

# **NATIONAL ASSEMBLY**

## **OFFICIAL REPORT**

**Tuesday, 12<sup>th</sup> October, 2010**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

**PRAYERS**

### **PAPERS LAID**

The following Papers were laid on the Table:-

Report of the Departmental Committee on Defence and Foreign Relations on the Procurement, Disposal and Construction of Properties of Kenya's Diplomatic Missions in Egypt, Japan, Nigeria, Belgium and Pakistan.

*(By Mr. Keynan)*

Annual Report and Financial Statements of Ruiru/Juja Water and Sewerage Company for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

Financial Statements of Lake Basin Development Authority for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Ewaso Ngiro North River Basin Development Authority for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Tourism (Ms. Mbarire)  
on behalf of the Minister for Water and Irrigation)*

Annual Report and Accounts of Kenya Literature Bureau for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of the Teachers Service Commission for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Tourism (Ms. Mbarire)  
on behalf of the Minister for Education)*

Annual Report and Financial Statements of Kenya Accountants and Secretaries National Examinations Board (KASNEB) for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Tourism (Ms. Mbarire)  
on behalf of the Minister for Higher Education, Science and Technology)*

Annual Report and Financial Statements of Horticultural Crops Development Authority (HCDA) for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Tourism (Ms. Mbarire)  
on behalf of the Minister for Agriculture)*

Financial Statements of the Kenya Marine and Fisheries Research Institute for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Tourism (Ms. Mbarire)  
on behalf of the Minister for Fisheries Development)*

Abstracts and Accounts of the Town Council of Kikuyu for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Tourism (Ms. Mbarire)  
on behalf of the Deputy Prime Minister and  
Minister for Local Government)*

## **NOTICE OF MOTION**

### **ADOPTION OF REPORT ON PROPERTIES OF KENYANS ON DIPLOMATIC MISSIONS**

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

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the procurement, disposal and construction of properties of Kenya's diplomatic missions in Egypt, Japan, Nigeria, Belgium and Pakistan laid on the Table of the House on 12<sup>th</sup> October, 2010.

## **QUESTIONS BY PRIVATE NOTICE**

ANNUAL CONFERENCE FOR KENYA PRIMARY  
SCHOOL HEADTEACHERS

**Mr. Oyongo Nyamweya:** Mr. Speaker, Sir, I beg to ask the Minister for Education, the following Question by Private Notice.

(a) Is the Minister aware that the Kenya Primary School Head Teachers Association (KEPSHA) held an Annual Conference in Mombasa between 3<sup>rd</sup> and 8<sup>th</sup> October, 2010?

(b) Could the Minister explain why the Ministry allowed the Kenya Primary School Head Association (KEPSHA) to hold the annual conference while they should be in their respective schools to prepare pupils for the KCPE examination?

(c) Will such a meeting affect the performance of the KCPE examination and end of year examinations for all classes?

**The Minister for Education** (Prof. Ongeru): Mr. Speaker, Sir, first of all, I seek your indulgence because I have been away by permission of this House through your Office and I had assigned my Assistant Ministers to answer the Questions. When this Question came up, my Assistant Minister who was present was attending to a very urgent problem which had cropped up in one of the schools and was unable to be on time to come here and handle the Question and, hence, the remarks and ruling you gave on that particular day. I have since then been able to sort out how they should handle Parliamentary Questions.

**Mr. Speaker:** Very well! Prof. Ongeru, just ensure that there is compliance all the time and consistently so.

**The Minister for Education** (Prof. Ongeru): Mr. Speaker, Sir, thank you but human error sometimes occurs. Sometimes, human difficulties arise and I am sure in your own wisdom you---We accept your indulgence!

**Mr. Speaker:** Very well!

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

(a) Yes, I am aware that the KEPSHA is holding – it has, in fact, passed – the sixth annual conference at the Sayed Hemed Children Welfare Centre in Mombasa from 3<sup>rd</sup> October to 4<sup>th</sup> October, 2010.

(b) The conference was due for early August 2010 but could not take place due to the constitutional referendum exercise. It accords headteachers the opportunity to discuss and share best practices in management of our primary education programmes. It also offers them the opportunity to share challenges and experiences on examination administration.

(c) The meeting will not affect the performance of KCPE examinations. In fact, it will improve the management and administration of examinations. Proper delegation has also been done to respective deputy headteachers to ensure that normal operations of the schools continue.

**Mr. Oyongo Nyamweya:** Mr. Speaker, Sir, the point I want to raise with the Minister is the following; At this time, students are preparing for exams. For them to be in the right mind, headteachers and all the other teachers are supposed to be in school to guide, help and counsel them so that they can prepare for exams. When headteachers leave and pupils know that they have gone to Mombasa, what comes up in the mind of a

young person? What does the young person think about that; that the headteacher has travelled to Mombasa for a meeting?

Finally---

**Mr. Speaker:** Order, Mr. Oyongo Nyamweya! You have one chance at a time to ask a supplementary question.

**Prof. Ongeri:** Mr. Speaker, Sir, what is in the mind of that child is its welfare. This particular conference was discussing about the welfare of that child and how that child should be in an enabling environment in terms of learning and examinations, which will be held next month and not this month of October.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, could the Minister confirm that such meetings where heads come together do help in dealing with challenges and come up with new ways of helping students and schools everywhere? They should be encouraged as opposed to being opposed.

**Prof. Ongeri:** Mr. K. Kilonzo could not have been far from the truth. This is the time when teachers are able to examine their weaknesses and strengths. They are able to share their experiences. They are able to assess the performances of the previous years and the challenges that arise in their schools, whether they are of a disciplinary or learning nature. Therefore, this has had a tremendous input. In fact, you can say that it has got everything to do with the capacity building of the teacher to perform well.

**Mr. Mwangi:** Mr. Speaker, Sir, while we agree with the Minister that it is necessary to hold such conferences, one of the observations related to performance is absence of heads of schools from schools. I think it is useful for the Minister to consider rescheduling such conferences, so that they are conveniently held to avoid teachers being away during this term, which is very crucial in maintaining discipline and getting teachers at school. What steps is the Minister taking to make sure that this kind of thing is not repeated in future?

**Prof. Ongeri:** Mr. Speaker, Sir, there are no steps to be taken because they already know that no such meetings will take place outside vacations. The only exemption that was given this time was because there was a referendum in the month of August; therefore, it was extremely difficult for them to organize themselves since they were also required elsewhere.

**Mr. Ruto:** Mr. Speaker, Sir, I wonder whether it is in order for the hon. Minister, who is a very experienced man in educational matters, to really attempt to convince us that it was impossible to organize such a seminar during the whole of August, yet the referendum was held on 4<sup>th</sup>. Could this conference not have been held between 4<sup>th</sup> and 30<sup>th</sup>? Which one is more important, the future of the children or the celebrations about the Constitution?

**Prof. Ongeri:** There was no such thing like celebrations. The future of the students is uppermost in the minds of our heads of primary schools. I wish you had also had the occasion to attend such a meeting. It is a very good meeting for our heads of schools. They are beginning to understand their respective roles as managers---

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. I am not disputing the validity or benefit of the conference. I am asking why that conference could not be held between 4<sup>th</sup> and 30<sup>th</sup>. Why was it held when children are supposed to be in school?

**Prof. Ongeri:** Mr. Speaker, Sir, the month of August was extremely crowded. The heads of secondary schools had already booked the month of August. They were

holding their conference in Mombasa and we could not have two similar meetings running concurrently. Therefore, the venue would not have been very convenient. It would also not have been cost effective. At the same time, please do appreciate that this is the time when the heads of primary schools are able to learn from the experiences of other teachers from the other areas who have done well.

**Mr. Njuguna:** Mr. Speaker, Sir, aware that headteachers are also classroom teachers, and they handle subjects in classrooms, what arrangements were made in our primary schools to make sure that the subjects handled by the headteachers were handled effectively, if we are really committed to maintaining effective teaching for good performance in our examination?

**Prof. Ongeri:** Mr. Speaker, Sir, if the hon. Member listened to me very carefully, there was proper delegation. The deputy headteachers took over, and were able to handle those subjects that the headteachers were handling.

**Mr. Gunda:** Mr. Speaker, Sir, as hon. Members of this House, we are not in dispute about the importance of that conference. What we are worried about is its being held closer to the examination date. Could the Minister consider having such a conference rescheduled to the first term of the year?

**Prof. Ongeri:** Mr. Speaker, Sir, in the first term of the year the heads will have no notes to compare. Certainly August is the time when it is appropriate for them to hold that conference, after having gone through the first term and second terms. Thirdly---

**Mr. Litole:** On a point of order, Mr. Speaker, Sir. The Minister has said that January is the wrong time to hold that conference. To me, it is the right time because results have just come out. Is he in order to mislead the House that January is the wrong time?

**Prof. Ongeri:** Mr. Speaker, Sir, learning is not just about examinations. It is a lifelong process. There are other challenges that go along with it, although examinations is one of the events in the calendar of a school. Therefore, January will not be an appropriate time. August is definitely an appropriate period because they will have had accumulative experiences over the last seven months. They can thus compare notes favourably. This was an odd situation, a one-off situation. I have already communicated to the officials of KEPSHA that in future, whatever may be the circumstances, they will hold their meetings in the month of August when everybody else is on vacation.

**Mr. Chanzu:** Mr. Speaker, Sir, could the Minister tell the House how this conference was funded by headteachers who attended it?

**Prof. Ongeri:** Mr. Speaker, Sir, the most interesting thing was that there was no Exchequer expense on this matter. Teachers paid for themselves. I think you should give them credit that they paid for themselves to go and improve the learning outcomes of our children. I think it is a credit to the teachers, that they were able to afford their own expenses to some of the places.

**Mr. Oyongo Nyamweya:** Mr. Speaker, Sir, could the Minister deny or accept that holding this conference is against the policy of the Ministry, that there should be no activities taking place in schools in the third term?

**Prof. Ongeri:** Mr. Speaker, Sir, denying or confirming is neither here nor there. The policy is clear. We normally hold these conferences in August or during the vacations. Therefore, this was an exception. Exceptions are allowed, even to rules.

**Mr. Speaker:** Order, hon. Members! Question No.2 by Private Notice is deferred to Thursday, next week. The hon. Member is away on Parliamentary business and the Minister is also on Government business.

Member for Ikolomani!

REGISTERED OWNER OF LAND  
PARCEL LR.10743 IN THIKA

**(Mr. Odhiambo)** to ask the Minister for Lands:-

(a) Who is the registered owner of Land parcel number LR.10743 in Thika Municipality, previously owned by Samuru Gituto Farmers Co-operative Society Limited?

(b) How was it transferred and who were involved in the signing of the transfer documents on behalf of the vendor?

(c) Is the Minister aware that the above property was previously charged to the Co-operative Bank of Kenya and did the bank execute the Discharge of Charge to accompany the registration documents?

*(Question deferred)*

GOVERNMENT POLICY ON POSTGRADUATE  
TRAINING FOR DOCTORS

**(Dr. Khalwale)** to ask the Minister for Medical Services:-

(a) Is the Minister aware that 94 doctors who have been admitted for postgraduate training commencing on 12th October, 2010, risk missing the training programme due to a directive issued by the Ministry?

(b) What is the Ministry doing to avert the crisis which has far-reaching adverse consequences in the health sector?

(c) What is the Government policy on postgraduate training for doctors?

**Mr. Speaker:** Given the magnitude of interest there has been in that Question, we will give it another chance. If the Member is still is not here, then we will drop it.

Member for Narok South!

REPAIR OF NAROK-MAASAI MARA ROAD

**Mr. ole Lankas:** Mr. Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

When will the Ministry repair the Narok–Maasai Mara Road which is currently in a deplorable condition?

**Mr. Speaker:** Minister for Roads.

Hon. Members, as I said with respect to Question No.2 by Private Notice, we have been put on notice that the Minister for Roads is away from the country on official duty. So, obviously he cannot be here. However, I have no indication as to what happened to the Assistant Minister.

But, perhaps, to give the benefit of the doubt---

**Hon. Members:** Dr. Machage! Dr. Machage!

**Mr. Speaker:** Deputy Leader of Government business, do you have anything to say?

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I have not been notified of the whereabouts of the Assistant Minister. Maybe, he is still on his way.

**Hon. Members:** Dr. Machage! Dr. Machage!

**Mr. Speaker:** Deputy Leader of Government business, is the hon. Member for Kuria not having the capacity to answer the Question?

**The Minister for Agriculture** (Dr. Kosgei): Thank you very much, Mr. Speaker, Sir. Unless he was appointed and sworn in when I was out of the country, I am not aware that he is back in the Ministry.

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

**Mr. Speaker:** Order! Order, Member for Gwasssi?

Dr. Sally Kosgei, are you saying that the appointment of Member for Kuria to serve as Assistant Minister has been terminated?

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, on the constitutional day, when Ministers, Assistant Ministers and everyone else, including all of us, were sworn in, I noticed that his name was missing. That is why I am saying that if he has been sworn in since that time, I am not aware. I think he is here he can say.

**Mr. Speaker:** Dr. Sally, are you withdrawing the word “appointed”. If you do that then I will be comfortable. If you do not do so, then I am afraid, you still have some explaining to do.

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I would like to withdraw that word. What I really mean is that I am not aware he has been reinstated. Is that a better word?

*(Laughter)*

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

**Mr. Speaker:** Order, Member for Kuria!

I am aware and, indeed, you have drawn my attention to this matter that you were apparently not sworn in with respect to the effective date of the new Constitution. But we, as Members of Parliament, have taken judicial notice of the fact that you were suspended. Suspension is not the same thing as termination.

So, Dr. Kosgei, please, addresses yourself to this matter because the Speaker has been asked to give some direction. I do not want to delve in the area of the Executive. So, please, address yourself to it. Otherwise, Question No.4 by Private Notice is deferred to Thursday, next week.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

Hon. Members Question No.378 will be deferred to Thursday, next week for two reasons. First, the Minister has notified the Chair that he is away from the country on official duty. Secondly, the hon. Member for Voi Constituency is indisposed.

*Question No.378*

DELAYED REPAIR OF VOI-TAVETA ROAD

*(Question deferred)*

Next Question, Member for Laisamis!

*Question No.059*

CRITERIA FOR IDENTIFYING PROJECTS IN ASAL AREAS

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

**Mr. Speaker:** In respect of what matter?

**Mr. Mbadi:** Ministry of Medical Services!

**Mr. Speaker:** I have already called Question No.59. Thank you, Member for Gwassi.

Order, hon. Members! The Member for Laisamis, I am informed, is away with permission on Parliamentary business. So, that Question is deferred to Wednesday, next week.

Member for Samburu East!

*(Question deferred)*

*Question No.331*

INFORMATION ON PEOPLE KILLED/INJURED  
BY WILD ANIMALS IN SAMBURU

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

(a) whether he could provide, by name and number, details of people killed or injured by wild animals and the action taken in each case in the last five years in Samburu East District,

(b) whether he could state by name those compensated and the amount paid; and,

(c) what action he is taking to reduce the human-wildlife conflict in the area.

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

(a) The names and numbers of people killed and injured by wild animals in Samburu East District in the last five years and the action taken in each case is as per attached table.



(b) The names and numbers of people compensated and amounts paid are also as per the attached table.

(c) The Government has put in place several measures to deal with human-wildlife conflict in the areas as follows:

(i) A senior warden to deal with issues of human-wildlife conflict as well as overall oversight on all issues of wildlife conservation and management is permanently stationed in Samburu District.

(ii) A contingent of 40 rangers is stationed in Maralal for both problem animal control and security patrols.

(iii) We provided four vehicles to carry out such duties.

(iv) Patrols are done on regular basis in the following areas: Lesuk, Kerlmon, Sugtamama, Baawa and Poroo and Kisima areas.

(v) Community sensitization meetings were held on 23<sup>rd</sup> May, at Baragoi and South Horr. On 9<sup>th</sup> and 10<sup>th</sup> of April this year, meetings were held at Westgate. On 11<sup>th</sup> April, this year, we had a meeting at Ngaroni. On 18<sup>th</sup> March, this year, there was a sensitization meeting at Kerimon.

(vi) Community involvement has been enhanced through launching of Warrior Watch Initiative which comprises 130 morans from Westgate community who have been sensitized on wildlife conservation issues. These morans are engaged actively as wildlife security scouts and they also sensitize their community in wildlife conservation matters. Training of these scouts has been undertaken.

In addition, 18 Samburu County Council scouts are on three month training at our field training school in Manyani.

These scouts shall beef up the mitigation of the human-wildlife conflict. We also have new initiatives, for example, we have provided 52 motorbikes to serve the area. There is also an FM programme on the local radio at Seriani in Maralal. The programme runs for two hours every Wednesday and it is conducted by the area warden who is assisted by our officers in educating and creating awareness on issues of wildlife conservation and human-wildlife conflict. We have also provided an emergency line for any problems that would arise. We have a team of conservancy managers and KWS officers. This is to enhance synergy in addressing conservation conflict and wildlife security related issues. We also have meetings of stakeholders with the officials. The Provincial Administration is also involved in this matter.

