

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 15<sup>th</sup> December, 2010

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Sessional Paper No.1 of 2010 on Enhancing Sustainable Tourism in Kenya.

*(By the Minister for Tourism)*

Report of the Departmental Committee on Labour and Social Welfare on a Fact-Finding Tour to parts of Eastern, Coast and Western Provinces Programmes and Projects on the Youth Enterprise Development Fund; Women Enterprise Development Fund; *Kazi kwa Vijana*; Social Protection Fund; Cash Transfer for Older Persons; and the Orphans and Vulnerable Children Cash Transfer.

*(By Mrs. Noor)*

### NOTICES OF MOTIONS

#### ADOPTION OF SESSIONAL PAPER ON SUSTAINABLE TOURISM IN KENYA

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

THAT, this House adopts Sessional Paper No.1 of 2010 on Enhancing Sustainable Tourism in Kenya laid on the Table, Wednesday, 15<sup>th</sup> December, 2010.

#### ADOPTION OF REPORT ON VARIOUS DEVELOPMENT FUNDS

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

THAT, this House adopts Report of the Departmental Committee on Labour and Social Welfare on the Fact-Finding Tours to parts of

Eastern, Coast, and Western Provinces on Programmes and Projects on the Youth Enterprise Development Fund; Women Enterprise Development Fund; *Kazi kwa Vijana*; Social Protection Fund; Cash Transfer for Older Persons; and the Orphans and Vulnerable Children Cash Transfer laid on the Table today Wednesday 15<sup>th</sup> December, 2010.

## ORAL ANSWERS TO QUESTIONS

*Question No.561*

### LOAN DEFAULTERS IN COFFEE SACCOS

**Mr. Kathuri** asked the Minister for Co-operative Development & Marketing:-

- (a) whether he is aware that since July 2010 coffee farmer SACCOS have experienced difficulties when dealing with loan defaulters;
- (b) when the Minister will implement the Presidential Directive to waive the arrears owed by the farmers; and,
- (c) what incentive the Government will offer to farmers who have painfully and with a lot of sacrifice continued to pay their loans without falling into arrears.

**The Assistant Minister for Co-operative Development and Marketing** (Mrs. Kilimo): Mr. Deputy Speaker, Sir, just before I answer the Question, I would like to put the record straight. Yesterday, we were not in a position to answer this Question because the Minister for Co-operative Development and Marketing, Mr. Joe Nyagah had written to Parliament and the hon. Member requesting that this Question be postponed until next year. Since the Question appeared on the Order Paper yesterday and we were not able to answer it, I am ready to answer it today.

**Mr. Deputy Speaker:** Order, Mrs. Assistant Minister! Let this go on record in the Government side, for the execution of your mandate as Ministers, private arrangements between hon. Members and Ministers is not entertained. A Question can either be deferred on the Floor or you can be told to proceed and answer it. In any case, what is the logic of saying that a Question be deferred until next year? It loses meaning! There is an issue that needs to be attended to which affects the lives of Kenyans, and that is the responsibility you have as a Government Minister!

Proceed and answer the Question!

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

- (a) I am aware that the Coffee Farmers Co-operative Societies and Rural Savings and Credit Co-operatives have been experiencing challenges when dealing with some of their loanees who are unable to service loans.
- (b) My Ministry and the Treasury are working on modalities of implementing the Presidential directive.
- (c) The Government will continue to support the coffee sector so that all farmers can benefit in order to avoid future debt problems.

**Mr. Kathuri:** Mr. Deputy Speaker, Sir, while the Assistant Minister has attempted to answer the Question, the answer is still vague. As you may be aware, an extract of the audited accounts of the Co-operative Bank shows that in 2006, the Government waived a total of Kshs5.8 billion. I will table this as evidence. However, as we discuss about the outstanding loans, we are still referring to debts that date back from 1990s. In 2007, the Government also waived another Kshs10 billion to the very same coffee farmers. Could the Assistant Minister table the list of all those societies that benefited from close to Kshs17 billion owed by coffee farmers so that we can see how the debts were cleared?

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, we are not in a position to answer for the case of 2007 because there was no waiver of Kshs10 billion during that year. However, in 2006, the Government gave a waiver of Kshs5.8 billion and this was as follows:- The Co-operative Bank of Kenya was given Kshs0.6 billion while Kshs5.2 billion was paid to the World Bank which had given loans to co-operative societies through the Treasury. So, the Kshs5.8 billion did not go to the co-operative societies, but to the loaners; that is, Co-operative Bank and World Bank through the Treasury.

**Ms. Karua:** Mr. Deputy Speaker, Sir, I would like the Assistant Minister to give us a time-frame, when the farmers may expect the negotiations with the Treasury to be finalized and for them to benefit from this directive. As for the loans that went to the World Bank and the Co-operative Bank of Kenya, could she provide a schedule of the coffee farmers co-operative societies that benefitted from that? This is because if it is money to the World Bank lent through certain banks, maybe, we are still being harassed for the same loans! Could we have a schedule of who benefitted from the Kshs5.8 billion and a time-frame of when coffee farmers in the country may benefit from the current negotiations?

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, I would like to start from the unknown to the known. The unknown is the time-frame within which the coffee farmers will be paid. We know that our Ministry and the Treasury are still negotiating at the Cabinet level. The matter will be brought before this House. I count on hon. Members to approve that expenditure from the Treasury which will be tabled by hon. Uhuru Kenyatta. As to when it will be brought before the House, I am not aware. However, we are anticipating about Kshs4.2 billion will be brought to this House for approval.

With regard to the Kshs5.8 billion, my list is per the districts. I will table the document when I finish reading it. Kirinyaga District Farmers Sacco had Kshs598,563,093.65 million; the larger Kiambu that comprises of Kiambaa Coffee Union and Komothai Farmers Co-operative Society Limited had Kshs646,971,093.65; the larger Nyeri that comprises of Gakuyu Farmers Co-operative Society, Rutumo Farmers Co-operative Society and Taifa SACCO had Kshs140,652,886.96; the larger Muranga District, that is societies affiliated to Muratha Union and Mugama Union had Kshs1,173,771,836 and Eastern Province had about Kshs200 million. There is also Nyanza Province. My list will include Bungoma District with about Kshs36 million. I will bring a comprehensive list of all the districts that will benefit.

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir. May I congratulate the Assistant Minister and the Government for confirming that they are soon going to pay the coffee farmers in that bailout. But equally important is that the same problem facing coffee farmers is also facing the other farmers; tea and sugar-cane farmers. Do you also

intend to ask the President to give a directive so that the SACCOs of these other farming organizations are also bailed out, especially in view of the fact that the Government does not have a clear blueprint for bailout of either State corporations or such a public concern?

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, as a Ministry, we are aware that the Government, through privatization, will be giving Kshs33 billion to write off sugar-cane farmers' loans or to bail out the sugar-cane farmers amongst the western communities of this country, that is the Luhya and the Luo communities. We are also aware that the Government has also bailed out pyrethrum farmers. As for maize farmers, the Government has also subsidized fertilizer. In all this, it will be subject to this House's approval when it is brought on the Floor of the House. Like, for example, for the Kenya Co-operative Creameries (KCC), we are also hoping that we are going to bail out the KCC farmers. So, there is a lot happening in the Ministry and at the Treasury.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, please, protect me because there is a lot of consultation. I cannot even hear myself talking!

**Mr. Deputy Speaker:** Order, hon. Members! Order!

Hon. Kathuri, could you ask the last supplementary question on the same!

**Mr. Kathuri:** Mr. Deputy Speaker, Sir, while the Assistant Minister is trying to justify how the Kshs5.8 billion was disbursed to the various co-operative societies to offset their balances, it is also important to note that the larger Eastern Province received only Kshs200 million. This is shocking. Could she confirm whether Embu District and also Mukurweini, specifically, were discriminated against because that is where there is a lot of hue and cry from farmers? It was even in the newspapers last week where there were a lot of attachments and actually auctioneers were going to the homesteads and carrying away the available cattle.

*(Loud consultations)*

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, I cannot even hear! Please, protect me!

**Mr. Kathuri:** But I am loud enough!

**Mr. Deputy Speaker:** Order, hon. Members! Order! Order, the Attorney-General and the Minister for Justice, National Cohesion and Constitutional Affairs! Could you allow the lady to listen to the Questioner?

**The Attorney-General (Mr. Wako):** Mr. Deputy Speaker, Sir, I was protecting the lady against the men from there. I am a perfect gentleman!

*(Laughter)*

**Mr. Deputy Speaker:** Order! Could you conclude your question, hon. Kathuri?

**Mr. Kathuri:** Thank you, Mr. Deputy Speaker, Sir. From the analysis, the larger Eastern Province appears to only have benefitted with about Kshs200 million from the Kshs5.8 billion. I would like the Assistant minister to tell the House why some districts have not had any problems, whereas Mukurweini District was even in the newspapers last

week because of problems? In Embu, farmers are suffering right, left and centre with auctioneers going to their compounds picking any available and movable item, including cattle so that they can auction them and recover monies owed to the SACCOs. Is it that the Government decided to offset debts in some of the districts and ignored others, and that is why we are experiencing these problems? What do you intend to do if that is the case?

*(Loud consultations)*

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, I hope you can protect me once more so that the hon. Member can hear my answer, because I have already answered that question and I will repeat my answer.

The Kshs5.8 billion was loaned to coffee co-operative societies by the World Bank and Co-operative Bank. The World Bank gave this money to the SACCOs through the Treasury. Now, that has already been paid. Those who are going to pick whatever they are going to pick in people's houses or homesteads, these co-operative societies must have taken loans from somewhere else and not the ones that the Government paid off. For example, you will find that co-operative societies can make their own arrangements with Co-operative Bank of Kenya or other SACCOs. Most of these farmers started as co-operative unions but at some point the Government told them to split so that some co-operative unions would deal with fertilizer and seedlings and others would lend money. So, unless he makes it clear, the money that the Government released was to offset the World Bank loan and the Co-operative Bank loan. The co-operative societies had been guaranteed by the Government.

**Mr. Kathuri:** Mr. Deputy Speaker, Sir, before any co-operative society borrows money from any source, the Ministry of Co-operative Development and Marketing, through the District Co-operative Officer (DCO) must endorse that move. There is no way the co-operative societies could have gone to borrow elsewhere without the consent of the Ministry. As such, there is no way money would have been advanced to the farmers' societies without the knowledge of the Ministry. So, there is no way the Assistant Minister can claim that, that money was borrowed without full knowledge of the Ministry, and as such, we are treating the old debt as a debt owed to the societies with full knowledge of the Ministry. So, the Assistant Minister should only confirm to us exactly what she intends to do, now that all the debts are known to the Ministry because they were sanctioned through the Ministry.

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, I want to put the record straight. He is asking how the Kshs5.8 billion was spent. Now, there is the Kshs4.2 billion which we are expecting will be brought to this House by the Minister for Finance. At that point, if I may give an insight, out of the Kshs4.2 billion, there will be about Kshs2.2 billion which will be used for co-operative unions write off. So, the hon. Member should tell the members that the Government is working on those modalities. The way we are working at the modalities right now is that the chief auditor from the Treasury, the Commissioner for Co-operatives and the Co-operative Bank are yet to confirm and authenticate the figures that the co-operative societies or the coffee farmers want to be assisted with. In the coffee industry, there is also the STABEX; some of that money will go to the STABEX. But these are things that should be addressed when the Minister for Finance

will bring the request to this House asking us to approve the Kshs4.2 billion. So, we have not reached that point where we shall address that issue. But as of now, I have given an audited report on how the Government has spent the Kshs5.8 billion.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Order! Order, Dr. Otichilo and hon. Affey! If you are not careful, you will spend the rest of the day outside this House. Honourable Ministers and Backbenchers, let us listen to the Questions and the answers. If you want to consult, you can do it elsewhere. We have a lot of very good facilities in the lounge.

