

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th October, 2010

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.312

DISMISSAL OF WILLIAM NGUMI KIEMA FROM EMPLOYMENT

Mr. K. Kilonzo asked the Minister for Labour:-

(a) whether he is aware that William Ngumi Kiema who worked for Security Guard Services Ltd. (NO.1081A) for 10 years and was injured in a road accident in a company vehicle was dismissed from employment; and,

(b) what action the Ministry is taking to ensure that he is duly compensated and paid all his dues.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware. However, upon investigations it was established that Mr. William Ngumi Kiema was employed as a watchman by Security Guard Services on 1st August, 1999; at first he was a casual and later on he was absorbed into regular employment. Mr. Ngumi was involved in an accident on 31st October in a vehicle registration number KAR 573 belonging to Ultimate Security Services, which he was not authorized to use.

(b) Firstly, Mr. Ngumi was riding in an unauthorized vehicle. So, he cannot be compensated by the company. Secondly, Mr. Ngumi was a permanent employee of the company and he is entitled to benefits if he claims from the NSSF because he was making payments to the NSSF. So, his benefits are with the NSSF. As for the other benefits that the hon. Member is asking for, he is not entitled to them because he deserted employment after the accident.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I do not know whether the good Assistant Minister is reading the same answer, which he has given me or it is a different answer. Under “b” the answer I have says that the employer has never made any attempt to report the accident to the nearest labour office or District Commissioner. Therefore, he says that according to the repealed Workman’s Compensation Act, Cap.236, Section 14(1) the employer is required to report the accident to the Minister. The Minister then undertakes to investigate whether the accident conformed to this section; according to the answer he has just given, the Assistant Minister is saying that this employee is not entitled to any benefits other

than what he has paid to the NSSF. Mr. Assistant Minister, whatever you have said is not what is in this reply. What is the correct position? Is it what you have said or what you have given me?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I just summarised the answer for him. I did not want to read this long answer, and waste Parliament's time.

Mr. Deputy Speaker: Mr. Assistant Minister, the content of the answer which is in the possession of the Chair, and what you have said right now are different. So, if you have to read it, you might as well go ahead and read it, because you have left out some very important aspects of the answer that your Minister has signed.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, quite often you say that Ministers have to summarize their answers whenever they are long.

Mr. Deputy Speaker: Indeed, yes, but in the spirit of the answer itself.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the spirit is that this man is not entitled to any compensation. One, upon desertion, he did not report this accident to the labour officer, neither did the employer report the accident to the labour officer or the District Commissioner as per the Act. So, he is not entitled to any compensation, neither is he entitled to any terminal dues. In fact, as he deserted duty, it is Mr. Ngumi who is supposed to pay the employer the three months pay in lieu of notice.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, if you read the last paragraph it is so clear that the Minister undertakes to investigate and the results of the investigation will determine the course of action he will take, yet the Assistant Minister is stating here now that Mr. Ngumi is not entitled to any payment, and that, in fact, he is supposed to pay money to his employer. Does that conform with this answer? That is what I am asking; now he is giving a ruling and at the same time saying he will investigate the matter. What is the position?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the hon. Member likes tabling new evidence. In anticipation that he was going to table any new evidence, I was going to further investigate. If the answer was found to be inadequate, I was going to undertake further investigations and ensure that Mr. Ngumi is compensated if he has a genuine case. But as the case stands now, I think the matter is concluded, unless he comes with new evidence or tables any documents.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. You heard the Assistant Minister say there is no genuine evidence and yet, he has confirmed that this person got injured in a company vehicle. Is he in order to avoid answering the question and committing the company?

Mr. Deputy Speaker: Is it true, hon. Assistant Minister, that the employee in question was actually injured in a company vehicle?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, it is true. Mr. Kiema was involved in a company vehicle which belongs to Ultimate Security Services, not the one he was working for. He was working for Security Guard Services. So, he was involved in an accident in a vehicle belonging to a different company.

Mr. Deputy Speaker: Was he in the course of his duties? Was that an arrangement between the two companies?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, according to the employer, he was not on duty that day.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to deny that this was an accident? If it was an accident, was it reported to the police for investigations? Were all the Government regulations followed at the time of reporting this accident? If an accident happens, one is

supposed to report to the police. Could he confirm whether that was done? If it was not done, why not investigate?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the Ministry of Labour deals with occupational accidents. These are accidents that occur at work places or when you are in the course of duty.

This man was not in employment at that time. The person best placed to answer that is hon. Ojode and not me, because he deals with the police.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to divert the Question to the Office of the President? That is a collective responsibility. They should have consulted. I do not think this answer is adequate.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, it appears the last speaker has just read my mind. This answer is not adequate. The Assistant Minister appears to be in a hurry to exonerate the employer from liability. So, I would like to request the direction of the Chair that the Assistant Minister goes back and comes with an exhaustive answer. He should investigate this matter exhaustively as he has referred to in the third paragraph of this answer.

Mr. Deputy Speaker: Hon. Assistant Minister, the Chair also takes note of the fact that the written answer in possession of the Chair says the employer has never made any attempt to report the accident of the workman to the nearest labour office or to a District Commissioner. According to the repealed Workman's Compensation Act, Cap 236 (14(1) the employer is required to report the accident of the workman to the nearest labour office or the District Commissioner. He has not taken any action since no report has been made by either the employer or the employee. He undertakes to investigate whether the accident conforms to the Section 5 of Cap 236 of the Laws of Kenya now repealed, even though both the employer and the employee did not report. The result of the investigation will determine the course of action.

Do you deny the concept of this which is signed by your Minister? It is also in the possession of the Speaker. You have a different answer altogether!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, that is the same answer.

Mr. Deputy Speaker: Under the circumstances, the Chair is satisfied that you have not answered this Question properly.

I direct that you go back and come with an exhaustive answer. You cannot have one answer on paper, which is in the possession of the Chair, and you give a contradictory answer. Where did you get the information that the man deserted and he was not in employment at the time of accident? It is not in the written answer in possession of the Chair.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I have a letter here from the employer, which I want to table.

Mr. Deputy Speaker: The Chair directs that this Question appears on the Order Paper Tuesday, next week.

We are dealing with the lives of Kenyans. It is only fair that Parliament and Ministers are sensitive to the plight of the ordinary Kenyans.

(Question deferred)

(Mr. Ojaamong stood up in his place)

Order, hon. Assistant Minister! The Chair has given a direction on the same and we will not allow you to revisit it.

Next Question, Question No.339.

Question No.339

NON-IMPLEMENTATION OF KUNATI
IRRIGATION SCHEME

Mr. Ruteere asked the Minister for Water and Irrigation:-

(a) whether she is aware of the existence of Kunati Irrigation Scheme planned in 1975, but never implemented; and,

(b) how much money the Ministry has allocated to this project in the 2010/2011 Financial Year

The Minister for water and Irrigations (Mrs. Ngilu): Mr. Deputy Speaker, Sir, before I reply, I would like to apologise to the hon. Member because I have not given a written answer to him. However, I beg to answer.

(a) Yes, I am aware of the existence of Kunati Irrigation Scheme that was proposed in 1975, but due to budgetary constraints, has not been implemented.

(b) This Financial Year 2010/2011, the Ministry, through the Economic Stimulus Programme has allocated Kshs10 million to this project. These funds will be used to commence the implementation of the project. However, the total project cost has been estimated at Kshs65 million. It has been prioritized for funding and completion through the Economic Stimulus Programme (ESP), 2011/2012 Financial Year.

Mr. Ruteere: Mr. Deputy Speaker, Sir, you realize that from 1975 to date, the Ministry has completely ignored this irrigation scheme. However, now that it has seen the importance of the scheme and has put aside some money for it, I would like the Minister to tell me when the Kshs10 million will be disbursed so that the project can start.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true that this irrigation scheme was ignored for many years like many others; this is not the only one. However, we have realized that unless we do irrigation in this country, Kenyans will never be food sufficient. We are going to disburse this money immediately, so that the project can start.

Mr. Deputy Speaker: I presume you are satisfied, hon. Ruteere.

Mr. Ruteere: Mr. Speaker, Sir, I am happy with the answer.

Mr. Deputy Speaker: Next Question, Mr. John Pesa.

Question No.361

RESTRUCTURING OF POSTAL CORPORATION OF KENYA

Is Mr. Pesa not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.363

DOUBLE ALLOCATION OF LR. NO. 1005C
IN TSAVO EAST NATIONAL PARK

Is Mr. Mwadeghu not here. We will come back to it later on.

Question No.384

APPLICATION OF IMMIGRATION PROCEDURES
TO BRITISH SOLDIERS/ AMERICAN ARMIES

Mr. Shakeel asked the Minister for Immigration and Registration of Persons:-

(a) if he could inform the House whether the standard immigration requirements for all persons traveling into Kenya applies to soldiers of the British and American armies;

(b) whether those officers are required to produce visa and passports for clearance purposes, and whether the Kenya Army undergoes similar immigration process in the USA and UK; and,

(c) whether he could confirm that failure to subject the foreign officers to the standard immigration procedures has threatened national security.

Mr. Deputy Speaker: Minister for Immigration and Registration of Persons!
We will come back to that Question later.
Next Question, Mr. Gumbo.

Question No.415

DISAPPEARANCE OF GSU OFFICER
JORIM ODHIAMBO ABANGA

Eng. Gumbo asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Jorim Willys Odhiambo Abanga, Force No.82367, a GSU officer attached to State House Mombasa went missing from his place of work on or around 7th August, 2010;and,

(b) what steps the Government has taken to trace the whereabouts of the police officer and confirm his safety to his family and friends.

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

(a) It is true that PC Jorim Willys Odhiambo Abanga, Force No. 82367, a GSU officer attached to State House Mombasa went missing from his place of work on or around 7th August, 2010. The officer in charge of State House Mombasa SIP Chacha, reported the matter to the officer in charge of G Company, SSP Titus Muvea, who directed that a signal for absence without leave be dispatched if the officer failed to turn up at the expiry of 24 hours.

Mr. Deputy Speaker, Sir, on 9th August, a signal for absence without leave was dispatched to police headquarters. On expiry of seven days another signal reference No.GSU/24/1/G/S/, State House of Mombasa/4th/ 2010, dated 14th August was circulated to all police stations and copied to police headquarters.

Again, on 22nd August, 2010, another signal was circulated to all police stations about the missing constable. The matter was reported to Central Police Station, Mombasa and a CID Inquiry File No.3/2010 was opened. The investigating

officers are getting assistance from Safaricom to trace the missing officer although his two mobile phone numbers, that is, 0720782888 and 0751461628 are switched off. The only information retrieved from Safaricom so far is the call back up to the time the officer went missing.

Officers from State House Mombasa and the investigation officers have made visits to all hospitals and mortuaries in Coast Province while trying to trace the missing officer, but their efforts have been fruitless.

Since the officer was staying alone at the time, the house was locked from outside. His wife, Josephine Nanjala, who was staying in Dandora Estate, Nairobi was informed and she travelled to Mombasa to help in the search for the missing officer. So, far, it is presumed that the officer is alive and efforts to trace him will continue.

However, by law, a person can be assumed dead after seven years upon declaration by a court of law.

Eng. Gumbo: Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for the answer he has given, it has to be noted that the officer in question was not working in an ordinary station. He was working at State House. While I appreciate the fact that the Government has done its best to go to hospitals and send signals in order to locate the officer, it is expected that one of the most useful leads the Government should be going for is to try to identify the persons this officer was last seen with. What steps has the Government taken to identify the last people that officer was seen with?

Mr. Ojode: Mr. Deputy Speaker, Sir, this officer was seen in a club called "Aberdare" on 7th and 8th. They later went to a club called "Salambo" where the officer was seen with a known colleague and friends. One of the friends who later joined them, Police Constable Stephen Odinga of GSU B Company, Mombasa had been questioned. He said that he left the officer drinking at the Salambo Club. We are investigating the matter and sooner or later we will know the truth whether the officer is alive or not.

