entering campaign rally grounds will be thoroughly screened. Security agencies will perform security sweeps on all venues before the rallies and secure the grounds until the event is over. As part of this security arrangement, Ministers and Assistant Minister in both Yes and No camps will continue to be allowed to use their official vehicles and security details to attend to their respective campaigns. The President, Prime Minister and Vice-President will continue to be accorded their respective normal security and protocol while attending the campaigns.

Mr. Speaker, Sir, providing the security as outlined above requires information and advance planning. Therefore, there would be proper regulation of all meetings as stipulated under the law. Police will strictly enforce the law and the 1997 IPPG regulations regarding public rallies will be followed. In addition, intelligence will be strengthened and information collected will be shared with security stakeholders. This measure will never be used to advance the cause of one side over the other.

Mr. Speaker, Sir, the second issue relates to the use of financial and other resources of the Government for the conduct of the referendum. In the Financial Year, 2009/2010, the Treasury provided Kshs6.85 billion for the Interim Independent Electoral Commission (IIEC) largely for by-elections and voter registration. The Committee of Experts (COE) was given Kshs500,000 for printing of books. The National Cohesion and Integration Commission (NCIC) was provided with Kshs119 million. All in all, a total of Kshs7.5 billion was given for the referendum process in the Financial Year 2009/2010. For the similar purposes, Kshs7 billion is allocated in the draft 2010/2011 Budget. I know that the IIEC had raised alarm over lack of funds. But I assure you that consultations are going on in Government and between the relevant agencies on this matter and I am confident that we will find the money for the August 4<sup>th</sup> referendum.

Mr. Speaker, Sir, we have no otherwise on this matter. Our Vision 2030 is tied to the delivery of a new Constitution. A new Constitution is a pillar in our reform agenda.

As I speak, this country is today commemorating the 20<sup>th</sup> Anniversary of the Saba Saba Day, the day the search for a new Constitution began in earnest. We have travelled so far, spent too much, waited too long and lost so much, including lives. This process has to come to an end. The Government is committed to see it end successfully on August 4<sup>th</sup>.

Mr. Speaker, Sir, apart from the security and normal protocol mentioned above, no Government resources will be provided for either the Yes or No camps. We, in the Yes camp, will continue to finance our promotional materials with donations of well wishers. We trust that the No camp will do the same.

Mr. Speaker, Sir, let me now take up the allegation that the NCIC is being used by the Yes camp to intimidate or prosecute leaders of the No camp. Nothing could be further from the truth than this allegation. The National Accord clearly stipulates that the NCIC is independent from the Executive branch of the Government. In fact, the NCIC has also fingered leaders in the Yes Camp too in its recent crackdown.

Mr. Speaker, Sir, His Excellency the President and the Prime Minister have directed that the security forces do not take action that could even indirectly result in intimidation or harassment of any political leaders. I believe that our record is clear. Police has not harassed any No proponents. No rallies have been cancelled by the State. A prayer meeting planned for last Thursday at Uhuru Park was denied permission on the grounds of security. The scene, as we all know, had been previously attacked and, therefore, it needed further preservation and investigation of possible cause of that insecurity.

The President and Prime Minister take pride in our respect of the principle of fairness and tolerance and that must continue. The Government will also ensure that voting for the referendum will be free, fair and peaceful. At least two police officers will be assigned per polling stream in all polling stations. Additional security officers will be availed to ensure that all environments of the polling stations are safe and free of trouble makers. Adequate security will be provided to constituency and regional election co-ordinators as well as other officials, including clerks.

All Kenyans of voting age know how a Government behaves when it wants to crack or frustrate the opposition. We have all seen it before. We saw the crackdown on the Opposition in the run to the 1992, 1997 and even 2002 elections. Ministers lost their jobs, the Provincial Administration were warned to toe the line; opposition rallies were cancelled and tear gassed, while MPs were thrown into cells. This Government is not going to go down that road.

Mr. Speaker, Sir, IIEC is taking all preparations necessary for this historic poll. The fresh voter registration has been successfully completed. This has resulted into the registration of over 12 million voters against the anticipated 10 million voters. Draft voters registers have been printed and sent to various polling stations for the public to inspect and verify. Internal inspection and verification of the draft voters register is being done to eliminate double registration, typographical and other errors. Electronic transfer of results system has also been developed and was piloted in South Mugirango Constituency. The system will further be piloted in Matuga Constituency and 29 civic by-elections to perfect it for the referendum.

Lastly, referendum regulations have been developed and gazetted and IIEC is preparing to register the referendum committees. A code of conduct has also been

developed and officials participating in the exercise will have to be sworn in and abide by the electoral conduct.

Mr. Speaker, Sir, in conclusion, let me reiterate once again, the absolute resolve of His Excellency the President and the Prime Minister to ensure that the referendum campaign is decent, free and fair. I urge all political leaders in both Yes and No camps to encourage objective and reasoned debates and to refrain from statements that stir emotions. I appeal to all Kenyans to actively engage in civil, decent and peaceful campaigning.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Hon. Members, we will allow five clarifications and the Deputy Prime Minister and Minister for Local Government, please, take notes!

**Mrs. Shabesh:** Mr. Speaker, Sir, I would like the Deputy Prime Minister and Minister for Local Government to clarify when he speaks about providing security to the campaign teams for No and Yes.

Mr. Speaker, Sir, during the last Uhuru Park rally where there was an explosion, that meeting had been classified as a prayer meeting. I continue to see on Sunday a lot of prayer meetings being turned into No campaigns. Have you clarified to the No team how to state whether this is a No campaign or it is a prayer meeting, so that there is adequate security on understanding what kind of meeting it is?

**Mr. Mwathi:** I would like the Deputy Prime Minister and Minister for Local Government to clarify whether the official times for campaigns for No and Yes has come. If not, what steps is he taking for those we are seeing, left, right and centre doing campaigns for Yes and No camps?

**Mr. Gunda:** Mr. Speaker, Sir, could the Deputy Prime Minister and Minister for Local Government tell us when the IIEC is likely to register the referendum Committees? We have less than 30 days to go!

**Mr. Ethuro:** Mr. Speaker, Sir, the commitment made by the Government to this country through the House in terms of ensuring free and fair elections--- I want the Minister to clarify that the words “free and fair” do not just mean according security at election time. It means accessing those prisons. What will he do to ensure that the people from the “NO” Camp, and I speak as a “YES” man, can access that facility?

On a day like this one when we are celebrating 20 years of Saba Saba--- The Coalition Act says that one of the ways the Coalition Government will collapse is with the enactment of a new Constitution. Has the Government considered it that if we pass the proposed Constitution, as my wish would be, the Coalition Government will cease to exist?

Finally, as the Chairman of the Amani Forum, I wish to seek a clarification on whether the Government will make arrangements to ensure that all Members of Parliament preach peace irrespective of their political position. Could we have that commitment from each and every one of us?

I wish you well, Mr. Speaker, Sir.

**Mr. Lari:** Mr. Speaker, Sir, I would like the Deputy Prime Minister and Minister for Local Government to indicate to this House what security measures are likely to be taken to make sure that the church leaders involved in the referendum campaigns are neither threatened nor are their families harassed.