Proceed!

**Ms. Karua:** Mr. Deputy Speaker, Sir, the Assistant Minister did not give us a time-frame within which farmers expect to gain from the Kshs4.2 million. Would it be in order to, through you, seek that the Minister undertakes to ensure that this matter will be over by 31<sup>st</sup> March, 2011?

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, that is a tall order for me because it is up to the Minister for Finance and the Cabinet to decide when it shall be brought to the House. All that I know is that the Ministry of Co-operative Development and Marketing and the Ministry of Finance intend to bring that request to this House for approval. Maybe I should ask another person who is more senior than me, like the Leader of Government Business, to help me on this point.

**Mr. Deputy Speaker:** Next Question.

*Question No.575*

#### FUNDING OF MOBILE SCHOOLS IN MADOGO DIVISION

**Dr. Nuh** asked the Minister for Education:-

- (a) whether he is aware that the Arid Lands Resources Management Programme surrendered the responsibility of funding mobile schools, including Malka Mansa mobile School in Madogo Division, to the Ministry since December, 2009;
- (b) to explain why the school has not received money since January, 2010 despite the Ministry having all the necessary details and state when the Government will disburse money to the school; and,
- (c) how much money is owed to the school and how much is for payment of salaries.

Mr. Deputy Speaker, Sir, I wish to bring to your attention the fact that I have not received a written answer up to now. I wish to bring to your attention the fact that of late Ministers have been coming with answers to this House and not supplying them to Members of the Back Bench in advance contrary to the Standing Orders. I want the Chair to give direction that answers be supplied to Members of the Back Bench as stipulated in the Standing Orders.

**Mr. Deputy Speaker:** Indeed, it is important for Ministers to understand that hon. Members who ask Questions need to be given copies of answers in advance, so that

they can prosecute Questions adequately. Mr. Assistant Minister for Education, you should have done that. Nonetheless, proceed and answer the Question.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Deputy Speaker, Sir, Mr. Mwatela was supposed to bring the answer. I do not have it. So, let me go out and call him to bring the answer immediately.

**Mr. Deputy Speaker:** We will come back to this Question.  
Next Question!

*Question No.590*

PREPARATION OF TWO REPORTS ON  
POST-ELECTION VIOLENCE BY KNCHR

**Mr. Deputy Speaker:** Is the MP for Chepalungu still engaged somewhere else in Committee work, as was the case yesterday?

Next Question!

*Question No.391*

FAILURE TO RETURN LAND OWNED BY LEDERO  
GROUP RANCH BY MARALAL TOWN COUNCIL

**Mr. Letimalo** asked the Deputy Prime Minister and Minister for Local Government:-

- (a) to explain why Maralal Town Council has not returned the parcel of land owned by Ledero Group Ranch in Ledero Sub-Location as was directed through an Executive Order in 1989;
- (b) when he will implement the order; and,
- (c) when he will intervene with a view to resolving the land dispute between Ledero and Ngari Group Ranches.

**The Assistant Minister for Local Government** (Mr. Nguyai): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) The Town Council of Maralal has not returned the parcel of land owned by the Ledero Group Ranch in Ledero Sub-Location as it has not received any Executive Order from the President as claimed by Mr. Letimalo. Ledero Group Ranch is not within the jurisdiction of the Town Council of Maralal.
- (b) Part "b" of the Question has been answered by the answer to part "a".
- (c) The Ministry has directed the council to liaise with the District Commissioner, Samburu District, to resolve the dispute between the Ledero Group and the Ngari Ranch Group.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I want to inform the Minister that when Maralal Urban Council, as it was called then was created portions of land from neighbouring group ranches were drawn together to form urban council.

In 1989 when His Excellency the President visited Samburu there was a request from Samburu leaders. I have a copy of a letter addressed to the Director of Lands, and copied to the Minister for Local Government. I just want to cite two issues. In 1989

Maralal Urban Council line that divided Ledero Community into two was cancelled through a presidential directive as requested by Samburu leaders.

In the same year, that is 1989, all other sub-locations, apart from Ledero Sub-Location, received possession of their urban parts of land as part of their group ranches. That confirms it. I want to say that Shaba Group Ranch was one of them. They got back the urban part. Ngutuk is a group ranch. They got back part of the urban land. Ngari is also another group ranch that got back the urban part. Why not Ledero? I thought it was a simple question?

**Mr. Nguyai:** Mr. Deputy Speaker, Sir, first I would want to say that though the hon. Member seems to claim that there was an Executive order in 1989, that Executive order was never gazetted, and the Ministry has not yet received any Executive order from the Office of the President. However, there seems to be a dispute between the Ledero Group Ranch and the Ngari Group Ranch. Therefore, we have instructed the council to liaise with the DC, so that the dispute can be resolved. I think it is not within the mandate of our Ministry to resolve such disputes.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I think the Minister should come out clearly. I have cited three group ranches whose urban parcels of land have been returned as a result of the request made by the Samburu leaders to His Excellency the President; why can the Ministry not do the same thing with the Ledero Group Ranch? That is simple!

**Mr. Nguyai:** Part “c” of the Question asks: “When will the Minister intervene with a view to resolving the land dispute?”. You can see that if there is any land dispute, it involves some inter-Ministerial matters, which are normally co-ordinated by the District Commissioner. I think the directive we have given is sufficient. Even if the hon. Member is not satisfied, he should note that this is an issue that will be co-ordinated by various Ministries. He can direct the issue to the office of the Prime Minister.

Next Question.

*Question No.425*

REMAINING LEASE PERIOD FOR FOREIGN-  
OWNED TEA ESTATES IN KERICHO

**Mr. Deputy Speaker:** Is Dr. Kones not here? We will come back to this Question later.

Next Question!

*Question No.535*

DELAYED PAYMENT OF MONEY AWARDED  
TO JAMES KAMAU WAWERU BY COURT

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

- (a) whether he is aware that Case No.CMCC 11002 of 2004, James Kamau Waweru Vs Attorney-General, was concluded on 19<sup>th</sup> October, 2007 and an amount of Kshs581,500 awarded to the plaintiff;



- (b) why the plaintiff has not been paid and when he will be paid; and,
- (c) how long it takes for the Government to honor payments for damages in any case where the judgment is entered against the Attorney-General.

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

- (a) The Attorney-General is aware that in Nairobi CMCC No.11002 of 2004, James Kamau Waweru Vs. the Attorney-General, judgment was delivered on 19<sup>th</sup> October, 2007 and the plaintiff was awarded a sum of Kshs581,500, together with costs and interest of the decretal amount.
- (b) The plaintiff has not been paid because he has not extracted his bill of costs, neither has he extracted the decree or applied for and obtained a certificate of order against the Government. As soon as the plaintiff has obtained the decree and certificate of order against the Government, arrangements will be made for payment by the relevant Ministry, which, in this case, is the Ministry of Public Works.
- (c) Ministries are under instructions to settle decrees promptly.

**Mr. Mwachhi:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank the Attorney-General for giving the answer. However, for sure, I am aware that Mr. James Kamau Waweru was not representing himself in that case. Is that a case of incompetence of the advocate or is it an arrangement of collusion between the advocate and the Government to delay, so that you do not pay that person in time?

**Mr. Wako:** Mr. Deputy Speaker, Sir, there is no arrangement between the Government and the advocate. I want to believe that the Government upholds the highest standards of professional ethics and conduct. I do not know what went on between the plaintiff and the advocate. If the advocate failed to obtain a decree, if he was so instructed, then the advocate would be at fault.

**Mr. Olago:** Mr. Deputy Speaker, Sir, the answer by the Attorney-General is totally unsatisfactory. That is because he is fully aware that the shield behind which the Government hides is the Government Proceedings Act which stops the Government from being auctioned. That Act, which we have inherited from the British system, is meant to operationalise executions in an orderly manner. In this country, the AG's Office always hides behind this Act and fails to pay successful litigants. Under those circumstances, could the hon. AG, kindly, tell the House whether the Government will honour court judgments like all other parties or, if it will have the Act amended so as to expose the Government to executions?

**Mr. Wako:** Mr. Deputy Speaker, Sir, the Government must honour the judgments of the court and pay all the amounts as ordered by the courts. The Accounting Officers have, in fact, been reminded not only by the Attorney-General, but also by the Treasury, that the quicker they pay the judgment amount the better. That is because if they do not pay it in time, the amount of interest continues to accrue and there are times when the interest amount can be more than the principal amount. The procedure to execute against the Government is clearly set out in the Government Proceedings Act and, in particular, Section 21 of that Act. It is also set out in the Civil Procedures Code. Therefore, if the advocate fails to follow that procedure and just keeps quiet as the client suffers, the Government cannot be blamed for that. As I have stated, in my answer, as soon as he obtains the decree and a certificate of order against the Government, we shall write to the

Ministry of Public Works who are under duty, not only under law, but also under the various memos that my officers have given to the Accounting Officers to pay without delay.

**Mr. Mwathi:** Thank you, Mr. Deputy Speaker, Sir. I have heard the Attorney-General say that, as soon as they obtain the decree, then it will be payable to the plaintiff. I would like to know, in the event that all the requisite papers are filed and the decree is obtained, how long will it take between that time and the time you will honour the payments?

**Mr. Wako:** Mr. Deputy Speaker, Sir, ideally, my circulars to the Accounting Officers are very clear that the amount must be paid promptly in order to avoid paying other amounts in form of interest. However, at times, the Accounting Officers also come up with an excuse that there is no money available. They write to the Treasury and that can take a bit of time. That is why the procedures laid down under the Government's Proceedings Act prohibit one from attaching Government property. But you can take out a *mandamus* for the Accounting Officer to pay the amount. If he does not pay, he can be arrested and committed to civil jail. That has worked wonders. So, I advise the advocate, in this particular instance, to take up that cause of action.

**Mr. Mwathi:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Attorney-General to avoid answering the question? I just want to know--- If there is no law, just tell us that. Is there a time limit that is given after the decree has been obtained for you to do the payment? That is what I am asking.

**Mr. Wako:** Mr. Deputy Speaker, Sir, there is really no time limit as such.

**Ms. Karua:** On a point of order, Mr. Deputy Speaker, Sir. I have listened very carefully to the Attorney-General explaining to a Member that they should go for a *mandamus*. This is the Attorney-General. The Chief Legal Adviser to the Government, telling a Member that they have to go to court once again because the Government, unless compelled, will not obey a court order. This is impunity. Is the Attorney-General in order to tell a Member that they have to go to court instead of saying that they will go back to the Government and ensure that the money is paid? Is he in order to display impunity in this House?

**Mr. Wako:** Mr. Deputy Speaker, Sir, if the hon. Member had listened very carefully, I laid down the procedure where after obtaining a decree and a certificate of costs, the Government is under obligation to pay immediately. However, if all else fails, in my capacity as the Attorney-General, as the holder of public and national interests, the litigants, - and I am also responsible for the litigants – have a right to go to court in the manner that I have outlined.

**Mr. Deputy Speaker:** Next is Question No.640 by Mr. Sirat.

*Question No.640*

AMOUNT OF DEVELOPMENT FUNDS ALLOCATED  
TO NORTHERN KENYA

**Mr. Sirat** asked the Minister of State for Development of Northern Kenya and Other Arid Lands-

(a) whether he could state how much money the Ministry of State for Development of Northern Kenya and Other Arid Lands has received since its inception; that is from 2008/2009, 2009/2010 and 2010/2011 Financial years;

(b) whether he could provide a list of all projects undertaken in Wajir South, Wajir East, Wajir North and Wajir West, respectively, from 2008 to date; and,

(c) whether he could state the budget allocation for the sewerage project in Wajir East and appraise the House on its implementation framework and status.