As at now, I believe that the officer is still alive. You know what the law also says. There is no way I can declare him dead because it has not taken seven years since the guy was reported missing and did not come to work. Our officers are tracing this fellow and we have even interrogated the workers at Salambo and Aberdare clubs. We cannot trace the fellow today, but once we get the Safaricom data, we will be able to know whom he called last in order to trace him.

Mr. Outa: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that they are still tracing the officer. He has also said that the officer is married and has a family. The officer was the bread winner of this family. What has the Ministry done in order to support this family as they continue tracing the officer?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is a very good question. It is quite unfortunate that the family members have not requested for any assistance to date. Therefore, I cannot say anything in regard to that.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, the Assistant Minister has talked about sending signals and using Safaricom. What kind of investigative process has he put in place? Is there somebody in charge of this investigation? Is it a continuous process? Is it something that if the family wanted information they would get it continuously? From my understanding, the Assistant Minister seems to give the impression that they have done the best they can. I did not hear anything about the continuation process or who is in charge of the investigation.

Mr. Ojode: Mr. Deputy Speaker, Sir, the CID officers are doing all they can in order to trace the whereabouts of that officer. This is one of their colleagues. We

have taken both the mobile phones in order for us to know who the officer called last. We have also arrested some people within the two clubs to help us investigate his whereabouts.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, State House is not an ordinary place. It is the official residence of the President of the Republic of Kenya and officers who are posted there are highly trained officers, given the sensitive nature of that residence. For us to hear that an officer can disappear from such a station into thin air is really worrying. It is not only about the safety of the officer, but also the security of the President. Could the Assistant Minister assure the House that they are doing enough to trace this officer? If they cannot trace their own, hon. C. Kilonzo and I have asked ourselves, how can they trace ordinary Kenyans?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is true that this officer cannot be traced as of now because he had been drinking with some of his friends from 7th to 8th. He was not on duty at that particular time. I believe that we will definitely know the whereabouts of that officer. Whether he is alive or not, we will trace him. We will know his hiding point.

I want to inform my colleagues that the issue of not being seen is not one that you can just leave to the security personnel. In fact, three months from now and once we have realized that it is not possible for my officers to trace him, we will carry his photograph in the newspapers so that wananchi can also assist the police in identifying him.

Mr. Mbadi: Mr. Deputy Speaker, Sir, the Assistant Minister started very well but he became a little bit more casual as he approached the end of his answer by saying that so far it is presumed that the officer is alive and that efforts to trace him will continue. I find that to be casual. However, he has repeatedly talked about data from Safaricom. He has said that once they get the data, they will determine who the officer called last. It is now two months since the officer disappeared. Can it take two months to get data from Safaricom to determine who the officer called last?

Mr. Ojode: Mr. Deputy Speaker, Sir, even if I had the information on what we have gathered from Safaricom, I cannot reveal some of it for purposes of security. I need to trace this person and we are going to get him, whether---

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to try to change my question? I did not ask him to share with us the information. I was just wondering from what he said why it is taking two months to get the data from Safaricom in order to determine the last person he called. He could have just told us that they have got the data and already gotten leads towards who he called last, instead of telling us he has not.

Mr. Ojode: Mr. Deputy Speaker, Sir, I have that information. The gist of the matter here is whether I can identify the hideout or where this particular officer is. We are soon going to declare this particular officer a deserter, after which then the due process will take place. The family members are really helpful to the Government to trace some of his friends whom they were drinking with. Sooner or later, from those whom we have arrested, we will definitely get a clue which will lead us to know whether he is alive or dead.

Mr. Letimalo: Mr. Deputy Speaker, Sir, the Assistant Minister is talking of sending several signals with regard to absence without leave of this officer. Could he tell us under what circumstances this officer went missing? Was he assigned any duties or he was on leave? How long did it take the officer in charge of security at State House to know that the officer was missing, if it is not negligence from the officer concerned?

Mr. Ojode: Mr. Deputy Speaker, Sir, I did say here that the officer was not working at the time he went out with his friends to drink. I did mention also that he was seen at Aberdare Club drinking with friends on 7th. Again, I mentioned that on 8th he was also seen with his fellow officers drinking together with friends at Salambo. By that time, he was off duty. So, when he did not report to work where he was assigned on the third day, that is the same time they realized that the officer was missing. Then, they started investigating. They went to his house first and found it locked from outside. They then started tracing him.

Mr. Kiuna: Mr. Deputy Speaker, Sir, given the sensitivity of this Question and the way the Assistant Minister is answering it, I would like to request that if possible, it be deferred so that he can go and do thorough investigations and bring a Ministerial Statement to this House on the whereabouts of this police officer.

Mr. Deputy Speaker: The hon. Minister has given, in the view of the Chair, an answer that is satisfactory, but not to the extent where the unfortunate incident has not been resolved, but it is a process and he has mentioned it.

Eng. Gumbo: Mr. Deputy Speaker, Sir, this officer was working at State House which is a very sensitive place. The Minister in his answer has acknowledged that this officer was the sole breadwinner for his family. Surely, Mr. Minister, you do not need the family to approach you to decide what help you can give in the meantime. What help can the Government give the family in the meantime as we presume the officer is still alive?

Mr. Ojode: Mr. Deputy Speaker, Sir, as at now, the Government cannot give any assistance because they have not sought for it. If the family needs any kind of assistance, the best they can do is to request for it and we will see if, indeed, it is in line with what we normally do to officers who abscond. So, I would request that my friend, Eng. Gumbo, asks the family members if, indeed, there is any kind of assistance which they require.

Mr. Shakeel: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to say that the officer absconded when all along he has said that he does not know what has happened? He has not absconded. He is just not on duty because something has happened to him. Is the Assistant Minister in order to call him an absconder? He is not in order!

Mr. Ojode: Mr. Deputy Speaker, Sir, to desert or abscond means that you are supposed to be working but you have not reported. So, up to this particular time, we believe that the officer has deserted or absconded duty. So, those are the terms used for somebody who is not reporting for duty.

Question No.422

RESETTLEMENT OF SQUATTERS COUNTRYWIDE

Ms. Karua asked the Minister for Lands:-

(a) what plans the Government has to resettle squatters throughout the country; and,

(b) what method the Government uses in identifying land for squatter resettlement and in negotiating the price.

Mr. Deputy Speaker: The Minister for Lands is not here? We will come back to that Question later.

Next Question by Dr. Kones!

Question No.426

NON-PERFORMANCE OF SOTIT SECONDARY SCHOOL BOG

Dr. Kones asked the Minister for Education:-

(a) whether he is aware that the Board of Governors of Sotit Secondary School has not performed to expected standards and that it has failed to hold meetings as per the Ministry regulations, thus affecting the school performance; and,

(b) what measures he has put in place to ensure that a new and efficient board is re-constituted.

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I note with concern the inadequacies of the Board of Governors of the relevant school. (b) I will disband the board immediately and reconstitute a new board so that it can serve the interests of the school. This should serve as a warning to other boards.

Dr. Kones: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that answer. As he has acknowledged, the school has not been running well because of the failure of the board to meet as per requirements. Indeed, the school has not been able to utilize the Constituencies Development Fund (CDF) money which has been allocated to that school for a while. It is also reported that the school did not sit for end of term examinations last term just because the board could not sign for funds to be used for running the school.

I am happy that the Assistant Minister has taken that step and so, I have no further question. I will consult with him further.

Question No.433

EXPANSION OF ATHI RIVER-CHUMVI ROAD

Mr. C. Kilonzo asked the Minister for Roads:-

(a) when the Government will expand the Athi River–Chumvi Road to a dual carriage status; and,

(b) why the construction works on the Machakos–Masii Road have stalled and when the works will continue.

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is in negotiation for concessionary co-financing of the Athi River-Chumvi Road second carriage way and anticipates that formal agreement will be reached in the course of next year. Indeed, it was part of my investigations in Washington this week.

(b) The Machakos-Masii road works stalled as a result of the design changes due to the terrain of the land and condition of the road that resulted in some section of the road being reconstructed, hence exhausting the funds which had been allocated to the contractor. My Ministry will carry out the design of Kaseve-Masii section in the financial year 2011/2012 after which funds will be allocated for the reconstruction of that section of the road.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, my question in part “b” requires the Assistant Minister to tell us when. He has just told us the progress of the funding. I am interested to know when the project will begin because even if we reach an

agreement, it can take another two to three years to start the works. I am interested to know when the work will start.

Mr. Bett: Mr. Deputy Speaker, Sir, I will not guarantee when the works will start until I have agreed with the financier whom I hope to conclude with before the beginning of the next financial year.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir, I wanted to be given a time frame. Surely, he must have a time frame. Will it be in the next two years or five years?

Mr. Bett: Mr. Deputy Speaker, Sir, the next financial year begins on 30th June, 2011. I hope that by then, I will have concluded with the financier. If I will not have concluded with the financier, I will incorporate the same in that year's printed estimates so that work can begin during the 2010/2011 Financial Year.

Ms. Karua: Mr. Deputy Speaker, Sir, the Minister is aware that the Machakos-Masii Road works stalled four years ago. That is a road whose construction started during the previous Parliament. Is it reasonable for him to state that he is waiting for funds to be allocated and yet, since then, four budgets have been passed? How long will the people of Masii continue to wait and every year the Government has money to spend? That is a stalled project.

Mr. Bett: Mr. Deputy Speaker, Sir, we are currently sourcing for funds for the maintenance of that road. I want to assure the House that we will complete that work in the next financial year.

Ms. Karua: Mr. Deputy Speaker, Sir, whereas the Minister has very ably said that the road will be completed in the next financial year, he has talked about rehabilitation. I am talking about a stalled project. Could he confirm that the stalled works is what he is referring to and it is what will be completed in the next financial year?

Mr. Bett: Mr. Deputy Speaker, Sir, I want to deal with that road once and combine the two. If I deal with one section, I will have to deal with the other section so that I can achieve uniformity on the road. I am talking about the two. Meanwhile, as I look for funds, I will give comfort to the people of that area by doing some repairs.

Mr. Kiuna: Thank you, Mr. Deputy Speaker, Sir. Due to the heavy rains which have been experienced throughout the country, I would like to ask the Assistant Minister how much money has been set aside as emergency funds to cater for the roads which have been destroyed by rains, especially in Molo Constituency and Mau-Narok, which is about 15 kilometers from the road from Narok. I am not asking that for the roads in Molo but for the entire country.

Mr. Bett: Mr. Deputy Speaker, Sir, I can assure you that I did not come with figures to answer what the hon. Member has asked. However, for all Class A, B and C roads, we set aside Kshs500 million for emergency repairs annually. For rural roads, we set aside Kshs300 million.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I think we are talking about two issues. We are talking about the allocation of funds and when the works will commence on the ground. What will the Minister do to ensure that all the money that is allocated to projects like that one is properly utilized so that we can get good value out of it?

Mr. Bett: Mr. Deputy Speaker, Sir, we carry out inspections when the work is going on. We eventually give out technical reports on the same. I would like to plead with the House that when we lay on the Floor of the House a Bill on the processes of good road maintenance, that will be a very good instrument for me to manage the

roads to the required standards, bearing in mind the professional and technical aspects.

Mr. Chepkitony: Thank you Mr. Deputy Speaker, Sir. This Ministry has a tendency to start projects, abandon them and then shift priorities. That is because I consider that road to be a shifted priority. When that road was started, it was a priority. Why could you not prioritize it and allocate it funds in the year that followed? I have a similar road in my constituency where work started but it was later abandoned.

