

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th November, 2010

The House met at 9.00 a.m.

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

PRAYERS

QUESTIONS BY PRIVATE NOTICE

LOSS OF HIGH COURT FILES
HCCC 1909/09 / HCCC1416/95

(Mr. Kioni) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Could the Minister clarify whether the Police have established the circumstances surrounding the loss of two High Court files, No. HCCC 1909/09 and HCCC 1416/95, from the court strong room?

(b) Could he also confirm whether the police investigated the loss of a title deed and transfer transaction of a proposed sale of property LR 36/VII/586 (Original No.50-52, 117) I.R 5666/2 by Mr. George Chege and Mr. Mark Ngarira?

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Kioni not here?

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, Mr. Kioni is in Sudan on Parliamentary business.

The Temporary Deputy Speaker (Prof. Kaloki): That is all right. We will then defer the Question to the next available opportunity when Mr. Kioni will be back.

(Question deferred)

MEASURES TO ADDRESS INSECURITY IN KIMILILI

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that over 20 people have been injured through thuggery in the residential areas of Kimilili Township in Kimilili Constituency in the last three months?

(b) Is he further aware that at least one person is killed by criminals every month at Brigodia Market over the past four months?

(c) How many people have been arrested over the above criminal acts and what action is the Minister taking to restore security in Kimilili Constituency, particularly, Kimilili Town, Brigodia Market and its environs?

The Temporary Deputy Speaker (Prof. Kaloki): Is anyone here from the Ministry of State for Provincial Administration and Internal Security? They are not here. Let us give them a little bit more time to get here because I know they are on the way.

CLOSURE OF TASIA COFFEE ESTATES

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Tasia Coffee Estates closed down as from June 2010 and that all workers have not been paid their dues up to date?

(b) Why were the former workers at Tasia Coffee Estates, most of whom worked as permanent employees, dismissed without any notice as required by law and when will they be paid their terminal dues?

(c) Why has the management of the farm been evicting the workers who have been living in the staff houses for over a decade?

The Temporary Deputy Speaker (Prof. Kaloki): Is anyone here from the Ministry of Labour? Let us also wait a little bit for the Minister to get here. Mr. Kabogo, you will have another opportunity to ask that Question later on.

OWNERSHIP OF LOTTERY TOTO 6/49

(Ms. Chepchumba) to ask the Vice-President and Minister for Home Affairs:-

(a) Could the Vice-President give the names of the local and foreign investors who own lottery Toto 6/49, when the business was registered and under which trade licence are they operating?

(b) How much money does the lottery generate per week? What is the number of players? How much has it generated since inception and what steps is the Government taking to ensure the company's game conforms to the international best standards and statutory requirements?

(c) Could the Vice-President state how much the lottery has donated to charity through Corporate Social Responsibility (CSR) and table a list of names of institutions which have benefitted, if any, and why have the names of those institutions not been published in the media as a legal requirement?

The Temporary Deputy Speaker (Prof. Kaloki): Is Ms. Chepchumba not here? She is not here. I know it is in the morning. The Vice-President and Minister for Home

Affairs is here prepared to answer the Question. We will wait a little bit for Ms. Chepchumba to get to the Chamber. The Chair will be a bit lenient this morning.

MOP-UP OF AFLATOXIN CONTAMINATED
MAIZE IN EASTERN/COAST PROVINCES

(Dr. Nuh) to ask the Minister for Agriculture:-

(a) Could the Minister indicate the progress made in the mopping up of the aflatoxin-contaminated maize from farmers in Eastern and Coast Provinces, indicating tonnage of maize realized, names of farmers affected, their respective districts and compensation level, if any?

(b) What is the tonnage of aflatoxin contaminated maize and the warehouses in which it is stored in Bura and Galole Constituencies?

(c) How many bags of aflatoxin-contaminated maize have been released into the market and could the Minister indicate whether the Kenyan consumers are safe?

The Temporary Deputy Speaker (Prof. Kaloki): Is Dr. Nuh not here? Although the Assistant Minister for Agriculture, Mr. Ndambuki is here he cannot answer the Question. The Question has to be asked first. So, we will wait a little bit longer for Dr. Nuh to get to the Chamber.

RECRUITMENT OF KBC CHIEF EXECUTIVE OFFICER

(Mr. Mbadi) to ask the Minister for Information and Communications:-

(a) Whether the Minister is aware that the Board of the Kenya Broadcasting Corporation (KBC) is in the process of recruiting a new Chief Executive Officer of the Corporation in spite of a resolution of the House to refer the matter to a Committee for consideration?

(b) Could the Minister give an undertaking to suspend the exercise until the investigation on the competence of the Board is resolved?

The Temporary Deputy Speaker (Prof. Kaloki): The Chair has information that Mr. Mbadi is out of the country representing Parliament on official matters. So, that Question is deferred to a later date.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.371

REPAIR OF MACHAKOS-KATUMANI/
MACHAKOS-KANGUNDO ROADS

Dr. Munyaka asked the Minister for Roads:-

(a) what immediate plans the Ministry has to repair the pathetic sections of the Machakos-Katumani Road and the Machakos-Kangundo Road; and,

(b) what the Government's plans to completely re-carpet the roads are.

The Temporary Deputy Speaker (Prof. Kaloki): Is anyone here from the Ministry of Roads? Dr. Munyaka, just be patient a little bit to see whether the Minister will come to the Chamber. You will have another opportunity to ask your Question.

Question No.412

NON-SUPPLY OF RELIEF FOOD
TO MAUA IDPs CAMP

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Mureithi not here? We will wait a little bit longer for him to get to the Chamber to ask the Question.

Question No.434

ALLOCATION OF FUNDS TO *KAZI KWA VIJANA*
PROGRAMME THROUGH TANATHI WATER BOARD

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Nyamai not here? Hon. Members, let us wait and see whether Mr. Nyamai and the Minister for Water and Irrigation will come to the Chamber. Let us give them more time, otherwise we will just drop these Questions in a minute.

Question No.454

SALARY SCALES FOR TEACHERS/INSTRUCTORS
IN YOUTH POLYTECHNICS

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Mbau not here? Let us also be fair to Mr. Mbau and give him time to get to the Chamber.

Question No.471

CONSTRUCTION OF KANDARA
DISTRICT HEADQUARTERS

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Kamau not here? We will make a decision on all these Questions in the next round. So, Let us give Mr. Kamau time to get to the Chamber.

Question No. 494

EXTENSION OF MOBILE NETWORK COVERAGE TO MANDERA EAST

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, with regard to Question 494, the Chair has information that we should give some time to M.H. Ali.

With regard to Question No.504, the Chair has information that the Minister of State for Planning, National Development and Vision 2030 is away on official matters and has requested that the Question be deferred to a later date.

Question No.504

MEASURES TO ADDRESS YOUTH UNEMPLOYMENT

(Question deferred)

Mr. Outa: On a point of clarification Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): What is your point of clarification?

Mr. Outa: Mr. Temporary Deputy Speaker, Sir, as you can see, the ongoing rains have halted the business of the House and a number of hon. Members are held up outside there. Since my good friend, the hon. Vice-President and Minister for Home Affairs is here, could you give him time to tell us what plans the Government has---

The Temporary Deputy Speaker (Prof. Kaloki): Order! There is no statement about that! The Chair has already ruled that we will come back to these Questions. I do not see any need for that.

Hon. Ethuro is out of the country attending to parliamentary matters. So, we will defer Question No.512 to a later date.

Question No.512

LIST OF HEALTH FACILITIES IN TURKANA COUNTY

(Question deferred)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, with regard to Question No. 2 which was to be asked by Dr. Eseli, the Chair has information that the Minister is away on Parliamentary matters and he has requested that the Question be deferred to a later date. We will do just that.

QUESTIONS BY PRIVATE NOTICE

MEASURES TO ADDRESS INSECURITY
IN KIMILILI

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that over 20 people have been injured through hugger in the residential areas of Kimilili Township in Kimilili Constituency in the last three months?

(b) Is the Minister further aware that at least one person is killed by criminals every month at Brigodia Market over the past four months?

(c) How many people have been arrested over the above criminal acts and what action is the Minister taking to restore security in Kimilili Constituency, particularly, Kililili town, Brigodia Market and its environs?

Mr. Temporary Deputy Speaker, Sir, as we speak now, there has been a demonstrations in Kimilili Town by teachers. Right now, the residents at Brigodia are just waiting to start demonstrations tomorrow. Chances are that those demonstrations could turn out to be uncontrollable. That is a very serious security situation and I do not think that postponing it will help us at all. The residents are up in arms because the Government has failed to provide them with security.

The Temporary Deputy Speaker (Prof. Kaloki): Dr. Eseli, we have information that the Minister has travelled out on official duty. It is only fair that if you want a comprehensive answer to this particular Question, you should be patient until the Minister is back. With regard to the demonstrations and what is happening in your constituency, I believe that the security apparatus are there on the ground. I do not see any alarm with regard to your Question.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, it is the security arms that have failed to provide security. So, even if they are on the ground, they will not be of any use to the residents.

The Temporary Deputy Speaker (Prof. Kaloki): Let us agree that there is security in your constituency. However, with regard to this Question, I do not know whether the Leader of Government Business who is the Vice-President and Minister for Home Affairs can respond to that.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, the information I have is that the Assistant Minister, hon. Orwa Ojode, would really have wanted to be here to answer this Question. I think he is caught up somewhere. I can appreciate that matters dealing with security are, indeed, critical. I would really appreciate if the hon. Member for Kimilili could bear with us so that we find out the actual position with regard to the whereabouts of both the Minister and the Assistant Minister. However, you will appreciate that Minister Prof. Saitoti is handling two dockets and he has to rely heavily on Mr. Orwa Ojode. We will try and catch up with Mr. Ojode. If this Question is deferred until tomorrow, I am sure that Mr. Ojode will come here to answer it.