**Mr. Deputy Speaker:** I skipped hon. Chachu's Question. We will come back to Question No.640 later.

Mr. Chachu!

*Question No.585*

LIST OF PERSONS EMPLOYED BY KRA  
IN THE PAST THREE YEARS

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

(a) whether he could table a list of all persons employed by Kenya Revenue Authority (KRA) in the past three years, indicating their respective constituencies and districts of origin;

(b) what criteria is used by KRA during recruitment; and,

(c) what measures he has put in place to ensure all Kenyans have equitable access to employment at KRA.

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

(a) I will lay on the Table a list of persons employed by KRA in the past three years. However, information about their respective constituencies is not currently captured in the KRA database.

(b) The criteria used by KRA in recruitment include the following:-

One is academic qualifications. Two is professional skills and qualifications. Three is relevant work experience and four, relevant competencies.

(c) All Kenyans who qualify have equitable access to KRA as the criterion in part "b" is strictly observed.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the response. However, in the last three years, 641 Kenyans were hired by KRA. However, in the whole of upper Eastern Province, which has two counties and ten districts, only one person was hired from Moyale. The criteria mentioned here comprise of academic qualifications, professional skills, relevant competencies and work experience. I want to know which skills northern people lack such that they are not able to secure employment at KRA. I do know that our young people are attending some of the finest universities in the world, not just in Kenya. I want to know why the people from Marsabit and Isiolo counties have been marginalized by KRA.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, I do realize that Marsabit and Isiolo counties were not included in the 641 persons who were employed by the Kenya Revenue Authority (KRA). We also recognize this was not fair. We will take corrective measures to ensure that in the next employment lot the anomaly is corrected and consideration taken.

**Mr. Affey:** Mr. Deputy Speaker, Sir, the Assistant Minister should be ashamed to present this before the House. The KRA recruited 641 Kenyans. However, there is not a single person recruited from the entire Garissa County and Mandera County. Only three Kenyans, out of 641 recruited, came from Wajir County. This is a clear case of Kenyans who have been denied the opportunity to work in this organization despite the fact that they have the qualifications. Could he decentralize the recruitment process to all the counties in Kenya, so that people apply at the county level and not Nairobi?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, that is a matter of policy which is being suggested by the hon. Member. However, as at the moment, recruitment is centralized. As I said, we will correct the anomaly in the next intake.

**Mr. Yakub:** Mr. Deputy Speaker, Sir, if you go through the long list of 641 names given by the Assistant Minister, it is only one person who was employed from Lamu. His name is Mr. Kimani. With all due respect, any Kenyan is allowed to live in any part of this country. However, in Lamu, there are many qualified Kenyans. Could he tell the House how and when they advertise for these jobs?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, the advertisements are normally placed in the major newspapers like the *Daily Nation* and *The Standard*. They are advertised months before the recruitment starts.

**Mr. Kapondi:** Mr. Deputy Speaker, Sir, going through the list and given the criteria the Assistant Minister has given here, one fails to understand why, for instance, Busia County has 34 and Bungoma County 19 yet Bungoma County has a bigger population than Busia County. Under Bungoma County, Mt. Elgon has had only one person recruited in the past three years. This person is called Chemutai. Why can he not consider quota system for marginalized communities in this country? As it is, without quota system and affirmative action, then other communities will continue being marginalized in subsequent recruitments.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, as I have said, this is a policy issue. However, suggestions by hon. Members will be taken into consideration when the Ministry considers revising the current policy. As it is now, that is the policy. There is no way of equalizing because what is being observed is strictly the qualifications.

**Dr. Laboso:** Mr. Deputy Speaker, Sir, having looked at the qualifications that have been given in the answer and the fact that there is the term, "equitable access" I would like the Assistant Minister to explain why Bomet County with four constituencies got only three slots. We know very well that the KRA is one of the best employers and that there is no way we could not have had many more applicants. Could we be told that other criteria which is not stated on this answer?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, it is very difficult for me to know how many people applied from that particular constituency and whether those who applied were appropriately qualified to be considered. As I have said, we will try our best to be as equitable as possible. Where mistakes have been made, we do not hide them. I have promised we will take corrective measures.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, the Assistant Minister agrees that the list has left out quite a number of areas. There are officers who are responsible who behaved irresponsibly. They are in breach of the law. What action is he taking against those officers who have breached the law by discriminating many Kenyans, including those from all the counties which have been mentioned here?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, I am not aware of any particular law that has been breached, unless he educates me because I am not a lawyer. I know it might be ethically wrong to do it, but ethics is not law.

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. The officers are in breach of the Public Officers Ethics Act.

**Mr. Deputy Speaker:** Indeed, yes, Assistant Minister. If that is the case then they are in breach of the Public Officers Ethics Act. In any case, the Constitution of Kenya is very specific. It is in the Bill of Rights that you cannot discriminate against any section of the society of a nation.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, there was inequitable distribution in this particular respect. There were some areas which were completely left out. I have promised that we will take corrective measures. However, there is no officer we can single out and take to court for having breached the Public Officers Ethics Act.

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. It is very clear that the law has been breached. The Bill of Rights in the Constitution has been breached, particularly in relation to the marginalized communities. The Assistant Minister is taking this matter very lightly. He is very aware of this, but is feigning ignorance. Is he in order to feign ignorance on a matter he is very familiar with? I request that the Chair refers the matter to the Committee on Equal Opportunities which can recommend to the House the appropriate action to be taken.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, the Bill of Rights the hon. Member is talking about is in our Constitution which was just promulgated. This Question is about a case that happened three years ago. What we are talking about is not the Bill of Rights, we are talking about the Public Officers Ethics Act.

**Mr. Deputy Speaker:** Order, Assistant Minister! The provision in the Bill of Rights, which does not allow any discrimination, has been in our former Constitution.

**Mr. Affey:** On a point of order, Mr. Deputy Speaker, Sir. Could he tell us under the former Constitution, which law allowed discrimination against Kenyans?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, there is no discrimination in this particular case. I am saying that there could have been some omissions which are going to be corrected. But when he talks about discrimination, I do not agree that it was there.

**Mr. Konchella:** Mr. Deputy Speaker, Sir, looking at the list, there is not a single employee from the counties of Narok, Kajiado, Kuria and Samburu. Could I ask the Assistant Minister to stop any further recruitment at the Kenya Revenue Authority (KRA) until he comes up with the necessary policy, bring it to this House and see whether it is in accordance with the new Constitution? That is actually marginalization.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, the Questioner is very inaccurate because people from the counties he has mentioned are employed. In fact, there are two from Samburu. It is not true that the counties he has mentioned do not have employees. The ones which were given by the Questioner - that is Garissa and Isiolo - have no employees there. But all the rest are there. So the question is inaccurate!

**Mr. Konchella:** On a point of order, Mr. Deputy Speaker, Sir. I am looking at the list and what the Assistant Minister is saying is not true. I cannot see them, unless he has a different list from mine.

**Mr. Deputy Speaker:** Indeed, the list has names from Kajiado. The list has already been tabled and so, you are at liberty to go through it. Can we have the last question much as this is a very emotive matter?

**Mr. Kizito:** Mr. Deputy Speaker, Sir, looking at Kakamega County, we have the largest population; we are over 1.6 million people. I want it to be explained, in terms of employment Kakamega has fewer employees in KRA than those from the Nyeri County. Can we have an explanation for that? What are the parameters? I would also like to know: Is it possible for us to take the route taken by the Ministry of Education when we are employing people at KRA? Every constituency is assigned a particular number of people. That way, there will be equitable distribution of employment opportunities in this country?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, the criteria for employment in KRA is not based on the population of a particular county. In fact, Kakamega County has some of the highest numbers in terms of recruitment. Out of 64, Kakamega County has 20 employees and it is one of the highest. Because of that, I cannot compare counties.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to refuse to answer Mr. Kizito and mislead the House that Kakamega has got its share by getting 20 slots, when he knows that Kakamega County is the second biggest county in the Republic? A small county like Nyeri on the same list has got 60 slots, while the biggest county in the country, Kakamega, has only 18? Is he in order to refuse to answer Mr. Kizito?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, I have not refused to answer Mr. Kizito. I have said that we did not use the number of people residing in particular counties as one of the criterion. The criteria were different from what he is suggesting and, therefore, I cannot compare them based on population.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, I appreciate the Assistant Minister's response. He has appreciated that Marsabit and Isiolo counties have been left out in recruitment in the last three years. Could he consider taking affirmative action in those two counties in the next recruitment in the interest of national cohesion and integration?

**Dr. Oburu:** Mr. Deputy Speaker, Sir, we are going to consider affirmative action in respect of those two counties.

*(Applause)*

**Mr. Deputy Speaker:** This is the moment when the Chair would wish to be on the other side and not in the Chair. Nonetheless, having said that, let us go to Question No.640!

*Question No.640*

AMOUNT OF DEVELOPMENT FUNDS ALLOCATED  
TO NORTHERN KENYA

**Mr. Sirat** asked the Minister of State for Development of Northern Kenya and other Arid Lands:-

(a) whether he could state how much money the Ministry of State for Development of Northern Kenya and other Arid Lands has received since its inception; 2008/2009, 2009/2010 and 2010/2011 Financial Years;

(b) whether he could provide a list of all projects undertaken in Wajir South, Wajir East, Wajir North and Wajir West, respectively, from 2008 to date; and,

(c) whether he could also state the budget allocation for the sewerage project in Wajir East and appraise the House on its implementation framework and status?

**Mr. Deputy Speaker:** Indeed, the Minister of State for Development of Northern Kenya and Other Arid Lands is in hospital; he is sick. The Assistant Minister is away on official duties. We have got a communication from the Minister's Office. So, the Chair directs that this Question appears on the Order Paper when the Minister will, hopefully, have recovered and able to answer it.

*(Question deferred)*

*Question No.575*

#### FUNDING OF MOBILE SCHOOLS IN MADOGO DIVISION

**Dr. Nuh** asked the Minister for Education:-

(a) whether he is aware that Arid Lands Resources Management Programme surrendered the responsibility of funding mobile schools, including Malka Mansa Mobile School in Madogo Division, to the Ministry since December 2009;

(b) whether he could explain why the school has not received money since January 2010 despite the Ministry having all the necessary details and when the Government will disburse money to the school; and,

(c) how much money is owed to the school and how much has been set aside for the payment of salaries.

I am asking this Question for the second time!

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, first I would like to---

*(Mr. Sasura entered the Chamber)*

**Mr. Sirat:** On a point of order, Mr. Deputy Speaker, Sir. I can see the Assistant Minister, Ministry of State for Development of Northern Kenya and Other Arid Lands.

**Mr. Deputy Speaker:** Order! Mr. Sasura, the Chair has a communication from your office that says: "Parliamentary Question No.640, the above Question by Mr. Sirat was scheduled to be answered today, Wednesday, 15<sup>th</sup> December, 2010. However, the Minister has been hospitalized at the Aga Khan Hospital and the Assistant Minister is also away on official duties."

**The Assistant Minister, Ministry of State for Development of Northern Kenya and Other Arid Lands** (Mr. Sasura): Mr. Deputy Speaker, Sir, I have just come from the safari and so it is right.

**Mr. Deputy Speaker:** Then you should be in a position to answer this Question!

**The Assistant Minister, Ministry of State for Development of Northern Kenya and Other Arid Lands** (Mr. Sasura): Mr. Deputy Speaker, Sir, I have just come in from the safari!