Mr. Bett: Mr. Deputy Speaker, Sir, that is actually the reason why in this financial year, I have refused to commence new projects so that the funds can be used to complete stalled projects.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, you will agree with me that five years is a long time. Every year, there is a budget and yet no funds were allocated. We are talking about a distance of about 30 kilometers. In his answer, the Assistant Minister has said that they will carry out design work at the Kaseve-Masii section in the 2011/2012 Financial Year. That is just the design. That means that since we cannot provide money to a road which does not have a design, we will have to wait until 2012/2013. They are saying that it will take seven years to deal with a seven kilometer section. I want to know what urgent measures the Minister will take to ensure that, that section, even if it is the one from Kaseve to Masii, is addressed as soon as possible. I would like to encourage the Minister to personally go to the ground and see the section. The road has totally been cut off. You cannot transverse Kitui to Machakos.

Mr. Bett: Mr. Deputy Speaker, Sir, we have allocated Kshs20 million to repair that road. In view of what the Member has said, I will speed up the repair process so that it is done rapidly.

Question No.449

ADDITIONAL FUNDS FOR ROADS MAINTENANCE
IN CONSTITUENCIES

Mr. Washiali asked the Minister for Roads whether he could consider allocating extra funds for road maintenance to constituencies such as Mumias that are currently facing heavy rainfall?

The Minister for Roads (Mr. Bett): Mr. Speaker, Sir, I beg to reply.

My Ministry is carrying out an assessment of the cost of damage to roads in various parts of the country and, particularly, those that are currently facing heavy rains, so that it can submit an appropriate request for additional funding under the budgetary estimates to the Treasury this year.

Mr. Washiali: Thank you, Mr. Deputy Speaker, Sir. While I take this opportunity to thank the Minister for that answer, I am happy to note that through KERA, you are carrying out an assessment throughout the country to identify areas where you will add money. However, with regard to the roads in Mumias, would you tell us when because as we speak now, some of the roads are not in use?

Mr. Bett: Mr. Deputy Speaker, Sir, I am aware that most of the roads in western Kenya, not only in Mumias, are in a bad state because of the heavy rains. Like I said earlier, in our budget we have Kshs300 million for such emergency cases. I will look into how much I can give to Mumias.

Meanwhile, I have also noticed that the constituency has only utilized Kshs8 million under the Constituency Roads Committee (CRC), leaving a balance of Kshs11 million. I earlier talked to the Member and I am grateful for his reply. He said that he is being careful not to place all the money on the roads when there is a lot of rain because it will be a wash-out and a loss of that money. I want to congratulate the hon. Member for being cautious when maintaining those roads.

Mr. Deputy Speaker, Sir, nevertheless, I have also speeded up the release of part of the Kshs27 million and would want hon. Members to use this money as quickly as possible. I think this week or early next week, hon. Members should be seeing Kshs7 million out of the Kshs27 million in their accounts. I would want hon. Members to be thorough in prioritization of the roads. You may not be technically experienced but at least, you will know that a contractor has done a good job.

We receive these reports on monthly basis from our officers at the constituencies and we know what is going on in every constituency for purposes of keeping ourselves informed and being able to have good roads for our people.

Mr. I. Muoki: Mr. Deputy Speaker, Sir, I am concerned about the answer given by the Minister because last year we raised the same issue of roads which had been destroyed by the *El Nino* rains. He promised to look into the matter and up to date no special funds have been allocated, especially in my constituency. What is the Minister doing with what was destroyed last year, as he does a survey for what is being destroyed by the current rains?

Mr. Bett: Mr. Deputy Speaker, Sir, I do not have special funds for such situations. I only have emergency funds which is Kshs300 million for the whole year. So, when emergency cases come, I have got to weigh them in terms of the usage and economic importance of the road that has been destroyed.

Mr. Mbadi: Mr. Deputy Speaker, Sir, even though I also come from an area which has very bad roads, I think most of us who have been to western Kenya think the case is a crisis and affirmative action needs to be taken. I would specifically ask the Minister if he has a plan in the next financial year to set aside some funds to work on the roads in western Kenya.

Mr. Bett: Mr. Deputy Speaker, Sir, I take the advice from the Member.

Mr. Pesa: Mr. Deputy Speaker, Sir, I would like the Minister to realize that there are some constituencies where the Constituencies Development Fund (CDF) money has been spent to open more roads. Could he confirm here that when his officials are doing the survey, they will consider those constituencies which have opened more roads and give them more funds to ensure that the maintenance is properly done on these roads?

Mr. Bett: Mr. Deputy Speaker, Sir, first of all, I would like to thank the Members who have used their CDF money to do the roads in their constituencies. Congratulations! You are mindful of the welfare of your people.

I take the advice of the hon. Member and I will have my officers to duly inspect and to inform me that the roads they have inspected have been funded from the CDF so that I know what to do with that constituency at the next step of funding.

Mr. Ngugi: Mr. Deputy Speaker, Sir, many roads have been washed away during this wet season. In Kinangop, we cannot even deliver our produce to Nairobi because most of the roads have been washed away. Year in, year out, when it rains, the roads are impassable because the problem is mainly the faulty drainage. We have engineers from his Ministry who never address the issue of drainage. What plans does the Minister have to prioritize drainage of roads so that they are not washed away year in, year out?

Mr. Bett: Mr. Deputy Speaker, Sir, I want to appreciate that, but let us all agree that rain is a natural phenomenon and it is an issue beyond my control.

I agree with the hon. Member the drainage on our roads is so deplorable. However, I cannot drain a road if I am denied by members of the public who are the constituents of these Members. I want to request Members of Parliament to participate with me in requesting the villagers to allow our roads to be drained into their farms and maybe to do dams in their farms to collect water for other uses. Otherwise, I would have no opportunity to drain it anywhere if I am denied by members of the public and they do that.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you heard the hon. Minister mislead the House that he has no means of draining water into people's farms. This House has enacted very many laws and that is why we have things called way-leaves and easements which you can easily use to drain that water. Is the Minister in order to tell the House that the Government has no option if the farmers or people along the road refuse to let water be drained through their farms?

Mr. Bett: Mr. Deputy Speaker, Sir, I have used that avenue. However, no sooner have I done the drainage system than the villagers come and block it.

Mr. Warugongo: Mr. Deputy Speaker, Sir, the work being done on roads in my constituency is so shoddy that we have actually stopped all payments. We have written to the Minister asking him to send his engineers to come and inspect the work being done in Kieni Constituency so that they can tell us what to do. The roads are bad and the work being done is shoddy. We need his engineers to come on the ground.

Mr. Bett: Mr. Deputy Speaker, Sir, I would want to seek clarification on which roads these are. If they are the roads under the CRC they are within the control of the Member. If they are not within the CRC, I would like him to clarify, if the Chair so wishes.

Mr. Deputy Speaker: Proceed and clarify what roads you are talking about!

Mr. Warugongo: Mr. Deputy Speaker, Sir, I am talking about all the roads that are being either graded or murramed.

Mr. Deputy Speaker: Mr. Bett, so now you understand which roads he is talking about!

Mr. Bett: Mr. Deputy Speaker, Sir, I still do not understand but I want to indicate that every road is under the inspection of an officer from the Ministry of Roads. So, I undertake to check what is going on in the Member's constituency.

Mr. Letimalo: Mr. Deputy Speaker, Sir, it appears the Minister is putting a lot of attention on roads in agricultural areas and urban set ups. What plans does he have to ensure roads in rural areas like Samburu East, which were equally washed away by the heavy rains are attended to?

Mr. Bett: Mr. Deputy Speaker, Sir, we are giving attention to all the roads including those in Samburu. I wish the hon. Member was there when I toured the Rumuruti – Maralal Road. I am also aware that my good friend Ms. Martha Karua was to come but due to other duties she was not able to come along with me to inspect that road.

Mr. Deputy Speaker, Sir, all the roads in the constituencies which are under the Kenya Rural Roads Authority (KERRA) are the roads that we are allocating money to be prioritized and given contractors through CRCs. I want to urge hon. Members to pay particular attention to the work of the CRCs. I am aware some CRCs would want to do the work alone without the involvement of the Member of

Parliament. I want to urge you Members to pay particular attention as these committees work because the roads you are asking questions about now are within the purview of a committee in which you are members.

Mr. Mwadeghu: Mr. Deputy Speaker, Sir, could the Minister consider allocating an extra two excavators for Taita Taveta District given that the terrain is very difficult and the one that is there is inadequate?

Mr. Bett: Mr. Deputy Speaker, Sir, that is a good question. I am aware that the machinery available from our depot is inadequate. We are making every effort to increase the number of those machines, so that they are available for use when they are needed. We are also trying to interest private investors to make their machines available for hire on rates that are comparable to the rates of the Ministry of Roads.

Mr. Mwadeghu: On a point of order, Mr. Deputy Speaker, Sir. I wanted the Minister to commit himself as to when he will allocate the machines.

Mr. Deputy Speaker: Hon. Mwadeghu, that is a totally different Question from the Question that appears on the Order Paper. Much as the Chair would want to give you leeway to interrogate it further because of the sensitive of the issue of roads in the country, you cannot ask a very specific question without having listed it on the Order Paper. Hon. Members need to ask these Questions themselves. That is their work. The Questions will appear on the Order Paper and the Minister will attend to those specific Questions that you want addressed. But when the hon. Member for Mumias asks a Question and you want to divert it to other Questions, you are not being fair to him, the Minister and the House.

Mr. Mwadeghu: Mr. Deputy Speaker, Sir, much obliged.

Mr. Waititu: Mr. Deputy Speaker, Sir, Outering Road is one of the roads that have caused a lot of headache to the people of Nairobi. Does the Minister have any plans to repair the road?

Mr. Deputy Speaker: You are at liberty to answer that or not. It is not part of the Question.

Mr. Bett: Mr. Deputy Speaker, Sir, I agree with you. It is really off the Question. However, I would like to inform the hon. Member that we have plans to make the Outering Road a duo carriage way. Discussions with a co-financier are at an advanced stage.

Mr. Oyongo Nyamweya: Mr. Deputy Speaker, Sir, I appreciate the Minister's answer with regard to what the Ministry is doing. He is doing a good job, but I would like him to change to a user system like the one used for CDF funds. There are some areas which are more needy than others. There are some areas which have better roads than others. There are some constituencies which are bigger than others. So, instead of giving a uniform figure of Kshs27 million, he should create a formula where he allocates funds according to the needs and the size of each constituency.

Mr. Bett: Mr. Deputy Speaker, Sir, I appreciate the Member's concern, but that is not the law. The law is that we share funds equally to the constituencies. The prioritization of roads shall rest in the hands of the Constituency Roads Committee (CRC), which the Member is a member of. I want to urge him to pay attention to his CRC, so that he is familiar with the prioritization criteria they are using in his constituency.

Mr. Shakeel: Mr. Deputy Speaker, Sir, the Minister has mentioned something like private/public partnership where he is encouraging private owners of machinery to deal with the Ministry. Could he kindly co-ordinate with the Minister of State for Planning, National Development and Vision 2030 to make this possible? There are certain CDF committees, and mine is one, which are willing to buy a GCD Machine

and give it to the Constituency Roads Board (CRB), but there seems to be complications. If he can convince the Minister of State for Planning, National Development and Vision 2030, it will help a lot of us. Could he kindly undertake to discuss a possibility with him where the CDF can purchase these machines and put them under the control of the CRBs.

Mr. Bett: Mr. Deputy Speaker, Sir, while I appreciate the advice to discuss this with the Ministry of State for Planning, National Development and Vision 2030, the issue of buying equipment in the constituencies was duly discussed in this House. I think the relevant Committee of the House has all the information on that matter. I will advise the Member to consult with the Committee that deals with the affairs of the CDF.

Secondly, we are not going into private/public partnership with individuals to hire machinery from our people. I am simply saying that we are placing an interest in private owners, in and out of the country, to make available their equipment for hire by our contractors at rates that are commensurate with the rates by the Ministry of Roads.