**Mr. Mbadi:** Mr. Speaker, Sir, even though I am a very staunch supporter of the proposed Constitution, there is a statement that the Deputy Prime Minister and Minister for Local Government made which is of great concern to me. I would, therefore, like more clarification.

He talked of Vision 2030 being tied to the proposed Constitution. That is a worry to me. I want the Deputy Prime Minister and Minister for Local Government to clarify the sections of the Vision 2030 that are tied to the proposed Constitution. If the proposed Constitution is not passed because we will go to the ballot, what will happen to Vision 2030? Will it fail or we will still realise it?

**Mr. Koech:** Mr. Speaker, Sir, let me from the outset thank the Deputy Prime Minister and Minister for Local Government for his assurance that this is a democratic State and, therefore, the referendum will be free and fair. I also want to thank him for alluding to the fact that the Commission for National Cohesion and Integration will not be used to intimidate Members of either side. On the same note, could he consider ensuring that in cases where people are accused that the public will get the full clip of what those members said to avoid cases where a small section of a statement is used and, therefore, by extension be referred to as an incitement?

Mr. Speaker, Sir, I want to appreciate the presence of the security personnel---

**Mr. Speaker:** Order, the Member for Mosop! There are many more hon. Members who are interested in this matter. So, we must be fair to all of us.

**Mr. Koech:** Mr. Speaker, Sir, I was appreciating what the Deputy Prime Minister and Minister for Local Government has done because I believe that is the direction to take. Lastly---

**Mr. Speaker:** Order, the Member for Mosop! This House has to play by the rules of equity and fairness. Your colleagues are also interested in this matter. They want to be heard and their clarifications responded to.

**Mr. Maina Kamau:** Mr. Speaker, Sir, I would like the Deputy Prime Minister and Minister for Local Government to tell this House what the Government has done to control the content of speeches given during the campaigns especially those peddling lies across the country.

**Mr. Speaker:** That is doing very well! Yes, the Member for Chepalungu!

**Mr. Ruto:** Mr. Speaker, Sir, I would like the Deputy Prime Minister and Minister for Local Government to clarify what he means when he says that there will be no Government resources being used, and then he goes ahead to say that Ministers and Assistant Ministers will continue using their official vehicles. Where will they draw fuel? The normal practice is clear.

On matters that are variously being referred to as hate speech---

**Mr. Speaker:** Order, Mr. Ruto! We will not make an exception.

**Mr. Ruto:** Mr. Speaker, Sir, I am asking whether the Government intends to stick to the internationally recognized practices in conducting referenda. Maybe could he table such rules?

**Mr. Speaker:** Order, the Member for Chepalungu! Just like we treated the Member for Mosop, we allowed him room to seek two clarifications instead of one. You have done two and you want to continue to do a third one. I do not think that will be equity. I am afraid---

**Mr. Ruto:** Mr. Speaker, Sir, is it still a Government project? He needs to confirm whether it is still a Government project and referendum---

**Mr. Speaker:** You must stop there!

Mr. Deputy Prime Minister and Minister for Local Government, please, respond.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. There are a number of issues which have been raised. I will respond to them not in any order because I was taking notes in a hurry to try and capture the many speakers.

The first thing that I want to deal with is the issue on whether the enactment of a new Constitution would entail the collapse of the current Coalition Government. I wish to state here that, that is not true at all. If one looks at the transitional arrangements within the proposed Draft Constitution, he or she will find that there are very clear provisions that state that provisions as enshrined in the current agreement will run until 2012. In fact, they are enhanced in the transitional arrangements so that the Coalition Government will remain secure until the 2012 elections.

Mr. Speaker, Sir, I also want to very quickly say that when we talk about the Vision 2030, and this was raised by Mr. Mbadi, we said that the proposed Constitution is tied to it because the Vision 2030 is also premised on the basis of good governance being the pillar of ensuring that the rest of the issues in terms of economy and infrastructure development and so forth are done in a proper manner. So, Vision 2030 would definitely be in jeopardy if good governance and good laws are not put in place. I hope that deals with that aspect on the Vision 2030.

**Mr. Koech:** On a point of order, Mr. Speaker, Sir. If you heard the Deputy Prime Minister and Minister for Local Government, he has alluded that the Vision 2030 is envisioned in good governance. Is he in order to almost allude that we have bad governance now?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, I will just remind the hon. Member that we are seeking a new Constitution because we want to have better rules and legislation for our country. So, I stand by my words.

I also want to tackle the issue raised by the Member for Mosop because he said that clips of speeches should be made available. Actually, this can be extracted. Our media houses today have very good equipment and if one wants to extract or get a speech that was given by any individual, it will not be difficult to access that. What is important is that we must learn to appreciate that the media is also free and it cannot censure the things that we say. So, if we make statements out there, we must also be prepared to take full responsibility for the statements and the contents of what we pronounce. However, the clips can also be made available.

*[Mr. Speaker left the Chair]*

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

We expect the speeches to be civil and decent. This issue was raised by the Member of Parliament for Kandara. This can be done if we, as Members, project

leadership qualities and come out forcefully to show that we are not about playing games with Kenyans, but we are serious in conveying what the contents of that Constitution are. If we are able to live up to that and be disciplined in the conveyance of our messages, I believe that the content of the speeches can be realistic and fair and we can avoid hate speech and falsehoods.

Mr. Temporary Deputy Speaker, Sir, on the issue of meetings, including church meetings and so forth, what happened in Uhuru, if I can recollect very well and based on the information that I have, the police were notified by the church leaders that it would be a crusade. In fact, the church leaders are the ones who went and gave that notification to be allowed to participate at Uhuru Park. They did not at any one time indicate to the police that the crusade at Uhuru Park was going to be turned into a No political campaign. So, the Government has communicated to them and also conveyed to the church leaders that nobody is going to be stopped from having their meetings. However, it is important that the nature of the meeting that you intend to have is known from the outset, because then it would determine the level of security that will be necessary for that meeting. If you are going to hold a political meeting political tensions can arise. So, it would be necessary to enhance or step up security at such meetings. But if you say that it is a crusade and then it turns out to be a political rally, then you gave the wrong information to the security agencies. Just as much as you may want to blame others, you may also have yourself to blame for giving the wrong information as to the nature of your meeting. So, please, for all Kenyans, let us convey the correct message so that you are given the necessary security.

Mr. Temporary Deputy Speaker, Sir, I wish to state that to the best of my knowledge, the official campaign period has really started because it was supposed to be a one-month period to the date of the referendum. Today is 7th July, 2010, and so clearly we are in the campaign period. What has been happening earlier has been civic education by both the No camp and also the Yes camp. So, the process of civic education is now complete and now you can engage in hard politics and campaigning for the referendum.

Mr. Temporary Deputy Speaker, Sir, I also want to state here that the registration of the committees actually has started. I think both the No and Yes secretariats have been communicated to; that they should submit particulars of their officials to the Interim Independent Electoral Commission (IIEC). So, please, if there is anybody who has not done so, I can only recommend that you should urgently get in touch with the respective secretariats so that they can avail the necessary forms. The rules for the referendum have been gazetted and regulations have also been published. This can also be obtained from the IIEC.