The Temporary Deputy Speaker (Prof. Kaloki): Fair enough! I will direct that this Question appears on the Order Paper tomorrow and Dr. Eseli will have an opportunity to ask the Question. Is that okay Dr. Eseli?

Dr. Eseli: That is fine, Mr. Temporary Deputy Speaker.

(Question deferred)

The Temporary Deputy Speaker (Prof. Kaloki): Next is Question No. 1 by Mr. Kioni? That Question has been deferred.

LOSS OF HIGH COURT FILES HCCC 1909/09 / HCCC1416/95

(Mr. Kioni) to ask the Minister of State for Provincial Administration and Internal Security.

(a) Could the Minister clarify whether the Police have established the circumstances surrounding the loss of two High Court files, No. HCCC 1909/09 and HCCC 1416/95, from the court strong room?

(b) Could the Minister also confirm whether the police investigated the loss of a title deed and transfer transaction of a proposed sale of property LR 36/VII/586 (Original No.50-52, 117) I.R 5666/2 by Mr. George Chege and Mr. Mark Ngarira?

(Question deferred)

CLOSURE OF TASIA COFFEE ESTATES

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, for the second time, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Tasia Coffee Estates closed down as from June 2010 and that all workers have not been paid their dues up to date?

(b) Why were the former workers at Tasia Coffee Estates, most of whom worked as permanent employees, dismissed without any notice as required by law and when will they be paid their terminal dues?

(c) Why has the management of the farm been evicting the workers who have been living in the staff houses for over a decade?

The Temporary Deputy Speaker (Prof. Kaloki): If you want a comprehensive answer, be fair enough to allow the Minister for Labour to answer the Question when he is here.

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request that the Question appears on the Order Paper tomorrow?

The Temporary Deputy Speaker (Prof. Kaloki): You have requested and so, we will defer it to tomorrow. The Leader of Government Business will contact the Minister so that the Question is answered tomorrow.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, it is also important to note that I do not have a written response to that Question. I would also like to have one today.

The Temporary Deputy Speaker (Prof. Kaloki): The Leader of Government Business is here. He will make a follow up on that and ensure that the Question is answered tomorrow.

Mr. Kabogo: Thank you Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Next is Question No. 4 by Ms. Peris Chepchumba. Is she not here? That Question is dropped!

OWNERSHIP OF LOTTERY TOTO 6/49

(Ms. Chepchumba) to ask the Vice-President and Minister for Home Affairs:-

(a) Could the Vice-President give the names of the local and foreign investors who own Toto 6/49; when the business was registered and under which trade licence they are operating.

(b) How much money the lottery generates per week; the number of players; how much it has generated since inception and what steps the Government is taking to ensure the company's game conforms to the international best standards and statutory requirements.

(c) Could the Vice-President state how much the lottery has donated to charity through Corporate Social Responsibility (CSR) and table a list of names of institutions which have benefited, if any, and why have the names of those institutions not been published in the media as a legal requirement.

(Question dropped)

The Temporary Deputy Speaker (Prof. Kaloki): The hon. Member is not in the Chamber and it is only fair that we drop the Question. That is because the Leader of Government Business is here but the hon. Member is not here.

Next is Question No.5 by Dr. Nuh. Is he not here? Hon. Members, when you have Questions to ask, be prepared to come to the Chamber to ask the Questions. Otherwise, they will be dropped.

That Question is dropped.

MOP-UP OF AFLATOXIN CONTAMINATED MAIZE IN EASTERN/COAST PROVINCES

(Dr. Nuh) to ask the Minister for Agriculture:-

(a) To indicate the progress made in the mopping up of the aflatoxin contaminated maize from farmers in Eastern and Coast provinces, indicating tonnage of maize realized, names of farmers affected, their respective districts and compensation levy, if any.

(b) To state the tonnage of aflatoxin contaminated maize and the warehouses in which it is stored in Bura and Galole constituencies.

(c) How many bags of aflatoxin contaminated maize have been released into the market and could the minister indicate whether the Kenyan consumers are safe.

(Question dropped)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, with regard to Question No. 6, Mr. Mbadi has travelled out of the country on official matters. At the same time, hon. Engineer Rege has already taken up that matter. The relevant Committee is also investigating matters concerning the Kenya Broadcasting Corporation. Eng. Rege is dealing with the issue. When hon. Mbadi returns, we will talk to him to see whether he can drop the matter since it is being dealt with by the Committee.

RECRUITMENT OF KBC CHIEF
EXECUTIVE OFFICER

(Mr. Mbadi) to ask the Minister for Information and Communications:-

(a) Is the Minister aware that the Board of the Kenya Broadcasting Corporation (KBC) is in the process of recruiting a new Chief Executive Officer of the corporation in spite of a resolution of the House to refer the matter to a committee for consideration?

(c) Could the Minister give an undertaking to suspend the exercise until the investigation on the competence of the Board is resolved?

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.371

REPAIR OF MACHAKOS-KATUMANI/MACHAKOS-KANGUNDO ROADS

Dr. Munyaka asked the Minister for Roads:-

(a) what immediate plans the Ministry has to repair the pathetic sections of the Machakos-Katumani Road and Machakos- Kangundo Road; and,

(b) what the Government's plan is to completely re-carpet the roads.

The Temporary Deputy Speaker (Prof. Kaloki): Is the Minister for Roads here? I ask the Leader of Government Business to make sure that Question appears on the Order Paper again tomorrow and see that the Minister concerned is present.

(Question deferred)

Question No.412

NON-SUPPLY OF RELIEF FOOD TO MAUA IDPS CAMP

Mr. Temporary Deputy Speaker (Prof. Kaloki): Is hon. Mureithi in the Chamber? The Question is dropped. Hon. Members, once your Questions are in the Order Paper, make sure you are here to ask them.

(Question dropped)

Question No.434

ALLOCATION OF FUNDS TO KAZI KWA
VIJANA PROGRAMME THROUGH
TANATHI WATER BOARD

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Nyamai! The Minister is here to answer the Question, but the hon. Member is not here. So, the same way we have treated other Questions, this Question is dropped because he is not here.

(Question dropped)

Question No.454

SALARY SCALES FOR TEACHERS/INSTRUCTORS IN
YOUTH POLYTECHNICS

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Mbau! That Question is equally dropped because he is not here to ask the Question.

(Question dropped)

Question No.471

CONSTRUCTION OF KANDARA
DISTRICT HEADQUARTERS

The Temporary Deputy Speaker (Prof. Kaloki): Mr. James Maina Kamau! The Question is also dropped because he is not here to ask it.

(Question dropped)

Question No.494

EXTENSION OF MOBILE NETWORK COVERAGE
TO MANDERA EAST

Mr. M.H. Ali asked the Minister for Information and Communications:-

(a) whether he is aware that mobile network coverage in the vast Mandera East constituency is only 10 per cent; and,

(b) what steps he is taking to ensure that there is full coverage and expedite extension of services to Khalaliyo, Warankara and Hareri divisions.

The Temporary Deputy Speaker (Prof. Kaloki): The Minister for information and Communications! The Leader of Government Business should contact the Minister, so that he can prepare to answer it tomorrow. We will, therefore, defer the Question to tomorrow.

(Question deferred)

Question No.504

MEASURES TO ADDRESS YOUTH UNEMPLOYMENT

(Question deferred)

Question No.512

LIST OF HEALTH FACILITIES IN TURKANA COUNTY

(Question deferred)

Mr. Mbuvi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have skipped Question No.504.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Mbuvi, I have already deferred that Question because I have information that the Minister for Planning, National Development and Vision 2030 is away on official matters.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, to when have you deferred the Question?

The Temporary Deputy Speaker (Prof. Kaloki): The Leader of Government Business will get in touch with the Ministry and ensure that somebody will answer the Question on Tuesday, next week. This will also give time for the Minister to be back in the country.

Mr. M.H. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. What if the Minister comes in before we are over with Questions? Could he be allowed to answer Question No.494?

The Temporary Deputy Speaker (Prof. Kaloki): I have already deferred that Question! Is the Minister for Information and Communications here?

Mr. M.H. Ali: Mr. Temporary Deputy Speaker, Sir, because of the traffic jam, maybe he could be coming later.

The Temporary Deputy Speaker (Prof. Kaloki): I will be lenient enough. If the Minister comes, I will give him the opportunity to answer your Question.

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have extended leniency to the Front Bench and I was just wondering whether you could extend the same leniency to the Back Bench. You have dropped a number of Questions because Members are not here and you have retained leniency on the Front Bench.

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Kabogo! The Chair had those particular communications. The particular Ministers gave notices of their travel. I will be fair enough to grant them additional time to come and answer the Questions. Where the hon. Member has not communicated, then, of course, we drop the Question. We have been very fair and have demonstrated that. So, hon. Kabogo, really, the Chair has been fair.

On very special considerations, I will allow Question No.371 to be asked by hon. Munyaka because the Minister is also here. We can go out of our way on this one.

Question No.371

REPAIR OF MACHAKOS-KATUMANI/MACHAKOS-KANGUNDO ROADS

Dr. Munyaka asked the Minister for Roads:-

(a) what immediate plans the Ministry has to repair the pathetic sections of the Machakos-Katumani road and the Machakos-Kangundo Road; and,

(b) what the Government's plan is to completely re-carpet the roads.

The Minister for Roads (Mr. Bett): Mr. Temporary Deputy Speaker, Sir, I want to profusely apologize to the Chair and the House for coming late. I came late because of the matter that is affecting us on the Mombasa-Nairobi Highway, more particularly at Voi.

However, I beg to reply.

(a) My Ministry, through the Kenya National Highways Authority, has set aside Kshs45 million and Kshs10 million, respectively, for routine maintenance of the Machakos-Katumani and Machakos-Kangundo Roads in this financial year. The procurement process for the above roads has started and the works are expected to commence in three months. The three months is the period we have got to go through the procurement procedures as required by the Procurement and Disposal Act.