**Mr. Deputy Speaker:** Order! What is this safari?

**The Assistant Minister, Ministry of State for Development of Northern Kenya and Other Arid Lands** (Mr. Sasura): Mr. Deputy Speaker, Sir, I request that I answer it tomorrow in the afternoon.

**Mr. Deputy Speaker:** Fair enough! Under the circumstances, the Chair directs that this Question appears on the Order Paper tomorrow in the afternoon.

Mr. Mwatela, please proceed and answer the Question!

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, first, I would like to, most sincerely, apologize for coming late. I was really struggling to make sure that I have a very adequate explanation and answer to this Question which was deferred yesterday.

(a) Yes, I am aware that the Ministry of Education took over 91 mobile schools in the country in 2009, and which included Malka Mansa Mobile School in Tana River District.

(b) In the Financial Year 2009/2010, the Ministry disbursed a total of Kshs195,000 to cater for instructional materials and teachers' salaries. However, the money was not credited to the school account due to the invalidity of Account No.058019242594, Equity Bank, Garissa Branch. The funds for the Financial Year 2010/2011 to all mobile schools, including Malka Mansa, have been disbursed and will be available in the school accounts by the end of December, 2010. The school is owed a total of Kshs405,550 for the two Financial Years, 2009/2010 and 2010/2011, of which Kshs360,000 is for salaries and Kshs45,550 is for instructional materials. I have an additional answer which I am waiting to confirm, but we have disbursed the money as of now. I beg to table the list that has sent the money.

*(Mr. Mwatela laid the list on the Table)*

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for having struggled since yesterday to provide an adequate answer. However, the answer given is not adequate.

Mr. Deputy Speaker, Sir, indeed, there was invalidity of accounts as stated by the Assistant Minister. This was in March, this year. The correct accounts were submitted to the Ministry of Education in June. Six months down the line the teacher in Malka Mansa has not received one year's salary and does not have instruction material for one complete year. Could he explain what happened between June, when the correct accounts were submitted to the Ministry and now December when the school has no coin?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I fully agree with the hon. Member that, that is definitely a failure on the officers responsible because the correct account was submitted in June this year and money should have been credited immediately thereafter.



That is why between yesterday and today, I have made it possible for the money to be credited to the account.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that very positive reply although very belatedly. I would like to request him to indicate to the House the plans the Ministry has to increase the number of mobile schools in semi arid areas, so that learners can access classes which are a right for all students.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, the Ministry upon getting enough funds will be pleased to increase the number of mobile schools because this will definitely create more access to education by our children.

Mr. Deputy Speaker, Sir, you realize the constraints that we have that are mainly financial. So, with more finances, we will definitely establish more schools.

**Mr. Outa:** Mr. Deputy Speaker, Sir, this is almost the same case that had happened to my constituency. I want the Assistant Minister to tell this House real measures of how to deal with these Government officers who, after receiving all the information, still go ahead and divert the money to other accounts that they were not given.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, first of all, the money was not diverted to other accounts. It is just that officers did not act. Immediately after they got the new accounts, they would have acted by posting money into the correct accounts. However, they did not do so. The money had been lying in the Ministry instead of being sent to the correct accounts as required. So, we, as a Ministry, are taking measures against those officers who failed to act.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I wish the money that the Assistant Minister says has been sent has actually been sent. This is because Kenyans are connected all over. A half an hour ago, I received a text message - the account was checked - stating that there was no coin in the account. More importantly, the money he says they have sent is for the Financial Year 2010/2011. That is from June, this year. They have not even given a commitment on when the monies for January to June, 2010 will be sent or whether they even intend to send it. The education of these students is compromised because of lack of money.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I would like to correct that position. That is not true. I have told the hon. Member that between yesterday and today, I have struggled to make sure that the funds for 2009/2010 Financial Year as well as the 2010/2011 Financial Years have been remitted. This is from yesterday, so it cannot be in the account today. Please, give us two to three days.

**Mr. Deputy Speaker:** With regard to Question No.590, the Chair has communication to the effect that hon. Ruto is attending a very important Committee. The Question is, therefore, deferred to tomorrow afternoon.

*Question No.590*

PREPARATION OF TWO REPORTS  
ON POST-ELECTION VIOLENCE BY KNCHR

*(Question deferred)*

*Question No.425*

REMAINING LEASE PERIOD FOR FOREIGN-OWNED  
TEA ESTATES IN KERICHO

**Dr. Kones** asked the Minister for Lands:-

(a) whether he could state the land lease period remaining for the foreign owned tea estates owned by Unilever Tea (K) Ltd., George Williamson and James Finlays (K) Ltd. in Kericho;

(b) what measures he is putting in place to ensure that the local community benefits from the properties on expiry of the leasehold periods; and

(c) what measures he has taken to ensure that the people living in Chepchapas Village, who originally lived in the area owned by James Finlays Ltd., will benefit from the intended disposal of Bondet and Chemamul Tea Estates.

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

(a) The land lease period remaining for foreign owned estates of Unilever Tea (K) Ltd, George Williamson (K) Ltd and James Finlays will expire in the year 2919 meaning there is a balance of 909 years. The said lease balance will be subjected to the provisions of Article 65 of the new Constitution whereby the allottees will surrender the 999 year lease in exchange of 99 years once the appropriate legal framework and mechanism is in place. Obviously, the legislation envisaged by the Constitution must be enacted within the timelines provided in the Fifth Schedule of the Constitution.

(b) Interest of the local community is protected under the Constitution subject to other legitimate rights enumerated by the Constitution, including leases. All public land is held in trust for the people resident in the relevant county and the people of Kenya as a whole. Parliament is required to enact the appropriate legislation envisaged by the Constitution.

(c) According to our records, we have not issued consent to transfer neither have we received any transfer documents in respect to Bondet and Chemamul Tea Estates.

**Dr. Kones:** Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister, when the new lease will be converted to 99 years from 999. Could he confirm if the 99 years will start from the time the old lease was issued or it will be a new lease starting from when it is issued?

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, when we pass the national land policy. Our Ministry has embarked on preparing a Bill, so that the new lease of 99 years will be effective from the day we pass it in this House.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, as you can see, the title deeds that were issued by the Sultan of Zanzibar are respected. Those which were issued by the British Government are respected. The title deeds that were issued by the Kenyatta Government are respected. Why is it that only the title deeds that were issued by retired President Moi's Government are not respected? Last week, the Minister for Lands nationalised nearly 45 properties.

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, all title deeds are respected except where the land in question was meant to be for public utility. If you were given by the Government of former President Moi land meant for a public utility, we do not respect that title deed. We revert that land to the public utility.

**Mr. Twaha:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that it is in his power to determine what is public utility land and what is not? We know that it is only the High Court of Kenya which has the power to nullify a title deed.

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, it is common knowledge that if land was meant for the establishment of a school or hospital or stadium, and it was given to individuals, we will reverse its ownership.

**Dr. Laboso:** Mr. Deputy Speaker, Sir, I just want to know from the Assistant Minister what preparations are in place for the expected court cases that will come about from changing the leases from 1,000 years to 99 years?

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, as I said, if it is something to do with leases of 999 years, we shall bring the Bill here so that once Parliament passes it, all the leases will be for 99 years. That is what was passed in the National Land Policy.

**Mr. Deputy Speaker:** Dr. Kones, can you ask your last supplementary question?

**Dr. Kones:** Mr. Deputy Speaker, Sir, in part (c) of the Question, the Assistant Minister has said that he has not consented to the sale of Bondet and Chemamul Tea Estates, yet this multinational has already advertised the sale and people are already purchasing shares in the name of buying part of the estates. May I know whether it is right for this foreign company, which had leased the land that originally belonged to the community, to sell it to individuals?

**Mr. Bifwoli:** Mr. Deputy Speaker, the said land was leased out to those companies for a particular purpose. The companies have no right to sell the land. If there is something like that going on, anybody who is buying the land is simply being conned of his or her money. We shall not effect the transaction.

**Mr. Deputy Speaker:** Next order!

## POINTS OF ORDER

### FAILURE BY THE PRIME MINISTER TO ADDRESS THE HOUSE ON OCAMPO'S LIST OF SUSPECTS

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. This is the second consecutive week the Prime Minister has not risen to address the House under the "Prime Minister's Time". Looking at the Order Paper, there is no indication that the Prime Minister is going to be here. Of greater concern is that as late as yesterday, the Leader of Government Business indicated that the Prime Minister would be here today to respond to some Ministerial Statements sought by hon. Members.

Secondly, today is not an ordinary day in Kenya, because of the seriousness of the International Criminal Court (ICC) action. Given the seriousness with which the entire nation is waiting to see how the country is going to remain stable, the least we would have expected is for the Prime Minister to come here and tell Members of Parliament

and, by extension, the entire Republic, how the country is going to be navigated forward in view of the seriousness of Mr. Ocampo's announcement.

Mr. Deputy Speaker, Sir, I am saying this because we are all fully aware that none other than the Head of the Public Service and Secretary to the Cabinet, who is in charge of the entire Civil Service, has been mentioned. None other than the Minister in charge of finance, who is also a Deputy Prime Minister, has been mentioned. Does this House want to live an irregularity where a special Standing Order has been created to allow the Prime Minister to bridge the Legislature to the Executive?

I beg that you use your special power under Standing Order No.1, which allows you to change the order of business on the Order Paper, to provide that the Prime Minister be asked, at the end of the last Motion on the Order Paper, to come and address Parliament.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. Further to the flagrant breach of Standing Order No.40, the country is worried that senior serving Government officials are still holding positions when they are suspects, and the whole world knows it. They are not under ordinary crime investigation, but they are suspected of international crimes. We would want the Prime Minister to come and tell us whether he is still willing to co-ordinate the functions of Government, which has Ministers and a Head of Public Service who are suspected of committing international crimes.

I request that the Prime Minister be ordered to come and give direction to this House and the country; please, Mr. Deputy Speaker, sir, consider this seriously, so that we can get direction on how to proceed.

**The Minister for Environment and Mineral Resources (Mr. Michuki):** On a point of order, Mr. Deputy Speaker, Sir. Indeed, I want to agree that today is a very sad day, because never before has this nation been judged at such a high level as it has happened today. As hon. Mungatana said, very senior officers, in both the political leadership and Civil Service, have been mentioned. These are people who have dedicated themselves to the service of this country. However, they have not been charged in court. Therefore, no one who has interest in this matter had anticipated that proposals would be made on the Floor of this House that they resign even before they are charged. The announcement was expected, and it has, indeed, been made. I am not here to speak for any power or any country other than Kenya.

Thank you, Mr. Deputy Speaker, Sir.

*(Several hon. Members, including Messrs.  
Musyoka and Mututho stood up in their places)*

**Mr. Deputy Speaker:** Leader of Government Business, you will speak after we have heard one more point of order from Mr. Mututho.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, it is, indeed, very sad that we sit here as legislators. It is a basic principle of any trial that a suspect is first of all notified, not through the Press in such a high profile manner as has happened this afternoon, by a court of the charge against them. That is the basic principle of fair trial. We have seen it in this country before, when the Minister for Justice and Constitutional Affairs came up with a list of judges and, at the stroke of a pen, all the judges were forced to go home; there was no notification or prior information to them. Today, it has happened again.

Reading the mood of the country, it is clear in my mind that we are executing a political decision, and not an ICC decision. When the Bill that domesticated the Rome Statute was brought to this House for debate, no one bothered to tell us what it was all about. I stand to be corrected, because I was not in this House then. There were 31 hon. Members. No one bothered to tell us what the Bill was all about, and it passed.

Mr. Deputy Speaker, Sir, be that as it may, I think it is fundamentally wrong for us to just sit here when some of our senior citizens are under suspicion of such high profile matters. There has been a negation of the principle of a fair trial known to mankind. It is wrong for us to just sit here and assume that it is business as usual.