Mr. Washiali: Mr. Deputy Speaker, Sir, I would like to thank the Minister for all the answers he has put forward. I do not know whether this is unique to Mumias, but during the Financial Year 2009/2010, Mumias had been allocated Kshs8.5 million. As I speak, only Kshs3.5 million has been received by the regional office, Western Province, for Mumias Constituency. When I visited the headquarters, they told me that Kshs5 million had been retained for administration. We had allocated Kshs8 million for the repair of Mumias/Busanda Road. What is the Minister doing to make sure that, that money is sent to the CRC, Mumias, so that we can work on that road effectively?

Mr. Bett: Mr. Deputy Speaker, Sir, I will go by the law. I am not aware of the figures that the Member is talking about because I did not anticipate that question. I am prepared to discuss further with the Member, but I will go by the law. I will comply with what the law says as amended through the Financial Act, 2009.

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. I am also going by the law. I am referring to what was in the 2009/2010 Budget. Out of the Kshs8.5 million that was allocated under the 10 per cent, only Kshs3.5 million has been received for Mumias Constituency. What is the Minister doing about the balance? That money had been budgeted for a particular road.

Mr. Bett: Mr. Deputy Speaker, Sir, the Kshs3 million plus issued to the constituency could have been the only money issued to me from the Treasury. However, I will check whether the whole amount was issued to us. My suspicion, which I think is right, is that, that was the total issue from the Exchequer.

Mr. Deputy Speaker: Next Question, Mr. Pesa!

Mr. Pesa: Mr. Deputy Speaker, Sir, first, I want to apologise for coming late. I left my house at 7.30 a.m., but I arrived here at about 9.30 a.m due to the traffic jam. So, it was not my intention to be late.

Question No.361

RESTRUCTURING OF POSTAL
CORPORATION OF KENYA

Mr. Pesa asked the Minister for Information and Communications:-

(a) what plans the Government has to restructure the Postal Corporation of Kenya (PCK), given the increased investments in the state-owned firm;

(b) whether he could confirm that despite the huge investment of over Ksh.120,000,000, records show massive drop in revenue. Further, whether he could provide revenue records of both postal and courier services for the last three years, and confirm whether in the now competitive ICT environment, the corporation is a viable undertaking; and,

(c) whether he could state the number of employees currently contracted in the corporation in general and in Migori in particular and state the facilities available, and confirm whether there are plans to establish an ICT village in Migori.

Mr. Deputy Speaker: I have been informed that the Minister and the Assistant Minister for this Ministry are out of the country. They have communicated the same to the Office of the Clerk of the National Assembly. Therefore, I direct that this Question appears on the Order Paper next Wednesday morning.

(Question deferred)

Question No.363, hon. Thomas Mwachugu!

Mr. Mwachugu: Mr. Deputy Speaker, Sir, I also want to apologise to the House for coming late. It was inevitable.

Question No.363

DOUBLE ALLOCATION OF LR. NO. 1005C
IN TSAVO EAST NATIONAL PARK

Mr. Mwachugu asked the Minister for Lands:-

(a) whether he is aware that Government survey records No.85/46/1955 set aside LR. No. 1005C in Tsavo East National Park as a trading centre in 1958, and whether he could table a copy of the record;

(b) what circumstances led the Kenya Wildlife Services (KWS) to carry out another survey on the same land as per KWS registration 343/54/2007 which resulted in issuing Title Deed No. 27743 in total disregard of previous surveys done in 1959; and,

(c) what steps the Government is taking to ensure that the title deed(s) erroneously issued to KWS are revoked and the original parcel of land returned to the Taita Taveta County Council.

Mr. Deputy Speaker: I am informed that the Minister for Lands, Mr. Orengo, is busy on a very important international matter. The Assistant Minister is also equally engaged. So, I direct that this Question appears on the Order Paper tomorrow afternoon.

Mr. Mwachugu: Mr. Deputy Speaker, Sir, I am most obliged.

(Question deferred)

Mr. Deputy Speaker: Question No.384, hon. Shakeel.

Question No.384

APPLICATION OF IMMIGRATION PROCEDURES
TO BRITISH/AMERICAN ARMIES

Mr. Shakeel asked the Minister for Immigration and Registration of Persons:-

(a) whether he could inform the House whether the standard immigration requirements for all persons travelling into Kenya apply to soldiers of the British and American armies;

(b) whether those officers are required to produce visa and passports for clearance purposes, and whether the Kenya Army undergoes similar immigration process in the USA and UK; and,

(c) whether he could confirm that failure to subject the foreign officers to the standard immigration procedures has threatened national security.

Mr. Deputy Speaker: Minister for Immigration and Registration of Persons! Can any Government Minister tell us why the hon. Minister is not around?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg the indulgence of the House. I am still trying to get the Ministers. I would like to ask that this Question be deferred until tomorrow, when I will have communicated with them.

Mr. Deputy Speaker: Please, communicate with the Minister and tell him to be ready to answer the Question tomorrow.

The Chair has time and again, in your presence, applied sanctions against Ministers. The Chair is thoroughly convinced that when it bars a Minister from transacting business on the Floor of the House, the Ministers are happy about that state of affairs. Under the circumstances, it is in the interest of the hon. Questioner, as well as the nation itself, that the Question should appear again on the Order Paper.

Therefore, the Chair directs that this Question appears on the Order Paper tomorrow afternoon. I hope that hon. Kimunya will inform his colleagues of the need for them to take their work in this House seriously.

(Question deferred)

Question No.422

RESETTLEMENT OF SQUATTERS COUNTRYWIDE

Mr. Deputy Speaker: Again, hon. Martha Karua, I am informed that hon. Orengo is not in a position to answer this Question today, so is his Assistant Minister. Therefore, the Chair directs that the Question appears on the Order Paper tomorrow afternoon.

(Question deferred)

Next Order!

MOTION

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

THAT, this House adopts the Report of the Joint Departmental Committees on Administration and National Security; and Defence and Foreign Relations on its Fact Finding Visit to Garissa, Dadaab and Voi, from 11th to 13th November 2009, laid on the table of the House on Wednesday 6th October 2010.

(Mr. Keynan on 12.10.2010)

(Resumption of Debate interrupted on 12.10. 2010)

Mr. Deputy Speaker: Hon. Sophia Noor was on the Floor. She is not here? It is assumed that she has concluded her contribution.

Yes, hon. Wamalwa!

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I rise to support the Motion for adoption of the Report.

This was a fact-finding visit to Garissa, Dadaab and Voi between 11th and 13th November, 2009. I was part of the delegation that visited those places. We were surprised that in spite of many denials by the Government that there was recruitment of Somali youths of Kenyan origin, the facts on the ground were different. We found that, indeed, there had been recruitment of Kenyan youths of Somali origin from Garissa, Wajir and other areas in the northern Kenya.

Mr. Deputy Speaker, Sir, the youths who were lured into that recruitment were mainly unemployed. They were promised that they would be recruited to join the United Nations. However, as things turned out, it was not to be. Indeed, when we followed up the issue, we were surprised to find that many young people had left Garissa, Wajir and other parts of the country. They had been loaded onto National Youth Service (NYS) trucks and, under escort of the military, taken to Manyani and Archers' Post for training.

We followed up the matter beyond Garissa and Dadaab. We actually visited Voi, and it was a very sorry state of affairs. When we arrived in Voi, we found a group of over 40 youths, who had actually been kicked out of Manyani training centre when it had been made abundantly clear to those in-charge of the training programme that the Joint Departmental Committee on Administration and National Security, and Defence and Foreign Relations, was visiting Manyani.

Those young people were kicked out at night. Each one of them was given Kshs3,000, and we found them in Voi Town. Many of those whom we found were teenagers. Some of them were 17/18 years old. Others were 21 years old. Amongst them were those who had been lucky enough to find casual jobs to do. There was one who was a taxi driver. Owing to the temptation of earning over US\$1,000 per month, he had abandoned his taxi in Garissa Town and was part of the team that went all the way to Manyani for training. They were kicked out into the cold by the trainers.

Mr. Temporary Deputy Speaker, Sir, what we must do away with is this culture of the Government denying matters whenever they are raised before the House. When matters are raised by leaders of this country, the Government's first line of defence is denial, denial and denial. We went out and found the young people but

all the Ministers who had appeared before the Committee had denied that there had been recruitment.

What we want to do is to actually address the root cause of why those young people had been lured into that recruitment. The problem is unemployment and poverty. That problem is not only in northern Kenya, it cuts across this country. The census has shown that over 70 per cent of our population comprise of the youth of this nation. Over 40 per cent of the young people are unemployed. So, what we are having is a time bomb which is ticking away, and which can explode and blow up this country, unless we address this problem. As a nation, the greatest resource that we have is human resource. If 70 per cent of this is wasted through unemployment and hopelessness, then we are in problem.

If you look at the young people whom we met at Manyani, they have nothing to lose. They have already lost hope. If they were told to go and fight alongside the troops of the Transitional National Government of Somalia, or they were told to go and fight with *Al Shabaab*, they would have nothing to lose. They would risk their lives to go and do anything in order to get the US\$1,000 or US\$6,000 that they had been promised.

Mr. Deputy Speaker, Sir, indeed, if there was anything else apart from the recruitment that they would be forced to do, they would do it. Some have been forced into piracy. So, this is a matter we need to address and address urgently.

We recommend that all those who are involved in the luring of these young people, who have, unfortunately, been turned into a commercial venture, action be taken against them. They should be investigated. We came across ex-army fellows, who were behind the recruitment. When we were in Garissa, their names were given. Some of them are known to the locals, the Provincial Administration as well as to the leadership of that region. Therefore, urgent steps should be taken against them as well as against Government officials who were involved in this unlawful exercise.

It was not just the families that were affected but also the security of this country was threatened because *Al Shabaab* is a reality. This grouping is not very far away from us. It has the capacity and the capability of striking this country. We have seen the ugly hand of *Al Shabaab* in our neighbouring country, Uganda. That is in the City of Kampala. They have the capacity to strike this country. So, whatever we do, we must not compromise our national security and allow a few people who have engaged in this dangerous venture to get away scot-free. Action should be taken against all those who were involved.

Mr. Deputy Speaker, Sir, what we also came across was the shocking state of our porous borders. We went to Dadab Refugee Camp and we were shocked that the security arrangement at the borders leaves a lot to be desired. It is totally porous. There are very many people who move in from Somalia. There are many corrupt officials who are involved at the borders and have allowed many people to slip in. Our worry was that with these porous borders, if we do nothing to strengthen the security controls, how many of the citizens of Somalia have slipped into this country through those borders? How many have gone to Garissa and have come through Thika to Eastleigh? The most worrying thing is the situation that would follow after the training of the young people. If they went and fought alongside Transitional Federal Government (TFG) and *Al Shabaab*, they will come back home after the fighting. When they come back you do not expect that they will be in Garissa or Wajir. Nothing would stop them from coming to Eastleigh in this City. Since they are highly trained, they will be killing machines and they will be unemployed. Our worry is on

their skills which we have spent taxpayers' money training at Manyani and Archers Post. Those are some of the issues that we must look at and address as a nation.

In conclusion, the Kenya Anti-Corruption Commission (KACC) should move into the northern part of Kenya and investigate the corruption in the Immigration Department and take action.

With those few remarks I beg to support this Motion.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Deputy Speaker, Sir, I rise to support this Report and urge this House to adopt it.

The incident in this Report happened in my constituency in Garissa. There is glaring evidence on the alleged recruitment. This is as a result of the testimonies made by the leadership in Garissa led by the Mayor of Garissa, the Deputy Mayor, the councillors, the elders and above all the parents whose children were recruited into the alleged military to support the TFG Government in Somalia. The list of the Kenyan youth who have been recruited and later released from the training camps in KWS have been circulated. Out of the 61 youth, 45 of them come from Ijara Constituency while the rest come from Dujis, Lagdera or Fafi. There are a number of reasons why these youth decided to join this illegal activity and the Committee has expounded it. It is because of high unemployment situation in northern Kenya and the high poverty levels among the households in northern Kenya and particularly in the greater Garissa.