Secondly, the Government will source for funds to recarpet the said roads in future.

However, before that, my Ministry will constantly allocate funds for routine maintenance in order to sustain the road in a motorable condition.

Dr. Munyaka: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for promising that Machakos–Katumaini Road will be repaired in the next three months. However, I want to ask him to take this project seriously because the road is in a pathetic state.

I want to further ask the Minister to talk about Mwanja Bridge, along that section of the road, which is very narrow, and where many accidents have taken place. I remember that in 2008, the Minister for Roads then said that the Government would look into financing it, so that it could be expanded.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, most of our roads were built 20 years ago. The traffic volume on our roads was not that high and the bridges were narrower those days.

Mr. Temporary Deputy Speaker, Sir, as we plan to reconstruct or rehabilitate these roads, we also take into account the need to give the people a wider bridge. So, as I said, we will look for funds to recarpet or rebuild that road. At that time, we will give the people of that section of the road a wider bridge. I want to assure the hon. Member that we are serious. We are equally serious on the Voi– Mwatate Road.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, let me first thank this Ministry for the road construction works that are going on.

Having said that, I want to know from the Minister what criteria, or what would a Member like the Member for Juja Constituency need to do in order to attract funding for roads in Juja.

Mr. Temporary Deputy Speaker, Sir, I served in the Ninth Parliament. I attempted variously to get funding for certain roads in Juja and not even one road until today has been funded. What should a Member do to attract funding from this Ministry?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, this is a very good question. We have just concluded drafting our report on road sector investment programme. It is a work plan. It is a road map where we will be placing roads per five years. These are specific roads. They will be funded in terms of priority, based on the returns from that particular section of the road. That will take into consideration the traffic. We will also consider the economic viability of that area.

Mr. Temporary Deputy Speaker, Sir, this will also help us in sourcing for funds because we will be able to have a bankable document for ourselves with the exchequer and for ourselves with the development partners. So, the Member need not think that he has to do anything magical in order to be allocated funds to do roads in his constituency. He also has the Constituency Roads Committee which is also a source for us to get priority roads in an area. We will be noticing as they do the roads in that area. On Constituency Roads Committee Programme, we will notice where the public are more interested and we will pick such roads.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, the question is: Are there some areas or some interventions from the Member of Parliament to work with your Ministry to make sure that his concerns are addressed?

Are you able to work with the hon. Member here? At least, you can understand the areas of concern in his constituency.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I am able to work with each Member of Parliament. I want to ask each Member of Parliament to be in touch with the regional manager in that area because that is beginning to work with us.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, part of the question I asked is answered. However, he did not address himself to the other part of the question. You heard the Minister say that it is the economic returns of a place and the extent of how busy a place is. If you throw a coin on the Githurai-Kimbo Road, it will not hit the ground before landing on person or a vehicle. That is road is busy. Is he in order to say some parts of Juja Constituency do not have economic return? That is the way I understood his answer!

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, on that particular road, I think there is adequate traffic for that road to warrant some consideration. Is that your take on that question?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I do not know which part of Githurai. But we are currently doing Thika-Nairobi Road. If it is a road which is connecting to the road we are doing, I will get more information on that road.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, in that respect, the Minister has talked about an investment plan that has been completed. Would I be in order to request him to table that investment plan, so that we are able to know where we fall within the five years' plan?

The Temporary Deputy Speaker (Prof. Kaloki): On the issue of Members getting the right information to be able to relate well with your Ministry, do you have a plan that you can share with Members?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I have just finished with stakeholders contributing to the draft document. The next move is to request the Departmental Committee on Transport, Public Works and Housing to organise a meeting with my Ministry to consider the draft.

After that, the document will be complete and each Member of Parliament will get a copy of it.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, you heard the Minister say that he is equally concerned about the Voi-Mwatate Road. Could he tell us what steps he has taken to clear the traffic that has completely halted the flow of vehicles from Mombasa to up country; and whether the concerns of the residents have been adequately addressed?

Mr. Bett: I want to thank the Member for asking that question. We have already advertised for reconstruction of the Voi-Mwatate-Wudanyi road. That was done three weeks ago.

We are expecting the bids to be returned on the 19th of this month. Evaluation will start thereafter. I estimate the evaluation exercise will be concluded and expect award for a contractor to be on site towards the end of February or early March, next year.

Secondly, we had already set aside Kshs20 million for maintenance of that road. Two weeks ago, we advertised for a contractor to patch the potholes as we wait for the contractor to rehabilitate the road. So, that is what we, as a Ministry, have done. We have communicated as much to the people of Voi.

I also want to thank the Commissioner of Police who has stepped in to co-ordinate the movement of traffic. He confirmed to me that this morning vehicles are now moving to Mombasa and to Nairobi. But I want to sympathise with the motorists who were unduly affected by the striking public because the Mombasa-Nairobi road has nothing to do with the road that is in question. We have told the relevant individuals to only concern themselves with the Voi-Mwatate-Wudanyi road, so as not to infringe on the rights of people on the Mombasa-Nairobi Highway. The police are now on site and have taken control of the situation.

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order, having asserted that the economic inputs of a road are critical in the valuation of what roads and what money is to be put towards the development of roads? Is it in order for him to communicate very lightly about a matter that is very heavy? People have slept on the road for two nights. Mothers and old parents have been in problems on that road because of this strike. What has the Minister done? Why has he not even gone down there to communicate this information? This is almost like a national crisis. Goods are not being ferried and buses are not moving. This is where *wananchi* operate from. In fact, the Minister should not even be in Parliament. He should be there doing something about the problem.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, the concern is: Are you taking the Voi-Mwatate Road problem seriously?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I want to express ignorance to what the word “seriously” means because we have communicated with the relevant authorities to maintain law and order. I have said that I placed an advertisement three weeks ago and I cannot flout the Procurement and Disposal Act. I have to go through it. I have already said that there is money for patching potholes and we started procuring for a contractor to do that before this incident. If there is somebody who knows what we are doing and wants to go ahead and claim credit as to why we are on the road, I do not want to be involved.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, the road is in a terrible condition. The question is; when you will move to the ground to determine the condition of the road. When are you planning to do that?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I have all the officers concerned on that road. Even if I go there and the procedures have to be followed--- I have even made public statements. I have---

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Minister is misleading this House. If I can remember very well, it was only a few weeks ago when the Assistant Minister reported to this House that they had allocated

Kshs80 million for the repairs of that road. Today, the Minister is talking about Kshs20 million. As we speak now, there is a contractor on that road who is doing a very shoddy job and that is why people are demonstrating. Could he clarify that?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, in our Printed Estimates, there is an allocation of Kshs800 million and not Kshs80 million to rebuild that road. There is no contractor on site as I speak now. We started looking for a contractor two weeks ago. We are now even fast-tracking the process due to the complaints by members of the public.

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I used that road yesterday and I had to go back to Mombasa to take a plane. Is the Minister in order to say that he cannot go there to give his people hope? Those people are definitely agitated and angry. By the Minister going there, maybe by a helicopter because he cannot get there using a vehicle, the quagmire can be resolved and the road cleared.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, this is a national issue. Do you not have time to go there?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I will then make arrangements to go there. However, we have roads which are in a similar situation across the country. Will we visit every road once the public is on the road?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, you have done very well. You have said that you will move there and see what is happening. However, you have wondered whether you will move to every road when there is a crisis. Maybe, the Minister does not even understand the gravity of the matter. He has said that he will go there in the earliest opportunity possible. So, let us allow the Minister to go there. Mr. Minister, do you have anything else to say?

Mr. Bett: I will make arrangements to visit that road, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): When?

Mr. Bett: I am wondering whether I should go by a helicopter but a Member of Parliament is saying that I should not go by a helicopter but by road. So, I will go by road.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, will you go there this afternoon or tomorrow?

Mr. Bett: I will go this afternoon, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): That is all right. That is so ordered. The Minister will move there this afternoon to determine the condition of that road.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, the hon. Minister for Roads has asked Members of Parliament to work closely with County Roads Engineers. Roads infrastructure will form serious part of this country's economic development and taking cognizance of that, I want to say that the administration of county roads is very thin. Could the Minister put in place a proper administration so that the county roads are properly done? This is because if a 100-kilometre road infrastructure is forgotten and not budgeted for a whole year, a whole district can be paralyzed. I request the Minister to put in place proper administration for the county roads infrastructure.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member because he is ahead of all of us. He now has County Roads Engineers. He must be very enthusiastic about the new Constitution but we still have regional managers.

We are continuing with the recruitment of staff to work with regional managers in various parts of the country. That exercise is continuing for all the institutions, namely; the Kenya National Highways Authority (KenHa), Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KERRA).

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, in one of the answers that the Minister has given, he has said that one of the reasons why we have problems on these roads is because of the way some of the bridges were done. The bridges are narrow. I just want him to assure this House that they are taking into account the population trends and usage of the roads when planning. Some of them are haphazardly done. Is the Minister taking into account the future in their planning?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Minister, that is on the policy of construction of bridges.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, we are taking into account the population, productivity of the area and population of vehicles on those roads so that we can accommodate all of them at the same time. We have also introduced, as a compulsory measure, a walkway on every bridge so that pedestrians do not use the same road with vehicles.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, the Minister is doing a good job along Thika Road. We have six lanes to Thika and six lanes coming to the City. Does the Minister have plans to expand other roads like Jogoo Road, Outering Road and Landhies Road? Today, it took me three hours from Buruburu to Parliament.

Mr. Temporary Deputy Speaker (Prof. Kaloki): Honorable Minister!

Mr. Bett: Thank you, Mr. Temporary Deputy Speaker, Sir. Yes, I appreciate the views of the hon. Member. I want to also inform him that I live those sides and I also take quite a lot of hours on the road. That is why we are doing everything we can to provide these bypasses and we hope that these bypasses will ease the congestion in our city.