Mr. Temporary Deputy Speaker, Sir, the other point that I would want to touch on is the issue of whether or not this is a Government project. This is something that we really need to clarify and be honest on. I think to the extent of ensuring that resources are available to the various agencies that are conducting the referendum, including the IIEC, Committee of Experts or security agencies that will provide security in those areas, that is Government responsibility. That should be a distinction between Government responsibility and a Government project. I think people have been deliberately toying around with what is Government responsibility and Government project. This is Government responsibility. This House passed the Budget to make sure that resources will be made available to these institutions. Now, it is the responsibility of the Treasury,

that is, the Office of the Deputy Prime Minister and Ministry of Finance, to make sure that those institutions that are going to conduct this election, provide security and so forth, and are funded appropriately. So, that is discharging Government responsibility, but it is not a Government project. So, this is the distinction that I would really want Kenyans to appreciate because there is a lot of misinterpretation, obviously for political gains. But I am sure Kenyans are much wiser than we intend to imagine sometimes. So, I think this issue should be put to rest. Just because we have a referendum on the way, the Ministers who are either campaigning in the No or Yes camps have not ceased to be Government Ministers. So, naturally, they still have to be accorded their protection by virtue of that status. If it can be understood in that context, then one will realize that this is not a misuse of Government resources. If I ceased to be a Minister, then naturally I cannot use a Government or Ministerial vehicle to move out there. I would have to dig into my pocket. That is the reality of it. So, we have to also send that message and I hope hon. Isaac Ruto will appreciate this because we have been down this road together with him a number of times.

Mr. Temporary Deputy Speaker, Sir, I would like to conclude by saying that on the issue of the prisons, I think even for the Yes camp, nobody has been given access to go and campaign in the prisons. So, they have their right to vote as ordered by the court, but in all fairness if you were to ask me, I would say that really the Yes and No camps can garner enough votes outside the prisons. They should let the Kenyans who are within the prison premises have an opportunity to study the document and then vote according to their conscience when the time comes. But let us not engage in going to campaign in the prisons.

**Mr. Mwathi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Deputy Prime Minister and Minister for Local Government to come and tell us that what was happening prior to the one-month period of campaign was civic education? Is he in order to tell us or make us believe that the President, Prime Minister and all the others were agents of Committee of Experts as civic educators?

**The Deputy Prime Minister and Minister for Local Authorities** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I do not know of any section of the law within the constitutional review process which says that President Mwai Kibaki, hon. Raila or hon. William Ruto, could not conduct any civic education programme anywhere. I do not know of any law which could have prohibited them from undertaking some civic education at that time.

**Mr. Mwathi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Deputy Prime Minister and Minister for Local Government is taking this House and Kenyans in general for granted. I think he is very casual. Is he in order to tell us that people dressed in red and green are actually members of the Committee of Experts or that is the attire to dress in when going for civic education? Could he clarify that?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I did not say that. I did not even say that we wear red and green. He is putting words in my mouth. All I said was that there is no law that bars anybody; either the President, Prime Minister or any Member of Parliament to undertake some voluntary civic education in their respective areas or any part of the country.



**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! The hon. Deputy Prime Minister and Minister for Local Government has responded to Mr. Mwathi's point of order adequately and the Chair is satisfied.

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate the order given by the Deputy Prime Minister and Minister for Local Government that nobody should go and campaign in the prisons, is he in order to claim that the "No" and "Yes" campaign groups should not access the prisons when we have seen the Minister for Justice, National Cohesion and Constitutional Affairs dancing with prisoners inside the prison?

**Mr. Ruto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Deputy Prime Minister and Minister for Local Government confirm whether both sides are treated equally on this strange thing called hate speech? We have been referred to as Moi orphans. He did not confirm the issues that we addressed to him. That is harassment. Is it in order for him to pretend that he has prosecuted the issue when he did not tell us about that one?

Secondly, could he confirm that he is actually contradicting the Prime Minister on the issue of Government projects?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order hon. Ruto! Mr. DPM, ignore the second issue because I had only allowed him to seek one clarification.

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Temporary Deputy Speaker, Sir. Could the Deputy Prime Minister and Minister for Local Government clarify what he is doing to ensure that both camps – the "No" and "Yes", are not using children for their campaigns? There is an advert that is using children to say choose life, vote no. This is unconstitutional and against the Children's Act. What is he doing to ensure that we do not flout the law because children do not have capacity to make such decisions? They do not know what those things are. They do not abort.

**Dr. Eseli:** Thank you, Mr. Temporary Deputy Speaker, Sir. Now that the referendum voting is on 4<sup>th</sup> August and the polling stations were gazetted--- When you go through the voting stations, you will see that their number is skewed in favour of certain parts of this country that have many more polling stations than many other areas that are heavily populated. That is specifically so in parts of Rift Valley where there are many polling centers. Could the Deputy Prime Minister clarify whether that advanced rigging will not affect the referendum results and what will be done to ameliorate that?

**Mrs. Noor:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to get a clarification on how far the investigations concerning the Uhuru Park incident have gone so far and what is the Government doing to fast-track the investigations. That is because, as you know, we lost lives.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I would like to state that on the last issue about the investigations about the Uhuru Park incident, the Minister of State for Provincial Administration and Internal Security will make a formal statement on that matter. He is prepared to make it on Tuesday next week. That will deal with the matter.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Deputy Prime Minister, summarize all of them within five minutes.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Yes, I am trying to summarize that. I agree with hon. Millie Odhiambo-

Mabona that, that is an issue that we will have to raise officially as a concern. Children must be protected in this process; whether we are campaigning from the “Yes” or the “No” side. We have to abide by the law and we must not subject our children to such things. We should not use them to advertize in a negative or scary context. We must keep children away from this process in accordance with the law.

Mr. Ruto, you are a decent man. You will appreciate that your children and mine need protection, just like those other children out there.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Deputy Prime Minister, restrict yourself to the formal requests.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): That is true. I will do that. I also want to state that the concerns raised by hon. Dr. Eseli about rigging will be conveyed to the Interim Independent Electoral Commission. It is their duty to conduct that and if there are any public concerns in potential areas, I think they should be highlighted in advance so that, as they make their final preparation for the conduct of the civic elections, they can take the necessary precautions where there are fears of any kind.

Lastly, I just want to say that when hon. Mutula was dealing with aspects of prisons, it was in the context of the reform programme that he has under the Ministry of Justice, National Cohesion and Constitutional Affairs. Those are programmes that are funded under the Governance Justice Law Order Sector (GJLOS) programme. It was in that context that he was visiting the prisons.

Lastly, I just want to say that I do not know why Isaac Ruto is worried. I do not know who talked about Moi orphans. I do not think he should be worried because he is a distinguished hon. Member and he is very capable. I remember that at one time, he was very vocal against Moi. So, this should not worry him.