Mr. Deputy Speaker, Sir, I support that the Prime Minister comes in here and says whether we are a subset of another nation or we have other masters and whether we are just here for manipulation from the East or West, and further whether we can continue legislating on issues that are meaningless to our society while things that are likely to cause discord in our country continue to occur.

In the absence of the Prime Minister, I would ask the President himself, who is the Commander-In-Chief of this country, to tell us whether he is commanding us in that direction or the Vice-President and Minister for Home Affairs who is present in the House today to tell us whether he concurs and why he cannot today, as the Head of State, as required by ICC statutes withdraw from that so that we know that we are dealing with an enemy who is clear and clearly a political enemy and not an ICC process?

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. Indeed, this is a very weighty day for the country and given that the Vice President and Minister for Home Affairs is here and the Prime Minister is not here, could we just have the Vice-President and Minister for Home Affairs giving us the Government position?

**Mr. Kabogo:** On a point of order, Mr. Deputy Speaker, Sir. Many things have been said and Parliament is one arm of Government. The seriousness of the matter at hand cannot be overstated. It is paramount, important, vital, essential and desirable that the Prime Minister comes to this House. He is charged with the duty of informing this House on the way forward. As Parliament, we cannot ask for less.

**The Assistant Minister for Livestock Development (Mr. Duale):** Thank you, Mr. Deputy Speaker, Sir. Today is a sad day for this country and it is a very important day in the calendar of this nation. The Vice-President and Minister for Home Affairs is not one of the principals of this nation. We have the President and the Prime Minister who signed the Accord and under this Constitution, who are the two principals. Above all---

**Mr. Deputy Speaker:** Order! You are in the Government and indeed you are out of order on this. In line with the practice of Parliament and the Standing Orders and the Constitution of the country, you do not determine who is the Government and who is not the Government.

**Mr. Ruto:** Mr. Deputy Speaker, Sir, I rise to associate myself with the views that have been expressed on the need for a very clear statement from the Government as to whether Kenya is still a sovereign Republic or it has become a banana republic. What is very clear even on matters that are supposed to be admissible in the eyes of everyone is that the ICC belongs to failed states. In fact, one of the articles states that some of the matters that have to be prosecuted there come from states which have a failed judiciary.

In fact, that is Article 17 of the Rome Statute. It says that they have a partially failed judiciary or a totally collapsed one and there is the inability of the Government to arrest and prosecute. These are very serious issues when we have got to leave our country in the hands of people whom we no longer understand whether they are actually politicians out in the streets of Europe or they are actually working for a judicial process.

Mr. Deputy Speaker, Sir, it is extremely shameful when even with clear statements from the AU, Kenya continues to operate as if it is alone in Africa. I think it is important that we get a very clear statement from the Government today as to how to proceed and assure Kenyans whether they are still in charge or they have given up. Have they abdicated their responsibilities? I think we need a clear statement on that.

**Mr. Kiuna:** Thank you, Mr. Deputy Speaker, Sir. As I concur with my fellow colleagues, I think it is very important for us as a House and MPs to get clarification from the Government. I remember sometime last year, I issued a press statement enquiring whether we are a sovereign state or we are one of the many states from one of those powerful nations. I remember in my constituency, there are some people who went there masquerading as leaders or foreigners who had gone there and they did not want any leader appointed or Government officers to know what they were doing. When I intervened, they said that they were there to represent their countries' interests. I urge the Chair to request the Prime Minister or the Government to tell us which way we are supposed to follow or where we are.

**Mr. Deputy Speaker:** Regarding the issues that were raised by Dr. Khalwale, hon. Mungatana and a number of other Members of Parliament; indeed we have in our Standing Orders and specifically Standing Order No.40 - The Prime Minister's Time. It says in Section 2, during the Prime Minister's Time, the Prime Minister may make a statement or question may be directed to the Prime Minister.

The use of the word "may" means there is no hard and fast rule that says that the Prime Minister must be here. It says that there shall be the Prime Minister's Time which could also be executed by the Deputy Prime Minister designated by the Prime Minister himself in which case, there is the presumption that there is no Deputy Prime Minister today because he could deliver that statement on behalf of the Prime Minister. The Prime Minister is on official business outside the country. This is not the only country that has the Prime Minister's time and that does not mean that the Prime Minister must be in Parliament everyday when it is the Prime Minister's Time. Be that as it may, we also understand that in our Standing orders we have got the Leader of Government business in the House who is none other than the Vice President. Taking into consideration that the Vice-President and Minister for Home is in the House, I think he is in a perfect position to give us the Government position on this issue.

That is not to say that the Prime Minister, in the event that the Motion of extension is anticipated---. The House will sit tomorrow in the morning and in the afternoon, with or without the Motion. The Chair has information that the Prime Minister will leave the country today. So, under the circumstances, the Vice-President and Minister for Home Affairs will give us the position.

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. With due respect, the Vice-President and Minister for Home Affairs is the Leader of Government Business in the House and we are talking about a matter that affects the entire Republic. It is not a matter that is within parliamentary business. The matter is weightier than that.

**Mr. Deputy Speaker:** Any Member of the Government can stand up on the Floor of the House and issue a Statement on behalf of the Government. It is not for the Chair to decide whether the Vice-President and Minister for Home Affairs will issue that Statement or any Statement for that matter that he wishes to do. He is the Leader of Government Business in the House and that is not to preclude the fact that tomorrow the Prime Minister will be in the House, most likely. As a matter of rule and practice in all democracies, definitely the Prime Minister or the President and the Vice-President and Minister for Home Affairs will be out there to allay the fears of the nation and issue a Government Statement on the same.

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang’): Mr. Deputy Speaker, Sir. I do not want to challenge your ruling but on a matter of this nature, I would have expected a Member of Parliament to stand and seek by way of Motion that the House may adjourn so that we discuss some matter of national importance. As it is, nobody has moved a Motion that the Government should respond or make any Statement. It has come by way of suggesting that the Prime Minister should be here which you have already ruled on. Other than that, there is no other Motion before the House that should force the Government to respond to any matter.

**Mr. Deputy Speaker:** Order! A Government Minister, the Vice-President and Minister for Home Affairs included, does not need any leave of the House to issue a Statement on the Floor of the House.

Proceed, Mr. Vice-President and Minister for Home Affairs.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I thank you for making it clear that under Standing Order No.40 the Chair has already ruled that the presence of the Prime Minister is not mandatory. I think matters should be allowed to rest at that. On the other hand, we are all aware of the gravity of the situation that is facing this nation as a result of the proceedings by Mr. Ocampo at the International Criminal Court (ICC). I want to assure this House and the country that the Government is seized with this matter. As I speak, His Excellency the President has already issued a Statement urging the country to remain calm and I want to join him in that regard.

Mr. Deputy Speaker, Sir, as a lawyer, I feel seriously concerned that the law of natural justice which requires that no person shall be condemned unheard is apparently not applicable when it comes to proceedings before the ICC. Therefore, I want to say that I be allowed to reserve further comments until we fully consult within the Government and, if need be, issue a further Statement before this House, hopefully, tomorrow should we decide to adjourn. Even if this House adjourns, I have just said that the Government will remain seized with this matter. Therefore, it is important, as legislators, that we do not join the fray in condemning unheard citizens of this country who will be entitled to full representation and fair trial because we shall insist on that. I want to say that summons have not even been issued. What has happened at the Hague today was simply a mentioning of names which in itself is a very serious matter. However, upon mentioning of names, I would be extremely surprised if any of us was to begin to say that anybody mentioned should step aside because the process has not even began. At the point at which summons will be issued, maybe, one would be justified in asking whoever has been mentioned to step aside. However, to ask at the mere mention

and one has not been given the benefit of equal treatment before the law that any of us should stand up and say “step aside”, I think is putting the cart before the horse.

Therefore, I want to urge the country to remain calm and that the Government is in place and His Excellency the President is fully in charge. I would like to remind all of us that the Cabinet deliberated on this issue and said that the option that remains available to us, in which we believe as a country is that of putting in place a local mechanism so that we can---. Mr. Ruto, the hon. Member for Chepalungu, wonders whether we are still a sovereign Republic. If he feels that we are all challenged in that respect then I think the opportunity for us to reclaim our sovereignty will come very soon but we have to take it upon ourselves to act together as a nation when we are confronted with this challenge. We all know that Kenyans who were affected by violence have been crying out for justice. This is a matter that is important and we cannot ignore it but I think it is important that we get our country back.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. The Vice-President has spoken very well but he has not given this House a firm commitment that the Government will give a proper Statement here. We want a direction to that effect.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, please protect me.

I want it to be very clear in this House that the reason we were insisting on the Prime Minister and not a Statement from outside the House is because a Statement outside the House cannot be interrogated and Kenyans will never get to know the details and we will never know what the plan of the Government is. That is why we are asking the Prime Minister to give us a Statement which is a genuine thing. Nobody has said that anybody should resign. We have asked for a proper Statement from the Prime Minister and this Parliament will not be intimidated by high sounding Government words. We will insist on getting the right information and we shall not be intimidated. We want the Prime Minister to come and tell us--- What is it that they are hiding? We do not want a Statement from State House. Let us get proper details so that we know what is going on. We want to know the plan of the Government. The country needs to be kept calm with details and not nice sounding Statements.

**Mr. Wamalwa:** On a point of order, Mr. Deputy Speaker, Sir. This matter arose as a result of the absence of the Prime Minister at the Prime Minister’s Time. We had expected the Vice-President and Minister for Home Affairs, in his Statement, to say when the Prime Minister will be here to issue that Statement and what the Government will specifically do. We have heard that there was a meeting of the Cabinet saying that the Government will pull out of the ICC. We need the specifics in order to know what the Government will do about this situation. We cannot say that we will begin consultations. I think Ocampo had given enough notice that he will be mentioning names today. By now the Government should have prepared, consulted enough and taken a position. As a country, we want to know what the Government will do. This country needs calming down and assurance. We do not know how Kenyans will take it out there. We are saying that Ocampo is doing his work in the ICC but he will not resolve our problems as Kenyans. So, what will the Government do?



**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. So that the Leader of Government Business does not misunderstand us, we are raising these issues in good faith. When you look at the list of the six names, most of them are politicians who can defend themselves and who are connected to the two Principals. However, we also have unconnected Kenyans like a policeman, who honestly, must have acted under instructions. Therefore, when the Prime Minister makes his Statement here, we shall know whether their interest is to cover the backs of politicians or they want to address the challenge that our country is faced with. Before this matter reached where it is today, the first word to Kenyans that there were a number of people to appear before the ICC, was early in the day when Justice Waki created the so-called “Waki Envelope”. We will, therefore, be asking the Prime Minister to tell us whether these six names are the same ones that Waki placed in his envelope. If the contrary is the case, then it will mean that instead of criminal responsibility being sought, it is now political responsibility which is being sought. As the representatives of the people of Kenya, we deserve to interrogate the Government and we want the Prime Minister to come, with all due respect to the Vice-President and Minister for Home Affairs. The Accord is very clear that co-ordinating Government functions, including those of Ministries, is not the business of the Leader of Government Business. It is the business of the Prime Minister of the Republic of Kenya, hon. Raila Amolo Odinga. We want him here.

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, if the Member for Ikolomani wants the person of the Prime Minister before this House, of course, the Prime Minister, under the Standing Orders, should find it possible to issue a Statement with regard to co-ordination of Government business without necessarily doing that during the Prime Ministers Question Time.