**Mr. Letimalo:** Mr. Speaker, Sir, this Question was deferred last week to enable the Minister address cases of death and injuries caused by wildlife in Samburu East. Having looked at the list of those who have been injured by wildlife, I realise that three names have been omitted and many others not captured. The indication is that there is a lot of inefficiency in the Ministry. Is the Minister, therefore, confirming that he has little regard for the people who were killed and injured by wildlife? What action will he take to address the situation?

**Dr. Wekesa:** Mr. Speaker, Sir, the life of Kenyans is a matter of great importance to me and to the Ministry as a whole. There is no way we can ignore people who have been injured or killed by wild animals. I wish to request my colleague that if he has any names that we have not listed here, then he should come to my office and I will take it upon myself to ensure that investigations are done from the ground so that we can include

these Kenyans who so badly need compensation either for injuries or for the loss of their people.

**Mr. Ruto:** Mr. Speaker, Sir, could the hon. Minister explain to us the formula he uses to arrive at the schedule of compensation he has given us? For example, one minor, in a case of death, is paid Kshs200,000 while another one is paid Kshs30,000. In another case where two people are injured, one is paid Kshs15,000 while another one is paid Kshs50,000. What is the formula that he applies? How on earth did he arrive at Kshs200,000 as compensation for human life? Is it a case of some legacy he has carried from pre-independence times? What exactly is the reason? What has he done to address compensatory cases?

**Dr. Wekesa:** Mr. Speaker, Sir, we are using the old Act which sets out the levels of compensation for injury and loss of life. For injury, we pay up to Kshs50,000 while for loss of life we pay Kshs200,000. We have said it in this House on many occasions that we have updated this in the new draft Bill that is due to be brought before this House so that the compensation levels are updated to the present economic situation. As to why we paid Kshs15,000 in some of these cases, I am not sure. I would like to go and find out. Really, for death, we should be paying Kshs200,000. There must have been some reason why these payments were made. I undertake to go and find out why there was this underpayment.

**Mr. ole Lankas:** Mr. Speaker, Sir, the Minister in his answer that was trying to address the human-wildlife conflict said that he gave out 52 motor bikes to the people of the wider Samburu. Out of the 52 motor bikes, he only gave five to Samburu East. Why is there a discrepancy? How will the Minister create the necessary balance not only in Samburu East but also nationally?

**Dr. Wekesa:** Mr. Speaker, Sir, I did not get his question.

**Mr. ole Lankas:** Mr. Speaker, Sir, in the answer that the Minister has just given, he said that in trying to address the human-wildlife conflict in this particular area he gave out 52 motor bikes to the people in the wider Samburu. Out of the 52 motor bikes, he allocated five to Samburu East. Why is there a discrepancy? How will the Minister create the necessary balance not only in Samburu East but also nationally?

**Dr. Wekesa:** Mr. Speaker, Sir, the provision of equipment or vehicles depends entirely on the levels of human-wildlife conflict. We do not base it on anything else. So, it means that those who received more motor bikes recorded more cases of those incursions.

**Mr. Chanzu:** Mr. Speaker, Sir, I would like the Minister to tell the House the minimum and maximum amount of time he has allowed for compensation, particularly for those who get injured. What has he done to fast-track compensation for the cases that have taken too long? I have one case in Maragoli East where a *mzee* was injured but nothing has been done.

**Dr. Wekesa:** Mr. Speaker, Sir, there are rampant delays in the constituencies or districts. For one to be compensated there is a process that is very well known at the district level. The relatives of the injured or the injured person have to fill a form and submit it to the local committee which deliberates on the matter and forwards it to the headquarters where we have a Ministerial Committee. There is lack of awareness on how to get compensation with regard to these cases. So, I plead with my colleagues to assist where members of a community have not been compensated by assisting them seek

compensation through the right channels so that we can pay. Most of the delay in compensation is as a result of people not knowing what they are supposed to do.

**Mr. Mungatana:** Mr. Speaker, Sir, I want the Minister to look at me in the eye. Having known that this process takes so long and knowing the backlog and suffering that people are going through, why do they still insist on that old bureaucratic method and yet, it is in his power to make the Kenya Wildlife Service (KWS) take proper insurance cover and settle claims of pain, suffering and death in an efficient manner like all other cases of pain and suffering? Why can you not be innovative? Why are you stuck on the old ways? Why can you not change, so that Kenyans for once can get proper service? I want the Minister to look me in the eye and tell Kenyans why they cannot change from this old and outdated way of settling claims.

**Dr. Wekesa:** I have no problem looking at you in the eye. We have addressed these issues in the new Bill. I, like everybody else in this House, is anxiously waiting for this Bill, in which not only have we put measures to fast-track the compensation process, but also we have updated the levels of compensation. So, I am completely agreeable with the hon. Member.

**Mr. Letimalo:** Mr. Speaker, Sir, given that the Minister has posted 40 rangers to Maralal who are not able to cover up to Samburu East because of the distance and the vastness of the district and given the number of cases of people who have been either killed or injured by wildlife, could he consider posting a warden to Samburu East to take care of these cases?

**Dr. Wekesa:** Mr. Speaker, Sir, I will look at the staffing levels and see if I can post an officer to the hon. Member's district.

*Question No.319*

INCREASED ALLOWANCES FOR OFFICERS  
OF KISUMU MUNICIPALITY

**Mr. Speaker:** Order, hon. Members! I am informed that the Member for Kisumu Town West has travelled to Zambia on Parliamentary duties. So, the Question is deferred to Wednesday next week!

*(Question deferred)*

*Question No.443*

LIFTING OF BAN ON KURESOI LAND CONTROL BOARD

**Mr. Cheruiyot** asked the Minister for Lands:-

- (a) why the Ministry has stopped all transactions by the Land Control Board in Kuresoi District; and;
- (b) when he will lift the ban.

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

(a) The Minister has not stopped land transactions by the Land Control Board in Kuresoi District.

(b) No ban was imposed on the operations of the Land Control Board in Kuresoi District, hence the issue of lifting the same does not arise.

**Mr. Cheruiyot:** Mr. Speaker, Sir, I thank the Assistant Minister for the answer. But I want to ask him whether he is aware that people from Kuresoi have to travel all the way to Nakuru, because the divisional land control boards in Keringet and Olenguruone are not operational.

**Mr. Bifwoli:** Mr. Speaker, Sir, I am not aware because members of the Land Control Board in Kuresoi were appointed on 12<sup>th</sup> February, 2010. If they are not operating in Kuresoi, I want to request the hon. Member to come to my office so that I order them immediately to go and operate from Kuresoi.

*(Applause)*

**Mr. Ruto:** Mr. Speaker, Sir, the truth of the matter is that this land board is not actually functioning. The other truth of the matter is that the Ministry has, in fact, stopped all land transactions even in Nakuru. The hon. Assistant Minister is just making fun because he wants to be the President! In real terms, could he drag hon. James Orengo here to answer this Question? You do not have the answers, Mr. Assistant Minister.

**Mr. Bifwoli:** Mr. Speaker, Sir, I have the answer and I am capable of running that Ministry. So, let the hon. Member ask me the question.

**Mr. Cheruiyot:** Mr. Speaker, Sir, in view of the fact that we have got an executive order from hon. Bifwoli, I accept the answer. I will go to his office and get the land board operating. Thank you.

**Mr. Speaker:** Very well! That settles the matter.  
Next Question, Member for Turkana Central!

*Question No.375*

LIST OF ALL PRIMARY/SECONDARY SCHOOLS IN TURKANA

**Mr. Ethuro** asked the Minister for Education:-

(a) whether he could provide a list of all primary and secondary schools in Turkana region in general and Turkana Central Constituency in particular, indicating their boarding enrolment, streams and staffing levels;

(b) what kind of resources the government provides to public schools to support boarding facilities, what exact resources were received by each school and what amount of food the Government is distributing through the School Feeding Programme per school per term in the larger Turkana; and

(c) why the 30 schools approved by the District Education Board (DEB) in Turkana Central in 2008 were not included in the low cost boarding school programme.

Mr. Speaker, Sir, the Minister has not given me a copy of the written answer. You will appreciate that it contains a lot of information.

**The Minister for Education** (Prof. Onger): Mr. Speaker, Sir, I apologize. This Question was passed on last week and I do not understand why he has not got his copy, but I will gladly avail a copy, because it is a big volume. I really do not understand.

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. The Minister has said that he brought the answer last week, but you will remember last week, you stated that the fate of this Question and answer would be like the previous one, where there was no Minister to answer. You had actually demanded an apology from the Minister.

**Mr. Speaker:** That is true. The Minister addressed himself to my directions as made last week!

**The Minister for Education** (Prof. Onger): Mr. Speaker, Sir, I will gladly avail him another copy because as I said earlier on, this is a voluminous answer and I would have had the pleasure to answer this Question when the hon. Member is fully apprised with the answer.

*(A copy of the answer was passed to hon. Ethuro)*

**Mr. Speaker:** The answer is now passed to you, Member for Turkana Central. Are you ready to proceed or you need time to acquaint yourself with the contents of the answer?

**Mr. Ethuro:** Mr. Speaker, Sir, I would like sometime to acquaint myself with the contents of the answer, but that can be realized before the end of Question Time.

**Mr. Speaker:** Will you be ready before the end of Question Time?

**Mr. Ethuro:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! We will revert to the Question later.  
Next Question, Member for Gwassi!

*Question No.388*

DELAYED PAYMENT OF HARDSHIP ALLOWANCE  
TO CIVIL SERVANTS IN SUBA

**Mr. Mbadi** asked the Minister of State for Public Service:-

(a) whether he could state why public servants, including teachers working in Suba District, have not been paid hardship allowance as earlier promised by the Government following classification of the district as a hardship area; and,

(b) when payment of the allowance will be implemented.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I beg to reply.

(a) I had announced the decision by the Government to rationalize and harmonize hardship areas and allowances in October, 2009. Under the new classification, Gwassi Division in Suba District was classified as a moderate hardship area. There is a difference between a moderate area and an extreme hardship area. The new rates for hardship allowance were to be applicable with effect from 1<sup>st</sup> July, 2010. The total amount that was required to pay these rates was Kshs3.7 billion for the civil servants. However, the same has not been implemented for all the new areas classified as hardship areas,

including Gwassi, due to lack of budgetary provisions by the Treasury in this financial year. My Ministry is, however, pursuing the issue with Treasury and hopefully, if we get the amount in the Supplementary Budget, we shall commence payments of these hardship allowances.

Mr. Speaker, Sir, as to the teaching staff, a decision was made that the allowances and areas agreed to in the collective bargaining agreement with the Ministry of Education would continue. That is what is happening up to now.

(b) We are still in consultation with the Treasury and as soon as funds are available we shall be able to release the allowances for all these areas.

**Mr. Mbadi:** Mr. Speaker, Sir, the answer by the Minister surprises me because he talks of paying the hardship allowance, possibly when we receive budget allocation during the Supplementary Budget and then he goes ahead to say that for the teachers, the collective bargain agreement which was signed has to continue. In which case, the Minister is telling us that the teachers will not receive hardship allowance yet other public servants who work in the same area will receive the allowances.

Mr. Speaker, Sir, the Kenya National Union of Teachers (KNUT) disputed the removal of some areas which had earlier been classified as hardship. Why is it that the Minister is not implementing payment to the additional areas like Gwassi? The KNUT has not disputed the additional areas; they are only disputing the degazetted areas.

**Mr. Otieno:** Mr. Speaker, Sir, KNUT is very explicit; it is both the amount and areas. They want to be able to negotiate both the amount and the areas. Therefore, when we apply the collective bargaining agreement with respect to the teachers, it is in respect of the amounts and the areas negotiated under the collective bargaining agreement.

**Mr. Ruto:** Mr. Speaker, Sir, the Minister is a very experienced person but I remember when he was making these announcements, he clearly indicated that payment for staff will be done by 1<sup>st</sup> July. He specifically made that statement. Being an experienced person with whom had he consulted at that stage? He is now saying that the Treasury has not made any budgetary provisions while he knows he should not have made that statement in the first place without consulting the Treasury.

**Mr. Otieno:** Mr. Speaker, Sir, the hon. Member knows very well that I handle policy. As to policy, we were in agreement with the Treasury and we so accordingly signed together. As to resource allocation, it is the Treasury and Parliament to allocate the resources.

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

**Mr. Mbadi:** Mr. Speaker, Sir, I am ambushed because I thought you would allow for more interjections---

**Mr. Speaker:** Order! As at the time I called the Member for Chepalungu, he was the only one on the Floor interested in the Question. So these later interests must have been generated perhaps out of the question by the Member for Chepalungu. That is not the way we gauge interest.

Please, proceed!

**Mr. Mbadi:** Mr. Speaker, Sir, I am still pursuing the issue of teachers. I would want to know - the Ministry is responsible for the welfare of all public servants - why the Ministry will not pay hardship allowance to teachers in Gwassi, Mbita and Nyatike, which were classified as hardship areas in the report the Minister gave just because KNUT has objected to the removal of other areas. Why can the Minister not include the

teachers because they form the majority of the public servants who are working in those areas? It is going to be unfair to exclude them just because the KNUT has objected to the removal of certain districts from the list of hardship areas. They have not, however, objected to inclusion of the additional areas.

Mr. Speaker, Sir, I do not think the KNUT can ever dispute the inclusion of some of their members in the scheme.

**Mr. Otieno:** Mr. Speaker, Sir, there are two issues here; first is the legal position that the terms and conditions of service for the teachers can only be reviewed under the Act. Under the Act, it is through the collective bargaining agreement. In which case, although the lower grade teachers could benefit from the new recommendations, a few of the higher grade allowances would have to be adjusted. However, the KNUT was insisting on the principle that as much as we agree that the review is more equitable and beneficial, it can only be done through a collective bargaining agreement. The collective bargaining agreement does not expire until 2013. Therefore, I cannot extend a benefit they do not accept because they are not within the terms and conditions under which their remuneration and allowances are handled.

**Mr. Speaker:** Next Question by the Member for Emuhaya!

*Question No.444*

MEASURES TO CONTROL *BODA BODA* ACCIDENTS

**Dr. Otichilo** asked the Minister for Transport:-

(a) what he is doing to control accidents caused through “*boda boda*” or motor cycle transport system;

(b) what regulations or supervisory mechanisms the Ministry has put in place to ensure that driving schools offer quality training and that driving tests are conducted in a fair and transparent manner; and,

(c) when the Ministry will start issuing new generation driving licences.

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

(a) The Ministry gazetted a Legal Notice No.173 of 2<sup>nd</sup> December, 2009 which stipulated the requirements for motor cycle riders. These include:-

(i) All riders of motor cycles must wear helmets and jackets with reflectors.

(ii) Motor cycle riders carry only one passenger.

(iii) Motor cycle riders will provide a helmet and reflector jacket to his or her passengers.

(iv) Every motor cycle shall be insured against third party risk in accordance with the Insurance Act.

(v) Motor cycle riders must have a valid driving licence obtained after the proper training.

(b)The Ministry has embarked on the review of sections of the Traffic Act (Cap.403) relating to training, testing and licensing of drivers. The expected outcome of the review will enable the Ministry to come up with regulations and an updated curriculum aimed at training disciplined, well behaved and courteous drivers conversant with the traffic rules and modern road systems.

(c)The matter of issuance of the new generation driving licence is still under consideration by the Ministry and no issue date is fixed as yet.

Mr. Speaker, Sir, all these matters, plus other issues to enhance issues of our roads will be discussed in the upcoming National Road Safety Council Stakeholder Conference to be held on 19<sup>th</sup> October 2010.

**Dr. Otichilo:** Mr. Speaker, Sir, I wish to thank the Assistant Minister for the good answer. However, this matter of motor cycle riders and the deaths they cause on our roads is alarming. The Assistant Minister has gazetted the rules but the unfortunate thing is that, it appears that these rules are not being enforced. In his answer, he has said that they are facing a lot of challenges in enforcing these rules. Which are these challenges he is facing and what measures is he taking to overcome these challenges? This is a matter of national importance and hundreds of people die every month from motor cycle transport system.

**Mr. Mwau:** Mr. Speaker, Sir, the predicament that faces the Ministry is that the Ministry is the custodian of regulations. It formulates the rules and regulations but the enforcement arm is the Office of the President because it is done by police officers. So once the Ministry of Transport has enacted regulations, the enforcer is somebody else. That is actually the challenge.

**Mr. Kathuri:** Mr. Speaker, Sir, the issue of road accidents has been a thorn in the flesh in this country. Whereas the Ministry wants to blame the enforcer, I think we heard them talking in public and stating those challenges so that we can know who to blame. Could the Assistant Minister come out clearly and tell us when we will start hearing the Ministry confirming who to blame? Previously, the Minister for Transport was enforcing the laws, why can the Ministry now not do the same?