## POINTS OF ORDER

### DELAYED RESULTS OF ANALYSIS

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. The Assistant Minister of State for Provincial Administration and Internal Security, while replying to our Question----

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is seeking a Ministerial statement from the Minister of State for Provincial Administration and Internal Security who is seated in the House and is busy conversing.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Saitoti! You are being addressed and you may want to be attentive.

*(Laughter)*

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister in the Ministry of Provincial Administration and Internal Security, while replying to our Question by Private Notice on 6<sup>th</sup> April, 2010, concerning the stabbing to death of Mr. Nakini Lemoyog by an administrative police officer, he undertook to upgrade the House

within a month on the results of the analysis of specimen samples taken to the Government Chemist. It is now three months and yet, the Assistant Minister has not updated the House. Could he be compelled by the House to lay on the Table, the results of the analysis by Wednesday next week?

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, I will do so, on Wednesday, next week in the afternoon.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Minister, the Member is also complaining that the period you promised was extended and so, as you table the report, it would be worthwhile giving an explanation as to why you needed three and not the one month that you promised.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, as a matter of fact, although it will be reiterated, up front, I want to give an apology for the fact that I have not been able, although it was done by my Assistant Minister, to table that report within the period prescribed here.

**Mr. Letimalo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister table this report on Wednesday because I have commitments in my constituency on Tuesday?

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Letimalo, you cannot change your own request. Your initial request was Wednesday next week. So, when the Minister agreed to next week, Wednesday, I assume he heard you to mean Wednesday next week. So, it shall remain that way.

Next issue!

#### INSECURITY IN ELDORET SOUTH

**Mrs. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the general insecurity and state of fear and despondency that has befallen the residents of Eldoret South Constituency in the last few days. He should explain to the House the circumstances under which three watchmen guarding secondary schools, namely, Kapkweiga Girls High School, Lelemorok High School and St. Catherine Girls in Keses Division, Ware District, have been hacked to death and properties and cash stolen. While giving the Statement, he should address the following:- What the Government is doing to stamp out the rampant thuggery in the region, including when patrols will be started and police stations put up in the region. He should also give the details of the deaths of the watchmen, namely; the late Mariko Tonono of Kapkweiga on 10<sup>th</sup> June, 2010; the late Robert Kipng'etich of Lelemorok on 17<sup>th</sup> June, 2010 and the late Paul Mudany on 24<sup>th</sup> June, 2010, who died days later. He should tell us what steps have been taken to bring the culprits to book.

He could also tell the House how many people have been arrested following these heinous attacks. Given the fact that these schools under attack are girls schools, what action will the Government take to ensure that rape and other bestiality acts are not committed against the students? Could he also promise that peace and tranquility will

reign in the region, given the fact that the students are approaching their final exams in third term?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we will give a Statement on Thursday, next week.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, while appreciating the need to bring the Statement next week, this is an urgent matter, especially because it affects schools. Could the Assistant Minister give an undertaking now, even before he issues the Ministerial Statement next week?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I believe the hon. Member wants us to give facts as they are on the ground. I have to get the facts on the ground. I have to send my officers to actually investigate in order for us to give an elaborate Statement.

**The Temporary Deputy Speaker** (Mr. Ethuro): So, are you giving a particular day? The Statement will be issued on Thursday, next week.

Next Order!

## COMMUNICATIONS FROM THE CHAIR

### DEFERMENT OF COMMITTEE STAGE: THE PREVENTION OF ORGANIZED CRIMES BILL AND ANIMAL TECHNICIANS BILL

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Members! This particular Order will not be discharged today because of an indication to the Chair that the Prevention of Organized Crimes Bill, No.4 of 2010, will be deferred to Tuesday, next week and then the Animal Technicians Bill, No.18 of 2009, will be on the Order Paper tomorrow afternoon because they are still working on the amendments. So, we ask for your indulgence, as a House.

### CONSULTATIONS ON MOTION OF ADJOURNMENT

On the Motion of Adjournment, the whips have indicated that they are still doing their consultations and so, they are not ready for this Motion today. This Motion will not be carried today until when they are ready and they indicate to the Chair and then we will place it on the Order Paper.

Hon. Members, that leaves us with Order No.9.

## MOTION

### ADOPTION OF REPORTS ON ACP/EU JOINT MEETINGS/18<sup>TH</sup> SESSION OF ACP-EU JPA

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

THAT, this House adopts the Report of the proceedings of ACP Committees and ACP/EU Joint Committee meetings which took place in Brussels between 27<sup>th</sup> September and 2<sup>nd</sup> October, 2009, and the Report of the 18<sup>th</sup> Session of the joint Parliamentary Assembly of the ACP/EU and related meetings which took place between 24<sup>th</sup> November and 3<sup>rd</sup> December, 2009, in Luanda, Angola, which were laid on the Table of the House on Wednesday, 24<sup>th</sup> March, 2010.

As you are aware, the African/Caribbean/Pacific, which is called the ACP group, has been attended by two Members of this House, namely; myself as the leader of the delegation and hon. Kombo and normally accompanied by a clerk and in this case, we had Mr. Njoroge. The bi-annual meeting took place in September in the ACP House in Brussels and was followed by joint meetings with the European Union Committee counterparts from 30<sup>th</sup> September to 2<sup>nd</sup> October, 2009. The joint meetings took place in the EU Parliament. The Committee meetings were a follow up of the 16<sup>th</sup> Joint Parliamentary Assembly which had taken place earlier in April, 2009, in Prague in the Czech Republic, where milestone resolutions on matters affecting Members of the partner States were adopted.

Mr. Temporary Deputy Speaker, Sir, during the session of the Committees, three standing sub-committees held their meetings and discussed topical issues. One of them is the Committee on Social Affairs and Environment, which considered drafts on social and cultural integration and participation of young people in development and governance, an issue that has become global. The issue of youth and their participation, both in governance and development, is a growing matter and was discussed by this Committee on Social Affairs and Environment. Also, we had an exchange of views on the social impact of the global crisis, which is a bit stale currently. The other was the Committee on Economic Development and Finance, which discussed the impact of the global crisis also, especially the effect it has on the African/Caribbean and Pacific States. Various lengthy discussions were held. In particular, what affected Africa and Kenya was the issue of tourism, which was affected when the global financial crisis took toll on the developed nations where tourists come from.

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

*[The Temporary Deputy Speaker (Mrs.  
Odhiambo-Mabona) took the Chair]*

Madam Temporary Deputy Speaker, the Committee also exchanged views on what we call the “Economic Partnership Agreements” (EPAs). I will touch on it again when I touch on the second meeting that we attended in December, 2009.

The Committee in which Kenya has been sitting until last year is that of Political Affairs. This Committee discussed global governance and reforms of international institutions and exchanged views on the political situation in ACP countries. We were delighted that we were off the agenda as Kenya, because we had been on the agenda for a long time because of the situation we were in after the 2007 General Elections. I am happy to report that we were able to give our very good report; that Kenya is back on track. We reported that the political situation in Kenya was stable, and that we were

moving towards our national referendum. I am happy to report that Kenya was applauded for the progress she had made, and for the milestone steps that she had made since the elections of 2007.