However, allow me to comment on what my learned friend, hon. Wamalwa has just said. He attributed to the Cabinet what I can confirm was never discussed. The Cabinet of the Republic of Kenya would not have discussed pulling out of the Rome Statute. It is important for me to clarify that before this House and the country that there was no such discussion. However, we are aware that there is a Motion that was balloted only last evening which I think is now before this House. So, let us separate these issues. I also must say that hon. Kombo, yesterday sought a Statement from the Prime Minister. In fact, I would have thought that hon. Wamalwa would have wanted to remind the House about that commitment. But whenever the Prime Minister is in the country, because right now I am told he is in Uganda, he can then deal with that matter that arose out of Kamukunji Grounds.

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. The Vice-President and Minister for Home Affairs and the Leader of Government Business is now clear that this is a matter of grave national importance. Indeed, he has alluded to a Motion that has already been balloted by the House Business Committee. Would I be in order to request him to confirm that the Motion will appear on the Order Paper tomorrow, so that we can dispose of that matter in the morning?

**Mr. Deputy Speaker:** That is a matter to be determined by the House Business Committee when it sits outside the House. That is how it is provided for in the Standing Orders. The matter has been ventilated enough and the Vice-President and Minister for Home Affairs has given a firm undertaking on behalf of the Government. He has stated

that the Government is going to give a response befitting the gravity of the matter and that the Government is seized with seriously of the matter.

Next Order!

## POINT OF ORDER

### MANHANDLING AND ARREST OF HON. WAITITU BY POLICE

**Mr. Mbuvi:** On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the manhandling and arrest of hon. Ferdinand Waititu, Assistant Minister for Water and Irrigation by police officers on 13<sup>th</sup> December, 2010. In his Statement, the Minister should clarify the following:-

(i) The circumstances under which hon. Waititu was manhandled by police officers.

(ii) Whether the manhandling of the Assistant Minister sent a bad image to the public and the world now that the scene was covered by local and international media.

(iii) What action will the Minister take against the Commissioner of Police, who gave the orders to the police officers who manhandled the Assistant Minister?

(iv) When will the police reforms be implemented and an Inspector-General appointed in line with the new Constitution?

(v) Is the Government aware that the current Commissioner of Police, Mr. Mathew Iteere, is not qualified to be an Inspector-General as per the new Constitution?

**Mr. Deputy Speaker:** Given that the matter touches on the person of an hon. Member of this House, the Chair expects the Minister to give a Statement as soon as possible.

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

**Mr. Mbugua:** On a point of order, Mr. Deputy Speaker, Sir. This is not the first time a Member of Parliament has been manhandled by the police. Recently, I was teargassed and my shirt smelt of teargas. Hon. Wamalwa was teargassed as well. This is a trend that has been going on with the police. Considering that we are in a new constitutional dispensation, this is a matter that should be discussed urgently. It should come to the House tomorrow.

**Mr. Deputy Speaker:** The Chair would appreciate if this Statement can be issued tomorrow afternoon.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I have other Statements which I am supposed to issue tomorrow. I would be comfortable to issue this one on Tuesday, next week, so that I can go into the depth of what actually happened.

**Mr. Sirma:** On a point of order, Mr. Deputy Speaker, Sir. We cannot postpone interrogating an issue which the police did willfully and intentionally. The Assistant Minister is not looking for information on what they did, because it was covered by the

media. He is not going to look for it in the rural area where possibly the Chair comes from. We want this information tomorrow without fail!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I thought you wanted the information from my Ministry, not from the media. I will be able to deliver this information on Tuesday next week.

*(Several hon. Members stood up in their places)*

**Mr. Deputy Speaker:** Order! Order! Order, Assistant Minister! On a matter that touches on an hon. Member of this House, it is the duty of the Chair to direct you to bring that Statement as soon as possible - tomorrow!

*(Applause)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I will go by your ruling. I will give the Statement as soon as possible, latest Tuesday.

**Hon. Members:** No, tomorrow!

*(Several hon. Members stood up in their places)*

**Mr. Deputy Speaker:** Order! Order! What is your point of order, Mr. Kombo?

**Mr. Kombo:** Mr. Deputy Speaker, Sir, what happened to hon. Waititu is similar to what happened to hon. Wamalwa. It is becoming a habit of the police. If the answers are not given immediately and the order given to the police to stop manhandling hon. Members, it is going to continue.

So, Mr. Deputy Speaker, Sir, it is important that this Statement is brought tomorrow.

*(Applause)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, I agree with what hon. Kombo is saying. I want to promise this House that I will direct the Police Commissioner not to manhandle any hon. Member before doing thorough investigations. I will direct him that not only hon. Members, but Kenyans should not be manhandled.

**Mr. Lekuton:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is used to taking everything as a joke, and this is serious. This is a serious issue that needs to be addressed and it does not need any research to give us the information. Force him to give us the information tomorrow!

**Mr. Deputy Speaker:** Honorable Assistant Minister, it is---

**Mr. Kabogo:** On a point of order, Mr. Deputy Speaker, Sir. Severally you, in person, have talked to the same Assistant Minister and he keeps dancing on this Table like things are not serious. These are honorable Members of Parliament doing their duty to represent the people. We are now worried that we cannot go and represent our people

because of this manhandling by the police. Once you ordered that it be brought here, he simply said, "It will be done on Tuesday." He is duty bound to follow the rules of this House.

**Mr. Deputy Speaker:** On a matter that involves the personal security and safety of an hon. Member of this House, it is the responsibility of the Chair, as much as possible, to insist and demand from the Government side to give a Ministerial Statement on the same.

Hon. Assistant Minister, the Chair directs that you issue the same Statement and you could combine with the one about hon. Wamalwa, which was also requested this morning by hon. Kombo. The direction of the Chair is that you issue the Statement tomorrow afternoon.

*(Applause)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, the one of hon. Wamalwa was supposed to be issued by the Prime Minister. I am not the Prime Minister of this country; I am just an Assistant Minister.

**Mr. Deputy Speaker:** Fair enough! Nonetheless, on the issue of hon. Waititu, the Chair directs that you issue that Statement tomorrow afternoon!

Proceed, Assistant Minister and give an undertaking. Indeed, the Chair has given you a direction, so you can only undertake what the Chair has directed you.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, since the Chair has directed my Ministry to issue this Statement tomorrow, I will try my level best to collect all that I can get on the ground in order for me to give an elaborate and indepth Statement tomorrow afternoon.

**Mr. Deputy Speaker:** It is so directed.

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

**Mr. Deputy Speaker:** Order! Order, hon. Mbugua!

Next Order!

## PROCEDURAL MOTION

### RESOLUTION TO SIT ON THURSDAY MORNING

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I beg to move:-

THAT, pursuant to the provisions of Standing Order 20 (3), this House resolves to sit on Thursday, 16<sup>th</sup> December, 2010, from 9.00 a.m. to 12.30 p.m.

Mr. Deputy Speaker, Sir, I stand up pursuant to the provisions of Standing Order 20(3) with regard to the sittings of this House. The reason for moving this Motion is pretty obvious. Tomorrow, being a Thursday, this House ordinarily sits in the afternoon. But the House Business Committee (HBC) unanimously resolved that in view of the fact that we have already made it public that we will have a Motion of Adjournment

tomorrow, that we try and transact as much business as we possibly can before this House breaks for Christmas recess.

Mr. Deputy Speaker, Sir, it was anticipated that the Departmental Committee on Legal Affairs will have sat, deliberated and prepared a report with regard to the contentious issue of the additional constituencies' boundaries and that the understanding, further, was that upon presentation of that report, that this House will then be able to move on to discuss and get on with the discussion on the Motion with regard to the putting in place of the Commission on the Implementation of the Constitution, commonly referred to as the CIC. Further, that this House would also put in place the Commission on Revenue Allocation. These were the minimum expectations by the HBC at least before we break for Christmas holidays. Therefore, this is why we feel it is important for us to have a Procedural Motion for us to be able to sit on a Thursday morning as opposed to sitting on a Thursday afternoon.

Therefore, Mr. Deputy Speaker, Sir, I beg to move and ask hon. Kimunya to second that Motion.

**The Minister for Transport** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I rise to second the Motion that this House holds a special sitting tomorrow morning. The facts of the matter have been well expounded by the Leader of Government Business.

Mr. Deputy Speaker, Sir, we have been in this House for long enough now to see the fatigue that is getting on to the hon. Members; to see the other commitments that are awaiting hon. Members out there in the constituencies; to see hon. Members of Parliament recognize that they also have family responsibilities and they need to start preparing in terms of working towards the holiday season. It would not make sense to push the adjournment to next week and waste a whole weekend where hon. Members will then have to go home and come back on Tuesday to discuss a matter for one session while we can pack it in within this week and then when we break tomorrow, we can go and enjoy and take advantage of Friday and so on, so that then we can come back early for all the other business that we require to transact.

Mr. Deputy Speaker, Sir, the Motion makes sense and I believe that hon. Members will be supporting it. I do not wish to take any more time on something that is so self-evident and I wish, at this point, to just second.

*(Question proposed)*

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, on this particular Motion, I wish to support the Motion by his Excellency the Vice-President. We need to get some of this Business out of the way. He mentioned two Commissions, but I want to emphasize the Commission on Revenue Allocation. According to Section 245, it is the one that will allocate resources between the counties and the national Government; between the county and the county governments. If we do not pass it, we will not have started the devolution that we have desired so much.

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

**Dr. Eseli:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity to support the Procedural Motion for an extra sitting, as moved by the Leader of Government Business.

While I support the procedural Motion, I would like to say that this has been of our own making, in the sense that we did not take seriously the business at hand,

especially the business touching on boundaries. Earlier on many of us, including members of the Cabinet disparaged the Boundaries Review Commission to the extent that they were so disturbed. They were unable to finish their job on time. Since it was of our own making, it is only right that we accept to have an extra sitting tomorrow morning so as to be able to correct the mistakes that we have made, and so that we go on recess with a clean slate behind us.

I wish to support.

**Mr. Pesa:** On a point of order, Mr. Deputy Speaker, Sir. Going by the mood of this House, and as I see hon. Members looking at me, we will all support this Motion. So, may I ask that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I just want to thank my hon. colleagues for this overwhelming support. I thought that this being a procedural Motion, there was actually no need to respond to debate. I thought the Question would simply be put.

**Mr. Deputy Speaker:** Indeed, you do not have to respond to a procedural Motion, unless you choose to.

*(Question put and agreed to)*

Order hon. Members, the Chair wishes to give a communication that all the Questions that were deferred today will come tomorrow in the morning session.

Next Order!

Mr. Mututho, you were on your feet? Proceed!

## MOTION

### ADOPTION OF REPORT ON CATTLE RUSTLING IN KENYA

THAT, this House adopts the Report of the Select Committee appointed to investigate the root causes of cattle rustling in Kenya laid on the Table of the House on Thursday, 4<sup>th</sup> November, 2010.

*(Mr. Kaino on 9.12.2010)*

*(Resumption of Debated interrupted on 14.12.10)*

**Mr. Mututho:** Mr. Deputy Speaker, Sir, yesterday, I was urging the House that if they cannot really do anything else, to have a look at the many women who, as we debate here, walk around carrying a baby and powerful weapons like the AK 47 guns in an effort to safeguard what they have, namely a few head of livestock.

*[Mr. Deputy Speaker left the Chair]*

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

Madam Temporary Deputy Speaker, I am convinced that if the Government had the will, it would take its responsibility seriously in safeguarding the lives of people. If the Government can afford to give Mr. Ocampo such VIP treatment when he comes here through our airport and we cannot even drive, then it has resources and the ability---

*(Loud consultations)*

Madam Temporary Deputy Speaker, hon. Members are consulting too loudly. I wish they could consult from the lounge.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, could you reduce the level of your consultations and allow the hon. Member to make his point?