**Mr. Mwau:** Mr. Speaker, Sir, I appreciate the question, but as I said, the Ministry of Transport only formulates the law. The enforcement arm is the police, which is under the Office of the President. The Ministry does not have its own enforcement arm. Until that is legislated, so that the Ministry is empowered to do so, the situation will remain as it is.

**Mr. Ochieng':** On a point of order, Mr. Speaker, Sir. The Questioner asked a very straightforward question. How comes the Minister who was in the Ministry before was able to enforce the same rules and the transport operators complied with the law? Is the Assistant Minister in order not to answer the question?

**Mr. Speaker:** Mr. Assistant Minister, I think that is legitimate!

**Mr. Mwau:** Mr. Speaker, Sir, I am not aware of any rules that the previous Minister enforced under the Traffic Act or the Ministry to ensure compliance. The police participated effectively and made sure that the rules and regulations were followed. As I said, the Ministry does not have an enforcement arm. No matter what we say and how much we repeat it, it cannot be enforced. Until there is an enforcement arm in the Ministry, the Ministry cannot enforce those particular regulations.

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that he cannot enforce the rules because another arm of the Government is responsible for that? Do they not have collective responsibility as a Government, such that they co-ordinate their actions?

**Mr. Mwau:** Mr. Speaker, Sir, collective responsibility does not apply to statutes. Statutes do not create collective responsibility. Each statute has its own requirement and



an enforcer. So, it will be wrong for me to suggest that we can collectively enjoin statutes for the purposes of enforcement.

**Dr. Monda:** On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister repeatedly say that his Ministry is not responsible for enforcing laws that are meant to safeguard the lives of Kenyans. Allow me to remind him that we have the popularly known *Michuki rules*, which Kenyans are aware of and were very happy about when hon. Michuki applied them. Is he in order to keep on evading what is obvious about the *Michuki rules*, which we are requesting that he applies and save Kenyans from loss of life and property?

**Mr. Mwau:** Mr. Speaker, Sir, with due respect to the hon. Member, I would want to state categorically that *Michuki rules* are rules which are formulated under the Traffic Act and they still exist. They are still there. They have not been repealed. However, the enforcement arm is the Traffic Police and not the officers of the Ministry of Transport.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. This particular Ministry has been very notorious for running away from responsibilities. This is the standard answer that we have always got from Mr. Mwakwere and the good Assistant Minister is repeating the same. Would I be in order to request that this matter be referred to the Leader of Government Business to explain to us whether this Ministry is serious? It is not taking parliamentary business seriously. He is blaming another arm of Government, which is the Office of the President. Is he suggesting that one of them should be scrapped? Is it the Office of the President or the Ministry of Transport that should be scrapped or merged with the other one? This is not a satisfactory answer. I am asking for your indulgence that this matter be taken up more seriously, so that we can get a proper answer.

**Mr. Mwau:** Mr. Speaker, Sir, we are dealing with the law here. Laws are actually enacted by this august House. If we acquaint ourselves with Cap.403, which is the Traffic Act, we shall understand categorically that the Minister for Transport makes the rules and regulations, but their enforcement is under the Police Act. The Police Act is another statute. When I talk about the Office of the President, I mean the Police Department. This department is under the Office of the President. No matter how long we go round this thing, unless this august House decides to amend the Traffic Act, so that we can transfer the functions of the Traffic Police to the Ministry of Transport, this problem will not be resolved.

**Mr. Speaker:** Mr. Assistant Minister, what you are saying is obviously as, indeed, the Members seem to be concerned, not satisfactory. You are in charge of transport. The Minister of State for Provincial Administration and Internal Security is in charge of the police. Are you saying that you cannot liaise or coordinate with your counter-part to enforce these rules?

**Mr. Mwau:** Mr. Speaker, Sir, the consultation has always taken effect. The Ministry has always engaged the Minister of State for Provincial Administration and Internal Security. However, he deals with the Commissioner of Police. That is not the work of the Ministry. There is nothing much that can be done.

**Mr. Speaker:** Are you then saying that the Minister in charge of the police is not dealing with the Commissioner of Police?

**Mr. Mwau:** Mr. Speaker, Sir, if the Minister in charge of the police is able to push the Commissioner of Police, then the traffic policemen will ensure that law and order is maintained on the roads. These accidents will be minimized.

**Mr. Wamalwa:** Mr. Speaker, Sir, this is a very grave matter which we do not expect the Assistant Minister to treat it so casually. In my constituency alone, in the last two weeks, along Kambi Miwa/Gituamba Road, two young *boda boda* operators and their passengers were killed. At the district hospital, we have a ward full of women and children with fractured limbs because of these accidents. Part of the reason why we are having these accidents is speed. What is he doing to control speed? Has he considered speed governors, perhaps, for these motorcycles?

**Mr. Mwau:** Mr. Speaker, Sir, I have said that on 19<sup>th</sup> October, 2010, the Ministry and all other stakeholders, including the police, will have a consultative meeting where these issues will be discussed. A decision will be taken as to what new regulations we need to put in place. One of the biggest problems is indiscipline. The law requires riders to wear helmets and reflective jackets, but you see them riding without helmets and reflective jackets. That needs enforcement. In these circumstances, the Ministry is contemplating asking for a particular number of traffic police officers to be seconded to the Ministry, so that we diagnose this matter correctly and come up with effective ways to ensure that these accidents do not occur.

**Mr. Koech:** Mr. Speaker, Sir, as earlier stated by my colleagues, this is a very grave issue. If you visit most hospitals today, you will find that they have designated certain wards as “*boda boda*” wards because of the many accidents that occur as a result of this situation. I appreciate the frustrations of the Assistant Minister. Can he confirm to Kenyans that he is actually stating here that he is being frustrated by the Office of the President to the extent that Kenyans are losing lives?

**Mr. Mwau:** Mr. Speaker, Sir, that is exactly what I am trying to say about the frustration and challenges faced by the Ministry. The accidents you have stated are factual. There is no hon. Member who has said something which is not factual. It is true that accidents are happening, but the Ministry is frustrated because it has enacted the laws which are supposed to be followed. If these particular laws are followed, accidents will not happen. The frustration is so serious. The Ministry cannot enforce the law itself. It can only persuade a counterpart to do what is supposed to be done. If that does not happen, then there is nothing much that can happen.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. It is very clear that the Government does not know what to do to sort out the problem that Kenyans are facing. I do not think they are ready to answer this Question. Therefore, once again, I request that this matter be taken back to the Government, so that we can get an answer from either the Prime Minister, who is the supervisor of Government, or the Leader of Government Business. This Assistant Minister is telling us---

**Mr. Speaker:** Order! Order, Member of Parliament for Chepalungu! From my position as the Chair for this Session I am satisfied that the Assistant Minister has so far endeavoured to answer the Question. In fact, he has answered it so honestly and candidly that I cannot defer it for another answer.

Member of Parliament for Emuhaya!

**Dr. Otichilo:** Mr. Speaker, Sir, I appreciate the predicament the Assistant Minister is facing. However, I want to know from him what he is doing to amend the

Traffic Act, which he has acknowledged in his answer is out of date. Driving schools have no capacity or equipment and, therefore, training is done in a shoddy manner. Could he tell this House when the amendment of the Act is going to be undertaken?

**Mr. Mwau:** Mr. Speaker, Sir, I have honestly explained to the hon. Member that the Ministry has decided to have a conference for all stakeholders on 19<sup>th</sup> October, 2010, so that it can come up with proposals on what amendments should be made to the Traffic Act in order to curb the menace of accidents involving motorbikes.

**Mr. Speaker:** Assistant Minister, we are done with the matter today, but I want to encourage you and, indeed, plead with you, together with your counterpart in charge of police, to ensure that as much as possible, beginning today, you enforce the law. We cannot, as a country, continue to live with impunity. The law is there. It must be enforced, so that those flouting it are brought to book and held to account. That must really begin to happen.

I want to also encourage the rest of the House that you cannot be helpless. You have a Committee over-seeing the area of transport. You must push the Executive to do its work. So, that Committee must get into business and ensure that the law is observed.

Assistant Minister, please, confirm that you have noted those sentiments.

**Mr. Mwau:** Mr. Speaker, Sir, I am very grateful. I have noted those sentiments. I will ensure that all that is humanly possible is done to ensure that accidents do not continue happening.

#### *Question No.412*

#### NON-SUPPLY OF RELIEF FOOD TO MAUA IDP CAMP

**Mr. Speaker:** Hon. Members, on Question No.412, the Member of Parliament for Ol Kalou has had to go to hospital for medical examination. He is, therefore, not here to ask this Question. Note that he is not admitted in hospital neither is he unwell, but he has had to go for medical examination, which he said is necessary. So, this Question is deferred to next week on Wednesday in the afternoon.

*(Question deferred)*

Member of Parliament for Igembe North!

#### *Question No.458*

#### PROJECTS FUNDED BY ADB/EWASO NG'IRO NORTH PROGRAMME IN IGEMBE/TIGANIA

**Mr. M'Mithiaru** asked the Minister for Regional Development Authorities:-

(a) to provide a list of the projects the Ministry has funded in Igembe North and Tigania East Constituencies under the Africa Development Bank (ADB)/Ewaso Ng'iro North Natural Resources

Conservation Programme and indicate which among them is incomplete/abandoned; and,

(b) when the Ministry will complete the abandoned projects and what other projects are planned under the programme in the two constituencies for the 2010/2011 financial year?

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Speaker, Sir, I beg to reply.

(a) The projects the Ministry has funded in Igembe North and Tigania East Constituencies under the Africa Development Bank (ADB)/Ewaso Ng'iro North Natural Resources Conservation Programme are as follows:-

(i) Rainwater harvesting at Akithi and Mariri Primary School;

(ii) Drilling, test-pumping and equipping of boreholes at Soloin, Mariara, Indibe, Miele and Kamwele village.

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. Akithi Primary School is not in Tigania East. Is the Minister in order to give---

**Mr. Speaker:** Order, Mr. Ruteere! That is a matter you will raise in a supplementary question.

Proceed, Minister!

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Speaker, Sir, the other project is as follows:-

(iii) Capacity building for bee-keeping groups through distribution of modern beehives.

Mr. Speaker, Sir, in this regard, I want to table the list and the status of these projects before the House.

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

(b) Other projects planned for the two constituencies under the programme for 2010/2011 Financial Year are:-

(i) Muruguru Water Pan;

(ii) Nati Water Pan;

(iii) Nanyiru Water Pan;

(iv) Mukuiru Water Pan;

(v) Lunjika Water Pan; and,

(vi) afforestation.

These proposed projects are currently being designed by consulting firms.

Thank you, Mr. Speaker, Sir.

**Mr. M'Mithiaru:** Mr. Speaker, Sir, the Minister has given an answer which does not reflect the situation on the ground. Even some of the project names he has given do not belong to the two constituencies. Igembe North and Tigania constituencies are ASAL areas due to the nature of their climate. There is scarcity of water and, therefore, issues of boreholes and water pans are very crucial. What the Minister has read out as completed projects have been abandoned. These are projects which started in the year 2003. The essence of having regional development authorities is to fast-track development in those areas. The boreholes have not been drilled. The trees have not been planted. So, what I am asking the Minister to clarify is whether it is the funds which are not available, or

whether it is the firms which have been given the jobs to do that are incompetent. When is the Ministry going to resume the drilling of the boreholes and the construction of the water pans?

**Mr. Gumo:** Mr. Speaker, Sir, sometime last year, the ADB stopped funding these projects, and we had to negotiate with them. However, they have now accepted to fund them, and they have released the money. I am sure that we are now going to start drilling and completing some of the projects that had stalled.

**Mr. Speaker:** Order, Mr. Minister! You have been asked when?

**Mr. Gumo:** Immediately, Mr. Speaker, Sir.

**Mr. Speaker:** Very well!

The Member for Lari!

**Mr. Njuguna:** Mr. Speaker, Sir, as we laud the Minister for that very comprehensive answer, I would like him to indicate the number of trees that have been planted and at the same time, indicate in which constituency they were planted because they are either in Tigania East or Igembe North.

**Mr. Gumo:** Mr. Speaker, Sir, I did not expect that question. So, I might not be able to tell the hon. Member how many trees have been planted because there are thousands of them in both constituencies. I do not know how we will do it but it might be very difficult to count them again but I can find out from my officers. However, thousands of trees have been planted in that area.

**Mr. Ruteere:** Mr. Speaker, Sir, Ewaso Nyiro North is supposed to have projects in Tigania West, Tigania East, Ntonyiri or Igembe North and Buri District in Imenti North but all they do is train people without carrying out the projects. Has the Minister made an effort to visit these projects to find out which ones have been implemented or is he just reading what he has been given?

**Mr. Gumo:** Mr. Speaker, Sir, we have officers on the ground. I have not been able to visit these areas but I will make an effort to go there. I will inform the hon. Member immediately, so that we can visit the area to see what has been done. However, as I said before, the list of the projects is here and I have laid it on the Table. The African Development Bank (ADB) had stopped funding these projects and that is why most of them stalled but it has released the money now. So, we will start these projects again very soon.

**Mr. M'Mithiaru:** On a point of order, Mr. Speaker, Sir. The projects that the Minister has named are not in Tigania East or Igembe North. For example, Soten is neither in Igembe North nor Tigania East. Mariara is also neither in Igembe North nor Tigania East. Limbine is neither in Tigania East nor Igembe North. Akithi is also not in Tigania East or Igembe North. So, could the Minister do his homework properly and answer the Question?

**Mr. Gumo:** Mr. Speaker, Sir, these areas are in Meru. Maybe, my officers do not know where the constituency boundaries are but I can find out because they were not aware.

**Mr. Speaker:** Order, Mr. Minister! I think this matter should rest at the point where you have said that you will find time to visit these areas and ascertain for yourself as to where these projects are and revive those which have stalled. Indicate if you will do so in the next three weeks.

**Mr. Gumo:** Mr. Speaker, Sir, I will do that because even me, I am not sure which is which. I was given these answers by my people on the ground and the best thing is to visit the areas with the Members of Parliament so that we can see which project is being implemented or not. When I look at these projects, I can see that they are all in Meru but I do not know where the borders are.

**Mr. Speaker:** That is okay! Visit the area within the next three weeks.

Ask the last question, Mr. M’Mithiaru!

**Mr. M’Mithiaru:** Mr. Speaker, Sir, the Minister has not really answered this Question because the projects that he has mentioned do not belong to the constituencies that I asked. I was very specific. The Ministry of Regional Development under which Uwaso Nyiro North falls has been allocated Kshs2.3 billion this year for projects. Could the Minister tell us the projects that will be undertaken and in which district within the river basin? Could he also tell us how much each will cost?

**Mr. Gumo:** Mr. Speaker, Sir, I have a list of all the projects that are being done there. I had said that I will lay them on the Table but if you allow me, I can read all of them. I have this list which is very long.

**Mr. Speaker:** You may table that list so that the hon. Member acquaints himself with it. You can visit the area in the next 21 days. If the hon. Member is unhappy with whatever action that will be taken, then he can come back to the House.

**Mr. Gumo:** Thank you very much! I have the list here.

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

**Mr. Speaker:** Hon. Members, we will go back to Question No.3 by Private Notice. I have information that the hon. Member for Ikolomani is away in South Africa attending a Parliamentary Select Committee meeting. So, the question is deferred to Wednesday afternoon next week at 2.30 p.m.

## **QUESTION BY PRIVATE NOTICE**

### **GOVERNMENT POLICY ON POSTGRADUATE TRAINING FOR DOCTORS**

**(Dr. Khalwale)** to ask the Minister for Medical Services:-

- (a) Is the Minister is aware that 94 doctors who have been admitted for postgraduate training commencing on 12th October, 2010 risk missing the training programme due to a directive issued by the Ministry?
- (b) What is the Ministry doing to avert the crisis which has far-reaching consequences in the health sector?
- (c) what is the Government policy on postgraduate training for doctors?

*(Question deferred)*

**Mr. Speaker:** We will now take Question No.375 by the Member for Turkana Central.

## ORAL ANSWER TO QUESTION

*Question No.375*

### LIST OF ALL PRIMARY/SECONDARY SCHOOLS IN TURKANA

**Mr. Ethuro** asked the Minister for Education:-

(a) whether he could provide a list of all primary and secondary schools in Turkana region in general and Turkana Central Constituency in particular, indicating their boarding enrolment, streams and staffing levels;

(b) whether he could inform the House what kind of resources does the government provide to public schools to support boarding facilities, what exact resources were received by each school and what amount of food is the government distributing through the school Feeding Programme per school per term in the larger Turkana; and,

(c) why the thirty schools approved by the District Education Board (DEB) in Turkana Central in 2008 were not included in the low cost boarding school programme.

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

(a) There are currently 218 primary schools with an enrolment of 73,440 pupils; 1,753 streams and 1,094 teachers. On the other hand, there are 20 secondary schools with an enrolment of 6,109 students; 45 streams and 185 teachers in the larger Turkana District as per the attached list.