Madam Temporary Deputy Speaker, the Committee further engaged the European Union Commission (EUC) on implementation of earlier resolutions and in particular, the resolutions of the Economic Partnership Agreements (EPAs). I know that hon. Members have this Report. There are quite a bit of details that need understanding, especially by the Departmental Committee on Finance, Planning and Trade, and the Budget Committee, since the Report touches on a number of trade issues and trade relations between the African states and the EU.

Madam Temporary Deputy Speaker, the Eighteenth Session of the ACP-EU Joint Parliamentary Assembly held meetings in Luanda, Angola, from 24<sup>th</sup> November to 3<sup>rd</sup> December, 2007. The Session was a follow-up of one that was held in the Czech Republic, where we had represented this Assembly with Mr. Musikari Kombo, with the Secretariat being Njoroge S.N.

The Joint Session was, as usual, preceded by Committee meetings. As I mentioned earlier, these were; the Committee on Social Affairs and Environment, the Committee on Economic Development, Trade and Finance, and the Committee on Political Affairs. During that session, Kenya was sitting for the last time on that Committee, because of the rotational basis of Committee sittings, and we were subsequently shifted.

Madam Temporary Deputy Speaker, I am happy to report that we successfully moved to the Committee on Social Affairs and Environment, which was of interest to us because of the climate change issues, and because of the fact that we also wanted to continue pushing for the agenda of Nairobi remaining the seat of UNEP.

During the Joint Parliamentary Session, reports were presented by the various Committees. The Report on Social and Cultural Integration and Participation of Young People in Development and Governance was presented. The Report on Social Impact of the Financial Global Crisis was presented. As I said, I can only highlight the issue of tourism as being one of the issues that affected us as Kenya and Africa in general.

Madam Temporary Deputy Speaker, the Economic and Financial Committee discussed and presented a Report on Climate Change since we were at the point of preparing reports for the Copenhagen meeting. I want to say that we were, again, happy, as Kenya, to have hosted the African Group Summit here in Gigiri. We record our appreciation to the support that we received from various partners, including the Ministry of Environment and Mineral Resources and UNEP itself, which agreed to host the summit free-of-charge and gave us all the facilities that were required for the Assembly.

We also had substantial support from the Swedish Embassy. I want that recorded, because it puts Kenya in a very pivotal position, even when we move to Copenhagen, basically because we became the second hosts of the Summit of African Parliamentarians on Climate Change. I also want to note, at this stage, that as we prepared for that meeting, members of our own group here in Parliament, namely, the Parliamentarians' Network on Natural Resources and Climate Change, were actively involved.

Madam Temporary Deputy Speaker, I want to record our appreciation beyond this House, and the support of Mr. Speaker, who sent a record six Members of Parliament to Copenhagen for the conference. We also had a good delegation from the Ministry, and

the Delegation of the Head of State, which led the delegation. This has, again, put Kenya in a very nice position. I want to happily report that during this Session, Kenya was elected the Vice-Chair of the Committee on Social Affairs and Environment, which I was honoured with.

During the same Assembly in Luanda, the ACP Parliamentary Assembly held a meeting and considered issues affecting member states, and in particular, looking at the political situations in various countries. There was adoption of a report on the persistent issue of the Eritrean and Djiboutian border conflict. This report was considered at the General Assembly and approved.

Madam Temporary Deputy Speaker, the Joint Parliamentary Assembly was later opened by His Excellency Eduardo Dos Santos, President of Angola. The Joint Parliamentary Assembly JPA dealt with quite a number of issues, as detailed in the main Report, which was tabled in March.

At the end of the ACP-EU Joint Assembly, the Kenyan delegation rallied the Joint Parliamentary Assembly membership to call for the elevation of UNEP in Nairobi into a global environmental body. The delegation explained that dealing with environmental issues at various UN agencies and international organisations did not forge the requisite coherency and cohesion in tackling environmental problems.

Therefore, we strongly recommended, with my colleague, hon. Kombo, in our presentation, that it is necessary to come up with one global body, something close to what we call the World Trade Organisation or World Tourism Organisation. I am happy to report again that in this regard, the Joint Parliamentary Assembly, on 3<sup>rd</sup> December, 2009, adopted the resolution calling for the upgrading of the UNEP in Nairobi.

Madam Temporary Deputy Speaker, I happily note that the UNEP headquarters in Nairobi was recently given a better status. One of the issues we need to note, especially in this House, is the fact that if a UN headquarters is given a lower status, it not only attracts less international participation, but there is also reluctance in funding its programmes. I can, therefore, report that we were able to lobby for that, and the resolution was adopted by the Joint Parliamentary Assembly. In part, the resolution read:-

“THAT, the ACP-EU calls for the upgrading of the United Nations Environmental Programme into a fully-fledged World Environmental Organisation to be based in Nairobi and enhanced with adequate capacity to address the severity of environmental catastrophes internationally and major challenges in the world.” In doing so, the delegation was actually echoing the call by our President, Mr. Mwai Kibaki, who during the African Summit of the group of ten on climate change in Addis Ababa, Ethiopia in October, 2009 urged his colleagues from Africa to join hands in pushing for the upgrading of the United Nations programmes into a fully-fledged World Environmental Organization to be based in Nairobi. So, ours as a delegation was to push the national agenda which had already been echoed by our Head of State. We are happy that, that resolution also passed. The ACP-EU also discussed matters of trade, especially the revision of the Economic Partnership Agreements (EPAs). The issue of EPAs is something that needs attention from this House, and in particular, from the Departmental Committee on Finance, Planning and Trade. Since Mr. Kombo is a Member of that Committee, we have endeavoured to come up with a report that should be looked at very seriously.

Madam Temporary Deputy Speaker, the EPAs is a new type of trading relationship between the European Union (EU) and ACP-EU countries. It is based on a partnership towards proper development. It is very important that our Committee looks at this very seriously because it touches not only on Governments but also on Parliaments. Parliaments are expected to perform their oversight roles when it comes to the implementation of EPAs. More than that, the challenges of trade between the EU and Africa, for example, are mega and we are all aware that they are biased. We are talking about 3 per cent exports from Africa going to the EU when we receive more than 50 per cent of their products from importation. This bias is worsened by the fact that most of the products that are exported are actually raw materials, while what we import are finished products. This means that even industrialization is skewed towards the country that sells finished products versus the country that sells raw materials.

I know our Committee has been participating a lot and I know that the Members of the Committee were sent to an EAC meeting in Dar-es-Salaam where we were supposed to initiate the EPAs agreement but there were disagreements towards the last point because of the imbalance and lack of assurance that the imbalance will not cause bias in trade against our people for a long time. I also know that the Members of this Committee, including Mr. Kombo went to West Africa where our report from the ACP-EU was received but there are issues that are supposed to be understood so that we make diligent decisions on the matter.

I am happy that we participated, and I want to record our appreciation to the Speaker of the National Assembly for sending the two of us to attend these meetings and to participate on behalf of the House, the Committee and the nation. The delegation is, therefore, grateful to the Speaker for allowing us to attend the session and for facilitating our travel as well as providing us with the logistical and technical support. On behalf of the delegation, I wish to present and commend these two reports to the House for adoption.