It is not only the Thika-Nairobi Highway that we are doing and I want also to sympathize with the motorists on that road. I want to urge them to comply with the traffic commanding directions on that road at every stage.

Mr. Temporary Deputy Speaker, Sir, I want to inform the hon. Member that, for example, he has touched on Outering Road; we are discussing with a development partner and early next year, I think work will be starting to upgrade the road to a dual carriageway. The same will also happen to Ng'ong Road. We are also doing the link roads with our development partner, all of them intended to ease the movement of vehicles in the city.

We are also handling the issue of vehicular management and control in consultation with the Ministry of Transport.

Thank you.

Mr. Temporary Deputy Speaker (Prof. Kaloki): Honorable Munyaka, your final question!

Dr. Munyaka: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to agree with the Minister that many bridges which are very old are very narrow. But I want to invite him to come and see River Mwanja Bridge. I want him to see how busy it is and that people continue causing accidents on that narrow bridge so that the Ministry may see the sense of giving it urgent attention in terms of financing that bridge.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I have no objection to that. We will discuss with the hon. Member when time is available.

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

STATEMENTS

REFERENCE TO SUBSTANCE OF PROCEEDINGS OF SELECT COMMITTEE

Mr. Musyimi: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I would like the guidance of the Chair with regard to Standing Order No. 78, which reads:-

“No Member shall refer to substance of the proceedings of a Select Committee before the Committee has made its report to the House.

Mr. Temporary Deputy Speaker, Sir, as you are aware and I did have audience with you this morning, there is a matter that my Committee is investigating between two hon. Members. We are also aware that the honorable Members have taken this matter to the media privately. These honorable Members have opportunity to appear before the Lands and Natural Resources Committee.

I would like, through you, to know what your ruling and guidance is on this matter before they appear before the Committee. We have already seen one honorable Member and we will be seeing another one, I believe, tomorrow. What is the wisdom of the Chair on this?

DECLARATION OF PERSONAL INTEREST IN ACCORDANCE WITH STANDING ORDERS

Secondly, I would like your ruling regarding Standing Order No. 81 which reads:-

“A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest”

Mr. Temporary Deputy Speaker, Sir, that matter has been addressed rather exhaustively in the new Constitution. Article No. 75, as you are aware, is fairly comprehensive. As we know, the Constitution is above the Standing Orders. In this era of vetting – and we are going to be doing an awful lot of vetting as we implement the Constitution – it will be very helpful if the Chair can give some fairly clear guidance on how we are to address this matter.

Thank you.

Mr. Temporary Deputy Speaker (Prof. Kaloki): Hon. Musyimi, you have already asked the Chair to rule on the proceedings of a Select Committee and that goes to a Parliamentary Committee or any other Parliamentary Committee that is investigating a particular matter.

Standing Order No. 78 is very clear:-

“No Member shall refer to substance of the proceedings of a Select Committee before the Committee has made its report to the House.

So, honorable Members, this Standing Order is very clear that if there are deliberations going on or any investigations that are current, it is only fair, as per this particular Standing Order, to refrain yourselves from discussing the matter outside the proceedings of the Parliamentary Committee. That way, you do not interfere with investigations and also we keep the honor and dignity of the Committee. So, the Chair rules that any matter, and in this particular one – that is an investigation by hon. Musyimi, the Chair of the Lands and Natural Resources Committee, whereby the Ministry of Water and Irrigation falls under that category – let us refrain from commenting or discussing in any forums until the Committee can complete its investigations.

With regard to the second question or direction from the Chair concerning the declaration of interest of any matter, whereby there could be a conflict of interest; that goes to the current Standing Order No. 81:

“A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.”

That is as per the Standing Order. But honorable Members, you know that we have a new Constitution and that is not in line with some areas in the current Standing Orders. So, the Standing Orders will be revised to reflect the new Constitution that we have in place. So, hon. Musyimi, on this second one, this matter, of course, is within our docket as Speakers and Clerk’s Chambers. There will be deliberations on the Standing Orders in order to reflect the wishes of the new Constitution. So, this one will be under consideration to reflect the new Constitution.

Thank you.

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek further clarification. About two weeks ago, there was another discussion between two Ministers – the Minister and the Assistant Minister – and I did raise the issue and the very same ruling from the Chair was given then and you have given it yet again. It was made clear that this should not be allowed to happen.

Mr. Temporary Deputy Speaker, Sir, would we allow this to continue happening and---

The Temporary Deputy Speaker (Prof. Kaloki): On which area, hon. Shebesh?

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, when there was a discussion between hon. Kosgey and his Assistant Minister, through the media, I asked the---

The Temporary Deputy Speaker (Prof. Kaloki): Is it on the issue of the personal interest?

Mrs. Shebesh: No, on the first issue, which you have ruled on, in terms of discussion in the media.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Shebesh, you must know what we are ruling on in order for you to question it.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, you have ruled on two issues. I am asking about the first one, on which the Chairman of the Departmental Committee on Lands and Natural Resources asked---

The Temporary Deputy Speaker (Prof. Kaloki): On discussing issues before the Committee outside Parliament?

Mrs. Shebesh: Yes, in the media. I had asked for a ruling similar to that which has just been given by the Chair but, again, this issue has recurred. So, are rulings going to be made on the same issue or should action be taken against those who go to the media to discuss issues of the Ministry, which can be dealt with through other avenues?

The Temporary Deputy Speaker (Prof. Kaloki): Fair enough, hon. Shebesh! Indeed, hon. Members, let us be honourable. Let us not discuss Committee proceedings outside Parliament. We should allow the Committee to complete investigations in the most honourable way. So, the issue here is that we should not discuss issues before any parliamentary Committee in the Press. Let us give the Committee ample time to complete its investigations. We are very clear on that issue.

Mr. Musyimi: Mr. Temporary Deputy Speaker, Sir, I was not very clear what you said on the second matter. Are you saying that we are going to get clear communication on the matter relating to the Chapter on integrity, investigations, and so on?

The Temporary Deputy Speaker (Prof. Kaloki): Exactly! This is a weighty matter. It touches on the Constitution. It also touches on the Standing Orders as they are today. So, there must be a review of the current Standing Orders to reflect the Constitution. As you know, we passed the new Constitution, and our Standing Orders are not reflective of what we have in the Constitution. So, we are going to have a revision of the Standing Orders.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, I do not wish to, in any way, contradict your ruling, but the Constitution is the supreme law of the land. So, if there is any conflict between the Standing Orders and the new Constitution, then the new Constitution, obviously, takes precedence. Article 75 is very clear. It says:-

“75(1) A state officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids-

(a) any conflict between personal interests and public or official duties---“

So, that is the norm set out clearly in the Constitution. If you look at section (2) of that Article 75, it says:-

“75(2) A person who contravenes Clause (1), or Article 76, 77 or 78(2)-

(b) shall be subject to the applicable disciplinary procedure for the relevant office---“

So, there is really no question of waiting for the review of the Standing Orders, because the Constitution is very clear. I would, therefore, urge you to give this matter, serious attention, so that we do not give the impression that there is any ambiguity with regard to the requirements of the new Constitution on matters of conflict of interest involving state officers. Where there is a breach, the Constitution demands that

disciplinary proceedings be taken against those officers. In view of what has been stated by the Chair of the Departmental Committee on Lands and Natural Resources, there has been a clear breach. So, the guidance that is being sought is in circumstances where there is a clear breach; what does the Chair advise the Chairman of the Departmental Committee on Lands and Natural Resources to do?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Imanyara, on that issue, there is no conflict with my ruling. We know that the Constitution is superior to the Standing Orders. What we are saying, as per the issue that was brought up by hon. Mutava Musyimi, is that the current Standing Orders, as we have them today, will be reviewed to reflect the spirit of the new Constitution. That process is already in place. So, there is no conflict. The Constitution is superior to the Standing Orders. The spirit of the Standing Orders comes from the Constitution. So, the Standing Orders will be revised to reflect the new Constitution.

As I had already directed, this is a weighty matter. Of course, the Speaker will be able to issue a further ruling on the issue, because the same question has been asked in other fora as well as in this House.

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, I am not in any way trying to challenge your ruling. Indeed, I agree with you. However, just as a follow up of what hon. Shebesh raised, when you were ruling, you mentioned something about hon. Members of Parliament, but what has been happening has been between Members of the Executive – a Minister and an Assistant Ministers. We have had two such cases so far. So, it has nothing to do with Members of Parliament. In view of the fact that the Cabinet will be going to Mombasa tomorrow for some training, could you communicate to the two Principals, so that they can reign in their errant Ministers and Assistant Ministers, who are embarrassing us outside the House?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, Ministers and Assistant Ministers are also Members of this House. Therefore, that ruling goes to all the 222 Members of this House, who include Ministers and Assistant Ministers. So, let us be honourable in the proceedings of the Committees.

Ms. A. Abdalla: On a point of order, Mr. Temporary Deputy Speaker, Sir. To enrich the ruling you have come up with, I would like you to deal with the fact that currently, Members of the Executive are Members of this House; parliamentary privileges have been contravened, and you have the procedures to deal with the matter. Whereas I do not agree with hon. Nyamai's request that you interfere with how the Executive punishes Ministers and Assistant Ministers, who contradict each other, you have tools in the current Standing Orders to deal with those hon. Members who do not declare interest, and who take outside the House, matters which are already being discussed by Committees of the House. So, mine would be, in your ruling, how would you plan to use the current provisions in the Standing Orders to deal with those who take Committees matters outside the House?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. A. Abdalla, again, the Standing Orders are very clear as to whether the Chair should direct specific punishment or not. Please, before we even get to that, let us be honourable. Let us respect the proceedings of the Committees. Let us not discuss issues outside the House. So, that is

very clear. If this goes on, of course, the Standing Orders are very clear. We will be forced to invoke the particular punishment to deal with those errant Members of Parliament. Please, let us not get there. Let us just respect the Standing Orders pertaining to the deliberations of any Committee of this House. That goes to the Departmental Committee chaired by hon. Mutava Musyimi. That is actually the matter that has been brought up by hon. Musyimi, which is an issue about a matter before his Committee being discussed outside the Committee. So, let us now respect the deliberations of that Committee.