(b) The Ministry provides grants at the capitation of Kshs4,000 per child per year to low cost boarding primary schools to cater for non-teaching staff salaries and purchase of foodstuff. However, in the Financial Years 2008/2009 and 2009/2010 the capitation was reduced to Kshs3,000 due to the increase in boarding schools and enrolments, despite the national budget remaining constant at Kshs375 million. Therefore, it means that due to inadequate funding, additional schools have not been considered in the Financial Year 2010/2011 half year disbursement (The list is also attached as Appendices 4 and 5).

The Ministry provides free primary education and free day secondary education grants to all public schools in Turkana District to cater for tuition and operation expenses. For the Financial Year 2010/2011, the Ministry has disbursed a total of Kshs839.7 million for all primary schools which included Kshs8.6 million for Turkana District in the Financial Years 2009/2010 and 2010/2011. The Ministry has also disbursed a total of Kshs15.8 billion to all the secondary schools which included Kshs28 million for 16 secondary schools in Turkana District (Appendix 6 is attached).

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Under the regular infrastructure Programme, the Ministry has disbursed a total of Kshs33.4 million to both primary and secondary schools in Turkana District in the Financial Year 2007/2008, as seen in Appendix 6. But in the Financial Years

2008/2009/2010, there was less funding for infrastructure due to withdrawal of the donors and as the Government funding was used for Recurrent Expenditure. In the Financial Year 2010/2011, the Ministry disbursed a total of Kshs230 million for primary schools and Kshs205 million for secondary schools by February 2011 in all districts, including Turkana. The schools are currently making applications to the District Education boards based on their infrastructural needs for consideration for funding by the Ministry.

Mr. Deputy Speaker, Sir, under the Economic Stimulus Programme, four secondary schools have been identified and funded for the construction and upgrading of one of the centres of academic excellence in each of the three constituencies in Turkana District at a cost of Kshs30 million per school, as seen in Appendix 7. A total of Kshs7 million has been disbursed to two primary schools in each of the three constituencies in Turkana District for upgrading and equipping them with water harvesting and storage facilities.

Under the regular School Feeding Programme, the food basket provided includes maize, 150 grams; pulses, 40 grams; vegetable oil, five grams; corn-soya beans blend, 40 grams and salt, three grams for the midday meals. However, for the low cost boarding primary schools, supper is provided by the Ministry through a regular grant as seen in Appendices 4, 8, 9 and 10.

(c) I am aware of only a list of 15 primary schools recommended by the District Education Board to be low cost boarding primary schools in a meeting held on 3<sup>rd</sup> April, 2009. The Ministry has not been able to provide grants to the 15 approved low cost boarding primary schools due to lack of additional funds from the Treasury.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, first, I want to thank the good Minister, the honorable Ambassador, Prof. Ongeru for a very substantive answer and his efforts to provide education in this country.

Mr. Deputy Speaker, Sir, I would wish the Minister to take into context the area we are talking about. We are talking about Turkana; a place that at the time of Independence, there was only one primary school and one health centre. According to the colonial regulations under NFD, there was no white lady who could step into northern Kenya. That was a decree by the colonial Government.

Mr. Deputy Speaker, Sir, my question to the Minister then is; when you have a constant budget and according to the policy framework that your Assistant Minister tabled on 31<sup>st</sup> of August which clearly spelt out – and I do not want to read basically even your own forward, which was very comprehensive – that one of the things that you are going to do in order to improve access, quality and equity of education in nomadic societies is to ensure that low cost boarding primary schools are catered for. Then, if you have not approved even an additional boarding school from that time; if the capitation has reduced from 4,000 to 3,000; if the infrastructural money has not been disbursed in two consecutive years, 2008/2009 and 2009/2010, what does the Minister intend to make of this policy that has one of the components to ensure that there is access to education through amongst other initiatives, low cost boarding primary schools?

**Prof. Ongeru:** Mr. Deputy Speaker, Sir, it has been my intention and continues to be a noble intention that all the Arid and Semi-Arid Lands (ASALs) including the greater Turkana, must be provided with low cost boarding primary schools because of the nature of the geographical terrain, the distances involved and the basic facilities which are



lacking. To the extent that apart from the policy framework, which he has clearly enunciated, which we have set out as a Ministry, I have second additional measures. Those additional measures were to be able to specifically focus on ASAL areas.

Consequently, we have been able to launch a policy framework on nomadic education in Kenya. I was able to launch it in Garissa with my counterpart Minister, hon. Elmi, about two months ago. We are now translating that policy framework and fast-tracking it to see whether we can create the Nomadic Education Commission so that such issues that are not captured in the Budget, like the resources to low cost boarding primary schools, can be captured in this particular policy framework.

Mr. Deputy Speaker, Sir, I want to assure the hon. Member that it is a matter which I will not stand resting until it has been resolved in one way or the other because I believe, like everybody else, that those children are entitled to both the access, retention, quality, equity and equality that everything goes with the policy framework which we have enunciated as a Ministry.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, we must commend the Minister for developing a policy framework for nomadic education. A while ago, he had also indicated that they are developing a policy on the School Feeding Programme. We do have problems, not only in ASAL areas, but also in areas like Trans Nzoia, where we have a lot of squatters and where many children drop out of school because of lack of food and they have to go and weed other farms. What are you doing to develop that policy?

**Prof. Ogeri:** Mr. Deputy Speaker, Sir, the School Feeding Programme is an important Programme for us; it is a partnership between our Ministry of Education, UNICEF and the World Food Programme (WFP). One of the things that we want to do is the homegrown approach system where we give funds to the communities, so that they can grow the food instead of accessing these foodstuffs through commercial ventures. They intend to be extremely expensive. There are storage problems that go along with it and the kind of vandalism that takes place and some of the foodstuff is stolen by some very uncaring people. Therefore, one of the things that we have developed is to be able to have the homegrown solution to some of these problems where we give capitation or resources to the community so that we can be able to buy food which is fresh, which is locally available and, hence, spreading the benefits to the local communities. That is one approach.

Mr. Deputy Speaker, Sir, the second approach is to be able to increase the resources available. We have also realized that this is one way we are able to attract many of these children who are out there for us to be able to build education for all or to achieve the Millennium Development Goals for 2015, there is about 1.2 million or 1.5 million children out there who we believe are caught up in these areas of ASALS, pockets of poverty or in this hard-to-reach children. Therefore, one way of attracting them is to be able to have a robust School Feeding Programme, not only for the children, but also attracting the parents who come in. We also appreciate that the nomadic nature of some of our populations do not allow these children to stay in one spot and, therefore, the concept of mobile schools coupled with feeding will also be an additional attraction so that we are able to capture every child who is locked out in this education Programme.

**Mr. Affey:** Mr. Deputy Speaker, Sir, I am glad that the Minister generally has a very good idea on what needs to be done. We have had occasion to travel with him in the

North Eastern Province and actually joined him in the launch of the policy itself. But we had an understanding with him that this policy will begin implementation as soon as possible and that, actually, he will secure an executive order from the President in order to facilitate the establishment of the Commission. It is now two-and-a-half months since that happened; Mr. Minister, is what you intend to do theory or is it practical?

**The Minister for Education** (Prof. Ongeru): Mr. Deputy Speaker, Sir, a policy once developed, can never be a theory because it must have gone through several processes for it to be a policy framework and launched. As for the second question of the Executive Order, I gave you the two options. The fast-tracking is through the Presidential Executive Order because getting a Sessional Paper to come to this Parliament; creating an Act of Parliament to govern the nomadic education commission itself is a long drawn out process. Therefore, we are looking for a medium process where, in the interim, we can get an Executive Order. I can tell hon. Members that, that has been processed and we are on course.

**Mrs. Noor:** Mr. Deputy Speaker, Sir, I also want to congratulate the Minister for launching the nomadic education policy. But there are several issues and, particularly, the issue of existing schools. The existing schools lack infrastructure. There is no supervision because the DEOs in the district level do not have vehicles. That is a big problem in ASALs. They are handicapped. They cannot even go and supervise the existing schools, leave alone putting the nomadic systems in place. What is the Ministry doing to provide transport to all the districts so that proper supervision and monitoring of education facilities can be conducted?

**The Minister for Education** (Prof. Ongeru): Mr. Deputy Speaker, Sir, transport is a major problem in my Ministry. In the last Budget, along with the Departmental Committee on Education, Research and Technology, we requested the Treasury to provide us with Kshs1.2 billion to purchase vehicles, particularly for some of the most difficult areas. All that we got in the Budget was Kshs40 million. I have since then revisited the matter with the Treasury and we have had discussions. I have made presentations and written to the Treasury about the need for us to achieve the objective stated in our MDGs of education for all, particularly in the new nomadic education policy that we have launched. It is important that, that matter be addressed. We have not received any reply. I intend to revisit the matter because without that critical tool of enhancing support programmes for education in those difficult and hard places – so as to reach the children - it is going to be a futile exercise. So, bear with me. I intend to raise it again. I have discussed it with the relevant Committee of this House. We have agreed to make a joint approach to the Treasury on this matter.

**Mr. Koech:** Mr. Deputy Speaker, Sir, I really want to appreciate and thank the Ministry for starting the school feeding programme, especially for the nomadic children. In Kenya, students in public day primary schools go home for lunch and return in the afternoon. The same applies to Standard VIII students who are preparing for the national examinations. Could the Minister consider providing, within the free primary education framework, some money so that students in Standard VIII could get lunch within the school, so that they can compete favourably with the students in the academies?

**The Minister for Education** (Prof. Ongeru): Mr. Deputy Speaker, Sir, indeed, Mr. Koech is the Chair of the Departmental Committee on Education, Research and Technology. Him and I can make it but it can only appear in the next forward Budget of

2010/2011. So, we will make a joint venture and prioritize some of our expenditure in education, particularly in the early childhood development and the one for Standard VIII – a school feeding programme for those who are sitting for the examinations.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, while I applaud the Minister, I just want him to do this country one favour; walk the talk! I ask for your indulgence to quote from the “Foreword” of the Minister, himself, so that he knows what I am talking about. He says: “We recognize that the needs of nomadic communities are generally complex and that those relating to the provision of education require special attention. This nomadic policy does not replace the existing national education policies and approaches but, rather, it will tap on their strengths.” I want the Minister to know that the “existing strength” even of the national system, is to grant low cost boarding schools in northern Kenya. When you develop a policy like this, it means even your resource allocation will be geared towards the same policy imperatives that you have, right so and justifiably, determined to be the national priorities of this country. What is stopping him from reallocating the current resource envelop in order to ensure that the implementation of the policy which he launched very early in the financial year--- You made us all very happy. We thought that you have now captured the essence of nomadic education and that the resources will follow the policy imperatives in terms of priorities. When will he do so?

**The Minister for Education (Prof. Ogeri):** Mr. Deputy Speaker, Sir, whereas that may be a desirable route to take, it will be very limited in terms of resource application. The best route is the one I have already taken; establish a nomadic education policy or a commission which will then draw in enormous resources. You remember that during the launching in Garissa, I indicated that we are looking upwards to Kshs12 billion to specifically target those groups. You will have to make a choice between Kshs12 billion and a paltry Kshs110 million or even Kshs20 million. It will not make a difference! I really want to make a difference and that is why, in my foreword, I have said that I will target and fast-track--- I told you it is already on course and, therefore, as soon as--- You know, there are certain levels you cannot dictate the pace. You can only request for that pace to be accelerated. But what needs to be done on my part has been done. We are only waiting for that. There is also a general goodwill from that level as well. I do not foresee any difficulty and when the time comes, we will capture it in the forward Budget. The other thing is that we will be targeting some of the areas where there is resource saving. We intend to target some of those marginalized groups. That is for sure!

## MINISTERIAL STATEMENTS

### STATUS OF FOOD DISTRIBUTION BY WORLD FOOD PROGRAMME/ SELECTION OF LEAD AGENCIES

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Deputy Speaker, Sir, I rise to give a Ministerial Statement on the status of food distribution by the World Food Programme (WFP) and selection of lead agencies as demanded by Mr. Ethuro.

The Government, in partnership with WFP, has been providing food assistance to needy populations in the country for many years. That has been done through various

programmes. From 2000 to 2009, the Government and WFP implemented emergency operation programmes which provided relief food to millions of needy Kenyans. However, from May last year (2009), that programme was replaced by what is now called protracted relief and recovery operation that will run for three years ending in April 2012.

This programme has got two components, namely; food for asset programme and general food distribution. In food for asset programme, food is given to beneficiaries who are engaged in community projects aimed at enhancing their resilience in disasters. These are usually small scale projects that are considered assets for the community in times of drought. These projects are identified and implemented by the communities and examples include water pans, water harvesting, feeder roads and soil erosion conservation projects, among others. Food for assets used to be called food for work.

In general food distribution, vulnerable populations are provided with free food without having to work on any project. This targets populations who may be weak due to age or sickness or in cases where food shortage is so severe that people have to be assisted first before they are strong enough to engage in community work. The beneficiaries of this programme are listed below. General food distribution totals to 1.2 million Kenyans. Food for assets programme totals to 406,000 Kenyans. Supplementary feeding and mother to child health care – 400,000 Kenyans and Expanded School Feeding Programme – 346,000 children.

Food distributed by WFP since January, 2010 to date is as shown on the attached table and I think the hon. Member can go through his copy and will be able to interrogate me as necessary. In the interests of time, I will skip that.

The beneficiaries who may have missed out on some circles of food distribution cannot be given food in arrears, because food is distributed according to the needs of a particular time. Food, therefore, cannot be eaten in arrears. Therefore, we do not compensate for that.

Mr. Deputy Speaker, Sir, the lead agencies, also called co-operative partners, and non-governmental organizations based in the districts that are under the protracted relief and recovery operation programme; some of the non-governmental organizations are local while others are international organizations. Examples of international agencies include World Vision, Action Aid and Oxfam, while local ones are Amati Catholic Diocese and the Kenya Red Cross Society, among others.

Mr. Deputy Speaker, Sir, the primary responsibility of the lead agency is to manage the distribution of relief food to needy populations and to oversee the implementation of the food for assets programme. The roles of lead agencies as required by the hon. Member are enumerated here, and in the interest of time again, I will skip this for the hon. Member to be able to go through it and interrogate me.

**Mr. Letimalo:** On a point of order, Mr. Deputy Speaker, Sir. I think it is necessary that the Assistant Minister reads out the objectives that he is trying to omit because this is actually important to us all, and not only to the Questioner.

**Mr. Deputy Speaker:** Hon. Assistant Minister, every hon. Member sitting in here wants to interrogate you. It is only one hon. Member who has the list.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Deputy Speaker, Sir, I will gladly do that. I was just considering time because the hon. Member asked for a very detailed Statement; I will do that in a while.

The roles of lead agencies include the following: Lead agencies have many responsibilities, but the obvious ones include warehouse management, transportation of food to the final distribution points, hiring of staff to monitor food distribution and do other duties related to operations, work with communities in identifying and implementing food for assets projects, work with communities to register beneficiaries of food for assets and general food distribution, attend district steering group meetings and work closely with all its members to ensure the smooth running of the operation, and finally prepare reports on food distribution.

The district steering group plays a key role in the selection of lead agencies. Considering that the lead agencies have to be selected competitively to get those organizations that have the capacity to carry out large scale food distribution at reasonable costs, technical capacity and cost effectiveness are key considerations when selecting lead agencies. The district steering group plays a very important role in the selection of lead agencies, as said before.

The process of selecting a lead agency at the district level is tough. The district steering group invites non-governmental organizations based in the district to apply for the job of a lead agency. On receiving the applications, the district steering group meets to evaluate them in line with the set criteria. The district steering group is chaired by the district commissioner, and members include district heads of departments and local MPs.

After evaluation, the District Steering Group sends recommendations of three shortlisted agencies in a ranking order to the Ministry of State for Special Programmes for final appointment. An annex showing a list of agencies shortlisted by the District Steering Group in recent appointments is attached to the Statement.

In making the appointment, the Ministry of State for Special Programmes consults with the World Food Programme, which is our major partner and a stakeholder, and together they check whether the district followed the guidelines and procedures for selecting a lead agency.

Mr. Deputy Speaker, Sir, where a District Steering Group has flouted the laid down guidelines and procedures, the national team, the Ministry and the WFP will not be bound by their recommendations, and they order a repeat of the exercise, or appoint any other agency deemed fit to do the job. Again, an annex to that effect is attached to the Statement I am going through.

Factors considered in selecting a lead agency include the following:

1. An agency must be based in the district where it has applied to be the lead agency.
2. It should demonstrate that its presence in the district is felt and appreciated by the local people.
3. An agency should have been involved in some development projects in the district or is helping the community in one way or another.
4. An agency should have the technical capacity to handle large scale food distribution.
5. It should be cost-effective in its operations.

In carrying out technical evaluation, the following factors are also considered:

1. Local knowledge of the area.
2. Field presence and co-ordination capacity.
3. Type of activities in the district.
4. Number of years of experience.

5. Number of staff of the particular organization.
6. Number of four-wheel-drive vehicles to be able to undertake the operation.
7. Projects initiated and implemented in the given area.
8. Monitoring and evaluation capacity.
9. Ability to mobilize the community.