Mr. Deputy Speaker, Sir, the issue of Somalia is very hot. The politics of Somalia for the last 20 years have been very complex. That is why we feel, as a country, that we must now more than any other time have a policy towards the political crisis in Somalia. I am saying this because the people who are most affected by the political crisis in Somalia are our own constituencies that border it. That is why ignoring Somalia, as a country, is done at our own peril. This is because if you take a chronology of the political process in Somalia in the last 20 years, you will see that more than any other time, Somalia is today at its worst stage.

A report done by the International Crisis Group based in Washington in 2006 says that Somalia has deteriorated into the world's worst humanitarian and security crisis in the world today. The issue of Somalia in terms of foreign policy has been mishandled by the Ministry of Foreign Affairs in Kenya. Our neighbours have done better. If you look at the part that borders Ethiopia, you will find that the Ethiopian Government under Meles Zenawi felt that they need to have a sort of normalcy with their neighbours and they built a regional government called "Puntland". The same applies to Djibouti. Djibouti and Ethiopia have created stable governments along the other side of the borders. We have a fairly stable democratic government in Somaliland and a fairly stable process of government in Puntland. Why can the Kenya Government not create a stable regional government along its borders? I am talking about the Juba region. This is what the leadership from that region has asked the Kenya Government to do several times. This must be done so that when we have border invasion, we can have resemblance of government on the other side that we can relate to.

Mr. Deputy Speaker, Sir, the issue of Somalia was very delicate and volatile. There was the December, 2006 invasion of the Ethiopian forces under the advice of the Bush administration. What happened? A more moderate Islamic Union Government was removed and now it has been replaced by a more militant Islamic group called the *Al Shabaab* which is not only a threat to the stability of Somalia but also a threat to the regional stability, Kenya included. As a country, we must have an effective regional policy towards Somalia. How do you have an effective regional

policy? This is where, we, as leaders feel that the Minister for Foreign Affairs is doing very little as the chief diplomat of the Government of Kenya in terms of the Somalia question. What has he done? He has appointed his cronies and friends to be the Kenya Somalia Ambassadors. These are people who have no knowledge of the Somalia question. They also have no knowledge of the Somalia cultural set up. They have no knowledge of the history and the development of the Somalia crisis. These are the issues that must be addressed. As a country, we must have a Somalia desk that has expertise, knowledge, the will and commitment to solve the Somalia crisis.

Mr. Deputy Speaker, Sir, the recruitment of the young people in northern Kenya and specifically in my constituency is a serious issue. I think the players in this recruitment who are from the Government must be brought to book.

This Committee has interviewed the Director of the National Youth Service (NYS) and the Director has given the list of all the vehicles from the NYS that were transporting the youth from the northern part of Kenya to the Kenya Wildlife Service (KWS) bases in Isiolo and Manyani. That is the evidence.

Mr. Deputy Speaker, Sir, as hon. Members of Parliament we have shown evidence in this Committee that we went to those camps and retrieved our young boys from there. Their names and identity card numbers have been tabulated here.

We have a lot of hard evidence in this Report that shows the way the people of northern Kenya have been marginalized at the expense of the crisis in Somalia. Why should the people of Garissa District be denied their constitutional right to get national identity cards and passports just because Somalia is in turmoil? Why should we have curfews and roadblocks in northern Kenya at the pretext of the crisis in Somalia?

Mr. Deputy Speaker, Sir, when there was a crisis in Southern Sudan, our brothers; the Turkanas did not suffer that way. When there was a crisis in Uganda in the early 1980s, our brothers and sisters in western Kenya did not suffer. This is a fundamental question; why should the people of northern Kenya lose their constitutional benefits and rights just because we are the same people who live across the border or just because we are neighboring Somalia which has no Government?

I think the Minister of State for Immigration and Registration of Persons, the Minister of State for Internal Security and Provincial Administration and other key Government officers need to answer many questions on the constitutional and human rights violations in the northern part of Kenya.

Mr. Deputy Speaker, Sir, during the recruitment of these young people, the Provincial Administration in northern Kenya suspended the issuance of identity cards. Even under the United Nations international laws, recruiting people from refugee camps is a violation of the United Nations High Commissioner for Refugees (UNHCR) Act of operations. It is a violation of the UN Security Council and the Human Rights Watch has written a report on the alleged recruitment of youth from our regions. The question that we are asking is that if - as this Report stipulates - the Kenyan Government can facilitate the recruitment of young Kenyans into a military wing that will support the Transitional Federal Government (TFG) in Somalia, then how safe are we as a region and as a country if the other militants, including *Al Shabaab*, will come to northern Kenya and recruit our youth? Then why should the Government or the international community be worried when it is alleged that *Al Shabaab* will come and recruit young people from Kenya when we are told and evidence has been given that Government officers are abetting and co-ordinating the recruitment of young Kenyans in this process?

Mr. Deputy Speaker, Sir, I think this Report needs to be adopted. The Implementation Committee of Parliament needs to follow up this Report and see what the foreign policy of the Government of Kenya towards Somalia is.

With those few remarks, I beg to support the adoption of this Report wholesomely!

Mr. Shakeel: Thank you, Mr. Deputy Speaker, Sir. I fully support this Report.

When we cry and when we start to talk about things too much, people wonder whether we are doing it for a just reason. When matters of that territory; north of Isiolo and Garissa are discussed, I see the Front Benches completely empty! There is not a single Minister there.

The Assistant Minister for Livestock Development (Mr. Duale): I am here!

Mr. Shakeel: Mr. Deputy Speaker, Sir, the only issue we have, on a serious note, as my brother, hon. Duale just said, the Somali question is one that cannot go away and it is one that will not go away. We found it marginalized; we found massacres in the name of the Somali question; we have seen what they call the “*Shifta* approach” and now we are finding a pseudo-system of trying to suppress that area as if it does not belong to Kenya. We agree that there is a porous border in that region. We make so much noise about a small island Migingo - which I still think is our right - but when it comes to the whole area where there are thousands upon thousands of square kilometers of the northern Kenya, it means little to anybody.

Either the Kenyan Government has to decide that, yes, we have a porous border because we are neighboring a friendly country; a country whose fortunes or misfortunes are linked to ours or we should delink totally and put up a very secure Israeli-type border so that those who are on this side are Somalis of Kenyan origin. We should not use that excuse to label them non-Kenyans.

Mr. Deputy Speaker, Sir, to hear that there is somebody recruiting an army of mercenaries from this country using parastatal machinery and vehicles is absolutely shocking. It means that Kenya is now becoming a holding ground for mercenaries and Kenya is doing that officially. Not very long ago, there are those tanks that came through and we were not sure where they were going to. It appears the Kenyan Government is either being clandestine on our relationship with our northern borders and our northern partners or it is actually actively involved in destabilizing that area.

Hon. Duale also brought out the issue of a regional government. Why are we going to put up regional governments? Is that our responsibility? Is that something that we should be doing? Puntland and Djibouti are countries that were there a number of years ago – 50, 80 or 100 years ago. We cannot start encouraging regional setups that will be friendly to us. Either way, we take the Somali question as a whole or we say we are not going to be working with the Somali question in this way or that way. Let us have a particular policy on that, but clandestine recruitment of mercenaries is just not there. As hon. Duale said, what stops the *Al Shabaab* from coming over here to recruit mercenaries? The very fact that our youth in the north eastern part of this country are totally disillusioned and would rather put their lives at risk for a mere US\$600, shows a lot!

There are other countries that have taken advantage of the youth. They have brought them in, trained them and given them a livelihood. What are we doing? When it comes to anything north, they are all treated as not friends of Kenya. That is even if they were born in Kenya. Their grandfathers and forefathers have been here for over 200 years. They are not seen to be friends of Kenya. Why? Because they are of Somali origin! Why? Because they are Muslims! On top of that, there is the issue of the Census which we have come across and it has brought even more dissatisfaction.

We are saying that Muslims, mostly of Somali origin, are less than two or three million. That is a joke. That is why the whole system that we are talking about needs to be reviewed; not only from the foreign affairs point of view, but also as a Government policy. There should be a Government policy of how we are going to act with our neighbours, especially in the north. Like it or not, Somalia is our neighbour. They are our brothers. Their fight will come into our territory and the only thing we can do is to make sure that we do not encourage them to fight within our territory, or for us to send mercenaries to fight their war. We can consult and reconcile them but we should not go and ignite more discontent and killing under the guise of resolving the Somalia problem.

Mr. Deputy Speaker, Sir, I want to stand up today and say that whether we like it or not, the pirates are doing that because they have no option. For the pirates in Somalia, that is an income for them. That is because there is no option. They can lose their lives; they are selling their lives. The Americans and EU countries have realized that when a person has no value for his own life and he is prepared to settle for a small amount of money, there is no answer. So, I think the Kenyan Government, like Mr. Duale has said, needs to sit down. They are our neighbours and brothers. We must not allow this country and this territory to be misused to go and create more dissatisfaction and fighting in Somalia.

With those few remarks, I beg to support.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, I also want to support this Motion by the Parliamentary Joint Committee. I want to start by saying that the issues raised in the Report are very pertinent. I just want to touch on a few issues that have been raised in the Report. The problems that are akin to northern Kenya and the North Eastern Province are problems that have been with us for a very long time. The issue of insecurity is one of the main issues that I think---

(Loud consultations)

There are loud consultations!

As I was saying, the problems that have been experienced in that part of the country are problems that have been with us for a very long time. Northern Kenya is one part of the country that has gone through a lot in the history of this country. We are all aware of the border problem that has been experienced in that part of our country. We have a problem of incursions by our neighbours every now and then. As a result of that, so much has been lost in terms of lives and property. As a result of that, development has been undermined in those areas and it is very evident that one of the problems that is facing North Eastern Province, not only Garissa or Dadaab for that matter, is under-development. That has been contributed by the Government's laxity to concentrate in those areas as it should be. But it should not be lost to this House--- I want to laud the recent Government's effort to establish the Ministry of State for Development of Northern Kenya and Other Arid Lands. I think that is one step by the Government to address the main problems that are facing that area.

However, apart from that, the issue of security is of major concern in that area. It has been of major concern and, as I have already mentioned, it has really undermined development in that area. We have been having a lot of problems with Somalia, Ethiopia and other neighbouring countries. But more pronounced is the question of the Somalia territory. That country has been undergoing a crisis for many years and, whether we like it or not, we did not choose to be neighbours with Somalia. Nobody chose to be born in northern Kenya. Those are natural trends and, whether we

like it or not, we will continue to be neighbours with Somalia. So, we cannot wish away the problems that are associated with our borders. Instead, we need to confront them head-on. If the Government can deny the existence of some of the problems in those territories, we will not solve the problems that we are trying to address in this country, including development in that area. So, I think the issue of security is paramount.

The Report has captured a few issues that are related to recent events, especially with the recent allegations of recruitment of our youths. But what is more shocking is that, that recruitment is done within our territory. Our own people are alleged to be involved but the Government is burying its head in the sand. So, from this Report, the Government needs to face this problem head-on, instead of trying to run away from it. If there is any action that is going to be taken, let the Government take appropriate action instead of denying it. I think this is a very important issue that we all need to confront and not run away from.

Mr. Deputy Speaker, Sir, we are all Kenyans. In our previous capacities, some of us served in certain border areas. Lamu is one border area where we border Somalia. I served in Kiunga and we had a lot of problems of that nature. Our youths used to be tempted because of poverty levels in this country. Those are some of the temptations that we are talking about. Unless the Government comes out and faces the reality of our times, we will have a long way to go. So, as I was saying, we cannot run away from that problem. Instead, we should face it head-on. We cannot run away from our neighbours because they will continue to be our neighbours, whether we like it or not. Instead, we should look for lasting solutions; work with other partners who are interested in addressing those issues which are very critical to our region.

The other issue which I want to capture is about the registration of persons in this country. It has been a thorn in the flesh of some communities in this country, especially the Somali. They are spread all over the country. They are not only concentrated in northern Kenya. They are all over, including our districts. Because of that, an impression has been created in our systems that anybody who is a Somali must be vetted first before he or she is issued with the relevant documents. I think that is putting us in a very awkward position.