MOTION

PARLIAMENTARY SELECT COMMITTEE ON RESETTLEMENT OF IDPS

THAT, conscious that this country witnessed serious breakdown of law and order as a result of the post election violence of 2007/2008; aware of the multiple forced displacement inducing factors and the current status and deplorable plight of the Internally Displaced Persons (IDPs) in the Country; considering the obligation of parliamentarians to the people they represent including those Internally Displaced, through their legislative, oversight and representative role, this House urges the Government to speed up the settlement of IDPs and further constitute a Select Committee on Internally Displaced Persons to look into how the government has addressed the current plight of IDPs in terms of basic food rations, shelter and compensation; review existing institutions and organs addressing forced displacements; examine policies and laws governing all forms of forced displacement with the aim of promoting protection and improving the well being of forced migrants and make recommendations on the way forward and that the Committee shall comprise the following and shall table its report within six months of its appointment:

The Hon. Ekwere Ethuro, M.P.
The Hon. Martin Ogindo, M.P.
The Hon. Kiema Kilonzo, M.P.
The Hon. David Koech, M.P.
The Hon. Gitobu Imanyara, M.P.
The Hon. Jeremiah Kioni, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. Hussein Ali, M.P.
The Hon. Erastus Mureithi, M.P.
The Hon. Sophia Abdi, M.P.
The Hon. Millie Odhiambo
The Hon. (Dr.) Joyce Laboso, M.P.
The Hon. Shakila Abdalla, M.P.
The Hon. Boaz Kaino, M.P.
The Hon. Ntoitha M'Mithiaru, M.P.

(Mr. Ethuro on 4.11.2010)

(Resumption of Debate interrupted on 4.11.2010)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, Mr. Ethuro moved this Motion and it was seconded by hon. Kioni. Since he is not here, there was a balance of two minutes before the House adjourned. So, we just go straight and propose the question and that way, debate can commence.

(Question proposed)

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, I wish to support the Motion for various reasons. The issue of Internally Displaced Persons (IDPs) has been haunting this country for the last three years. I think it is past the time when we ought to still speak for people who are internally displaced, people who lack the basic amenities, people who have children who cannot even sit exams and cannot have the basic education. The Government has been too lax for a time too long and this House cannot watch in earnest. For the last three years, questions have been coming to this House demanding answers from the executive as to what plans the Government has as regards the displaced persons, what progress the Government has so far made in settling these people and what plans it has to ensure that such circumstances do not occur in future and if they do, that they are able to tame it before it gets out of hand. All we have been getting for the last three years has been assurances that have not been forthcoming, promises that have not been fulfilled and empty handouts to Members of Parliament in terms of answers that the Government is up and running and doing something. Allegations and counter accusations have been flowing from the executive to the Back bench right forth as to what the real status of the IDPs is in this country and in fact, even the number is also disputed. You will get conflicting numbers from the Ministries and conflicting numbers from Members of Parliament as to how many IDPs we have in this country.

Mr. Temporary Deputy Speaker, Sir, it even came to this House that the executive was accusing Kenyans of trying to displace themselves and placing themselves as IDPs when indeed they are not. We cannot keep on watching when Kenyans suffer in tents, when they suffer in the wind, in the rains and in the sun for lack of basic shelter. I think it has been the lack of an oversight committee and this Select Committee would come in handy, in fact, if anything, to be a witness to the executive of the allegations they are making. To make allegations that the number of IDPs has been rising because people want to seek benefit is really contentious. To have a Select Committee to report to this House what the real status is would give an independent view. This is because for us to rely on the executive every other time to get information we perceive to be misleading as to the status, the numbers and the progress the Government is making towards resettling these people has been haunting this House.

Mr. Temporary Deputy Speaker, Sir, how I wish a few amendments were made. But to wait for six months for this Select Committee to come and report to this House is a

time too long. We would not want to watch people suffer in camps for the next six months for us to await a progress report from this committee. I think this can be done in a much shorter time and, in fact, I would think that recommendations be considered to amend this Motion in such a way that the Committee can report back in a time shorter than six months; let us say, three months. How I wish as well that recommendations were made to amend the membership because we need to capture the diversity of this country. For instance, you have one MP from the whole of Coast Province. How I wish the Select Committee captured the mood of the House, the geographical diversities, the ethnic diversities and even the political dimensions of this House for us to have an independent view not to think it is one party that is represented in this House or it is a specific region that has the problem. The problem of IDPs is not specific to only one region. It is a countrywide problem and in that respect, I would think that the Select Committee should have a membership that is different from what we have on the Order Paper.

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

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion because the question of IDPs has been a question that some of us feel should have been addressed and finished with by now. We are about three years old with IDPs, resettlement has been going on, money was supposed to be given to the IDPs but to date, we do not have clear figures as to who got the money that we were promised.

Mr. Temporary Deputy Speaker, Sir, for those of us hosting IDPs, we know for a fact that the IDPS were promised Kshs10,000 and Kshs15,000. It is not clear where the data is. I support this Motion so that this Committee can go deeper and actually get the actual figures.

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

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

This Committee must also address the issue of all these displaced groups. When we talk of displaced groups, there are people who went to the IDP camps and there are others who did not go to the IDP camps. To date, it is not clear because we have not got real data that is able to help us know who actually moved to the camps and who did not move to them.

We also do know that some people moved away from their places of work. Some moved from their farms and went to live amongst other people. Again, that data is lacking. So, as I support this, I would like to encourage the Committee to be very exhaustive in the way they will address the issue. They should be able to give us facts about who was displaced.

When we talk of displaced people, we need to know where they were displaced from. Even those who are being resettled, we would like them to be tracked down so that

we know where they were displaced from, the farms they left, and the farms they are being given, so that nobody is left out. The danger of not having clear figures and facts is that it is possible to even have people come in and be resettled while the genuine IDPs are not resettled.

Madam Temporary Deputy Speaker, we also have people who are complaining to date that they are not in the data sheet that is in the Ministry. This Committee should be able to unearth that. They are saying they are not in the data sheet because at the time when the data was being collected, some people were perceived to be criminals. At that time, it was difficult for them to show up and say they had been displaced.

It is very important that this committee works in a sober manner, and actually looks for all facts. I do remember Burnt Forest in particular, where I have had several meetings. People have always said that our fight was a draw. All of us fought, yet when you go to the list of those who are saying that they have been compensated, you find that its figures do not tally with what the people are telling you on the ground.

This Committee seems to be the only instrument that will unearth this information. The Committee needs to go to sites and get from the people, facts on who was displaced and whose property was destroyed, so that we get a genuine list that we can go by.

I would also like to suggest that we must look at the displacement in the Mau. We have people coming from outside. Since it is 50 years since we attained Independence, I think we should not be having these kinds of situation in this country. So, my advice to the proposed committee is that they should establish the total number of displaced persons, including those who were displaced from Aberdares and Mt. Kenya. They were displaced and nobody bothered about where they went. There are so many people in this country who have been told to move out and nobody has revisited the issue to find out where they were told to move to. It is one thing to have somebody who has invaded a piece of land that is not theirs being told to go back home, and another to have people who were settled by mistake by the Government being evicted and nobody tells them where to go. So, it is very important to understand that.

This proposed committee should be able to distinguish between who was actually displaced rightfully, who were displaced because of their own mistakes, who has been compensated, who should have been compensated and how they were compensated. The Minister has said that December is the deadline for the last IDPs to be settled. It is possible that the Minister has a deadline of December while some of the IDPs have not been identified to date.

I think it will be a healing moment if this committee goes round, talks to the communities, and hold meetings with different ethnic groups. I am very happy because if you talk of Uasin Gishu, we have a council of elders from all factions. I expect this committee to go out and meet that council of elders and have barazas. People are very eager now to talk about the truth.

I would like to suggest that when they go out, they should be as neutral as possible. I am not sure that the membership has captured everybody who should be in the committee. I would have suggested that most of the hot areas should have had a Member

on it, so that we do not just have those who were not involved, but have a mixture of hon. Members from areas that were affected, because that is when you can get all the truth.

With those remarks, I beg to support.

Mr. ole Lankas: Madam Temporary Deputy Speaker, I wish to support this Motion. I have the following to say. It is very true that this issue has been with us for a very long time. The issue of IDPs has been stalking this country for the last three years.

It is interesting because this issue has been coming every now and then, to the Floor of this House. Some of us are on record asking why up to this time, the Government has never managed to settle those people. It is also interesting to note that Government response has always been that they are resettling those people and that it is only a few who have remained in the camps.

This brings to mind the feeling that there is lack of seriousness in the Government. There is dishonesty on the part of some Government officials. The HANSARD will bear me witness, that there was a time when a former Minister said before this House that it was only a few camps which were remaining, and that the bulk of the IDPs had been resettled. It is very interesting to note that the number is almost as it was before. What I want to question is the commitment of the Government to settle these people.

Madam Temporary Deputy Speaker, when this problem started, Members of Parliament contributed resources to assist the Government settle those people. Other development partners added to Government money that was being used. It is interesting because whenever these contributions are made, something happens somewhere and there is no accountability.

What comes to mind is this: Is there a possibility that this national problem is being misused by some people to enrich themselves? Look at the money that has been pumped into this matter all these years and up to now, we have not managed to resolve this problem, despite the colossal amounts of money budgeted and contributed by well wishers. Somehow, there is something which is not correct somewhere.