In terms of financial evaluation, the following factors are considered:

1. Staff costs.
2. Office administration costs.
3. Operational costs; that is warehouse, rentals, vehicles running costs, communication equipment, computer equipment and commodity tracking etc.
4. Food management costs; that is re-bagging, reconditioning, provision of empty bags, jericans, post distribution management etc.
5. Transportation and distribution services.
6. Storage related services, handling, casual labour, cleaning and fumigation, etc.

All agencies that apply are required to provide detailed information on the above, and those that score highly on both technical and financial evaluation are considered for appointment.

On the whole, a revised process of selecting lead agencies ensures transparency, competitiveness, cost effectiveness and inclusivity.

The relationship between the Government and the WFP, as demanded by the hon. Member, is cordial. It is a relationship that is based on mutual respect and common interest of assisting needy people in Kenya. The Government greatly values the support of WFP in providing relief supplies to millions of Kenyans, who are faced with food shortage every year due to drought and other disasters.

The partnership between the Government and the WFP runs many years back and has grown strong over the years. The two parties have always contributed jointly to relief programmes put in place to mitigate the effects of droughts that continue to threaten the lives and livelihoods of the people.

Mr. Deputy Speaker, Sir, as for the management of the warehouses, it is the prerogative of the World Food Programme (WFP) to handle them. It can either manage them itself or contract other agencies to manage them on its behalf. The staff employed for this work is determined by the WFP rules and regulations. However, the overriding objective is to minimise operational costs, so that resources can go towards purchasing food to help more people in need.

Mr. Deputy Speaker, Sir, in conclusion, stiff competition among various agencies interested in being lead agencies has compounded the problem of selecting a lead agency. The Government has, however, moved with speed to contain differences arising from the selection process so as not to hamper relief distribution to needy population. The selection exercise has, therefore, been successfully completed in almost all the districts and food distribution is going on as expected.

In a nutshell, the Government has acted within its mandate and in the best interest of the country. At no time has the Government failed to assert its authority, as the Government of the people of the Republic of Kenya as insinuated by the Member.

The Government will continue to serve its people with diligence and commitment. It would also continue to work with the WFP and other development partners to assist populations that are needy and require Government attention.

Thank you.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that comprehensive answer. I also want to thank the Government for acting swiftly to contain this problem.

Mr. Deputy Speaker, Sir, having appreciated that, I also want to blame the Government. When you look at the statement by the Assistant Minister that the EMOP programme was there between 2000 and 2009--- However, it ended in June, 2010. They started another programme called PRRO, which is supposed to have started immediately the other one ended. This is October. There are areas in this country that have not received a single grain of food, when people are starving to death, including the larger Tana River District. Only two weeks ago, we raised an alarm in Turkana. The people have started resorting to other things out of desperation.

Mr. Deputy Speaker, Sir, I wish him to confirm that laxity is as a result of his own Ministry not doing things in anticipation. They can plan all these things three months before the end of one programme. What measures will he put in place to make sure in future, the lead agency is factored?

The second clarification I request from the Assistant Minister is: I am glad that the Assistant Minister says the relationship between the Government and the WFP is very cordial. In fact, it must be cordial because WFP is a UN agency and the Kenyan Government is a member of the UN. But my question is: Do you appreciate that, that relationship is not as cordial as you think, especially for those of us who sit in the District Steering Group, where WFP is mismanaging the relief programme and dictating terms for the lead agency and basically arm-twisting the Government in preference to international NGOs and not the Kenya Red Cross?

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I join my colleague to say a very big thank you to the Assistant Minister for that comprehensive statement.

Just in view of what hon. Ethuro has said, the fact that they have started their distribution of food, which I witnessed in Samburu County over the weekend--- Could he explain, given that areas like northern Kenya entirely depend on relief food due to the level of poverty--- Our people depend entirely on livestock. Do you know that livestock died in the last drought? While you are re-organizing distribution of food by involving these NGOs, did you take interest, as a Ministry, to find out the status of those people who depend on food aid to know what they feed on? Is this of a concern to the Ministry or you just waited until the WFP gave a go ahead on the food distribution?

Secondly, we understand that you have two modes of distributions; food for ASAL programme and general food distribution. When it comes to food for ASAL programme, how do you identify these projects? Who are involved in the identification of the projects? Do you involve the community? Of what capacity are these projects? If you talk of water dam, of what capacity is it. Thirdly, when it comes to the role of these NGOs, you have stated that one of the roles is warehouse management and distribution of food. What is the rationale of having two NGOs, one taking care of warehouse management and the other one distributing food? Are you not increasing bureaucracy in the food distribution? This is one major problem we are facing.

Four, when it comes to the registration of needy persons in northern Kenya, where I believe everybody is needy, except anybody who is working, do you not consider that

everybody is needy and, therefore, the 460,000 people you are targeting leave out so many other needy people?

**Mrs. Noor:** Mr. Deputy Speaker, Sir, first, it is shameful for us to talk about giving food to Kenyans.

We have a rich country. We can diversify our programmes in this country. Having said that, I would like to ask the Assistant Minister most of the District Steering Groups in North Eastern Province did not complete the selection procedures for lead agencies in most districts. We find that, that is violation of the procedure that you have put as a Ministry. Now that you have violated that procedure, what will the Ministry do to revisit the procedure of identifying and selecting lead agencies?

**Mr. ole Lankas:** Mr. Deputy Speaker, Sir, there is this problem of ASAL areas, which is general definition. Could the Assistant Minister give a list of the areas considered as ASAL areas in Kenya?

There is a tendency, when you talk of ASAL areas, it means northern Kenya. So, I think to clear that doubt, it is very important that he attaches a list of ASAL areas in this country.

The other thing is the issue of dependency syndrome on relief food in this country as my colleague has just mentioned. Does the Ministry have any tangible programmes to address this issue of dependency on food aid to create self dependency?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Deputy Speaker, Sir, I have heard carefully as Members interrogate that statement. Mr. Ethuro talked about the issue of the Ministry having delayed appointment of lead agencies and, therefore, causing some areas to go without food.

I would like to disagree with that. The Ministry, indeed, went with speed and concluded this programme on time. Unfortunately, as expected, where there is interdependency, there are some places where out of the consultation process between the WFP and the Ministry, the process was seen not to have been followed as required.

This affected only five districts. I want to report authoritatively here that those complaints have now been addressed. Indeed, we had a roundtable conference with Members of Parliament who come from those areas and this matter has now been concluded. Those districts are now on board with the rest of the country.

The hon. Member has said that the relationship between the World Food Programme (WFP) and the Government is not very good. I would like to state that the relationship has been okay. We have differed in one instance on how to handle this matter in his area. I want to acknowledge that our Ministry, through recommendations from the District Steering Groups (DSGs) recommended one organization. I know why the Member of Parliament is a bit bitter and I agree with him. Unfortunately, the WFP did not abide by our recommendations. Since then, we have sat down and sorted out the matter and that the relationship between the Government and the WFP has normalized. The relationship has been good save for that isolated incident where we differed on a lead agency.

Mr. Deputy Speaker, Sir, the hon. Member further asked whether we took interest in reference to northern Kenya where many households are poor. I come from northern Kenya and I agree with the hon. Members who have said that majority of the households – I do not agree with hon. Letimalo that it is 100 per cent – in northern Kenya depend on relief food, especially during the dry season. That is when the animals lack water and



pasture. Therefore, the percentage of people we target is higher in that area. We do assessment every quarterly in conjunction with the implementing partners. We give relief food to the affected population, according to the quarterly reports of the assessment.

In coming up with the list of projects, the lead agencies, the local communities and the DSGs are involved. Therefore, Members of Parliament who are also members of the DSGs are supposed to be part and parcel of this process. The projects are of such a nature that human beings can handle when they are not desperately in need of food. They do that when they have some reasonable energy to undertake the projects. This will benefit the communities at the end.

In terms of food for assets and warehouse management, I will agree with you that we do not need two pipelines. We only need one pipeline or lead agency. Therefore, it is supposed to be in charge of both the operations. In one or two cases where there has been a difference of opinion, we have had the two. However, we are reconstituting our policy. We want to sit together and come up with a programme whereby we will not have two organizations at any particular time in any of the districts. I agree with the hon. Member on that aspect.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I appreciate the good response from the Assistant Minister. Arising from his answer that he will not allow two NGOs to operate, that is, basically one for food distribution and another for the warehouse, what specific action will he take in terms of areas like Samburu where he has one agency dealing with the warehouse and another one dealing with food distribution?

Secondly, I wish he could clarify the case of Turkana Central better in terms of which organization has been given the lead agency and by when.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Deputy Speaker, Sir, I and the hon. Member have been speaking the same language. We really discussed this matter and concluded it. You can see that the hon. Member is very happy laughing over there because he knows this. I think he is just asking me to repeat this for the record. We concluded this matter last Thursday. In Turkana Central, we will get a lead agency the way we did before in the name of the Kenya Red Cross Society. I think he is happy about that. You can hear him cheering that point.

As far as Samburu is concerned where we have two lead agencies, we are consolidating our efforts. We want to make sure that this is not repeated again. We have called for a meeting with the WFP again on that matter so that we review our policy and there is no duplication of roles again.

Hon. Sophia mentioned that many districts flouted the regulations. We have addressed the matter with regard to the five affected districts. All the lead agencies have been sorted out. In case there is any issue of concern, the hon. Member is free to come and tell us, so that we can address it.

A certain hon. Member has asked me to attach the list of the ASAL districts in this country to this Statement. I will be happy to provide that hon. Member with that list if he comes to my office. He will get the list so that he does not confuse the ASAL districts with non-ASAL districts in the country.

I agree with the hon. Member who said that dependency syndrome must be discouraged. Our Government is committed towards that. We have a big headache trying to feed most of the population in Turkana because of the harsh conditions there.

However, we have River Turkwell which passes in that area. We have tapped water from the river with the help of other departments of the Government to ensure food sufficiency in those arid areas.

In consultation with the Ministry of Agriculture and other Ministries, the Government is stepping up irrigation where there are water sources. This was started last year. We have scheduled meetings in order to interrogate various departments which handle that area so that Kenyans are proud and stop the dependency syndrome.

**Mr. Deputy Speaker:** Mr. Letimalo, are you standing on a point of order or are you seeking clarification? We have gone way beyond the time allocated for this matter. Please, be very fast. The Assistant Minister will equally take a shorter time.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, under Food for Asset Programme, you are saying that the execution will be done by the communities in consultation with the DSGs. We know that Members of Parliament are members of the DSGs. Given the fact that such meetings sometimes coincide with our parliamentary business, could the Assistant Minister direct the co-ordinators of the DSGs to organize these meetings in such a way that hon. Members of Parliament attend them so that they can assist in the execution and identification of those projects?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** It is a requirement by our Ministry that hon. Members of Parliament are briefed on the activities of the DSGs. However, when hon. Members are not available and they are on duty elsewhere serving the country, the population in the given locality will not be held hostage. You know issues to do with food are very emotive. You will have to understand and bear with the DSGs. However, it will also depend on the relationships that the hon. Members have with their respective DCs. However, it may please this House to note that our Ministry is a Headquarter- based Ministry. We have approval now to appoint regional co-ordinators or county co-ordinators to oversee relief food and advertisements will be posted shortly. This problem will be sorted out and we will not be relying on the DCs only. We will have our field officers in the name of regional co-ordinators very shortly. I think there will be improvement of relief food management in the country once that is done.

*(Prof. Ongeru stood up in his place)*

**Mr. Deputy Speaker:** Hon. Minister, we will have to defer your Ministerial Statement to tomorrow morning. I know it is important and matters on education generate a lot of interest from all hon. Members. The Chair seeks your indulgence for this to be deferred to tomorrow morning. You have the priority tomorrow morning.

**The Minister for Education (Prof. Ongeru):** Mr. Deputy Speaker, Sir, I beg your indulgence. Tomorrow, I will be in UNESCO. It is a very short Statement.

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

FATE OF SCHOOL LEAVERS' CERTIFICATES HELD BY HEADTEACHERS  
ON ACCOUNT OF FEES BALANCES

**The Minister for Education (Prof. Ongeru):** Mr. Speaker, Sir, I wish to respond to the Member for Saboti, hon. Wamalwa's question on the fate of school leavers whose

certificates are being held by school heads due to arrears. I acknowledge that there are still thousands of uncollected Form Four school leaving certificates in public secondary schools for various reasons.

Mr. Deputy, Sir, following a request for a Ministerial Statement by hon. David Musila, the Member for Mwingi South, in 2007, the Ministry issued a circular on 12<sup>th</sup> November, 2007 directing all the public secondary school heads to release all the certificates in their custody to respective parents, students and guardians. This was to assist the affected parents and students to secure employment and training opportunities, including military and police recruitment exercises.

Mr. Deputy Speaker, Sir, this directive has continuously been implemented by the majority of secondary school heads. Furthermore, students, parents and guardians facing any challenges have been getting assistance from the Ministry by being issued with letters addressed to the school heads requesting them to assess the circumstances and release the certificates. The parents, students and guardians are, therefore, advised to approach the school heads and boards of governors and discuss workable modalities and arrangements for settlement of the fees arrears. This money is needed by the schools to offset the debts incurred for supplies and services to learners. The schools' audit management system also requires the schools to promptly collect public funds, including school fees from the parents, students and guardians for proper management of the schools.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the hon. Members should also understand that the schools' management had sympathetically allowed the students to complete their studies on the understanding that they would pay the arrears after completing their studies. It is, therefore, my expectation that the parents, students and guardians who are capable of paying school fees arrears should immediately visit the schools and negotiate with the management on payment of the arrears on a case by case basis. At the same time, the District Education Officers and Provincial Directors of Education will undertake the identification of needy students whose certificates have been withheld for the release.

Mr. Temporary Deputy Speaker, Sir, lastly, the Ministry is currently shouldering a large portion of the burden of fees to parents and students through the free day secondary education programmes and other Government devolved funds. It is thus my expectation that the parents, students and guardians also fulfill their obligation for paying school fees to help in the management of the schools.

Thank you.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, can the Minister confirm to the House the content of that circular issued in 2007? I would expect that if it is a directive issued by the Ministry through a circular, then it is binding on all school heads and a matter of compliance. If any school head is not complying, then they are defying

the directive of the Ministry. Could the Minister confirm that it was a clear directive and there is non-compliance with the same? What is he doing about it to ensure compliance?

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I think the Minister's Statement is contradictory. This is because he is saying that there was a directive that certificates are issued, yet he is asking parents to go and negotiate again with the board of governors and head teachers. Could he come out clear whether that directive meant that everybody whose certificate is in school has to be released?

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, I want the Minister to understand that when somebody or a student is not able to collect his or her certificate for a period of maybe four years, that student is not able to raise the amount of fees that is required. What is the Ministry doing to make sure that such students are assisted, even if it means taking some agreement down, so that when they are through with further training or whatever they want to go and use the certificate for, they get engaged and work and then they will be able to pay back the monies that are demanded by the school? In most cases, you will find that quite a number of these students are orphans. What is the Ministry doing?

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, as I thank the Minister for that very able Statement, I would like him to indicate to this House what action and advice he has given on orphans, children of HIV/AIDS victims and the very poor in the society, so that they are allowed to continue learning and complete their studies without interruption.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, aware that the Ministry of Education is currently giving bursaries to schools and further aware that the Constituencies Development Fund (CDF) is also being used to supplement bursaries, yet this is still inadequate, could the Ministry consider giving special bursaries to these students whose certificates have been held for, at least, more than three years?

**The Minister for Education** (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, indeed, hon. Wamalwa, asked me to produce the circular. I had it but it is not here with me. It was quite clear at that time when the matter arose, and I have already quoted it, that we were asking all the head teachers to release the certificates. We did so in view of the problems that we went through. So, we could assist some of these needy students to access some jobs during that process when the recruitment was being done.

Secondly, I think the circular is not in dispute because it is there. I will produce it; I just did not carry it.

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to say that there is a directive when he is quoting that the directive asked and not directed the head teachers to release the certificates? Is it a directive or request?

**The Minister for Education** (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I think I was very clear in my choice of words. I said "directive" and in my Statement I said, "directive". I did not mince my words.

Mr. Temporary Deputy Speaker, Sir, as regards Dr. Kones---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! I think when a Member asks for a document from the Government, under the Powers and Privileges Act, you are under compulsion to produce it. Since the matter is not in contention, why do you

not take advantage of Standing Order No.4 tomorrow on the Order Paper in terms of Papers Laid and table it at that particular time?

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we needed the circular because of the clarification; whether it was a directive or a request. The Minister has cleared the air that it was a directive. The issue then is, if there is a directive, was there compliance? If there was no compliance, then there is defiance. Could we get an explanation from the Minister?

**The Minister for Education (Prof. Ongeri):** Mr. Temporary Deputy Speaker, Sir, that is what I was coming to. When a directive is given, you cannot allow even those who are able to pay to go scot free. This only referred in as far as those vulnerable children who were not able to pay for their certificates to be redeemed. When this directive was given out, it was as if it was a general amnesty for everybody at that particular time. That, however, did not absolve the students, guardians and the parents from paying what is required of them.