In fact, I had a very ugly experience in my constituency the other day where the Somalis born there were denied registration papers. This happened to an extent that some students going to university almost missed registration because of the long red tape in the Government. I used to say that registration of persons in this country is another cash cow. For some innocent people, whether you are a Somali or a Maasai from Tanzania, in order to get registration you have to part with some amount of money. This is the truth, whether we like it or not.

Why can the Government not put in place mechanisms to address the Somali issue once and for all as far as registration of persons is concerned? As much as we have border areas, sometime genuine Kenya citizens are harassed unnecessarily. At this time in our history, we need to address some of these issues, and say there are genuine people. But because of the red tape and corruption that is so rampant in this country, everybody wants to take advantage of their position, and unless you part with something you will not be registered. We have witnessed some of these things happening in our country.

The other issue that I wanted to touch on is that of the Government and development in some of these areas. When you see youth being recruited to join foreign militias, we must face the truth that poverty is a problem in this country, especially in some of the areas we are talking about. So, temptation can make these

people to do things that are not right for this country. The Government should come out and concentrate efforts away from urban centres. If you look at the trend of development in this country, it tends to concentrate on already developed areas. When problems like what we are experiencing in northern Kenya occur, nobody seems to be interested in finding out the cause of some of the problems we are seeing.

Mr. Deputy Speaker, Sir, the major cause of these problems is poverty. There is poor infrastructure in these areas. The Government is there, but are people facilitated to an extent that they can contain some of the problems we are facing now? I am aware of an airport that was supposed to be done in northern Kenya, but up to now nothing has happened. So, we cannot run a country under fear. We cannot run away from our own troubles. Instead, we have to deliberately pump our resources, human and otherwise, into these areas. If we do that, I am sure we will address the kind of problems we are experiencing, including security and its associated problems.

With those remarks, I beg to support and urge the House to adopt this Report.

(Mr. Mututho and Mrs. Noor stood up in their places)

Mr. Deputy Speaker: Mrs. Noor, the Chair is conscious of the fact that we have seven minutes left, and that you came late. Standing Order No.73 says that no hon. Member will contribute to the same Motion twice. Unfortunately, you will not be allowed to contribute.

Proceed, Mr. Mututho.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion wholeheartedly. In supporting this Motion, I want the House to reflect on development in the world; no single place has been developed through the use of force. No one in the world has been able to achieve equitable development by use of force. I want to persuade this House from the outset to look at Somali as a resource, and as a people who are our brothers and sisters; we should not use ideas borrowed from the US, particularly from the Pentagon. Once you see them as people who are not supposed to be on this planet then our thinking and policies will be guided by how the Americans would like us to look at them.

Mr. Deputy Speaker, Sir, it is a shame that we have carried on policies that are not researched by us, but are researched in somebody else's backyard. We are told that everybody who looks like a Somali is an enemy of the State, is a potential *Al Shaabab* and a potential criminal; we forget that even in the 19th Century the Somali people, who occupied the biggest coastline in Africa, were the ones who encouraged British settlement into Kenya.

We are not saying this out of lack of knowledge. What has happened in Naivasha over the years is by courtesy of those people who came from Somaliland. They escorted the investors all the way through very dangerous environment and helped them settle and undertake development. Now that we are in an age of militarization, why do we have difficulties in exporting technology to Somalia in recognition of the fact that they brought us the white men who developed us? Now we are saying they are refugees, and that they should not be allowed to come to Kenya. We are now saying that our borders are very dangerous because Somalis are moving to and from various places. This is something they have done for a long time. I am not here to look at that border as being porous. I am here to look at ways in which we can, as Kenyans, develop systems that allow our institutions like universities to study their language and culture.

I am standing here to persuade this House to adopt ways and means by which people who are in Kenya and who were specialists in various fields like geomapping, entrepreneurship and other skills can be asked to bring what they have in Somalia and then encourage investment. It is through investment that you will have a stable Somalia.

I want to declare my interest under Standing Order No.81. I did work for United States Agency for International Development (USAID) and the policy then in the 1980s was that they should make very many Kenyans rich, because when you have very many rich people around they cannot encourage bombardment, destruction of resources and so forth. What we need to do, as a Government, is not necessarily creating territories that will act as a buffer. We should look at ways and means of connecting Nairobi by use of a fast train all the way to Mogadishu.

I do not want to be seen to be emotional about this thing; but once you have a very good network of water, internet and everything else you will see Kenyans investing in Somalia; nobody will hear stories about the *Al Shaabab*. Everybody in the world knows that in order to have lasting peace you do not need to use force.

Dr. Kurt Waldheim was very categorical; he said that peace, according to him, at that particular time when he was the Secretary-General of the United Nations (UN), was nothing more than a balance of fear between the East and the West.

We could balance long range missiles and shortage range missiles. By doing so, we will be balancing fear which interprets it to peace. However, we can still achieve a lasting peace by allowing Somalis to invest in Kenya. We could allow our companies in Kenya to invest in infrastructure in Somalia. That way, they will soon see the need for democratically elected Government and do away with the buffer zone.

On the issue of refugees, of course, many people including myself, have never been refugees. But just like a bird, they will patch where there is peace. We have over 10,000 IDPs but that is not Somalia. They patch in Naivasha because it is peaceful. Now that Kenya is peaceful, why do we not use that facility that we have that creates peace, so that we can extend that peace and harmony to our border?

I do not think there is any shame in us as a State financing through our meagre resources, the peace process in Somalia. Those people are here. They are friendly people. They are people you sit down with and have a cup of tea, argue and discuss the essence of peace and development. Let us not look at Mogadishu as a competitor of Mombasa or Lamu. Let us look at them as compliment to what we do.

I recently went to Somaliland. I was shocked that over 5,000 Kenyans are expatriates there. But we do not have an embassy there because somebody thinks; we should not have an Embassy there. Note that it is not necessary for us to have an embassy there, but it is a shame of our time when we cannot create jobs even for our graduates. This is a country that respects us to an extent of allowing over 5,000 Kenyans to work there. Why do we not recognise them? In the process of not recognising them, we also do not recognise our Kenyans there. There is no nation in the world which will ignore 5,000 of its citizenry and let them just sit there because their big brother in America is saying; do not look at it that way. That is wrong. That is a policy drawn in Washington. If this country is independent and I believe truly it is, we are elected Members of Parliament, and then we should come out of the cocoon and be able to tell Kenyans in a language they can understand: You put your mouth where your money is at this particular time. Your money is in Somaliland. Even if you do not like Somaliland people, Kenyans are there. They have respected us. They have afforded us the courtesy of us being expatriates.

Why do you want to continue cleaning toilets in down town Washington while you can be an expert in your own country, earning such a decent salary? Why do we have a policy here with this Government that cannot wake up one morning and get all the lot of people who are educated in agriculture, arid lands, farming and livestock and so forth; go there and negotiate with Somalia people. These people can help in rebuilding that country. They can help in technology. Our tissue culture in bananas, for instance, which is world class, should be able to be exported there. Then they will have huge plantations of bananas and Kenyans will continue to be expatriates. Why are we relying on what somebody else is telling us? You know it and I know it. For you to go to the United States, you need a process of visa arrangement that to say the least, is humiliating. I think the only question they do not ask you is: Who is your mother-in-law, if you are a mature man like me? Otherwise, they would like to know everything else.

Mr. Deputy Speaker, Sir, I am saying this with a lot of reservations. This honourable House has three functions. One is representing the people of Kenya and their views. The people of northern Kenya are people of Kenya. So, this House should represent them with the same vigour and zeal as they would do for those from the Coast, Naivasha or any other place. The second function of this House is to make laws. We all participate in making laws. The final one is that of oversight. Both Committees did a very commendable job. It is the high time we adopted what they have recommended. First and foremost, by not looking at our neighbours as cash cow ,so that they have to sell their camels and through corrupt practice, be able to cross our borders. That must come to a halt. That must be controlled. The Kenya Anti Corruption Commission (KACC) does not need to wait for the report. They need to get there, so that only those who deserve are able to cross our border.

Mr. Deputy Speaker, Sir, in the same strength, they should be able to investigate this Ministry of Foreign Affairs. Who drives their agenda? Who drives their policies? Is it the Cabinet or this House? If it is this House, indeed, then we are saying the people of Kenya must be represented, wherever they are, by this august House. We are not here on the instructions of EEC. We are not here to carry the wishes of the US Government. We are not here to carry the wishes of any other State. We are here to carry the wishes of Kenyans because we are on the payroll, courtesy of the same Kenyans. I am saying again that when you look at Somali, look at Somali as a resource. Look at their beautiful beaches. Look at their potential in agriculture. Look at their potential in mineral exploration. Look at them as a potential in having well managed game ranching. Look at them as a potential in having conservancy. Look at them as complimentary in terms of port and bringing goods here. For instance, if we have a railways link between Mogadishu and Isiolo, then we would have goods moving to and fro Middle East much cheaper than the current arrangement in which they have to move almost an equal distance to Mombasa and then from Mombasa, go all the way. Who is stopping us from doing this? Why are we engaging ourselves in trying to do things that we are not able to do. The Indians were here. Four years, they were able to do our roads. They were no machines. To upgrade our own railway line has taken this Government over 86 years of negotiation, before they are able to do the first railway line. Now that we have the Tenth Parliament made of some of the finest people that Kenyans could offer, could we resolve that we stop talking and start looking at these people in North Eastern as our enemies? We should look at them as resource and have a good railway line from Nanyuki going all the way to Mogadishu, passing through that vast country. It would be easier to do a railway line. I am not an engineer but I guess the terrain is so accommodative to a high speed train would and it

would not cost much. If you do so, then we can export faster to Middle East and Asia. We will have business people open their hotels along the road and railway line. You can also be able to export clean water through the same system using the major rivers that we have in Mt. Kenya. Mt. Kenya people had better listen to this. They should look at Mt. Kenya sometimes other than where the God of the Kikuyu lives. They look at it differently. I am looking at it as a place where they can get fresh water piped along that line and you feed all those towns there. People will be able to trade freely. I am saying this because those people who live near the Somalia and those who live in Eastleigh can bear me witness that we have had more incidences of people killing each other in Kawangware, Mukuru Kwa Njenga, Kibera, brother to brother, than Somalis killing another person, although they are said to be heavily armed in Eastleigh. Then, where did we pick this idea? Where did we get this idea that these people are war-like? Why do we have to damage our brains to an extent that we are denying ourselves this God-given opportunity to be a neighbour of a very rich country? Why can we not participate in the development of Somaliland coast? Why can we not have our embassies in all those states?

I support this Motion fully, given my background and training. I am here and I do not want to be seen to be carrying only wishes. I am here because Kenya is listening. I know the Ministers are away but the HANSARD is on. If they have the time, they can read it. If they cannot read, they should ask their personal assistants to read for them what I am saying. In our next year's Budget, they should have a railway line from Isiolo, all the way to Mogadishu. They should also have water pipelines from Meru to Isiolo. That way, we will have a very big city called Isiolo and others like Garissa and Dadab. Refugees will no longer be a problem because everybody will be involved in construction.

I have said on the Floor that we have the biggest mass of water under the surface in Lorian Swamp. That water is enough to supply Nairobi, maybe, for 60 years or 70 years. That water can be exploited if we are serious about what we are doing. We can come up with an irrigation scheme that can accommodate over one or two million Kenyans. That swamp can be utilized so that we can export foodstuffs to Middle East, India and China. Those counties in question, under the new dispensation, should be listening to this. This House passed a Motion some time back allowing the Government to utilize US\$100 million guarantee to import food. Why do we need to be told 1,000 times that, that money is available? Give that money to the Ministry of Agriculture and North Eastern Province can also feed this country. If you do not know, you had better ask John Mututho. North Eastern Province can feed this nation and the rest of you in ODM and PNU can continue politicking as that area develops.