I think it is high time there was some consultative process with all the stakeholders. When you talk of IDPs, these are Internally Displaced People. What that means is that these are people who came from somewhere before they were displaced. They had their original farms, but for some reason the Government is not able to take these people back to their farms, now that we are saying that we are peaceful again, and that the violence that was there is no longer there. who is this person who is preventing people from going back to their farms?

Madam Temporary Deputy Speaker, I am happy that the other day, the Minister mentioned “Rudi Mashambani Operation”. How far has that operation gone? What are the challenges that, that operation is facing? The Ministry does not work alone. We have other arms of Government, including the Provincial Administration, which is very effective when it comes to some of these issues. But we are not seeing them playing any role. So, we are just left debating here but outside, there is less activity on the part of the Government. There is lack of concerted efforts; we talk of budgets and the amount of money required but somehow, we do not see money being utilized in the required manner. We still hear people crying out there and complaining. In fact, this issue has

gone to an extent where some of us have resolved to collect money for Harambees to try and help those people. But we still hear them complaining that they do not know where that money has gone to.

Madam Temporary Deputy Speaker, so, that is how complex the issue of IDPs is in this country. It is like the Government is defeated. It keeps on going round this issue to the extent that some of us are imagining it has become another “cash cow”. As I said earlier, some people have a tendency of taking advantage of any natural calamity to get money in any way possible. These are the questions that come to mind: Why has the Government, up to this stage, and three years down the line, been unable to settle those people. Those people did not come from the moon. They came from somewhere? If they had their original farms, is the Government saying that it cannot take them back to those farms? Are we settling people who did not have anywhere before and so, they are taking advantage of this situation to say that they are IDPs?

The other day, we talked about profiling! Can the profiling be made public so that when we are debating some of these issues, we can know who the genuine IDPs are and why they are not able to go back to their farms? We know that in this country, there is a problem of squatters. So, maybe, some have taken advantage and penetrated the camps posing as IDPs and thus putting us in a very difficult situation like we are in now. So, if there was any profiling done, we should be told by whom. Could that profiling be made public so that we know what we are saying when we are debating here?

Madam Temporary Deputy Speaker, I want to comment on the issue of politics. I think that is where the problem is. If we politicize this issue to the extent that the Government is always intimidated, it cannot act. Like now, we are saying that we are buying farms in various parts of the country to settle those people. But as the Government tries to do that, politics creeps in. I am saying that if we are going to buy land to settle IDPs, it depends on where you are going to settle them. If you settle them in another area where people will read malice or mischief, it will pose another challenge. When you talk about Agenda 4, the principle is that we should create that harmony among our communities. As much as we are saying that the post-election violence was caused by voting or whatever, there were other underlying factors and one of them is land. People were competing for that resource. If you take people who do not know how to live together and force them to live among other communities without doing some ground work, we will still not have solved the problem. I think it is a consultative issue and we need to engage everybody. We should bring everybody on board so that we look for a lasting solution to this problem. Otherwise, we will keep on going round in circles and we will not have a solution. So, the issue of politics is major and I think we need to look for a solution.

Lastly, I do not know how the list that I have here was arrived at. I do not know the criteria that were used. Are these the people who are more familiar with the problem? I do not doubt the competence of my colleagues but I think this list needs to be reviewed because it has to give the face that we require. I do not know whether somebody just sat and crafted it or there was some process that was used to arrive at this list.

With those few remarks, I beg to support.

Mr. Mureithi: Madam Temporary Deputy Speaker, thank you very much for giving me this opportunity to support this Motion because it really touches my heart. If there is one constituency in this country that is on the receiving end, it is Ol Kalou Constituency. Out of all the IDPs who were displaced in 2008, I have got 37,000. It has become a very major problem three years down the line. Those people are still living in tents that they were given in 2008. As I speak now, one camp has still got 2,600 families. There are hundreds and hundreds of children there. The school they are supposed to attend had a population of 230 children. When the IDPs came, the school now accommodates 2,700 children. I got some money from the Ministry of Education, but that did not solve the problem. So, the Select Committee should look at the issues in all dimensions. I had a privilege to join Prof. Kamar in Eldoret East when we went to flag off people to go back to *mashambani*. You could see the joy between the communities. When we went there, we were able to give them time to discuss. They discussed amongst themselves and finally, we flagged them off. I think if there is determination by the Government--- I have no doubt that our current Minister, Ms. Mathenge Murugi, has the capacity and ability to achieve the deadline that she was given; that by December, those people should be settled. But I would like to agree with the hon. Member who has said that prior to that, there should be discussions with the communities where those people are going to be settled so that there is complete integration. With these rains, you can imagine all the toilets that they have been given are full. In some areas, all the water they have been taking has been contaminated. So, we are likely to have another crisis with the emergence of dangerous diseases like cholera, typhoid and all other water borne diseases. Right now, the children and other members of the public do not have clean water to use. So, they are exposed to skin diseases.

When I talk about IDPs, I am not talking only about IDPs who were displaced in 2008. We have IDPs who were evicted from Mau. There are IDPs who were evicted from Mt. Kenya and Aberdares and who are living by the roadside. I would like to say that there must be seriousness with the Government because a lot of money has been voted for the IDPs, and I hope the Committee will also go into the details and see how that money has been utilized. There was Kshs100 million mobilization money every year. Who took the mobilization money? There has been a lot of food that has been donated. We know quite a lot of that food has not ended up with the IDPs. So, what should we do to empower this Committee to come up with a proposal that will compel the Government to settle its own people? If you come to my constituency, I will take you to Mawingu. You will not be able to know whether you are in an IDP camp or a refugee camp. What we see in North Eastern Province - the people who come from Somalia - is exactly what I have in Ol Kalou Constituency. I would imagine that if you go to the boundaries of Mau, you will still have the same problem. I would like to say that what is now going on - and I know Madam Temporary Deputy Speaker knows that very well - is the psychological trauma being experienced by the old and children. We do not know the views of those hundreds of children who are going to grow up and become mature about their own country. There is one boy who has sang a song that when he was born, he thought he would grow up in a normal community. But, today, he lives as a refugee. He is almost producing that CD and that is the anger that those children are growing up with.

So, we are likely to have a generation that will have no mercy on us, as the current mature people who are supposed to take care of them.

Right now, all those living with HIV/AIDS have no drugs and as a result we lost 85 people in one camp last year. That is a large number that died out of the HIV related diseases. They look at us as the Government and see that we are not serious. It has been three years since Kenya earned a name “Internally Displaced Persons (IDPs)” in their own country.

Madam Temporary Deputy Speaker, this Committee must be fair. Not all people in IDP camps had farms. Some had their own businesses. When we had the peace committee that went round the country with Mrs. Kilimo, we found one group of ladies who had a salon in Eldoret which was burnt down. She used to be their customer. This is why I am saying as we profile people; let us not profile people only with land. This is because a majority of Kenyans do not have land. We should also profile those who had their businesses and were supporting themselves and educating their children.

Six months is a bit on the higher side. I wish the Committee could go round faster. The rains are about to come. When you hear these people pray that it does not rain, it is because they know what is going to happen. The tarpaulins they had are gone. We have had many children born. I am happy *Waziri* was there one day when a baby girl was born and named after her. I took her to one of the camps sitting on water. But what do we do? They have no beds, they sleep on the floor and water seeps from the bottom. I think we need to show sympathy to these people and resettle them. Madam Temporary Deputy Speaker, for those people sitting on huge tracts of land and they are not using them, with the new Constitution that guarantees people good shelter, I think we should persuade them to sell the land to the Government so that it can be used to settle these people. Why should people sit on huge tracts of land when people are suffering?

With those few remarks, I beg to support.

The Minister for Public Works (Mr. Obure): Madam Temporary Deputy Speaker, thank you for giving me the opportunity to support this Motion.

Madam Temporary Deputy Speaker, IDPs are a product of the turbulence that we saw at the end of 2007 and beginning of 2008. The unfortunate events of that time should never be allowed to happen in this country again. I want to take this opportunity to thank all those organizations, members of the international community, our own Government and the various institutions that came to the rescue of this category of our citizens.

I also want to take this opportunity to thank the Mover of this Motion because it identifies Parliament with the plight of this category of our citizens. It is important for Parliament to be concerned about the welfare of Kenyans. It is important for Parliament to understand the gravity of the situation so that we can come to grip with it.

I also want to take this opportunity to thank the Government, in particular the Ministry of State for Special Programmes, because I know through that Ministry a number of initiatives have been taken and considerable relief has been provided to IDPs. I am also aware that quite a large number of them have been enabled to settle. However, I think with the establishment of this Committee we will know exactly who were displaced and who the proper IDPs are.

Madam Temporary Deputy Speaker, every time I go to my constituency I come face to face with a very large number of people who claim to be IDPs. Unfortunately, they are not on the register of those considered to be IDPs for reasons I have not been able to understand. Where I come from, the Kisii region, for example, there are a number of people who were displaced from various parts of the country. However, this category of people from that region did not go to camps. They were not settled in any camps but instead went to their original villages and lived with relatives thereby becoming a huge burden after sometime because the relatives could no longer afford to maintain and provide them with food and shelter. There is a very large number of people in this category. Therefore, I want to ask the Committee that we are forming at the end of debate to go to Kisii, including my constituency, Bobasi.

I know that initially there was recognition of this group because even the Ministry of State for Special Programmes and Ministry of Education provided funds to expand facilities in certain schools to enable their children go to school. Subsequently, this recognition has been withdrawn and we need to do something about it.

Madam Temporary Deputy Speaker, I want to mention something about the membership of this Committee. I think the membership should be broad based. It should include representation from the various areas which were directly affected. For example, you are aware that there were clashes along Kericho/Sotik area on the border with Nyamira. It is my feeling that a representative from that region would help us identify some of these areas so that they can be interrogated by this Committee and make recommendations to provide relief to this category of people. It is important to look into the membership of this Committee to ensure that all areas and all the people affected are brought on board.