Do not forget that the school audit programme is required. You will be the first ones to query me in Parliament why certain resources were not collected from schools. Therefore, whereas in 2007 we may have given a direct directive to release those certificates to enable those students to proceed forward, it would not be a blanket directive to everybody. I have already stated towards the end of my Statement that I have asked the Provincial Directors of Education (PDEs) to deal with them on a case by case basis. At the same time, the education officers and PDEs will undertake the identification of needy students whose certificates have been withheld for their release.

Mr. Temporary Deputy Speaker, Sir, I am very clear. There is a distinction between those students who are not able and those who are able. That is why I have said that all the parents and students who are affected, on a case to case basis, should present their problems. If it is found that they are not able to pay the fees, then the general waiver stands in place. We cannot give a blanket waiver for everybody.

Dr. Kones asked me to say which is which; I think by that explanation I have given, I have defined those who are eligible and the ineligible. The eligible are the ones who are vulnerable. I think I can pick that with the question by the Member for Lari; orphans and children with disability. That is why in the Ministry, there is a provision for bursaries. They go directly to vulnerable children. Members of Parliament are part of the Bursary Committee which disburses the resources to the very needy and vulnerable children. Therefore, this money is not for everybody. It is for the needy and vulnerable groups. I think we need to rationalize, within ourselves as Members of Parliament, when we receive these recourses that they should go directly to the needy students rather than going to those who are able to afford. Children with disabilities also fall under that category.

I think that is it.

**The Temporary Deputy Speaker (Mr. Ethuro):** Next Order!

## COMMITTEE OF THE WHOLE HOUSE

### THE TEA (AMENDMENT) BILL

**The Minister for Agriculture** (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, I rise to seek your indulgence and that of the House because we are not ready for the Committee of the whole House. This is because when this Bill was presented to the House, there was already a Private Member's Bill on the same issue. The hon. Member was generous enough to come to the House and contribute to the Government. We, therefore, agreed that we would sit down and try to marry the two Bills because that is the only way we can help this industry. We are yet to do that because to begin with, this Bill went through the House only on Thursday evening. As it turns out, the Chairman of the Agriculture, Livestock and Cooperatives is yet to meet us so that we can put our Bills together as was requested by almost every hon. Member who spoke on the Floor.

I therefore, request that you give us until Thursday next week to conclude this matter.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! The request by the Minister has been considered favourably by the Chair. It is provided by Standing Order No.36(2) where business shall be disposed of in the sequence in which it appears in the Order Paper or such other sequence the Speaker may for the convenience of the House direct.

So, it is so directed!

Next Order!

## MOTION

### ADOPTION OF JOINT COMMITTEE REPORT ON FACT FINDING VISIT TO GARISSA/VOI

**Mr. Keynan:** Mr. Speaker, Sir, before I go ahead to move this Motion, I would like to make a correction. This Report is a joint Report by the Departmental Committee on Administration and National Security and the Departmental Committee on Defence and Foreign Relations. So, the title as it appears on the Order Paper under Order No.9 is erroneous.

Mr. Temporary Deputy Speaker, that notwithstanding, I beg to move:-

THAT, this House adopts the Report of the Joint Departmental Committee on Administration and National Security and the Departmental Committee on Defence and Foreign Relations on its fact finding visits to Garissa, Daadab and Voi from 11<sup>th</sup> to 13<sup>th</sup> November 2009 as laid on the table of the House on Wednesday 6<sup>th</sup> October 2010.

Mr. Temporary Deputy Speaker, Sir, one of the greatest mistakes we have made as a country since Somalia plunged in a civil war is to assume that the Somalia crisis is a Kenyan phenomenon alone. This has cost us dearly. We know that since Somalia plunged into civil war in 1991, Kenya has received millions of Somali refugees. It has been the home of thousands of Somali refugees over the years. That notwithstanding, there are issues that we must address as a country. They are important in our own national interest.

If you look at the trend of events, in particular in the region that borders Somalia, it is a fact that we have more than 1,000 kilometers of unmanned border with Somalia. Because of the lack of coherent foreign policy towards Somalia, over the years, the people of northern Kenya have been reduced to a punching bag whenever there is a

security crisis or whenever there are issues that are not in tandem with the national interest. I want to expand on this.

Mr. Temporary Deputy Speaker, Sir, on the issue of issuance of national identity cards, first of all I want to go on record that criminal responsibility is individual. There is no time a whole community will carry the baggage of being criminals in any aspect. One of the saddest things that have happened over the years is to use all historical activities like Somalia bandits and Somalia *shiftas*. You will hardly hear of a Kikuyu bandit or a Turkana bandit. Maybe, once in a while, they say Turkana bandits because we suffer the same stereotypes.

These tags have been carried over the years, and we felt that, maybe, we would shed them off in 1991. You will appreciate that if there is one region that benefitted from the advent of multi-partyism, it is northern Kenya. During that time, we had the Districts and Provinces Act, the emergency laws and the Indemnity Act. Unfortunately to date, even in the era of the new Constitution, His Excellency the President has refused to assent to the repealing of the Indemnity Act. I take that as a serious relegation of the fundamental human rights which are clearly expounded in the current constitutional dispensation.

Mr. Temporary Deputy Speaker, Sir, that notwithstanding, it is unfair to use a perceived hatred for particular regions or communities, to criminalize the identity of particular groups, tribes and also make a whole region a buffer zone or a no-go zone in the eyes of Kenyans and the international community. It is not the choice of the people of northern Kenya that they have more than 1,000 kilometres of unmanned border with Somalia. If you go from Thika to Garissa and to Dadaab, you will find a number of manned road blocks put there to collect money from would-be travelers. This is happening. I want to challenge my friend, Mr. Lumumba, to venture into that road and find out how many of those road blocks serve the security of the people of the Republic of Kenya.

The crisis in Somalia has been commercialized. We must call a spade a spade. The crisis in Somalia has been commercialized in the region, even here in Kenya. I deal with a number of foreign policy issues. I can say here today without fear of any contradiction, that we, as a country, do not have any foreign policy towards Somalia. We have an ad hoc and crisis ridden foreign policy that is only used on the spur of the moment when there are issues to be addressed. As a country, is this the way we really want to operate? We want to benefit from the people of Somalia. It is unfortunate that they have chosen to remain in that state of lawlessness. There is nothing we can do other than to pray for them. Since they are our neighbours, what will we, as a country, do to see that there is peace in Somalia? I appreciate the fact that on a number of occasions, Kenya has hosted attempts to reconcile the different warring groups in Somalia. However, that has not been matched with real actions. On one hand, we reconcile them. But on the other hand, we act as a catalyst. This has not helped the people of Somalia.

I want to plead to the two Principals that the Somali crisis is real. Yes, we have a legitimate Government in Mogadishu. However, that Government is fragile. The interest of that Government is just limited to a number of streets in Mogadishu. What we, as a neighbour, can do is to mobilize the international community, the United Nations, the European Union and the members of the Arab League and ensure that there is an internationally driven effort towards finding a lifetime solution to the crisis in Somalia.

This ad hoc and “hide and seek” approach in attempting to solve the crisis in Somalia is not going to help us.

Mr. Temporary Deputy Speaker, Sir, I appreciate where you come from. Our borders are insecure. It is not only Dadaab, Migingo---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Keynan! Do not draw the Chair into your arguments.

**Mr. Keynan:** Thank you, Mr. Temporary Deputy Speaker, Sir. But that is a factual issue which I appreciate. The other day, the Minister of State for Immigration and Registration of Persons, the Minister of State for Provincial Administration and Internal Security and a number of other Ministers were denied access to one of our security posts between Kenya and Southern Sudan. The fate of Migingo is still undecided. Where are we? What is our foreign policy? These are issues that we must decide on. There is an inherent relationship between foreign policy and security. If we get our foreign policy and security issues right, we will live in a very peaceful region.

**The Assistant Minister for Livestock Development** (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member discussing the report that he tabled or a different report on the Kenya’s foreign policy on Somalia? We need to get that clarification.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I need to take my brother back. First of all, let me tell you the history of this report. The history of this report is as a result of the mishandling of the Somali crisis. First and foremost, the group that dealt with this issue is the Ministry of Foreign Affairs, the Ministry of State for Provincial Administration and Internal Security, the Ministry of State for Defence and Kenyans themselves. This is something that he needs to appreciate.

Let real or perceived corruption not become a hindrance to the realization of a peaceful Somalia. We understand and appreciate that Kenya is a frontline State. We appreciate the efforts and the resources the Kenyan Government has committed to the realization of peace in Somalia. However, this must be matched with action. As a country, our number one interest as a neighbour to Somalia is to ensure that what is happening there does not spill over to Kenya. This is our interest number one. Secondly, as a frontline State, ours is also to provide logistical support. Once in a while, we pride ourselves over our achievements and say that Kenya is a regional hub. A regional hub in what? Is it in terms of communication, roads or diplomatic infrastructure, security or humanitarian facilities? We say this simply because we have the UN here. But these issues must be matched with actions.

I appreciate that we have gone out of our way. We have a fully fledged Kenya Mission in Somalia, which is housed here in Kenya. One of the things that Kenya ought to have done as a frontline State and a neighbour is to move this Mission from here to Mogadishu, in particular, in areas that are being manned by the UNOSOM soldiers and provide leadership instead of wasting hundreds of millions annually here on an office that has no relevance to what we are supposed to achieve in Somalia.

With regard to the issue of ethnic profiling, I did not choose to be a Somali. Issues that are tailor-made to engrave the existence of particular communities are made to look like constitutional, yet you know in any aspect, those issues are unconstitutional, illegal, barbaric and tantamount to ethnic cleansing. These issues must be addressed as a group. We, as a country, have chosen to adopt one of the most generous and pragmatic



Constitutions, and we promulgated the same on 27<sup>th</sup> August, 2010. That is not a piece of paper. Down the line, Kenyans are being arrested. I want to insist that criminal responsibility is individual. No community, whether you are a Christian, Muslim, Somali or Kikuyu, if you commit a crime, you carry the baggage as an individual. One of the things that we would really want to find out is why Kenyans are being arrested on flimsy grounds and taken to other countries while we have said that we need to have the rule of law and adhere to the due process of the law. We adopted this document and spent billions of shillings in the process. Shall we theoretically say that we have a document that is generous in terms of human rights fundamentals and, on the other hand, adhere to the jungle law? These are issues that we must reconcile as a country. Otherwise, this new document will just remain a piece of paper simply because the people of Kenya are getting a document from the other side.

Mr. Temporary Deputy Speaker, Sir, one of the suggestions that we have made in this particular report, and I am glad the Minister of State for Defence is here, is to go the Uganda way, which is to open up border posts at the interval of maybe 20 kilometers. Our borders are not safe. You know what is happening in Southern Sudan. There are issues that we must face as a country. The referendum in Southern Sudan will come. We do not know how that referendum will go. Whose work is it to secure our borders? A country is about land. Secondly, it is about people. Migingo is gone. We lost it. It is not even being talked about today.

**The Minister for Transport** (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the Member, but is he in order to mislead this House that a part of Kenya, known as Migingo Island, is gone? Officially, we all know that Migingo Island is still in Kenya. All the maps have shown that and it has been declared as such. Is he in order to misrepresent the facts, unless he can table documentation to show that Migingo Island went on a certain day in a certain way or the map of Kenya has been redrawn to reflect that fact?

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, it is not my intention to be drawn into issues which are semantic. It is known that over the last two years, the military camp on Migingo Island is by Ugandans. This is historical. I do not need to bring facts here. A joint committee was formed to resolve that issue, but nothing has happened. You are in Government. So, you can share with us any other information. I will gladly accept it as a point of information.

The role of the United Nations High Commission for Refugees (UNHCR) in conflict management is a critical aspect where there are conflicts. The UN alone is not enough. As we speak, this country's border with Somalia is officially closed, but that has not changed anything at all. Refugees are trekking in using all sorts of *panya* routes. There is no proper identification.

One of the things I really want the Government to push as a policy is to ensure that the UNHCR registers all the refugees who are coming into the country, so that they have an identity document and somebody is known to be a refugee. Take the recent census, for example. I do not want to discuss the substance of this issue, because it is *sub judice*. The matter is in court. I want to take my constituency as an example. In 1997, there were less 12,000 registered voters. In 2007, there were close to 40,000 registered voters simply because the enumerators in all the earlier censuses never used to venture outside the four towns in the North Eastern Province. The larger Turkana District has

been affected. The North Eastern Province has been affected. I am allowed by the Islamic tradition to marry up to four wives at any given time. As long as I live, they can even be 20 wives. Giving birth to many children is not criminal. That is why, on the issue of census today, some individuals in Kenya do not believe that the people of North Eastern Province can be over 2.3 million.

Is that a crime. Whose business was it? It was the enumerators'. The people there had nothing to do with it. Why should we criminalise our own community? Why should we criminalise a whole region? Is it a crime to be a nomad? Is it a crime to be a pastoralist? Where is the policy? Where is fairness? These are the issues we must address; issues of equity, fairness, constitutionalism and the rule of law have to become part of the attitude of the people of Kenya. This can only come once in a while.

Mr. Temporary Deputy Speaker, Sir, as you know, we have not been lucky to handle the national resource "envelop". I am glad that one of the former keepers, hon. Kimunya, is here. When it comes to the sharing of the national resources, we have suffered as a result of attitudinal discrimination. When it comes to donors, they are told: "North Eastern Province is inaccessible". I want to, again, put it on record that today Garissa Town has been declared the safest town in Africa by the United Nations. However, people are still told: "You cannot venture into North Eastern Province because that area is insecure."

If I want to go to my constituency today, I can travel tonight. It is safer than Nairobi and any other part of Kenya. However, because of the old traitors, we have been chained and yoked to think in the way we used to think in the 1990s. Things have changed. I believe that is why some individuals have even advised His Excellency the President not to assent to the repealing of the Indemnity Act.

Mr. Temporary Deputy Speaker, Sir, you know that in 1999, I moved a Motion, and Parliament accepted it. What we expected was just to say: "This document is in order" and just repeal it without waiting for any Member of Parliament to bring an amendment Bill.

We appreciate that Kenya must play a leading role in conflict resolution in Somalia. However, it should go on record that we will not support any attempt by the Government of Kenya to militarily get engaged in the civil war in Somalia. This policy must be accepted by all, because we all know what it means. Any other attempts, including giving logistical and material support, and mobilisation of resources, are within our realm. Those are the issues we must concentrate on. As much as possible, we must not get militarily entangled in the civil war in Somalia. That is one of the issues we noted.

Mr. Temporary Deputy Speaker, Sir, one of the things which made us to go on this fact-finding mission was a belated attempt to use a section of the Somali leadership from across the country to come and recruit young Kenyan Somali people. Due to the high poverty level in that region, there were such attempts.

The policy of assisting Somalia is within our stated policy of assisting the people of Somalia to reconcile. However, that does not mean that a section of Kenya becomes an extension of Somalia. This must also be appreciated. As a Committee, when we went round, one of the things we noted, and which we feel this House should also note is the fact that we are neighbours with Somalia. There is a problem in Somalia. Kenya is a responsible member country of the United Nations. Kenya is one of the leading nations in IGAD. Kenya is a leading light in the African Union. However, above that is our national

obligation. Our national obligation is provision of security to the people of Kenya, provision of food to the entire population of Kenya, and giving the people of Kenya some sort of safety assurance as they go about their day-to-day activities.

One of our recommendations to the Government is that any future attempts to reconcile the people of Somalia must be done under the auspices of either the UN or the African Union and IGAD, and should not become a Kenyan issue at all. Also, refugees must be registered at the entry points, and not in Nairobi or Garissa or Turkana. They must be registered at the entry points, so that when they come into Kenya, they are legally recognised because refugee camps enjoy a lot of international recognition.

Mr. Temporary Deputy Speaker, Sir, thirdly, there are individuals who abuse the hospitality of Kenya. Those individuals should be arrested and taken to court. That is the only way we can say that there is the rule of law in Kenya.

Another recommendation of the Committee is on the UN. The UN is not a government. It is an international organisation. To that extent, the UNHCR has international recognition because it is one of the arms of the UN. We should not be crying that these problems are as a result of the refugees. The UN must be proactive and help Kenya in managing the influx of refugees not only from Somalia but also from Ethiopia and Southern Sudan. That is the only way we can have a responsible group. Under the Geneva Convention, refugees have the same rights as the citizens of the host country as long as they have registered themselves as refugees, and hold valid cards at a given refugee camp.

Mr. Temporary Deputy Speaker, Sir, I will move on to the issue of indiscriminate suspension of the issuance of identity cards. The national identification card is a very important document in the life of every Kenyan. At will, without declaring an emergency, or without sufficient proof that there is an anomaly, the Provincial Administration officials in the North Eastern Province have constituted their own kangaroo courts. They just declare at will that the issuance of identification cards has been suspended.