Mr. Deputy Speaker, Sir, with those many remarks, I beg to support this Motion wholeheartedly.

Mr. Deputy Speaker: Mr. Kamama, you will respond on behalf of the Government side.

Mr. Letimalo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. From the outset, I support this Motion very strongly. I was one of the Members of the Committee that visited North Eastern Province on a fact-finding mission to ascertain whether there was any recruitment that took place. As a matter of courtesy, we met the Government officials with all the relevant departments represented. When we inquired whether this recruitment took place, it was denied. Thereafter, we had a public *baraza* where we had parents whose children were missing because they were recruited and secretly transported to either

Manyani or Archers Post for training. We got names from the parents whose children had been recruited. So, it is certain that the recruitment took place.

It goes without saying that the rate of unemployment in Kenya, particularly amongst our youth, is very high. The level of poverty in Kenya is very high and North Eastern is not exceptional. So, when someone who earns a living through “hardship” is told that there is recruitment and is promised a salary of between US\$600 and US\$1,000, definitely he will take up that job. So, we were able to ascertain that, that recruitment took place.

Mr. Deputy Speaker, Sir, we managed to go to Manyani where we met over 100 youth. Their Identification Cards (IDs) were confiscated by the recruiting team. However, upon resistance and after discovering that they had been duped into that recruitment that was not real, they were released. We talked to the youth in Manyani who confirmed that. We tried to talk to the officer in charge of police and he denied that there was any training taking place in his area of jurisdiction. So, the fact remains that the recruitment took place and the Government is aware but it has denied. We would like the Government to own up and apologise to Kenyans for allowing this recruitment to take place and misleading Kenyans into applying for jobs that were not there.

We also visited Dadab. Although the border was closed allegedly because of the influx of refugees in Kenya, those refugees were still coming in, in large numbers. They were, in fact, being transported in lorries. So, one fails to understand how the refugees entered Kenya, even when the border is closed and there are security officers manning it. We also have officials of the UNHCR and the migration officers at the border. How come the refugees entered Kenya under the Government watch? The confirmation here is that corruption is rampant in that area. The Government must take responsibility for allowing this high level corruption to continue without watch.

Mr. Deputy Speaker, Sir, we also noted with concern that Kenyans in Dadab were registering as refugees in the refugee camps. They were doing so because they found out that the opportunities and conditions in the refugee camps are better than those in their villages. In the camps, they are given the food they require and other privileges they cannot get in their villages. So, the Kenyan youth who register as refugees should not be victimized because it is not their wish. They do so because they get better opportunities in the refugee camps. I think that recommendation in the Report on the Kenyan youth who register as refugees should be expunged because it is not their wish to register as refugees. They have been forced to register as refugees by the harsh conditions in their villages. They actually find the conditions and opportunities in the refugee camps to be better. The Government should take responsibility. After all, it is the cardinal requirement in the Constitution that the Government has to take the responsibility to feed and give all the basic services to its people.

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

Mr. Chachu: Mr. Deputy Speaker, Sir, I fully support the fact finding Report by the two Departmental Committees in Garissa, Dadab and Voi. I think Kenya must deal with the problem of Somalia. The Government of Kenya has, for sure, taken some basic role but it has not done enough. Kenya is a powerhouse in sub-Saharan Africa and it has a voice globally. If Kenya takes this challenge and spearheads the problem of Somalia, I think it can contribute towards solving it.

A solution to the Somalia problem among many others is to recognize Somaliland. The people of Somaliland have recognized their identity, reality and sovereignty. If they are a nation of Somalia, they have no business not to appreciate

and embrace their sovereignty and recognise their State. By doing that, Somaliland will play a leadership role in securing that particular region in collaboration with many other neighbouring states like Kenya, Ethiopia and Somalia once it becomes stable. It is a state which has had democratic elections for 20 years. Sometimes, the Opposition, for example, last year, took over from the previous regime. If that is not democracy, I do not know what we call democracy. We cannot wish the problem of Somalia away. Similarly, we cannot wish the issues facing Somalia away. I think the sooner the world recognizes Somaliland, the better for the whole of the horn of Africa. This is for our stability, security and development of this region. It is just a matter of time before we do what we should have done a long time ago, but the sooner we realize this reality, the better for this nation and world at large.

Mr. Deputy Speaker, Sir, I think Kenya needs, as one major power in this part of the world, to internationalize the Somalia problem both at the African Union (AU), European Union (EU), Arab League and IGAD. We have much stake, authority and necessary capacity to really bring this problem of Somalia to the global attention.

Mr. Deputy Speaker, Sir, we appreciate what the Kenyan Government has done so far, but we think we can do more. We better do more if we are to secure this part of the world. I think it is so critical for us to create security and immigration border points along these porous borders of northern Kenya. By doing that, we can ensure the security of this nation and smooth flow of immigrants from both sides of our borders; from Somalia, Somaliland, Kenya and even Ethiopia. I think the sooner we secure our long stretch of porous borders in northern Kenya, the better for the security of this nation.

Mr. Deputy Speaker, Sir, I think it is critical that we also do an audit of refugees in Kenya. If we do that, it will enable us to understand the number of refugees in this country, plan for them with other multinational organizations and ensure that they have a good life while they are within our borders. The Kenyans who are in the refugee camps are there because as a nation, we have failed to support and secure a livelihood for all Kenyans. It is not an individual problem but a national shame. The Kenyan Government had better deal with its shame before they penalize individuals who have ran to refugee camps to secure their livelihoods, simply because of poverty and marginalization. For all these years, the Kenyan Government has refused to support the livelihoods of northern Kenya and as a result, they feel that life as refugees in their own nation is much better than the life they live everyday in their own country. So, we should not penalize Kenyans for having done whatever it takes to live a better life. This is a national shame and the Kenya Government had better deal with it as a national shame by developing northern Kenya and making sure that Kenyans in that part of the country feel that they are part and parcel of this nation and well secured, supported and attain development in terms of both employment opportunities and priorities. Penalizing them for being in those camps and trying to secure a livelihood for their families and region is a big mistake. We will oppose that kind of a move as citizens of this nation.

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

Dr. Nuh: Mr. Deputy Speaker, Sir, I just want to voice my support for this Motion.

Mr. Deputy Speaker, Sir, when this issue came to light for the first time, it was a shame that the Kenyan Government denied the existence of the recruitment of those youths into Armed forces of Somalia, to go and fight against the Transitional National Government (TNG). When such things come to the fore in such an instance that the Government with all the security apparatus, machinery and intelligence, is unable to

either confirm or deny the existence of Kenyan youth who are being recruited to go and join foreign forces, we are kept to wonder whether our own security is guaranteed by this same Government; and whether the illegal actions that are taking place within the country can be brought to the fore and attention of the public, so that, at least, they are deemed to take care.

Mr. Deputy Speaker, Sir, if such an instance was denied its existence thereof by the Government and it came to the truth of the matter that even one of the recruits by the name Yunus Dere Buhat comes from my constituency--- His parents came to me asking to know why we have allowed Kenyan youths to be recruited. This same Government which is supposed to guarantee the security of its borders, public, populace, actions and omissions of whatever takes place in this country, was denying the real facts that were in existence.

Mr. Deputy Speaker, Sir, we would want to go even further than this Report because it only recommends that investigations be done. I think the Kenyan Government is answerable to these people and it should answer its populace as to why it, indeed, refused to acknowledge the existence of a fact that the Kenyan youth were being recruited for a so-called lucrative job to go and fight alongside foreign forces.

Mr. Deputy Speaker, Sir, since so many hon. Members have contributed to this Motion, I only wanted to voice my concern that it happens; so that many Kenyans from the Northern Frontier District (NFD) go to join refugee camps not because of their wish or they would want to disown their own country, but because they think that life in the refugee camps is better than whatever life they are being accorded by the Kenyan Government. As hon. Chachu has stated, this is a shame. If refugees who have run away from their country because of turmoil and turbulence are seen to be afforded better advantages like better healthcare system and food than Kenyans--- This country has to guarantee the welfare of its people. This Constitution that we have just brought forward puts even more burden on the Kenyan Government to make sure that its populace lives in a better way. They have to ensure better healthcare and make sure that Kenyans are able to put food on the table at the end of the day.

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

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, first of all, on behalf of the Government, I want to really thank the Chairmen of these Departmental Committees for a job well done, together with their respective Members.

Mr. Deputy Speaker, Sir, I also wish to say that we have taken into account all the contributions from hon. Members who have just spoken. I want to confirm that we are taking those contributions very seriously. I am happy that so many recommendations have been given by hon. Mututho, my former colleagues in Provincial Administration, hon. Letimalo and hon. ole Lankas and Dr Nuh. I think we have taken note of what they have said and we confirm that we will implement everything to the letter.

Mr. Deputy Speaker, Sir, we all know that North Eastern Province has been given many brands. When we were young officers, I joined the Provincial Administration as a District Officer Cadet in 1992 and was posted to Garissa. At that time, the Deputy Speaker, who is on the Chair, was actually vocal on the same issues. The people of North Eastern Province, including Garissa, Dadaab and other places have faced a lot of problems but I am happy that since the NARC Government came into power, a lot of things are being done in that area but a lot of challenges still exist.

Mr. Deputy Speaker, Sir, the issue of insecurity as mentioned by the Committee, needs to be looked into very clearly. The issue of poverty is a major concern in the province. Shortage of food is an issue and people still depend on famine relief year in, year out. This must come to a stop. We need to come up with the best policies of addressing the issue of food, which is a basic right in our current Constitution.

Mr. Deputy Speaker, Sir, in this Report, we are being told that some of our youth are actually tempted to join the TFG because of the unfortunate situation. This issue will be addressed by the Government through the many policies that are contained in the new Constitutional dispensation.

Mr. Deputy Speaker, Sir, the issue of poor infrastructure is a big concern. Since Independence, it is only the NARC Government that tried to actually vote in money to construct the Garissa-Modogashe Road. We want this road done all the way to Bulahawa.

Mr. Deputy Speaker, Sir, that is the only way people of northern Kenya can benefit. The issue of refugees must also be addressed. The issue of influx of refugees must end. The people of Somalia must go back and rebuild their country. Therefore, I want to recommend that, as a country, we are trying our best to assist the Transitional Federal Government (TFG) to get some stability. As you know, Kenya is an island of peace in a sea of turbulence. If you do not take care and yet we all know that all our neighbours are fragile--- We must make sure that those countries are stable so as to sustain our economic stability and also grow as a country. We do not want what is happening in Somalia to continue. It is now over 20 years and the country of Somalia has had no serious government apart from the TFG Government which is trying to assist.

Somalia as a country has many resources, including oil in Puntland and even in Jubaland. Therefore, we need to have a stable Somalia so that we can get fuel from there. We can also get fuel from our neighbours in Uganda, so that we can avoid getting fuel from Afghanistan and Iran, which are thousands and thousands of miles away. We need that country to be stable. Somebody asked me how Somalia looks like, especially in Mogadishu. A friend of mine once told me that if you want to know the situation in Mogadishu, you should just imagine how Nairobi would be without the police. It would be in chaos. Therefore, we must assist that country in attaining stability. We will implement the recommendations that have been given by the Committee. There are about 10 recommendations and the ones that have been suggested by hon. Members. Our position, as the Government, has clearly been articulated by the Minister of State for Provincial Administration and Internal Security. The Director of National Security Intelligence Service and the Provincial Security Committee (PSC) have also articulated their position. That is our position as the Government and we want to ensure that we work very closely with the Committee to ensure that all the recommendations concerning identity cards and refugees are implemented by the Government.

With those few remarks, I beg to support.

Mr. Keynan: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to thank all hon. Members who have taken time to contribute to this Motion and supported the Report. What we have recommended here is not new to the Kenyan public. Maybe, it is new to a small section of the leadership of the Republic of Kenya. It is unfortunate that since Somalia plunged into a state of war in 1991, the crisis has been commercialized by the neighbouring States. There is no goodwill to serve the

interests of the people of Somalia. The agenda is to serve the interests of the individuals within the neighbouring states.