With those few remarks, I beg to support.

Mr. Langat: Madam Temporary Deputy Speaker, I also rise to support this Motion.

The problem of the IDPs has been with us for quite some time. It is unfortunate that this matter has been brought to this House because I believe this House has done its job by voting funds for the resettlement of the IDPs.

Madam Temporary Deputy Speaker, it is assumed that when this House votes money for resettlement of IDPs, the remaining job would have been undertaken by the Executive to ensure that all those who were displaced are resettled within a reasonable time. As these people are languishing in camps---

(Loud consultations)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Members of the Front Bench, kindly reduce your levels of consultations so that we can hear the hon. Member!

Mr. Langat: Thank you, Madam Temporary Deputy Speaker, for protecting me.

I was saying it is unfortunate that while these people are languishing in camps, the families of those who are charged with the responsibility of resettling them are enjoying and children going to school. The people are, however, languishing in camps without

anybody to take care of them. So, I hope that this Committee will go a long way to ensure that the process is fast-tracked. Indeed, somebody has said that six months is a long time for the Committee to come up with the report which can be acted upon and I also agree with that speaker.

Madam Temporary Deputy Speaker, I want to just mention that as we try to resettle the IDPs, this House must also remember that there are 1,300 Kenyans who were killed. What have we done to the families who lost their loved ones during the post-election violence? Nobody has ever spoken for these people. We must speak for those who those who died. In Kericho, for example, we have got more than 250 people who were killed mainly by the police during the post-election violence. The Government has never come up with any policy or direction regarding compensation to those who lost their loved ones. Some of those people who died were breadwinners for their families, and we must also speak for them. So, as this Committee goes on with its work, we must think about the people who were killed and what to do with their families. Are we going to support their families in terms of education, shelter and everything else?

Madam Temporary Deputy Speaker, many of the speakers have mentioned that as we try to resettle IDPs we also must do vetting of those who are in camps. As many have said, we must profile them. We must know, for example, how many of the people in camps had land and where it was. Therefore, their case is very simple. If they had land, then they will go back to their land and settle, because as we speak now, there is peace everywhere in the country. Therefore, those who had land must go back to their land. We must also have a solution for those who had businesses. We could help them with capital so that they can restart their businesses and, therefore, move on with their lives. We must also know how to address the plight of the squatters.

Madam Temporary Deputy Speaker, as we do this, there are those IDPs who are as a result of post-election violence and those who were evicted from the Aberdares and Mau. Sometimes they are called Government displaced persons. All of them must be resettled so that they may continue with their lives like any other Kenyan. So, I would want the Committee to ensure that the process is comprehensive enough, so that everybody who is in the camps is resettled one way or the other. As we also try to look for where to settle them, I also want to urge the Government to ensure that before they resettle people, they consult the local leadership and communities of those areas, so that we do not antagonize communities again by resettling people without giving the rest information.

Madam Temporary Deputy Speaker, there is the issue of the list which has been proposed. I do not doubt anybody in the list, but I would have expected that--- Even in the wake of the new Constitution, this list does not even meet the threshold of gender balance in terms of the numbers. We have four women out of 15 hon. Members. I would have expected a minimum of five so that we meet the threshold. Secondly, I would have also expected that we have representation from the areas where post-election violence took place and where IDPs are. This is because they understand the problem. I would have expected representation from hon. Members from Eldoret, the larger Nakuru and Kisii regions because they understand this problem and they can help in solving it.

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

Ms. A. Abdalla: Thank you very much, Madam Temporary Deputy Speaker. I wish to join my colleagues in congratulating the Mover of this Motion because this is the first comprehensive approach to this problem.

Madam Temporary Deputy Speaker, this Motion does not only deal with the need to meet and come up with realities in relation to the issues regarding the matter of compensation to IDPs. So, I am very happy that for once, we are going to have an investigatory approach to the matter and bring to closure the matters regarding financial impropriety in compensating the IDPs. I am equally happy that it has gone further than the piecemeal approaches that all IDP situations in this country, including the 1997 and 1992 situations have been flagged by.

Madam Temporary Deputy Speaker, I was in this House in the last Parliament when we passed not less than three Motions on resettling the 1992 and 1997 IDPs. Some work was done in that area, but it was done in so much secrecy and not many lessons seem to have been learnt from the past. I am saying so because there was accusation regarding the resettlement in the Parliament; that the price of the land that was bought was inflated. We are hearing the same with the current approaches of resettling the IDPs.

Madam Temporary Deputy Speaker, I am supporting this Motion and urging Members of the Committee proposed in this Motion to go further than dealing with the piecemeal issues and address the question of resettlement in a wider approach. I am happy that they have clearly stated that they will be dealing with issues of policy and institution. It is my belief that the reason we have not been able to resettle the current IDPs for the last three years is because we are dealing with it as an emergency situation and have no guidelines that are advising us on the way forward. I want to give a critical example that has been used with the current IDPs, that is discouraged under international good practice. International good practice of durable solutions of resettling IDPs and refugees says that you should not have financial compensation without a full durable solution package. This means that if you are telling somebody to go back to their house and it was destroyed, giving them Kshs35,000 will not build them back that house. So, the practice of giving cash is discouraged by international good practice all over the world. You only give cash to displaced persons who are in business. You do not give cash to a person who has to buy a roof, food and take their children back to school. You have to give them a comprehensive package, which in international good practice, is called durable solution to resettling displaced persons.

So, it is my view that unless we review the policies governing the process of resettling IDPs, we will not move forward. I am extremely happy that this Motion will go deeper. It is my view that lack of policies and institutions and the fact that the Government has not looked at the issue of resettlement as a specialized area--- There is a joke going inside and outside the House that those in charge of the IDP programmes are themselves mostly Internally Displaced Politicians. In a way, these are candidates who failed in---

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Madam Temporary Deputy Speaker. Hon. Amina Abdalla has said that the politicians who are in charge of the docket of the IDPs are internally displaced people. Could she confirm whether Ms. Esther Murugi is an IDP or not?

The Temporary Deputy Speaker (Dr. Laboso): Ms. Amina Abdalla, could you confirm that Ms. Esther Murugi is not an IDP?

Ms. A. Abdalla: Madam Temporary Deputy Speaker, Sir, you know my brother from Dujis has challenges of the drier areas and he did not listen to me well.

(Laughter)

I am saying this with very serious sincerity. I am talking about the officers co-ordinating the activities. Many of them - I know not less than five - are politicians who lost in the 2007 General Election and others are former District Commissioners. They are running a programme where the DCs are expected to administer compensation to the IDPs. You do not expect these persons to objectively tell the Minister or other officers in the Ministry when the DCs are not performing well. I have not said that the hon. Member--- She is a Member of Parliament and if she is a displaced politician then it is only the hon. Member who---

The Minister of State for Special Programmes (Ms. Esther Murugi Mathenge): Madam Temporary Deputy Speaker, I think that comment is a little bit unfair because I know that the Vice-Chairman of the Humanitarian Fund is Mr. Akaranga. I think he has done a commendable job with regard to the IDPs.

Ms. A. Abdalla: Madam Temporary Deputy Speaker, I think the Front Bench is a little agitated. I have clearly said “the co-ordinators”. I mean the regional co-ordinators. I can tell you for sure that I know no less than five former DCs who failed in the last general election who run the Ministry’s programmes. Do not bring Mr. Akaranga into this matter.

(Applause)

The Assistant Minister for Industrialization (Mr. Muriithi): On a point of order, Madam Temporary Deputy Speaker. Is it really in order for the hon. Member to make a string of allegations? First, if somebody loses an election, that is not an internal displacement. Secondly, people change careers all the time. Somebody may have been a DC and now he or she is doing a different job. Is it not in order for the hon. Member to withdraw and apologise?

The Temporary Deputy Speaker (Dr. Laboso): Ms. A. Abdalla, can you substantiate what you have just said?

Ms. A. Abdalla: Madam Temporary Deputy Speaker, I am being very clear. You are a former DC and your colleague is distributing cash. There is a problem there. What moral authority would you have, if that is the general process you would go through during your time as a DC, to question it? What I am trying to push for is that the subject of resettling displaced persons is a specialized field and the Government should not--- They are agitated for being told to bring in professionals to run a programme that has shown that they are using a methodology that has been internationally discouraged. I shall not withdraw because I strongly believe in what I have said.

Mr. Kiuna: On a point of order, Madam Temporary Deputy Speaker. I have heard my colleague mention names of some senior officers in the Ministry of State for Special Programmes. The senior officers have been in that Ministry for some time and they have done a very commendable job. Is she in order to mention people who are not in this House knowing very well that they cannot defend themselves?

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! As far as I have heard what Ms. A. Abdalla has said, she has not mentioned any name in particular. All she has mentioned are positions. She has made a general statement to the effect that senior officers might be compromised because of the positions of those who do the distribution. In my view, I do not think she needs to apologise.

(Applause)

Mr. Kiuna: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Do you want to contradict the Chair's ruling? Hon. Members, allow Ms. A. Abdalla to conclude.

Ms. A. Abdalla: Madam Temporary Deputy Speaker, Sir, the reason I am insisting on professionalism is that the Government spends a lot of money to buy some of this land.

The Temporary Deputy Speaker (Dr. Laboso): Ms. A. Abdalla, you are time barred. Let me give this chance to Mr. Bahari because he has an amendment to move on the Motion.

Mr. Bahari: Madam Temporary Deputy Speaker, this is a very important Motion and I wish to support it from the start. However, because of the limited time that I have, I want to straightaway move the amendment. I beg hon. Members to support it.

Madam Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By inserting the words "environment displacement, tribal clashes and banditry activities" after the words "2007/2008" appearing in the second line.