Why does it happen? That announcement itself is illegal. It must not be entertained in the face of our current Constitution. That is why I said some individuals live in the past, when North Eastern Province was governed in relation to issues that were purely historical. The dynamics have changed. The thinking must also change.

The administrative culture must also change, because the legal framework has totally changed, simply because we have a very dynamic, progressive and fundamentally rich Constitution on human rights. That is the only way we can appreciate that, as a country, we are leading. The promulgation of the new Constitution has been celebrated and accepted all over the world. It is one of the things we can proudly say is a Kenyan initiative and a Kenyan-inspired document. Therefore, we should be proud of implementing it, so that Kenya becomes the number one adherent to the rule of law.

Mr. Temporary Deputy Speaker, Sir, finally, I want to ask the Government to conduct an audit exercise in order to establish the refugee population in Kenya, and so that we know how many refugees are in Kenya. Once that is done, the Government, with the help of the UN, should help refugees get legally recognised documents, and help them behave and do things in line with their refugee status.

With those few remarks, I beg to move and ask my brother, Mr. Ochieng, to second the Motion.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, I would like to second this Motion. I also serve in the Departmental Committee on Administration and National Security. The Ministry of State for Defence, the Ministry of Foreign Affairs and the Ministry of State for Provincial Administration and Internal Security are aware about the issues that prompted the two Committees to go to Garissa and Daadab to investigate certain operations or acts that took place in those areas. We want to blame the Government in the way it conducted itself in this matter. I do not want to divulge more information on this because it is all found in the Report that we have just tabled in this House. Whoever is interested can go through it and get what we are trying to address.

Mr. Temporary Deputy Speaker, Sir, the Government should also improve in the way it mans its borders. As the Mover has said, our borders are open and unmanned, right from Northern Kenya to the other side of Isebania, the border between Kenya and Tanzania. You know what has been happening in the border of Isebania. Cattle rustlers have been raiding Kenya and taking animals to Tanzania and yet the Government has never done anything to stop that. That means that the borders are too open and we are susceptible to any attack, anytime, by any aggressor from outside.

On the Ugandan side, the issue of Migingo is very serious. Apart from this House passing a Motion to the effect that Migingo should be repossessed by Kenya, because right now it is in the hands of Uganda, the Government has not even moved an inch to go and drive away the Uganda Army which is occupying that small island which is part of Kenya. So, we do not understand what kind of business Kenya is trying to do with Uganda in that small island.

Mr. Temporary Deputy Speaker, Sir, On the side of Somalia - you have seen it even on television- there are very many refugees from Somalia coming to Kenya through *panya* routes. They get their way to Garissa. Some of them bribe their way. They bribe Government officers who fail to stop them. That alone shows that we are open to attack even from *Al Shabaab* or any other group that operates in Somalia. If the Government does not move very fast to make sure that they seal all the loopholes which these people use to come to Kenya then one day this country stands to suffer a great deal of harm.

The Government should also move very fast to register all the refugees. This responsibility should also be left to the United Nations High Commissioner for Refugees (UNHCR) to conduct registration and issue them with their own identity cards. The refugees should not use our identity cards. It is very easy for them to get our identity cards other than the Kenyan Somali who live in Garissa and other places like Wajir and Mandera. The Government should make sure that the work of registering refugees is left to the UNHCR.

The other issue is with regard to the way the Government conducted itself in trying to assist Somalia. It deviated from what the agreement was all about. I will not go into that because it could be a security threat but we blame the Government in the manner in which it conducted itself when trying to assist Somalia. We know they can assist Somalia but not militarily or to engage in any way that could be suspected that they want to engage the group in Somalia in any military war.

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

*(Question proposed)*

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute and to support this Report. The Committee that went out to do this necessary investigation did the right thing. It went out to investigate and to shed more light on allegations that were spreading regarding what was happening in that part of the country. If you look at the report generally, you will find that it gives you an idea of what goes on in North Eastern Province, particularly, along the Kenya-Somali border and the challenges the Government faces. I am glad that the Committee had the opportunity to interview and interrogate Government Ministers and officials on the grounds. If they had not done that, perhaps, we would have doubted the authenticity of the Report. However, the Report passes the test of credibility because, at least, we have verbatim communication from the Minister of State for Defence, Minister of State for Provincial Administration and Internal Security, the Director-General of the National Security and Intelligence Services (NSIS), the Provincial Commissioner and the Provincial Security Committee. Generally, they were able to cover the situation.

Mr. Temporary Deputy Speaker, Sir, there were strong allegations that Kenyan youths were being recruited to go and participate in the conflict in Somalia. I am glad as a person and resident of the province because I was very concerned with those allegations. If, indeed, they were true, they had a potential risk for our security. I am glad that the allegations have been discounted by the reports given by the Ministers to the effect that they were not true. The reports say that the Government was not aware and when it was made aware, investigations were started immediately. So, it gives us general comfort, as leaders from northern Kenya and particularly North Eastern Province, that what we got from the media was not true. Therefore, the Report gives that clarification.

There is a general challenge of Somalia as a failed state. As somebody who has served as an ambassador there, I can tell you that the greatest challenge that Kenya faces today, the survival of Kenya and the security of Kenya is that of the failed state of Somalia. Therefore, it is not a matter that we can take lightly as citizens or as a Government. This is one single factor that must occupy the mind and the heart of the Kenyan Government, the President and the Cabinet almost on a 24-hour basis. In the other countries that have similar challenges like Ethiopia and Djibouti which are frontline states, the matter is taken into consideration by their national parliaments and the Government on a daily basis. I think there is general good will in Kenya and on the part of the Government but the strategy is not coherent. Once you do not have a coherent strategy, then you lose the meaning. At some stage the matter is considered as a security issue and is handled by the Office of the President while at some stage it is taken as a foreign matter and, therefore, it is handled by the Minister for Foreign Affairs. At some stage it is taken as a regional challenge and taken up by the Minister for East African Co-operation. So, there is a mismatch of strategy in terms of how we deal with this matter. I am saying this because we have particular experience in dealing with it.

Mr. Temporary Deputy Speaker, Sir, what threatens Kenya, threatens the survival of our Parliament. This is the House which is the custodian of the Kenyan wishes more than the Government because the House consists of both those who voted for and against the Government. This is the right forum in which we should address that matter. Even as Parliament, we are not aware of the tragedy that is befalling Kenya and I do not think that we have taken the issue of Somalia seriously.

We managed to host the Somali peace process in this country for two years. We created the Transitional Federal Government using the Kenyan taxpayers' money. The basis of that institution is the Transitional Federal Charter. In our country, we have a Constitution. I want to congratulate the people of Kenya because in the history of Africa or even the world, there is no country, apart from Kenya, which has done away with an old Constitution and replaced it with a new one during a time of peace. All the other countries around us have done it through violence. In Uganda and Ethiopia, there was a revolution and in Sudan there was a coup. All the other countries that have changed their basic law did it through public uprising or military coup but in Kenya we had a smooth transfer from one chapter of laws to the other in times of peace. That is what we need to congratulate ourselves for.

However, when we formed the Somali Transitional government, which is still very fragile and relocated it to Somalia, it was done without sufficient security guarantee and support. Therefore, as Parliament, we say that Kenya should never take its military forces to Somalia.

Therefore, the challenge is that Kenya should never take its military forces into Somalia. We are proud that for the last 25 years or so that Somalia has had a problem, there has not been a single Kenyan military officer or police who has crossed the border to interfere with internal problems of Somalia. I want to congratulate the Government for that, because that is the policy as it should be. However, we had an obligation, and it is stated in this Report, to see how best then we can train the Somali forces.

I personally supervised the training of about 200 police officers. It was the best thing that we could do for them. Perhaps, we could do even more. But at no time did we envisage a situation where we will train Kenyans here to go to Somalia. I am glad that this matter has now been settled.

Mr. Temporary Deputy Speaker, Sir, we need a robust foreign policy and engagement regarding this matter. This matter cannot be wished away. That brings me to the question of creating a buffer zone. In Ethiopia, for instance, they created a buffer zone between their border and the Somali territory and created a situation of stability around there. I think the Government must be aggressive and persuasive enough to see how best the Kenyan security can be secured by creating a buffer zone right inside Somalia managed by the Somalis. They should be assisted inside. That was the idea of training them here. Perhaps that could be reinforced. I would be very happy if the Minister could consider this. If we do not do this, then there is a mismatch of strategy. In Ethiopia, they did it and in Djibouti, they did it. Uganda has no immediate border with Somalia. Why is it that for us, we are wishing this off, instead of engaging in a very aggressive way by creating this buffer zone? If we do not do it, we will continue to suffer. Now we know the challenge of terrorism. We know the challenge of young people who have taken up arms and who are very dangerous, living in discrimination. Therefore, this must be confronted as soon as possible.

Mr. Temporary Deputy Speaker, Sir, I would not be surprised if you found Kenyan youth – I know it is not with the support of the Government – who become vulnerable and go out to seek jobs, be it with the *Al-Shabaab*, the Transitional Federal Government or with any other organization there because the youth of the province are unemployed in large numbers. There is a huge catchment of young people in the province who have no jobs, who have been denied identification cards and who are highly

educated. So, there is every possibility that any criminal with money can infiltrate Kenya and hire them. That is where we require extra vigilance. I know it is not with the support of the Government. It is a criminal activity that can take place in any part of this region.

Mr. Temporary Deputy Speaker, Sir, we have suggested to the Government to consider using *Kazi kwa Vijana*. The youth are idle, they are very many, but the resources that the Ministry should have given to *Kazi kwa Vijana* fall short of expectations. Why can we not increase the resources towards these youth programmes and create employment opportunities for them here, so that they are not tempted to seek employment outside? This is food for thought for the Government. Why can we not register them?

The biggest challenge we face as leaders from that area is that, every day, we find ourselves going to the Department of Registration trying to assist young Kenyan people who literally should have acquired identification cards. We are interceding on their behalf for the Department of Registration to register them. Therefore, we are victims of our own laws, we are victims of the chaos in Somalia and there is need, therefore, to address the Somali dilemma in Kenya. The Kenyans of Somali origin are living in very difficult circumstances in their own country. Therefore, in registering the youth – the Report is very clear – there are too many bottlenecks for them to find identification cards. This must be sorted out. It must be streamlined and it is the absolute responsibility of the Government to do that. I was surprised when we went out and an official of the Government told me: “You know, it is very difficult to distinguish between a Kenyan Somali and a Somali Somali, and that is why we have a problem giving them identity cards.” That reason is not good enough because they are there, they are in the location, they have chiefs and they are in the centres. If you cannot establish that fact in order to help them, then what is the purpose of having Government officers on the ground being paid salaries for a matter they are supposed to be doing? This is a very serious challenge and I am speaking with a lot of passion because we have a large number of Kenyans who have been denied their right to be registered in Kenya. It is just because we need to see how we can be more efficient in trying to register them.

Mr. Temporary Deputy Speaker, Sir, there is the issue of refugees and the challenge of the host community. The Report says that the refugees, even as they are refugees in the areas where they are based, they are getting services good enough, and that the national Government of Kenya cannot even provide similar services to the residents of that area who are in the neighborhood. The refugees have schools, piped water; they have boreholes, yet in the neighborhood, we have Kenyans who are just watching from a distance and seeing the refugees living in relative comfort. Then, there is a temptation to go in and become a refugee. I was, at one time, in Turkana during the Eight Parliament. When we were being briefed by the head of the parish centre there; a certain religious leader there, he told us that a Turkana approached him and told him: “Father, how can I become a refugee?” This is because the boy lives in the neighborhood of a camp which has piped water, electricity from a generator, they are getting food and the boy is outside there with no access to the same facilities. Yes, he is a Kenyan, but the Sudanese and Somalis who are based there are getting the services of the United Nations High Commission for Refugees (UNHCR). We must compel the UNHCR to make sure that there is sufficient compensation. We are compassionate as a country and we welcome the refugees because they are in trouble. But the UNHCR – that is where the

policy fails – must be told that if they want to set up a camp in an area, they must be able to give support to the people who live in the neighborhood.

Mr. Temporary Deputy Speaker, Sir, I am very disappointed that even with the new Constitution, all these things are happening at home. We passed here the Indemnity Bill to repeal an Act of Parliament that was retrogressive and took away our basic rights; that took away the right and gave the Government maximum protection to do anything they would do under the law. It is very dangerous as it is a blank cheque! It was reviewed by this Tenth House and given to the President to sign together with the Alcohol Bill. The President signed the Alcohol Bill and refused to sign this one. The Alcohol Bill was more dangerous, actually, to the lives of the people, including the people of Nyeri. But that was signed quickly, but this other one has never seen the light of day.

*(Applause)*

This could not be coming from the President. It is mis-advice to the President!

Therefore, Mr. Temporary Deputy Speaker, Sir, we need to change in this country. We are patriotic. We want to defend it. But we want those basic rights to be protected all the time, so that people do not begin to believe that they are passing through, as though they are not the correct citizens of the country.

I want to finish by supporting this Report and recommending that it should be translated into a policy statement. We can see whether the Departmental Committee on Administration and National Security can look at it further and refine it. The challenge of a failed state in Somalia is the challenge of Kenya. We wish it was not so. But we have to accept it as a reality. We have goods coming in. In Somalia today, there is no national authority. The longest coastline in Africa is found in Somalia. There is a possibility of substandard goods finding their way into Kenya. We need to help the Somalis find a credible strong government. That can be done within the umbrella of the United Nations (UN) and the African Union (AU). The AU has now appointed the former President of Ghana, Mr. Jerry Rawlings, to become a special envoy on matters of the AU in Somalia. We want, as a country - and we must do it - engage those leaders. We want to thank Uganda because it has deployed its troops. They are paying the price with the blood of the Ugandan boys and girls who are in Mogadishu today. We congratulate them. We feel hurt that people can go to Uganda and kill thousands of innocent Ugandans. Therefore, for us to stop the nonsense, we must re-emphasize our strategy and make sure that sufficient political goodwill is taken.

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

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

Mr. Temporary Deputy Speaker, Sir, on the issue of rendition - Kenyans who have been taken to Uganda - we have explained that issue to the Government. We are not happy with the manner in which that matter was handled. You cannot criminalize groups. Anybody who has committed a crime is an individual. We have courts in Kenya. Let us



try them here. Let us establish the facts here. Mr. Al Amin Kimathi is an activist. He has done so many good things, not only for Muslims, but generally for all Kenyans. The manner in which that matter was handled did not please us. But, generally, on the issue of Somalia, the Kenya Government is doing its best. But we want it to re-double its efforts.

With those few remarks, I beg to support the Report.

**The Assistant Minister for Labour** (Mr. Ojaamong): Thank you, Mr. Temporary Deputy Speaker, Sir. I also stand to support the Report. But since we have a very big problem that is coming from Somalia--- In the Report, it has been indicated that in Eastleigh alone, we have 32,000 Somali refugees. If Eastleigh alone can have all those people and we have problems in Somalia – and they have not been well vetted - it means the same problems that are in Somalia are being transported to this country. We are sitting on a time bomb.

I stand to support this Report because it serves as a wakeup call for the Government. There are so many dangerous foreigners who are coming to Kenya. They are not being vetted. When you look at the circumstances under which those people are flocking into Kenya from Somalia, you will find that there is a lot of corruption that is involved. I think that should be reported to the Kenya Anti-Corruption Commission (KACC). They should move with speed and station their officers along the borders to ensure that the corrupt practices that are being done there are stopped.

Mr. Temporary Deputy Speaker, Sir, when it comes to the recruitment of Kenyan Somali youth into training camps as army or police officers as indicated in the report, it seems this is a very complex situation. You will find that the Somalis who are in refugee camps are comfortable. They purchase ID cards to come to Nairobi and other towns. Those Kenyan Somalis who are outside are eager to register as refugees, so that if the Kenyan Government decides to repatriate people back to their country, you will find that it is the Kenyans who will be taken to Somalia while the Somalis who have come to Kenya illegally will be enjoying the illegality of being in Kenya.

So, this report tries to identify many problems that are found along the border. Our Government should take into consideration this report and implement it fully. I come from the border; I must also confess that just as much as the 1,000 kilometres-long border of Kenya and Somalia is porous and unmanned, so many sections of the Kenya-Uganda border are also porous and unmanned. This provides a route for criminals to come into Kenya to cause chaos.

Mr. Temporary Deputy Speaker, Sir, our Government, especially the Ministry of State for Immigration and Registration of Persons, the Ministry of State for Provincial Administration and Internal Security and all the related Ministries, should move with speed to ensure that our borders are secure.

With those few remarks, I beg to support.

**Mr. Muthama:** I also stand to support the adoption of this report. I will spend very few minutes. One thing I want to tell my colleagues here, and Kenyans wherever they are, is that all of us seem to be facing one major problem. The problem is failure by leaders and Kenyans to obey the laws of the land.