The Motion will be seconded by Mr. Bahari.

**Mr. Bahari:** Thank you, Madam Temporary Deputy Speaker. From the outset, I want to congratulate our delegation that had gone for this meeting and for submitting the report. It is important that all Committees of the House or delegates from this House, once they go out they bring us feedback so that hon. Members are kept abreast with what is happening. As usual, delegates are supposed to come and report back. This is a good example. They have been very consistent and we should give them a pat on the back.

These reports must be taken seriously because they involve several continents and touch on topical issues. That is a forum where topical matters are discussed, information and experience is shared. That ought to be very useful to us. We all keep on saying that the world is a global village and because of that, we ought to take some of these reports seriously.

In my seconding this Motion, I wanted to say that in future, depending on the agenda that is on the Table, the House needs to appoint a few other Members, particularly from the relevant Committees to accompany these delegations to such meetings so that they can pick up those issues and see how we can move forward. This will ensure that the information does not remain in this report but is taken up by the House Committees to maximize on the benefits of some of these meetings. It is, therefore, important that some of these matters are taken very seriously because as a continent or globe, the trend is



towards integration. For the East African Community (EAC) right now, we have moved into the Customs Union. Every other day, we have taken steps with a view to integrating the region. In the African Continent, the AU is also carrying out integration, hence the agenda of regional integration to be used as a building block for a united Africa. Due to the integration, it is important that we understand how the issues that happen in other countries will affect and how they can be addressed or prevented. Through flying, we have seen many outbreaks of epidemics which are very contagious. Therefore, we need to address health and economic matters as outlined in this report.

With those few remarks, I beg to second.

*(Question proposed)*

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Thank you, Madam Temporary Deputy Speaker. I would like to support this Report and congratulate the Kenyan delegation that participated in the ACP Committee and the ACP-EU Joint Parliamentary Assembly (JPA) meetings in Brussels on 27<sup>th</sup> September, 2009, and also the 18<sup>th</sup> Session of ACP-EU Joint Parliamentary Assembly and all the other related meetings that are reported therein in the Report.

When I was the Minister for Planning and National Development, I used to be in-charge of the ACP-EU matters and I attended a number of these meetings. I would like to make a few observations, which no doubt will be reinforced by my friend, Prof. Sam Ongeri who is here. These meetings are extremely important for the nation but the hon. Members who attend these meetings have an added responsibility to the people of Kenya.

One, most subject matters in ACP-EU have to do with economic and trade matters. When I was the Minister for Planning and National Development, one particular issue related to the sugar quotas and as you know, there is a special arrangement, whereby sugar coming from ACP countries has preferential entrance in the EU market at different levels. There are countries like Mauritius and Cote D'Ivoire which have better preferential access to the market than Kenya, for example. However, when a country is allocated its quota and it does not deliver it, the tendency is to lose it and actually for its percentage of access to the EU to decline over time.

Madam Temporary Speaker, when I was the Minister for Planning and National Development, Kenya had not responded to its quota allocation for quite some time and there was danger that it could be reallocated to other countries but we negotiated successfully and restored it. Other than that, I managed to bring to Kenya in the City of Kisumu, the first ACPEU sugar ministries meeting and it was an extremely important meeting that opened the door to many ACP countries who had delegations who had never been to Kenya. This enhances tourism and also the chances that we get allies in international meetings that can support us when we are competing for either certain offices to be allocated in our countries or our own nationals to be appointed to certain positions in the international system.

What I would request our delegations that go for these meetings; please act as ambassadors or envoys for this nation. Open your eyes to the opportunities that are available and make sure that you win friends that can support Kenya's proposals and initiatives at these meetings. The subject matter under discussion at any one particular meeting may not always be interesting to our delegations. That does not mean that your

participation is unnecessary. It does mean however that it provides you with an opportunity to network and establish other initiatives which being in that meeting itself offers you. Hence, it is very important that apart from the subject matter that takes our delegations to these meetings, they be ingenious enough to exploit the patience of our delegations to get other outputs from the meetings other than the one intended.

Madam Temporary Deputy Speaker, indeed, this is usually the role of ambassadors – that, they have to open their eyes to possibilities and opportunities that exist in countries to which they are accredited so that they can then offload them to the countries that they represent. I would believe that this is what I was referring to when I was requesting our delegations to act as ambassadors and envoys of this nation whenever they attend these meetings and participate at such conferences.

Madam Temporary Deputy Speaker, finally, having said that, it is extremely important for this nation to pressurize our Government and indeed, our institutions like universities and so on, both public and private to help this nation build a capacity in participating in these meetings. The Francophone African countries happen to be better equipped, usually in these meetings by knowing or understanding English. Our delegations from Anglophone speaking countries are less prepared. Somehow, we have been averse to learning foreign languages and, therefore, being better diplomats and participants to these meetings. I would request our delegations to these meetings to make these particular recommendations to our nation, particularly those participating in the diplomatic service.

It is high time that the School of Diplomacy that we have at the University of Nairobi, that we have a very strong component of foreign languages teaching which should be open to our diplomats and even parliamentarians to acquire basic skills of communication in these languages spoken in Africa, which makes it better for us to be envoys and ambassadors to such meetings and even act as envoys of our nation abroad.

When President Lula da Silva was here, I am quite sure that if we have so many Kenyans who speak Portuguese and hence who could mix very easily and interact much more usefully with their delegation, there would be very few and yet we have two big African nations, Angola and Mozambique which are Lusophone speaking not forgetting Guinea-Bissau, Sao Tome and so on, which are much smaller nations. So, there is need for our Government which I am part of and our nation to be reinforced by these delegations to make this point because it becomes very useful in such meetings when you can, indeed, penetrate the other side by being much more accessible to what they say and speak.

Madam Temporary Deputy Speaker, with those few remarks, I would like to record my support for this Report and congratulate our delegations as I have said at the beginning.

**The Minister for Education** (Prof. Ongeru): Thank you, Madam Temporary Deputy Speaker. I want to add my voice to support this Report for many reasons. I was Kenya's ambassador to the United Nations (UN) for five years and some of the issues which were finding their way into debate within the ACP-EU Joint Committee meetings at that time were at the rudimentary level and most of the conventions that were deliberated at that time, the issue that we were grappling with was the question of the legal framework and other measures which may be required to mitigate against certain other issues. Of particular interest was the desertification convention with particularity to

Africa and this being a global problem, it was very difficult then to get the so-called developed nations to be supportive economically in order to mitigate against the effects of desertification, particularly with Africa. I remember when we had these negotiations in many fora, we were heavily handicapped in the sense that within the continent itself and within the ACP machinery, we did not have effective nations except Brazil which came out clearly. India and Kenya were extremely vocal in some of these debates.

Therefore, I am delighted to note that one of the issues that may have found its way into the joint meetings between the two organizations; the ACP and EU was the issue of climate change. We spent endless hours debating on the framework of climate change and its protocols and it was very difficult for people to understand particularly when we talked of our virgin forests and acid-rain forests in the so-called developed nations. We told them: “Look, you are virtually cutting away some of our raw materials from our flora and fauna and very vast and important forests. We needed just to put one stop-gap measure in order to be able to create a legal framework under which we can participate on equal terms with you”. It was quite clear and I am happy that the Committee is grappling with some of these issues and more so, in the creation of intellectual property rights.