Madam Temporary Deputy Speaker, the issue of IDPs is very sensitive. I know we were badly hit in 2007/2008. We strongly condemn that because we behaved in a manner that showed that we are not civilized as a nation. We agreed to democracy, but we decided to behave like we were living in the 17th Century.

In addition to that, there are displacements that have been caused by environmental displacement, tribal clashes and so on. If you visit some of these remote areas, you will see people who have moved from their villages to market centres with nothing. These people live in shanties made of paper bags, nylons and all manner of things. This is a matter that we need to address comprehensively. I expect the Committee to come up with a follow-up mechanism at the end of the day so that we can resettle these people properly within a span of five years.

Because of time, I beg to move and request Mr. Duale to second.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I rise to second the amendment to this Motion. The people of this country who have either been victims of banditry or environmental displacement

in the Mau Forest, Aberdares and Mt. Elgon, and the post-election violence must be resettled. They have a right under the new Constitution to be compensated. Their rights under this new Constitution must be compensated.

Madam Temporary Deputy Speaker, the genesis of the amendment brought by my brother is only to make sure that the select Committee we are forming will support and look into various different segments of this society; what they have gone through and why they are displaced.

If you go to Isiolo South, Garbatula, Wajir North, Marsabit, and North Horr, particularly after the Turbi massacre, you will find women and children who lost their animals. Their husbands have been killed as a result of banditry. From 1963, during the succession war, the victims of banditry are well documented and their families are destitutes. On matters about the environment, look at the Mau. Today and this House can attest to that, close to 820 people, women and children have died as a result of the displacement.

We had the post-election violence which was as a result of politics being ethicized, greed for power and alienating Kenyans from their homes. I want the Committee to go further and find out the following: First, the Grand Coalition Government has been giving out money to resettle those people. We must find out where the money was taken. There are many people who have been taken to court as a result of corruption. They made a kill out of the dire need of the displaced people. There is a political angle to this. There are senior politicians in this country who want to use those poor Kenyans displaced by post-election violence, evicted from the Mau and those affected by banditry for the 2012 elections. There are people who want to ascend to power, to be the Chief Executive Officer of this country so as to make sure that the post-election violence victims are not displaced.

It was morally right for this Government--- The President, the Prime Minister and the Cabinet took a moral oath to protect, serve and make sure that every Kenyan, particularly under the new dispensation is taken care of. This is not an issue of musical chairs. The Minister of State for Special Programmes, the Minister for Lands and the Minister of State for Provincial Administration and Internal Security owe this House a comprehensive Statement as to why we still have individuals who are engaging in corruption and “eating” money that was meant for people who suffered during the post-election violence. We want answers as to why every day, we hear on the Floor of this House, that we have set aside Kshs3 billion to settle the Mau victims. You can conserve the Mau Forest and do anything---

Mr. Shakeel: On a point of order, Madam Temporary Deputy Speaker. We were expecting hon. Duale to second the Motion, but he is taking the advantage of contributing and debating. So, could you, kindly, rule on the same?

The Temporary Deputy Speaker (Dr. Laboso): Yes, indeed, you are in order. Mr. Duale, could you conclude?

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, you know that when we talk about the Mau, some people get jitters. However, I am concluding.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Duale, please, second the Motion.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I am seconding the Motion. I am building my case first. The amendment is on environment.

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Duale! Hon. Members, because of time I will propose the Question.

*(Question, that the words to be inserted
be inserted, proposed)*

Hon. Members, I also want to put the Question because of time so that you can have time to contribute to the Motion.

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

Could we have the Mover of the second amendment. Mr. Wamalwa?

Mr. Wamalwa: Madam Temporary Deputy Speaker, I beg to move that the Motion be amended as follows:-

By inserting the words “1992 and 1997” before the words “2007/2008” in the second line and secondly, by inserting the following names after the last name:-

“Hon. Joseph Kiuna, MP,
Hon. David Ngugi, MP,
Hon. Robert Monda, MP,
Hon. Joshua Kutuny, MP,
Hon. John Mututho, MP,
Hon. Eugene Wamalwa, MP”

The purpose of the proposed amendment is to include in the work of the Select Committee the victims of the 1992 and 1997 tribal clashes who are still in IDPs and who, to date, have not been compensated or resettled by the Government of Kenya. Having brought a petition that is pending before this House for compensation and resettlement of those victims, so far, the Government has provided for the 2007/2008 tribal clashes victims. But no provision, even after this issue came up twice in this House, has been made for the 1992 and 1997 victims of tribal clashes. In this amendment, they will be included. I will ask Mr. Ngugi to second.

Mr. Ngugi: Madam Temporary Deputy Speaker, I want to second this amendment. The issue of IDPs affected some people more than others. For example, the people in Rift Valley and, especially, the people of Molo--- If you leave them out of this Motion, you will not be doing justice to them. The Kisii community was also affected heavily by the post-election violence. The people of Cherengany were heavily affected by the post-election violence. This amendment is being brought to include more people who were affected by the post-election violence.

With those few words, I beg to second.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, due to lack of time and since we want many hon. Members to contribute to this, I will propose the Question.

*(Question, that the words to be inserted
be inserted, proposed)*

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

Hon. Members, I also wish to say that we have ten minutes of contributions. Could we then agree to reduce the time to two minutes for each Member?

The Assistant Minister for Industrialization (Mr. Muriithi): Madam Temporary Deputy Speaker, I rise to support the Motion as amended. I must say that I am very pleased that we have included the issues of 1992, 1997 as well as the issue of banditry. From Laikipia and Samburu about 100,000 people have been displaced from their land because of continued cattle rustling and banditry over the last five to ten years.

I have one principal reason for supporting this Motion: The whole purpose of a State is the protection of human lives and furtherance of fundamental rights and freedoms. Articles 32, 36, 38 and 39 of Chapter Four of the Constitution of Kenya define these issues to enable citizens to enjoy, not only their right to life, but other rights. I would have hoped that as this Committee looks into this issue, it also looks into the issue of compensation for the lives that have been lost. The fundamental right to life is the first most critical right. Therefore, even as we compensate the houses and the properties that were burnt and looted, of those who remained alive, we should also compensate the lives of the 1,300 Kenyans who died.

Madam Temporary Deputy Speaker, the Constitution guarantees every citizen the freedom of movement, freedom to live in any corner of this country and to own property. Therefore, the work of this Select Committee is absolutely critical to the fulfillment of the spirit of the Constitution.

With those few remarks, I support.

Mr. Mututho: Madam Temporary Deputy Speaker, in 1975, Robert McNamara, the then World Bank Chief described what is absolute poverty. In his own words, he defined this as people living in conditions so degrading to deny human dignity. The conditions as defined in the IDPs schemes are characterized by very poor feeding regime, shelter, health and lack of privacy.

One time, a Member, on the Floor of this House, described the conditions in which these people live. It is so painful for me as the Member for Naivasha, where I have over 60 per cent of the IDPs, who were not displaced within Naivasha, but have come to settle there. I see children die because of pneumonia and people living in worn-out tents.

This Committee should move in very fast and persuade the Government, in the most humane and sane way to invoke emergency rules, so that the Ministry of State for Special Programmes headed by Ms. Murugi Mathenge, can have more than the Kshs3 billion that we are talking about. It should have adequate funds not only to settle these

people, but also to avoid a second displacement. These people have settled for the last three years. If you move them again, that will be a second trauma.

I support this Motion fully. I want to be part of that team that will see sanity brought to the solution of this problem.

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

Mr. Shakeel: Madam Temporary Deputy Speaker, I stand to support this Motion as amended with a comment that Kisumu faced the brunt of the post-election violence and as a result, we have a lot of IDPs. However, due to the Luo tradition, the IDPs have not been allowed to just settle in open areas. They have been accommodated by their kins and others. However, the IDPs are still there. So, as much as I agree with the list of the Committee Members, I would have wanted to see one of the Members of Parliament from Kisumu, either East, West or Rural, included in the Committee. Over 87 people were killed with bullets. I was hoping that one of the Members would not take up his position, so that it can be released to one Member from Kisumu.

I agree that professionalism must be there. I agree with hon. A. Abdalla that there is no professionalism. This has been run by people who do not understand the professionalism of dealing with things. We have a lot of professionals here. Even in this House, hon. Elmi is one and I am sure, there are others. I am suggesting to the Ministry that we do not need to have people who give part-time solutions to long-time problems. That is why we have had problems before. I ask the Minister to put together a think-tank of professionals.

Mrs. Noor: Thank you, Madam Temporary Deputy Speaker. I want to contribute from an informed position because as the Chairlady of the Committee on Labour and Social Welfare, I have visited the IDP camps and I have seen a lot. There are a lot of challenges that the Ministry is facing. Hon. A. Abdalla has talked about a framework that can enable the Ministry to conduct the resettlement in a manner that will be credible. Previously, the Ministry of State for Special Programmes had no staff of its own and used officers from other departments to resettle the IDPs, particularly the Provincial Administration. That is where the Ministry went wrong. Because of that, I am proposing that the Ministry of State for Special Programmes should have its own mechanism, a framework and a structure that will help it to conduct the IDPs resettlement in a manner that is credible and that will carry everybody on board.

When we went to Mau, we saw the pathetic conditions that the evictees are living in. It is terrible! There are issues of health, sanitation and many other issues. I come from a place where tribal clashes is a major issue.

The Temporary Deputy Speaker (Dr. Laboso): Your time is up! Hon. Members, just to set the record straight, we have taken, with her consent, the Minister's ten minutes. Therefore, next week, she will have ten minutes to respond. The Mover will also have ten minutes to respond.

Hon. Members, I just want to inform you that hon. Ethuro, the Mover of this Motion, is out of this country on official duty and has requested that he replies next week. We have, therefore, deferred his reply and that of the Minister to next week.

ADJOURNMENT

Hon. Members, there being no any other business, I now adjourn the House until this afternoon at 2.30 p.m.

The House rose at 11.35 a.m.