**Mr. Mututho:** Madam Temporary Deputy Speaker, those of us who have been in those areas, particularly those people who made trips to go and study the root causes of this cattle rustling menace, feel that the Government has failed in its duty.

Having said that, we also think that the local leadership and Members of this august House should face the challenge, because they have also failed in their obligations. The North Eastern Province, which is an arid area, does not have this menace. When you come down to the Pokot and Turkana areas, it becomes like a game. That raises a very big question in terms of local leadership. We are saying in this report that as much as we would like to ask the Government to undertake certain strong measures, the leadership should also sober up. Whether you are a dip attendant, a Member of Parliament, who or who, it is good to cherish the value of life, and allow it a chance for the sake of women and children.

If we must fight it out, let us devise another method of doing so, which does not involve women and children; these groups should be protected. I am imagining I am a son of a lady or a daughter for that particular matter. You are strapped at the back and your mother is carrying an AK 47 rifle to go and defend five sheep because cattle went a long time ago. The lady's life and your life depend on that AK 47 and the five sheep or goats, which will go anyway. This is because when the men come they will still open fire on her and steal all the animals.

Madam Temporary Deputy Speaker, this Government must wake up from its slumber. I want to insist that the Government allocates resources for an effective force that will be able to control this menace effectively. Every now and then we hear that chiefs will be sacked, and that there will be patrols and home guards. Why do we need home guards when we have a whole army, Administration Police and a police force all around us? Why can they not do their job?

Madam Temporary Deputy Speaker, this whole thing to me is as a result of some people imagining that some children belong to a lesser god. I seriously believe that the reason why this menace has been allowed to go on is that the Government still does not regard a resident of Nakuru, Kiambu, Mombasa or any other place to be equal to the people who have been attacked constantly and consistently by these cattle rustlers.

Who is a cattle rustler? Cattle rustlers are businessmen. They bring all the stolen livestock all the way to Dagoretti. Are we saying that this Government cannot check the source of this livestock? Are we saying that this Government just sits and assumes that it is business as usual? What we are saying in this report, and I thank the whole team, especially the Chairman, Mr. Kaino, is that we have to call a spade a spade. The spade is that the Government has the manpower and resources and an obligation to defend the people and their livestock, but they are not willing to do so for their own reasons. There is partisan politics involved which the Government cannot be divorced from.

I sympathise with those people who are in Pokot, Turkana and the many young men who have lost their lives in this new found game. If you look at the value of all the livestock in some of those locations after several raids by the Turkana it is not worth more than what they can achieve when they do a good race in international meetings. Since they are controlled by people who are outside that particular environment--- It is time we resolved that we either do it or accept it as our way of life, so that some people are supposed to kill each other.

This is the same thing I would say about Malaria and mosquito attacks. If you look at the amount of money spent by the Government on control of malaria--- Look at the Malaria Global Control Programme and then you will understand that the Government reads the script upside down. I blame this Government in toto for not doing what they are supposed to be doing. I can say today we are lucky we have many Ministers here. They should, at least, stand up and tell us why they think that a Pokot's or a Turkana's death is less important than that of somebody who dies down at River Road or in Mombasa. Why do you take this nonsense?

Madam Temporary Deputy Speaker, why do we take this nonsense and allow a mother with a baby to carry a gun, an AK-47, to defend five head of sheep? This is a scandal and the gentleman called Mr. Ocampo must come and check whether someone else is doing what he imagines that Kenyans are doing. He should go right into the field. I support this Report hoping that during this financial year, we are going to see not only a reformed Police Force, but a section of the society that truly believes in mankind; a section of the society that will allow those children to grow, a section of the society that will allow those women to do what they are best at, nursing their babies but not being soldiers at will, attacking people who come to steal the little that they have.

I beg to support.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support this important Motion. Time has come to call a spade a spade. Time has come to say that the business of stock theft, cattle rustling, must come to an end. It is totally unacceptable in a modern State like Kenya and it is totally incomprehensible that after 47 years of Independence, we are still involving ourselves in the business of cattle rustling. It is now very clear that the traditional cattle rustling has come to an end. This is now commercial cattle rustling where people and cartels go to steal cattle, sheep and goats and then bring them all the way to Dagorretti Slaughter House in Nairobi for slaughtering. That is commercial cattle rustling and not what used to be the traditionally. At that time, they were using spears. But now, they use AK-47 rifles and other lethal ammunition. So, time has come when we must say that cattle rustling must come to an end now! Anybody who is involved in it; those cartels, must be dismantled so that it can come to an end. The



menace of cattle rustling also increases insecurity in those areas. That is why we have the so-called bandits in those areas. They are not really bandits but commercial cattle rustlers looking for cattle to steal and bring them to slaughter houses in Nairobi.

It does not take rocket science to know how that menace can be eradicated. The colonial Government used to do it. Every family was given some kind of a symbol to brand their livestock. Why is that not being done? Those symbols would then be registered with the Provincial Administration. Therefore, there was no need of stealing another person's livestock because the brand would betray you. I wonder why that is not being done.

We must also do massive disarmament in the whole area. The argument has been that the Government must, first of all, improve on security before it disarms. This is a vicious cycle. It has been said that you cannot disarm when there is insecurity. When there is insecurity, people must have weapons. We must break that vicious cycle. When we are doing disarmament, we must liaise with the neighbouring countries. There is no point of disarming the Turkana who are on our side of the border while we leave the others on the Ugandan side. It has to be done jointly. It should be the same case with Sudan, Ethiopia and Somalia. It has to be done jointly between the Governments. It is also very clear that after a drought, cattle rustling increases. Why is that? It is because of the so-called restocking. If we can buy animals and give them to the people who have suffered the drought, the menace of cattle rustling can be brought to an end. However, there is the issue of drought and the herdsmen not being given new livestock. What do those people do? They go stealing from neighbours. So, we need, as a Government, a policy to restock after every drought season.

With those few remarks, I beg to support.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Thank you, Madam Temporary Deputy Speaker. I want to begin by congratulating hon. Kaino who was the Chairman of the Committee that produced a very important Report. I also want to congratulate the rest of the Members of the Committee. They have done a wonderful job. They have travelled extensively, within Kenya, in all areas affected by cattle rustling. They have also travelled in East Africa and consulted all stakeholders, communities and this House.

The problem of cattle rustling in Kenya and in East Africa has a tremendous negative impact on all aspects of socio-economic lives of our people. It has cross-border implications and affects regional security. We know that pastoralists have no boundaries in East Africa. They move with their livestock looking for green pastures and, therefore, that affects the region. It is, therefore, very important that on a matter like this one, all stakeholders are involved in searching for the solution to the problem. The Government, hon. Members, councilors, traditional leaders and veterinarians must all be involved. I say veterinarians because they are involved in the control of movement of livestock. They are also involved in branding of livestock using old and modern technology, including ICT. The civil society must also be involved.

There are many causes of cattle rustling in this region. The major cause is lack of development. In regions where there is cattle rustling, people experience poor levels of education and poor infrastructure. When cattle rustling occurs, movement becomes very difficult for security personnel. The economy there is a single mono-economy depending on livestock only. There are very few job opportunities for the young people to

participate in. There is no trading. Another major cause of cattle rustling in the region is the absence of the Government. Those areas are vast. I say that with experience because I am the hon. Member for Samburu West. I border Turkana which is one of the largest counties in the country. I border Baringo, Marsabit, Laikipia and Isiolo counties. I know that there are many huge areas where Government presence is absent. When I talk about Government absence, I mean infrastructure such as the Civil Service, security and other forms of infrastructure.

In fact, that has been the position for very many years in areas where I come from until the NARC Government came into power. There were areas in the northern part of Samburu where we had a DC and police did not even have vehicles. The roads were almost non-existent until the year 2002.

Madam Temporary Deputy Speaker, I talk about causes because that is when we can talk about solutions. There is the question of culture. When I talk about culture I know that now we are moving from cultural aspects of cattle raiding to what I call conflict entrepreneurs or commercial people. However, aspects of culture are still there due to very strong cultural beliefs in some of the groups that have their own spiritual leaders, seers and people who dream that the son of so and so has gone to raid and they can see in that herd there are 20 white heifers. They say, "I can also see the son of so and so who is a coward and is refusing to join the group". We also have other cultural aspects we shall talk about later.

In the region, cattle rustling has now become a commercial activity for some people. In fact, we cannot even attribute it to one particular tribe. We may talk about the Turkanas, the Samburus and the Pokot. However, I am aware that there is a chain where we have urbanized communities hiring youths to collect animals. The animals are transported and sold for money although the young people are paid very little money. Evidence has been found in cattle rustling scenes where mobile phones are picked from the people killed during cattle rustling. The owner of the mobile phone has died, but the caller from the other end, who is not a Pokot or a Samburu or Turkana is still asking for the numbers. They ask, "*Umepata ngapi?*" That is why I am saying cattle rustling in modern times has now become a business.

Madam Temporary Deputy Speaker, the other cause of cattle rustling arises out of disputes for pasture and water. The excuse of conflict is used by for pastoralists to collect the animals.

The proliferation of firearms in the region also fuels cattle rustling in large numbers. I believe that the Government policy will be to recruit as many Kenya Police Reservists (KPRs) as possible in those regions. In budgetary terms, it is difficult to recruit and equip adequate policemen to patrol the borders and those areas.

Madam Temporary Deputy Speaker, we cannot leave out the question of politics; politicians fueling cattle rustling. Some None-Governmental Organizations (NGOs) and Community Based Organizations (CBOs) also pretend to be promoting peace when we know they do not want peace to prevail. They want a situation where they continue profiting by fueling conflict every time things cool down, so that they make money from the donors.

There is also the problem of dowry in certain communities. Some of the dowry requirements are simply too high. I know of one of my constituents who crossed the border to Uganda and married a beautiful girl from Karamajong. He had to pay 175 heads

of cattle. This puts a lot of pressure on young people. You can imagine the kind of pressure placed upon you if you are to pay 175 heads of cattle for dowry.

The contribution of women must also be highlighted. We know that the biggest casualties are women. We have a number of widows who have lost their husbands. We can also say the other aspect of culture that I want to mention is with regard to women praising the brave ones and singing good songs and even marking the animals that have been stolen in raids. I hope that with education some of these habits will go away.

Madam Temporary Deputy Speaker, we also have a legal problem and media issue. I know that police officers have arrested cattle rustlers. However, we rarely see a cattle rustler being dragged to court and prosecuted. It is not big news among Kenyans. In fact, it is ethnicised. When Samburus steal cattle from Turkanas or vice versa it is often mentioned that it is the Turkana tribesmen who went to raid. However, when there is a robbery somewhere in Nyeri, it is not tribesmen who raid a bank, but some gentlemen.

On the issue of arresting the culprits I think we need assistance from the media to highlight them. I asked the Commissioner of Police at one point, "You have done a good job. You have arrested people, but we have not seen it". Of course, good news sometime does not sell.

There is also the question of recovery. The Government must be very firm in recovering stolen animals. This is because if stolen cows are not recovered immediately and the culprits taken to court, then we encourage the culture of revenge. The communities would feel that the Government is not doing anything and then they themselves take the law into their hands.

Madam Temporary Deputy Speaker, the question of highway banditry is as a result of presence of guns and poverty. In most of these areas there is highway banditry; that is from Kitale to Lokichoggio, Rimuruti to Lake Turkana, Isiolo to Marsabit and Maralal to Archers Post. In all these areas where we have cattle rustling, we also have highway banditry where motor vehicles are intercepted and passengers robbed and often killed. It is even worse because the communities that are holding these guns often kill even their own. This is a very sad modern activity.