In the Kenyan context, one thing we must acknowledge as a country is that Kenya comprises of many tribes, including others which have not been acknowledged among the 43 tribes that are mentioned. However, we have forgotten that aspect of our history. What brought us together to share a common border was not by choice but circumstances that were outside the control of the 40 million Kenyans who constitute the *bona fide* citizens of the Republic of Kenya today. Today, that has been replaced by a new phenomenon called the biological nationalism. Biological nationalism is a product of regionalism and tribalism and trivialization of national issues to an extent that anybody who is not from my tribe is not fit enough to be called a Kenyan. Those are the issues that we must face.

With regard to the people of northern Kenya, I want to go on record to say that if there is one group that has benefitted from the advent of multi-partism was that group. We did not know what used to happen. We have had massacres which have not been given any explanations. We had the Wagalla, Malkamari, Bulla Karatasi and Garissa massacres. All those massacres happened simply because there was no adherence to the rule of law.

Individuals within the State gave themselves powers that were not confined to them within the Constitution, statutes or even under the law--- We have many sources of law. The first one is the Constitution. The second one is the Statutes. The third one is delegated legislation. The fourth one is the formal law and the fifth one is the international law. The sixth one is the presidential decree and the seventh are precedents or traditions. If you look at the basis of those massacres, you will see that they were completely out of the law.

Today, we have a continuation of the stereotypes that existed. We have all been in this country. Have you ever heard someone being called a Kikuyu bandit? Have you ever heard of a Luhya, Luo or a Kamba bandit? However, when someone has features of a Somali, the next thing you hear is making hate speeches against Somalis. The next thing you will hear people saying is that he is a Somali bandit. That is utter discrimination and it should not be allowed to happen in modern Kenya. One of the things that happened recently was the illegal arrest and repatriation of people to Uganda, even after we had adopted one of the most generous Constitutions in terms of human rights. That means that what we adopted was just a piece of paper. I am not a lawyer but that, in itself, is unconstitutional, oppressive, capricious and illegal. The only message that we are getting is that someone somewhere thinks that our courts do not have the inherent judicial authority to try those suspects. Why were Kenyans arrested at night and transferred to Uganda which has a totally different judicial system? Those are the issues that we must stand to defend because we fought hard and used many public resources to nurture and get that document. That document must be accepted at all costs because it is the foundation and basis of the rule of law. If the leadership will not abide by the script in that document, then our acceptance of the new Kenya will just remain theoretical.

I said that the crisis in Somali has been commercialized with regard to Kenya. First of all, it is unfortunate that the Republic of Kenya, as a front State which has more than 1,000 kilometers shared border with Somalia does not have a foreign policy with regard to Somalia. What is in place is an *ad hoc* one which is placed under individuals for their own interests and it has been commercialized. For the purposes of record, Kenya has invested a lot of resources in trying to bring peace and stability in Somalia. However, those attempts are riddled with individual interests. As we speak

now, the Ministry of Foreign Affairs manages the Somali foreign policy. The Ministry of State for Defence also manages the Somali foreign policy. Why are those attempts not being harmonized under one group, which is the East African Community?

This is why all the attempts that Kenya made to assist the people of Somalia must be taken seriously because Kenya is doing that as a responsible Member of the international community. It is not a privilege. However, these attempts are being negated; one hand makes a good move and the other hand because of commercial interest, corruption and other interests negates the good things. This is why on the face of it, we have a legitimate Government in Mogadishu which has been accepted by the Government of Kenya. This is why we have a Kenyan mission accredited to Somalia at the NSSF Building.

Mr. Deputy Speaker, Sir, one of the things we will be demanding is for that mission to move to whatever part of Mogadishu to provide leadership. That way, we will be sending a very strong message to the international community that we are willing to risk even our own staff so as to show that we are supporting peace and stability in Somalia. This falls under my Committee and one of the things we are considering is that if they do not move that mission to Somalia, we will not allow them a budget in the next budgetary allocation. This is because that is not going to be an avenue for employment opportunities. We are spending over Kshs100 million on that mission so as to nurture and foster a brotherly relation between the people of Kenya and the people of Somalia.

Secondly, it is to assist in ensuring that the people of Somalia get a stable and recognized Government.

Mr. Deputy Speaker, Sir, the problem of Somalia is not a Kenyan phenomenon alone. Kenya as a responsible member of the international community would have sensitized and internationalized the Somalia crisis. Kenya should bring the Somali crisis under the auspices of the United Nations (UN), the African Union (AU), the Arab League and all other internationally recognized organizations. This will give us legitimacy.

We have an open border. One of the things we have noted and which is serious to the Republic of Kenya is that almost all our borders are not first of all marked and secondly are not manned. This is a threat to our national security.

Mr. Deputy Speaker, Sir, with due respect, the other day, the Minister of State for Provincial Administration and Internal Security was denied access to one of the administration police posts in Nandaba. The Minister of State for Immigration and Registration of Persons was also denied access to one of the immigration posts in the same place. You have heard what happened to Migingo Island. You know the border between Kenya and Somalia. You know the border between Kenya and Tanzania. Are we safe? This is the prime responsibility of a responsible State.

We are not sure what is going to happen in Southern Sudan. They will hold their referendum and they have their issues. We cannot just blind ourselves and say that everything is going to be smooth. Are we ready in the event that the people of Sudan disagree? Is our border safe? These are issues that we must internalize and accept as a responsible nation.

Mr. Deputy Speaker, Sir, even the issue of the trial of pirates which has a resultant effect as to why some of the youth, particularly in northern Kenya attempted to join an illegal recruitment which was going on--- One of the issues is poverty. Again, Kenya as a frontline State must not militarily get involved in the Somalia affairs. This is the issue! Let us provide logistics and train them. Sending our Armed

Forces and getting entangled in the Somalia affairs is not going to be accepted. It is going to be counterproductive.

The other thing that has been going on in the name of the Somalia crisis is ethnic communities with similar features like Somalia people have been profiled. Is it a crime to do business? Under the Constitution, is it a crime? Does one choose to be a refugee? Being a refugee is a disaster. What we should do as a responsible State is to use internationally accepted organizations like the United Nations High Commission for Refugees (UNHCR) to register and validate the stay of refugees in Kenya and allow them the necessary decorum that is due to any human being regardless of their status. Because of corruption and other intrigues, refugees right now are not comfortable to register.

Mr. Deputy Speaker, Sir, I know that Daadab, which is part of your constituency, if you see where we have the immigration post, it is very far from the border. Officially, our border is closed. However, I can tell you that, that is not the issue. That is why I want to thank the Members of Parliament who took a lot of time to travel all the way to Daadab. For them, that was an eye opener because they have only heard about northern Kenya.

On our way back, we had to detour and go back to Voi to witness some of the things that were happening. I agree with one of our colleagues who said that the sittings of Parliament once in a while, must take place rotationally so that we can be familiar with every part of the Republic of Kenya. That is the only way you can appreciate me and I appreciate you. The dynamics are totally different.

Mr. Deputy Speaker, Sir, the issue of ethnic profiling is a painful event. We do recall that immediately after Independence, there are issues that happened which are regrettable. Those issues were legislated and that is history. The advent of multi-partyism brought in the repealing of the District Contentious Act, the Emergency Laws. The emergency law, like my brother here Asman Kamama who has served as an administrator in northern Kenya knows, is that the people of that region carried a card. You remember the Somalia screening which was totally illegal. You remember the killings. You remember those laws. All those laws were meant to discriminate against the people Kenya.

In this modern era, any public officer or administrator who relishes the illegal events of the past and tries to push us to a corner should remember the same will not be accepted. We want everyone to be allowed to carry out legitimate business in any part of the Republic of Kenya. When Kenyans excel in business, it should be something to be proud of by every Kenyan because you create job opportunities and contribute to the per capita income and in essence, you become a proud product of the Republic of Kenya.

Mr. Deputy Speaker, Sir, one thing we must note is that, this document that we have adopted requires a lot of resources. Where will the resources come from? The resources will come through viable and legally accepted business. That should not be criminalized.

The other thing that must be put on record is that, can a whole community be criminals? In law, criminal responsibility is individual; it is not collective. That is why I completely disagree with a document that I saw with the rubber stamp of the International Criminal Court (ICC) which talks about a particular community from central Kenya. That is unacceptable because it is individuals from that community if anything, who will have done a crime. So, this issue of collectively branding a group as criminals must not be part of our legacy. Any individual or organization that

cherishes that particular concept is the enemy number one of democracy and the rule of law and also enemy number one of the Republic of Kenya.

Mr. Deputy Speaker, Sir, there is the issue of poverty eradication. Over the years, the Government implementers and policy planners have used perceived regional hatred to deny the people of Kenya their legitimate right of the national cake. To that extent, today, in my own constituency - I am not proud to say this - 87 per cent of my constituents rely on relief food. This is an issue we would have avoided if the Government put in place pragmatic, acceptable policy tailor-made to serve the interests of the region. I cannot say here today that if in the month of October the Government does provide relief food, my constituents will be up in arms. It is not something I can be proud of.

So, even the youth who seek employment opportunities cannot be criminalized. The criminal elements are those who went to our villages under the guise of assisting the Transitional Government in Somalia and duped our kids. This must not be allowed. Our security operators must not legitimize this and they must accept that we have an internationally recognized border between Somalia and Kenya. Therefore, the element of homogeneity that exists between sections of the Kenyan citizens and Somalia citizens does not mean that there is no border.

These are issues that must be addressed by the Government. A certain Minister attempted to answer on behalf of the Government, but there is one clear signal: Where are the relevant Ministers? This is a very important Motion. I was a bit reluctant to accept the response by my good brother. Of course, that does not mean that I doubt his competence. I have a lot of faith in him, but it shows you that there is some sort of disconnect. Where is the Government? Look at the Front Bench!

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for my good friend, hon. Keynan, to actually doubt that there is no Government in the House, while he knows that there is the principle of collective responsibility? Any Government Minister can discharge that function effectively. Even if I am one, I am able to handle it appropriately. Is he in order?

Mr. Deputy Speaker: You have the collective responsibility, but nonetheless, on both sides of the House, there is need for the Government as well as the Back Bench to take the work of Parliament seriously.

Mr. Keynan: Mr. Deputy Speaker, Sir, finally, I want to comment on the issue of environmental degradation. The refugees who come to Kenya do not come by choice. They are running away from a crisis. These refugees are so many and they cause a lot of degradation to the environment. This must be addressed as a matter of national importance by UNHCR and the Government. The communities that host these people, to some extent, also envy the kind of services the refugees get. That is why some of them have over the years, inadvertently, moved to refugee camps. We cannot blame them. If the Government and the international organizations are providing water to the refugee camps, the same must be extended to the host community. This is the only way the communities can also live in peace.

With these many remarks, I want to thank my colleagues who found time from their busy schedules to go to those parts of Kenya. For them, it was an eye opener. I am glad that my brother here, who has also served as a Provincial Administrator, is here. I cannot see hon. Wamalwa here, but those who have found time to go to Dadaab, it is a memorable experience; let us adopt this report.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, there is no any other business, and this largely falls on the part of the Back-Benchers as well as the Front-Benchers, because today is a Private Members' Day. We should have had Private Members Motions on the Floor of the House. The position right now is that there is only one Motion which was balloted yesterday. The Back- Benchers need to take their work seriously and execute the heavy mandate for which the Kenyan people have bestowed on them. On the part of the Government, it is equally the same. The principle work of Parliament is to pass Government Bills. The rest of it is peripheral and subsidiary, including Questions and Private Members Motions. The Government must take its work seriously.

There being no other business, it is now time for interruption of the proceedings of the House. The House, therefore, stands adjourned until today, 13th October, 2010, at 2.30 p.m.

The House rose at 11.55 a.m.