Madam Temporary Deputy Speaker, I remember I had to bring a Sessional Paper to this House in order to be able to develop an Intellectual Property Office (IPO) in this place because of the innovations and inventions that occurred in this country and, therefore, were carted away. One which is a very painful experience was the *kiondo* which was again taken over by Japan and patented as one of their inventions.

These are the sort of mistakes and gaps that we needed to stop. Therefore, we lack the legal force behind it to effect some of these changes. Therefore, when we developed the Intellectual Property Rights in this area, one of the issues and one of the challenges that I had to grapple with much later was the question of World Trade Organization (WTO) agreements. I am glad that one of the most important issues we have been discussing is about trade, and more so, that the one that immediately concerned us was when we were bringing in the Anti-Retroviral (ARV) drugs. Because of the Intellectual Property Rights, the costs were phenomenal. It was extremely difficult for me, as the then Minister for Health, to be able to bring down the cost of ARV drugs because most of these ARVs enjoyed patent rights. Therefore, we could not be able to access the generic versions of the drugs into this nation. This forced us to be able, under the Trade Related Intellectual Property Rights Services, to create a window of opportunity on the origin of these drugs. That's is how we managed to bring down the generics from Brazil, India and other places and that moderated against the price structure. At that time, it cost us US dollars 700 to treat a HIV positive patient for a year and we brought it down to below US dollars 300. By the time I left the Ministry of Health, we were hoping that we would come down to a reasonable level. The point and the message here is very simple; that some of these raw materials for manufacturing some of the bio-medicinal products and other chemicals originate from Africa. Africa has had a very raw deal through very flimsy and loose ended trade agreements that do not confer the benefits to the African Continent.

I think through this forum, you are able now to address the issue on the question of equity and fair practices in terms of trade. I support these kind of delegations because they are able to crystallise and bring the whole issue to the forefront, so that we can be

able to trade as equal partners. Yesterday, we had the Brazilian President here talking about the bio-fuel. In fact, we have explored this area and we have the molasses which is also generating the bio-fuel, and Mumias Sugar Company is already contributing to the national grid through the bio-fuel. So, all that we can do is to share experiences. Therefore, these sort of meetings will be able to bring minds together on various innovative technologies that have come into the forefront. So, we can share in a cost-effective manner. I think these type of meetings are very useful, they are very enlightening, and they add value to what we want to do.

The area that concerns me most is one of bio-diversity convention. When we created the bio-diversity convention, and I remember negotiating this for almost 48 hours marathon in one of the islands in South America, off the American Coast. It was a very difficult thing to be able to share and agree that they must give incremental benefits to the raw materials that come from Africa. Therefore, when we asked for them to compensate for the raw materials that come from Africa, particularly in the medicinal plants, it was very difficult to get countries to agree to a bio-diversity convention programme, leave alone a bio-diversity protocol, and particularly, those developed ones like the US were very resistant. I think it created a lot of difficulties for us in the debate to the extent that in my stint as the Kenya's Ambassador to the US, one of the issues that they wanted to do was to take away the headquarters of UNEP from here, relocate it elsewhere simply because we did not have very efficient telecommunication system. If you remember through the history, that is the time we created the first fibre optic cable to UNEP so that you could be able to lift your telephone and talk to New York within a split of a second. That was the first onset of the fibre optic cable dedicated to United Nations. They wanted to bring a satellite supported by 12 EU countries, sponsored by Spain and other countries. We told them that there is no problem if they could relocate that satellite to Europe, but the actual origin and the status of UNEP in Nairobi remains the same. Therefore, at that stage, not only did we get UNEP being confirmed as the environmental capital of the world but we also confirmed that the Habitat came in. We wanted to unify the services of the UN organizations working in Nairobi. That was the first beginning of the United Nations Office in Nairobi (UNON). The first time that we were able to get the rank of a UN organization's hierarchy Secretary-General being posted to the Gigiri area.

Recently, there was a debate whether the UNEP should be upgraded to another much higher level, and I think this is the debate that seized your attention when you went to these joint meetings both in Brussels and Rwanda. I am glad that you were able, through your Parliamentary debate to sustain this debate because there has been always a feeling that Kenya does not deserve to host some of these international organizations. Last time, they were hitting at us that we did not have effective telecommunications. We had installed telecommunications, everything is in place but then, there was the question of security. In fact, it was the first onset when you saw the Diplomatic Police being placed at Gigiri with a full fledged police station and tracking of the diplomatic members through the Diplomatic Police Force.

That was able to be sorted out. Now, they are saying: "Oh, we think we should share these opportunities." I think the best that Kenya can do, and we as Parliamentarians, and I am very proud of the team, you are few but effective. That you were able to again reinforce the need for us to maintain not only the international status, but we should be a global environmental centre where it becomes a reference point for

anybody who wants to talk about environmental matters, anybody who wants to talk about bio-diversity matters, desertification, the hazardous wastes although that is being located elsewhere, and anybody who wants to talk about the convention of informed consent on the handling of hazardous wastes. The reference point should be in Nairobi.

About the Atomic Energy Programme, that can be referred to Austria but as far as the major environmental concerns are involved, Nairobi should be the centre-piece. Now, what does the nation draw out of this arrangement? I think apart from the influx of experts who come in, we can be able to enjoy the benefits of a location of an international status of an organization like either UNEP or Habitat or other organizations coming here. Apart from the meetings, the job opportunities are available to our people, the foreign exchange remittances, there will be an added value of advancing technology beyond where it is today. Therefore, we will have a state of the earth knowledge of what is happening around the globe and domesticate it internally. That is why I concur with my colleague, Prof. Anyang-Nyong'o, that our universities must wake up to the reality; that indeed, we have a globally satisfactory organization in this country. In the area of research, they should be at the forefront generating materials, information on what should happen in all these sectors that I have mentioned that are of a global nature.

All these sectors that I have mentioned, and that have a global nature should be a point of reference in our universities. We should not be getting references to go to Sao Paulo, for instance, for biodiversity, or to go to Amsterdam for forestry. I think we should have that knowledge and information; that is how a country becomes richer and it is possible. Through research programs, we should be able to domesticate some of these findings to assist this nation to go beyond our current level of development. Therefore, when we talk of matters of trade, economic development, it is just more than economic development – it is more of research, more of science, and innovations; it is more of value additions, and that is where we are in this nation. If we have to achieve Vision 2030, then the economic pillar, the social pillar and the political pillar must go hand in hand. I am glad that, at least, with the political pillar, we hope that by 4<sup>th</sup> of August, we should be able to enact the proposed Constitution into a fully fledged Constitution. It will help us to be able to create institutions to tackle some of these emerging issues.