When you hear about insecurity along our boundaries, you will find that we have security officers who man our boundaries but at the same time, that is where we have loopholes. If Kenyans can just be committed, and if we could be serious and teach our people the importance of obeying the laws of the land, there would be no way in which

we would have problems in this country; we would be serious in maintaining our security and exposing those who commit crimes.

Mr. Temporary Deputy Speaker, Sir, I would prefer that as leaders we take great responsibility even to tell those who are stealing cows not to do so, because the cows that are owned by their neighbours do not belong to them. They belong to their neighbours. It would be important---

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you heard the hon. Member for Kangundo saying that, as leaders, we must take responsibility, so that when your people steal cows--- I come from such a community--- Is he imputing improper motive on the leadership from these areas that we actually abet and aid cattle rustling?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Ethuro. Mr. Muthama, just proceed with your contribution.

**Mr. Muthama:** Mr. Temporary Deputy Speaker, Sir, I want to speak very much about leaders. We have a very heavy responsibility to teach the people we are leading how to obey the laws of the land. If we can just obey our laws, I want to say, with much confidence, that there will be no stealing and no insecurity along our borders, and our police officers will be able to manage the borders properly.

Mr. Temporary Deputy Speaker, Sir, we have baptised stealing in this country. People walk into our banks, steal money and walk out and nothing happens. Tomorrow, you will hear another robbery and nothing will happen to suspects. So, let us not spend a lot of time trying to give suggestions and yet we are not ready to obey the laws of the land. If we stick to that---

**Mr. Affey:** On a point order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt the Chief Whip, but is he suggesting that the leaders of these areas are supposed to play the role of policemen instead of Government doing its own job?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Affey.

What hon. Muthama is alluding to is taking political leadership and responsibilities. I think it is generally on that area.

**Mr. Muthama:** Mr. Temporary Deputy Speaker, Sir, those of us from those areas like hon. Affey should tell their people to be watchful.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Muthama. Please, address the Chair!

**Mr. Muthama:** Mr. Temporary Deputy Speaker, Sir, I address the Chair. I wish to say that it is the responsibility of the leaders who are in those areas to make sure those unwanted Kenyans are reported immediately. They are in those areas. There is no way we can love those characters coming into the country without permission.

Since the issue before us is creating a lot of nervousness, I beg to support.

**Mr. Ethuro:** Thank you, Mr. Temporary Deputy Speaker, Sir, for finally seeing me. I am glad you saw me after hon. Member for Kangundo has spoken. It is for people like hon. Muthama that we are in this House; to educate him, to expose the ignorance he has just exposed in this House.

We are very responsible leaders and that is why we bring these issues to the national attention. He should really dissuade himself from confining this problem as a localised matter of leadership. It is not a matter of failed leadership. It is a matter of failed Executive action.

Mr. Temporary Deputy Speaker, Sir, having said that because I thought that should be clear---

**Mr. Muthama:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am emphasizing one great point that Kenyans should obey the laws of the land to eliminate these problems.

Mr. Temporary Deputy Speaker, Sir, we cannot continue to tolerate such people in our country.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Ethuro, you do not need to respond to that. Just proceed!

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, the right to reply and defend is my right. It is enshrined in the new Constitution. I really want to be clear on this one. We cannot make the Members of this House be Assistant Chiefs, Chiefs, police, CID and NSIS---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Ethuro! Are you contributing?

**Mr. Ethuro:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Please, do so!

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, first, I want to thank the two committees led by able personnel from much respected communities of this Republic; hon. Kapondi, who is a pastoralist and hon. Keynan who is another leading son from northern Kenyan. I hope hon. Muthama is taking note that under the leadership----

**Mr. Muthama:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, hon. Ethuro. Please, stick to the Motion before the House.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I only said I hope hon. Muthama is taking note. I have not said anything else. I want to ensure that he is listening to me. Is that too much to ask?

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, Mr. Ethuro!

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I have my rights under the Standing Orders. You gave me the opportunity to contribute to this Motion. I have not breached any order unless you want to throw me out. That is the only time I can terminate my contribution before my due time.

In appreciation of my rights, the second point I want to make is that I had an opportunity to be part of a delegation that was led by the Deputy Speaker to visit another session in Somali Land from 22<sup>nd</sup> December, 2009 to 29<sup>th</sup> December, 2009. We made a report to this House and it is still pending for discussion. The Committee made certain recommendations which are similar to the ones the Committee that visited Samburu made in terms of dealing with our security situation. Another recommendation that the Committee has made is that the Government must take stock of all the refugees in the country. There is another recommendation about the vetting of people who are in the vetting committees. In fact, the recommendation of the Committee is that we must vet the people who vet others.

This Report makes a further recommendation that it is the business of the State - and that is why I am contradicting my good friend - to intensify security patrols along the common border. The Somalia, Ethiopia, Sudan and Uganda borders are very porous because the Government has been unable to police them properly. Those of us who come

from the border of Uganda, we have the privilege of visiting a county similar to Turkana called “Moroto”. If you go to the place by road from Kacheliba, you will appreciate that every ten kilometers there is a military camp and base. You will even appreciate that they do not have the kind of married quarters that we have in Lanet, Lang’ata and Moi Airbase. They do not have the lavish tents that the Kenyan military detachments have when they are in peace missions in Turkana and other places. Of course they do not even go to the border. They are brought to Lodwar Town and other similar places where they can enjoy comfort. The Ugandan soldiers live in tents. I had an opportunity to visit a hut of a Major in the Ugandan Army. That is the difference.

Mr. Temporary Deputy Speaker, Sir, I have even seen them when they move from one camp to another. You do not see those Chinese-made lorries that, of course, have become more of death traps to our soldiers than the actual trafficking of soldiers from one camp to the other. The Ugandan soldiers move on foot.

We have the privilege of having hon. Yusuf Haji as our Minister of State for Defence. He once told me that the colonial DO used to walk all the way from Garissa to Mombasa. In this House, we ask for vehicles for DOs. Mr. Ojode will tell you in this House of a programme to supply new vehicles to an OCPD and a DC when their productivity is nil. I have no problem with us living in comfort. I have no problem with our soldiers living in comfort, but they must deliver. They must stamp out insecurity.

The issue of Somalia is not being handled seriously by the Government. This country has been bragging for a long time about being an island of peace. That is correctly so, except for the post-election violence which I hope we are all committed to ensuring that it does not recur.

All our neighbours in the Great Lakes Region where we belong have suffered instability. I speak as the Chair of the Amani Forum, Kenya Chapter; a forum that is committed to a vision of a region free of conflicts. Until the day when Jesus comes back and gets a new rule so that there will be no more sinning, there will always be criminals and thieves. It is up to the society to organize itself in a manner that prevents the commission of crime. It is up to society to ensure that crime is detected, pursued and punished. Such a serious and cardinal principle of a State cannot be reduced to just an exercise of leadership, particularly of political leadership. Indeed, the issue of cattle rustling has for a long time been reduced to the political leadership or elders. We do not pay or elect elders in order to come and manage security. It is because of that kind of attitude - not taking things seriously - that you will witness an issue like cattle rustling.

Mr. Temporary Deputy Speaker, Sir, this Committee made a very serious recommendation on the UNHCR and particularly refugees, and I want to address this particular matter. There are two places in this country that shoulder the burden of the refugees that come into Kenya, on behalf of the rest country. We want to be proud as Kenyans that we are hosting people who are running from pain, death and mystery. That role we must continue playing, just the way we are trying to make sure that there is peace in Somalia. We also facilitated the Comprehensive Peace Agreement in Southern Sudan. This country has been strategically placed by God. If you go to Uganda, they will tell you that they are the pearl of Africa, but for us, we are the gateway to East and Central Africa. We are the greatest economy in the region. God has given us this strategic position in order to ensure peace in the region.

Mr. Temporary Deputy Speaker, Sir, I want to repeat the recommendation by hon. Affey and we have repeated this in Kakuma where we have a refugee camp. We also want to repeat this in Dadaab where we have a refugee camp. We have economic refugees in this country. That is the essence of this Report. What we are seeing here are young people from North Eastern Province who are being lured because they have no opportunities in Northern Kenya for them to engage in meaningful gain. So, if anybody comes around and tells you that there is some job to train as an officer or military officer in Manyani, you go running. If this country does not want to see a repeat of the post-election violence, as hard as it is, and taking into account the fact that, northern Kenya did not participate and they are accusing us of only participating in cattle rustling, if we participate it could be worse. Mr. Muthama could not be co-whip of Government.

Mr. Temporary Deputy Speaker, Sir, until we develop each and every corner of the Republic, then we will not have our young people looking for opportunities that are not even assured. That should be one recommendation and this Report has made its own recommendations that the Government must implement. The hon. Haji, Mrs. Mugo and other Ministers of Government who are here, have a responsibility. That includes my friend, hon. Bifwoli, who today issued an executive order. We appreciate him for aspiring for higher office. The makings of a great man are very humble as he demonstrated this afternoon.

Mr. Temporary Deputy Speaker, Sir, we need to ensure that opportunities are provided in Northern Kenya. We need to ensure affirmative action in terms of availing more resources to these areas, so that we can educate them. Just this afternoon, we talked about the opportunities of nomadic boarding schools. So, you cannot have a national blanket of reducing capitation from 4,000 to 3,000 and infrastructure because the money has been reduced, while at the same time we have a policy framework that says we should identify and prioritize particular areas, because that is the way to address these particular areas.

Mr. Temporary Deputy Speaker, Sir, to me that is the essence of this Report. We owe it to Africa and the world as a country, a Government and as the Legislature to ensure that peace prevails in Somalia. We have to make sure that there is a profile of peace efforts. What we are doing is not enough. We are doing our best and I appreciate what the Government is doing. I have had occasion to praise the efforts by the Kenyan Government. However, the Government needs to present the issues of Somalia in the international forum. We need to make the agenda of Somalia not just a Mogadishu/Nairobi affair. This agenda needs to be prosecuted in IGAD.

To the extent that we have Puntland and Somaliland which are already havens of peace, why do we keep lumping them together? It is the recommendations of the Parliamentary Committees in this House and we are not the only ones. Ours of last year was the second one from this Parliament. The British House of Commons has sent a delegation to Somaliland. However, we keep saying that they are the same when actually there is a clear-cut area in which people are managing their own things without international assistance and without any serious revenue base. To me, part of those peace efforts will be to recognize some of these areas that have already demonstrated in real terms that they can manage their own affairs effectively and create peace. These include the Horn of Africa that we have designated as a failed case.

With those few remarks, I beg to support.

**Mrs. Noor:** Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion. I want to appreciate and thank the Committee Members for deciding to go and do fact finding. As a person who comes from the region, I was shocked by the allegations that were doing rounds. The Committee was informed about the situation of the region. The main challenges were issues of insecurity, poverty, shortage of food, unemployment, poor infrastructure, poor communication, refugee influx from neighbouring countries, hostile environment and historical injustices.

Mr. Temporary Deputy Speaker, Sir, I want to address myself on two issues about the main challenges. One is insecurity. I think the Committees were told about insecurity in the region. I, however, tend to disagree with that because with the failed state of Somalia where there has been no Government for the last 19 years, North Eastern Province has been a very stable, peaceful and secure region. Even the Interpol Report indicated that Garissa is the most peaceful town in South and Eastern Africa. This is an issue that made us very happy and we want to set the record straight.

Issues of insecurity touch our hearts as the people from that region. We are saddened when people talk of insecurity when we know we are more peaceful and more secure than even Nairobi, the capital city of this country.

Mr. Temporary Deputy Speaker, Sir, I also want to address the issue of poverty. I feel poverty is something that was systematically organized by the Government. The Government deliberately marginalized that part of the country. This was systematic because if you do not give proper services to the region, the Government must own up, come up with programmes and projects that will holistically address those issues. We know that we have a lot of potential in the region that can transform even the country. We would really like the Government to look keenly into the poverty issue in the region.

Mr. Temporary Deputy Speaker, Sir, I want to read a part of this report, which says that:-

“The Government should carry out an audit exercise in order to establish the refugee status of all persons in the refugee camps, and action should be taken against those Kenyans found to have registered themselves as refugees in the camps.”

I want to disagree with this point completely because those Kenyans who have gone to those refugee camps had reasons to do so. Earlier, they have told us about the challenges that exist in North Eastern Province, namely, unemployment, poverty, insecurity and environmental challenges. Then as one of the recommendations, they tell us that those innocent Kenyans who went to those refugee camps because of food will be punished. It is a shame for Kenyans to lose their identity, go and pose as refugees because of food. I disagree with this point because I do not want action to be taken against these innocent Kenyans. They did not go there out of choice. It was because of the circumstances in the region. Circumstances forced them to go to the refugee camps so that they could get basic needs like food, health, water and shelter. That is why Kenyans went to the refugee camps. They went to get services because they felt that the services that are given at the refugee camps are better than those available to the host communities. That is why they went to those camps. That is a point that I want us to address. I want us to talk keenly on that point because it will affect innocent Kenyans.

I am happy that the story of the recruitment of our young Kenyans to be trained to go and fight in Somalia has come out very clearly. When that allegation was going round, as a mother from the region, it touched me. I felt very bad because that would give

us a bad image and problems in the future as a region. The Committee has gone out and found out that those young men were not recruited by the Kenyan Government and this was just an allegation. That allegation has been cleared. I am very happy that no youth was recruited by the Kenya Government to go and fight Somali from this country. It was a very important issue that the community has taken up and I must take this chance to congratulate the Committee for unearthing the truth and bringing it to the surface.

Mr. Temporary Deputy Speaker, Sir, we have talked about issues of identity cards many times in this House. We do not have a solution to date. An identity card is the basic identity of an individual in this country. For you to be identified as a Kenyan, you are supposed to have an identity card. It has become a pain in the region. The people of North Eastern Province cannot acquire identity cards, but people from other countries can easily be issued with national identity cards. The Provincial Administration's suspension of issuance of identity cards was a violation of human rights. They violated the rights of innocent Kenyans by suspending the issuance of identity cards. It is its responsibility, as an arm of the Government, to vet and look into the issues and see who is a genuine Kenyan and who is not. We cannot just be punished for the mistakes of the Government. If the Government is not functioning, then you cannot punish innocent Kenyans because officers failed to do what they are supposed to do as civil servants in this country.

I also want to talk about road blocks. It is very clear that we have many road blocks. Some road blocks are good because they enhance security in this country. However, many of them are income generating activities.

It is the police who have deliberately put those roadblocks in place so that they can in turn get "resources" from the people of Kenya. Somebody travelling from Mandera to Garissa passes through more than 100 roadblocks on the way. When you get to Garissa, there is the main roadblock at the bridge on River Tana. When you cross the bridge, the police and other Government officials harass everybody. Everybody is made to disembark from buses and other vehicles. They are then checked left, right and centre. It is only fair that we know about this matter.

Mr. Temporary Deputy Speaker, Sir, we are keen about the security of this country. We want to be secure because if we do not have peace anywhere, everybody is affected. So, for us, we need the police to decently handle the people. If somebody makes a mistake, collective punishment should not be meted out to the entire community. Every society in this country has a criminal. When we talk of a criminal, we mean individual criminals. That individual criminal should be punished. People should not take the law into their own hands. Justice must be given to every individual in this country.

I also want to talk about the issue of stereotypes, in the sense that everybody from Northern Kenya is regarded as a bandit or cattle rustler. There are all sorts of names people from that region are called by other Kenyans. That is something which should be long gone. Now that we have a new Constitution, which has comprehensive provisions on the rights of individuals, we want people to be very careful when they talk about certain regions or make reference to other people in certain regions of the country.

The Preamble to the new Constitution says "We, the people of Kenya, have given ourselves this Constitution". That means I am Kenyan, and I am proud to be Kenyan. I am not a bandit, and I will not allow anybody to call me a bandit. That is why we want every Kenyan to be respected as individuals, and as societies, because individuals make

societies and societies make the country. Without individuals and societies, we would not have a country as beautiful as Kenya.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about illegal profiling of a society. That is something we cannot accept. It is a barbaric and outdated. It is not anywhere within the Constitution we have just given unto ourselves. So, the media and any other person who is doing profiling should do profiling that is right and which can promote the image of this country. We do not want profiling which will destroy us – profiling which will discourage investors from coming to this country.

If you illegally profile certain groups of people by saying that they are *Mungiki* or this and that, you will be destroying the society and the image of this country. So, illegal profiling is something we will not allow to take root in this country.

Mr. Temporary Deputy Speaker, Sir, I would also like to call upon the Government to lead from the front in sensitizing the international community. The international community has a stake in the issue of Somalia. If the international community, which is represented by the UN, the African Union, the IGAD” and other organisations does not do anything about Somalia, then we are not being serious as the international community.

Our Government has been very kind to Somalia. It has done all it could to bring peace to that country, but it is not getting the support it requires from the international community. Therefore, I want to ask the international community to come out in a big way, because---

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mrs. Noor! You will have seven more minutes when debate on this Motion resumes next time.

Hon. Members, it is now time to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 13<sup>th</sup> October, 2010, at 9.00 a.m.

The House rose at 6.30 p.m.