Hopefully also, at the economic front, we should now bring on board some of these very successful innovations. Brazil, for instance, has done so much in the area of science and technology and biodiversity. Cuba, which is a very small country, is able to reproduce the anti-retroviral drugs at cost-effective prices! You cannot even match the prices that are available in Cuba with those of anywhere else. Therefore, in Kenya, I believe that when we have a well co-ordinated scientific research, with the Scientific Council being able to monitor some of these research programmes, we are richer than any other country. Therefore, I have a reason for standing to support Prof. Kamar. Thank you for a job well done; that is the direction we must go. We must support you.

Therefore, the Ministries that deal with environmental issues, science, technology and research should come together and be able to produce a formidable programme for this nation. I am sure that the kind of a report on the Floor of this House is more than useful. It is a pity that many hon. Members are not here, because when they see a parliamentary report, they think it is one of those casual reports. This is more than just a casual report; it is a very substantive report, with far reaching economic and social implications.

Thank you, Madam Temporary Deputy Speaker.

**Mr. Ruteere:** Thank you, Madam Temporary Deputy Speaker. I also stand here to echo the words of my predecessors in supporting this report.

Madam Temporary Deputy Speaker, I would have been very happy if I saw the Ministry of Water and Irrigation here listening, reading or supporting this report; I would have been happy if the Ministry of Environment and Mineral Resources was here to participate in the adoption of this report; I would have been very happy if the Ministry of Forestry and Wildlife was here to adopt this report. The Ministry of Youth Affairs, for that matter, should have been here, because this report cuts across various social and environmental aspects and is very informative. It gives resolutions that have been adopted elsewhere, and that will have implications in our own country, that we have to implement. The implementing agencies are those Ministries and others that I have not mentioned.

Madam Temporary Deputy Speaker, the delegation did a commendable job. They articulated our issues, our concerns and, above all, they spoke and supported his Excellency, the President, in his agenda of fighting for the United Nations Environmental Programme (UNEP) to be declared a globally accepted environmental body, with full UN status; they did achieve that. That is something we should commend them for, if not for anything else. All delegations, including the time when his Excellency the President, was in Copenhagen where I happened to be together with the presenter of the report, that issue was basic in his report.

Madam Temporary Deputy Speaker, now that we have attained the status, it is now upon the Government to say that it leads by example; that whoever comes here to visit UNEP should see an environmentally-friendly country right from where he lands, either in Mombasa, if he comes by ship, or in the Jomo Kenyatta International Airport (JKIA) if he comes by air; he should see protection of our natural resources, planting of more trees and the rivers that are being cleaned up, like the Nairobi River. They should not be brought back to their former status; recently, when we were interacting with the Minister for Environment and Mineral Resources, he was saying that they had cleaned the whole Nairobi River, but when you go round Racecourse Road, it is back to its former status.

Kenyans themselves have not accepted the need for change to see to it that their environment is clean and that, efforts have been made by the Government and the Ministry to see to it that the country is clean. If you drive from here along Waiyaki Way and Nairobi/Nakuru Highway, the fields you used to see in Kangemi are no longer there; you see beautiful trees and the green coming up and you wonder whether it is the same Kangemi which existed six years ago. In my own town in Meru today, where I used to see a lot of bare fields, I have seen a lot of trees planted by the municipal council. So, the environment is friendly.

Madam Temporary Deputy Speaker, the destruction of the forests is almost gone, but it still needs to be controlled, so that the forest cover is as required by the international standards – 10 per cent. That is why we should be supporting this report. We should be supporting the report by action, not by merely standing here and saying “I support the report.” We should support the report here and implement it wherever we are.

Madam Temporary Deputy Speaker, there is a section on environmental degradation, climate change issues; these are the issues that everybody is addressing

today in the country. That is why I was surprised that all the Ministries that are involved in this area are not here. I think it is time we took these things seriously. Yesterday, we were crying of famine; we were crying of drought, and right now, we have almost forgotten all that. Even after those very long rains, we did not do much to plant many trees in very many areas. You will find that no seedlings are coming up, yet there was a lot of rainfall. The rivers had swollen up, but they are now declining. So, by the end of September or October, we will be going back to crying of water shortage. We will lament that Nairobi has no water or about the lack of clean water, while we should have done what is necessary when the rains were falling. We should have harvested the water; we should have done enough dams and not concentrated dams in one area. The shortage of water occurs across the country and not in one area. We should have the dams spread across the country.

Madam Temporary Deputy Speaker, as economic and financial issues are discussed, the economic empowerment of our people is also spread out, such that if people are put back to where they come from, they do not go to towns because they are properly empowered wherever they are. They can earn a living and impact positively to the economic development of those areas.

Otherwise, this Report has very good resolutions and recommendations. It has a lot about the youth and the issues should be taken up right now and be implemented because we have concerns about the youth. However, we are not being proactive about these concerns.

With those few remarks, I beg to support this Report wholeheartedly.

**The Temporary Deputy Speaker** (Mrs. Odhiambo-Mabona): I now wish to call on the mover to respond!

**Prof. Kamar:** Madam Temporary Deputy Speaker, I would like to appreciate the contributions that have been made by my colleagues. I will only touch on a few because they have been wonderful contributions. Part of them have been challenges to those of us who are in the delegations to use the opportunities very well. Beyond being ambassadors of this House and the nation, I note what Mr. Bahari said about the membership. I only want him to know that as a delegation, we have already approached the Speaker on expansion of this delegation. The sectors are very wide; we have economic sector, environmental sector, climate change and biodiversity as have been articulated by the Minister. We also have the social and environment sector and the big area of economic development and trade issues. Two members in a delegation can only bring a report here and send the same to the Committees.

Madam Temporary Deputy Speaker, as a committee, we have also ensured that we send the reports to the other committees. We hope they can utilize them. I would like to appreciate the comments that have been made by my colleagues. Prof. Ongeru has mentioned a fair share of the climate change issues and biodiversity and the importance of UNEP in this country. It is true that we must make our universities take it very seriously that they are the only ones in the continent hosting such headquarter and that they should be very proactive. We should show leadership in this.

As I mentioned, we did appreciate as a committee, the fact that when we chose to host the Continental Summit on Climate Change, the Head of State accepted to open the function and the Prime Minister closed it. On top of that, we also had Members of the Cabinet and Members of Parliament attending. This was very important in selling the

country. These sessions help us build ourselves as a nation and put us in a stronger position that we are in currently as far as the environment in the continent is concerned.

Madam Temporary Deputy Speaker, I thank Mr. Ruteere for touching on the Report on the youth. The issue of the youth is global. Sometimes, we look at it in a very closed manner. We imagine that it is only the youth in Kenya who are unemployed, agitating and looking for space and their rights. However, out of the research and reports presented by the relevant committee, it came out very clearly that this is a global issue and we must have a global agenda to address the issues of youth. This intermarries with the other issue of opening up development and investments in the ACP countries because as we increase investment, we increase job opportunities. This then increases opportunities for the youth and so forth. These are areas we will continue to endeavour in, as we represent this august House in the ACP-EU-Joint Parliamentary Assembly.

With those remarks, I beg to move.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mrs. Odhiambo-Mabona): Hon. Members, there being no other business, this House is therefore, adjourned until, tomorrow, Thursday 8<sup>th</sup> July, 2010 at 2.30 p.m.

The House rose at 6.05 p.m.