With regard to some of the recommendations, I am speaking as the Member of Parliament for Samburu West Constituency and I believe Mr. Ojode will respond on behalf of the Government at one point. In terms of solutions I think we need to deal with all those issues that I have mentioned. We need to look for solutions and strengthen peace committees. We need the support of the Ministry of Development of Northern Kenya and other Arid Areas. I know there has been relative peace recently because of disarmament. About 70 per cent of livestock have been lost in those regions and people are getting tired.

We wish to respect international protocols and one such protocol called the Mifugo Protocol in which 13 countries participated and signed, although Kenya is yet to ratify it. We would rather ratify it soon. It will assist us in dealing with issues of mutual legal assistance, branding, movement of livestock, grazing committees, joint operations – I am aware that there is a joint operation which was launched the other day between Kenya and Uganda – support and working with the Interpol because this is a transnational crime.

With those many remarks, again, I want to congratulate the team and I support this Report.

**Mr. Langat:** Madam Temporary Deputy Speaker, thank you very much for giving me this opportunity. Cattle rustling is a sign that there are communities that are still yet to come to the level where other Kenyans are. I think this Committee has done a fairly good job in terms of going round and listening to the communities. I want to say that it is very unfortunate that the practice still continues and yet, Kenya has had her Independence for the last 47 years. The people still engage in such kind of activities. The Report has mentioned that it is all about culture; that culture condones that practice. I also want to confirm that culture is a very important thing. I have heard Mr. Lesrima say that those who have raided and come back home with the cattle are received as heroes, just the same way when our athletes win, they are always received as heroes. It is the same elsewhere in my community. Long time ago, it used to be a measure of how courageous a man is. If you have gone out and successfully raided and brought home animals, you would be ahead of your age mates because you would be counted as a very courageous man. Therefore, how do we address the issue of culture?

If the Government was really serious about this, then we must ensure that education is facilitated in the areas where that practice is prevalent. That is because in addition to raiding to get cattle, it normally comes along with the killing of people, children and mothers. Therefore, the Government should have fast-tracked that process by ensuring that education is facilitated through infrastructure and provision of teachers, building new schools and generally communicating to the people in those respective areas. So, I want to support the idea that there has to be some kind of affirmative action in terms of education in areas where the practice still exists. We must budget more for education in those areas where cattle rustling is rampant.

That practice has continued because in the past, the development of this country has been done in a manner that is not fair. Some places were developed more than others and, therefore, leaving others to remain with the old culture. In addition to education, I want to believe that the issue of infrastructure is also very key. It is a security matter and, we need to build roads and supply water. I support the Committee for saying that there is need to have irrigation in those areas. That way, we can minimize the movement of livestock from one end to the other which encourages those raids. So, there is need to do some irrigation in areas which are affected so that people can have water within their reach. That will deny an opportunity to those people who practice cattle rustling.

Madam Temporary Deputy Speaker, I have spoken about education and infrastructure. I also want to say that the role, as has been pointed out, of community leaders, is very key. It is important to preach to those people that, that is a very backward culture and it needs to be changed. Our security forces; those who are supposed to enforce; the so-called Anti-Stock Theft Unit (ASTU) must be strategic in the way they operate. In the past, what has been happening is that those security forces are not there to protect. They just come when the action has already taken place and what follows is brutality. The children and everybody who comes across their way are normally brutalized by the same people who are supposed to protect them. That is because they have failed in their job. So, those security forces must be very strategic in their operations. They should protect instead of waiting for the action to happen and then follow up something which never happens.

There has been the issue of branding of animals. The Ministry of Livestock Development should follow up that process and ensure that all the livestock within some

age bracket are branded and registered. If possible, it should just be the way we register vehicles. We must have the relevant law which says that whoever buys cattle, must check their registration numbers and confirm their source. That way, if cattle from Kericho are being sold in Nairobi, you must confirm that the registration numbers are coming from Kericho. That way, we can trace them in the event that the cattle have been stolen. We will know where the animals came from, how they found themselves in Nairobi or wherever they are being sold from. I was just consulting a while ago with the Chairman of the Departmental Committee on Energy, Communication and Information. Nowadays, we use tracking systems for vehicles and everything else. I think we need to apply the same concept to our animals. We need to know how much it will cost and who will fund the project. The Government should put in place a system to track animals whenever they are stolen.

I will not say much but I support the Report. I want to say that the capacities of the communities who still practice cattle rustling should be built through education and infrastructure.

Thank you.

**Eng. Rege:** Madam Temporary Deputy Speaker, thank you for giving me the opportunity to contribute to this good Motion. First, I would like to congratulate the Chairman and his Committee for the splendid job done in searching for a solution in this pestiferous cattle rustling in this country.

Cattle rustling is a very old crime which is making a comeback in the face of availability of sophisticated crime prevention tools such as manned security, electronic security and the good old method of stamping our cattle.

Recently, I was reading that they start stealing one cattle and eventually, they steal thousands of cattle for beef. Some of them, they just put them on trucks and transport them long distances for sale. It sounds so easy the way they do it. However, when they are caught, they are punished heavily. The fine ranges from US\$10,000 or at least a minimum of five years in jail. There is one couple who lost 100 pregnant cows. So, they said they lost their cows and also their minds. But fortunately, when the trucks stopped at the pit stop, he forgot to lock up the truck properly and all the cattle escaped. So, they were extremely lucky.

Madam Temporary Deputy Speaker, last month in Uganda, the Karamajong women decided to talk to the young ones. They persuaded them to drop their guns and stop cattle rustling in exchange for job opportunities. So, they approached the Government to put in place proper laws to stop cattle rustling and also provide job opportunities for them. It is the youth who are accused of involving themselves in cattle rustling because of poverty, marriage and beef, among others.

Madam Temporary Deputy Speaker, cattle rustling in Kenya is fuelled by demand for illegal sale of beef, dowry, unemployment, famine and other reasons. The Kenya Government has tried to stop cattle rustling crime by using guns, but for how long? How many Kenyans will die because of cattle rustling? We need to put in place proper laws to prevent this? Is it true that this vice cannot be stopped? I recommend that the Government reverts to using the good old method of using mechanical stamping to identify cattle just as they do with vehicles. Any cattle which are more than six months old should be stamped appropriately and registered in the county. I believe that every home that has several heads of cattle should register them after they have been stamped

appropriately. They should also use electronic chip, which can be triggered when the herd is stolen.

Madam Temporary Deputy Speaker, if the stolen cattle are seen somewhere for sale, the Government officer at that site must demand to see registration of the animals. This can also help for KRA. The whole system can be computerised by using ICT. Even when the young people take these cattle for dowry, the parents of the girl should demand for registration of these animals. Mechanical stamping will be a permanent stamp on the animals which cannot be removed. So, appropriate registration should be transferred to the new owner.

Madam Temporary Deputy Speaker, finally, I would urge the Government or the Ministry of Livestock to create a regulatory department in the Ministry to regulate the movement of all animals in this country. That is the only way we can arrest this problem of cattle rustling. We should also put in place proper laws for regulating movement of animals in the country.

Madam Temporary Deputy Speaker, I beg to support the Motion.

**Mr. Njuguna:** Madam Temporary Deputy Speaker, thank you for giving me this opportunity to join my colleagues in supporting this very important report.

First, let me thank the Chairman, Mr. Kaino for the true leadership he has provided to this Committee. I note with appreciation the very good content in this report. I would urge the Government to make sure that this report is given full implementation after it is passed. We realize that this will be one way of reducing cattle rustling. It will also create peace and tranquillity in this area. We have noted in this report that innocent people have lost their lives. Some people have been murdered in certain situations and even massacres have taken place. Huge number of people has been displaced. This trend must be discouraged and stopped immediately. Loss of property has also been noted. We have seen in the media, huts, manyattas and schools being burnt down. This trend must not be seen in the current modern Kenya. The social fabric has been affected and people left desperate and almost losing hope in the Government.

Madam Temporary Deputy Speaker, we have also noted the critical role played by the community leaders in those areas. We would be calling for continued engagement and consultation. In some areas, where leaders have come together to discuss peace and return of animals stolen, this has really created a peacefully environment. We would, therefore, urge the elders in this region to continue engaging one another, so that the issue of insecurity and cattle rustling is brought down.

Madam Temporary Deputy Speaker, it has also been noted that water has been a very major concern. We have seen young girls and old women travelling long distances in search of water. At times, they dig very deep wells, looking for that precious commodity. It is, therefore, important that the Government takes this development very seriously by way of providing boreholes to those regions. If boreholes are provided, generally, employment will also be created for the youth. Subsistence crops, including maize, will also be grown, thus creating employment for our youth. It is, therefore, important for the Government to change this environment by providing enough water to those areas.

Light industries must also be created in those areas, because we realise that when investors come to this country, they are attracted to invest in Nairobi and in other high potential areas. This region must be given due attention. The youth in that region must

also enjoy the freedom that is enjoyed in the country. Mobile schools for the migratory communities must also be established, because we have seen communities moving from place to place with their animals. There are innocent youths who could be engaged in learning in those areas. Therefore, the Government must put more resources into those areas.

Madam Temporary Deputy Speaker, healthcare for those people is also very important. At times when they are injured, or when they fight one another, you find them dying. Health centres and dispensaries must be established in those areas. It is high time that the Government took healthcare programmes to those people. Due to the vastness of that region, and prevalence of cattle-rustling, we should have more police posts. More police posts and Administration Police camps must be seen to be established near the people, so that people who may be tempted to engage in cattle rustling can be discouraged by the presence of security personnel.

Talking of security, new patrol vehicles must be given to those regions, and they must be provided with adequate fuel. It would be useless to allocate new vehicles to police stations and fail to supply them with enough fuel to make them run. It is, therefore, important to improve security in those areas.

Madam Temporary Deputy Speaker, it is also critical that religious organisations play their critical role in investing in those areas. We have seen good work that has been done by the African Inland Church (AIC), the Catholic Church, the PCEA, the Methodist Church and the Evangelical Church.

So, religious organisations could also direct their attention to those areas. They could invest in education by putting up boarding primary schools, boarding secondary schools as well as vocational training institutions. By doing so, they will be changing the way people live in those areas.

Madam Temporary Deputy Speaker, electricity is very rare in those areas. We need to have electricity in schools, trading centres and even *manyatas*. We need to change the lifestyle of our people. So, this Report contains a lot of good things, which could be implemented to change the pattern of life of our people in those areas.

Roads linking the shopping centres in those areas have not been given attention for quite some time. It is, therefore, important to invest in the road network to create proper communication and easy transport of goods.

Justice in those areas is also a very rare commodity. The courts of law should be near those communities. People should not be walking 1,000 kilometres to go for litigation. Therefore, courts of law must be put in place, so that we change the lives of the people.

Madam Temporary Deputy Speaker, porous borders have also been a problem. You realise that illicit small arms in this country are very many. Instead of seeing small arms, we should be seeing *sukumawiki* in those areas. We can see *sukumawiki* only by starting irrigation schemes, and the small arms will disappear.

Therefore, I concur with the critical findings of the Committee and its recommendations contained in this Report.

With those few remarks, I fully support.

**Mr. Letimalo:** Madam Temporary Deputy Speaker, I thank you for giving me the opportunity to contribute to this Motion. On the outset, I would like to say that I am also

a Member of the Committee which investigated the root causes of cattle rustling. Therefore, I am quite familiar with the information contained in this Report.

I want to say that I participated fully in the Committee's work. As a Committee we criss-crossed the country and more specifically, the areas which are affected by cattle rustling. You will find from the responses we got from the communities that the issues revolving around cattle rustling are cross-cutting. What happens between the Turkana and the Pokots, between the Turkana and the Samburu, and between the Samburu and the Boran is almost similar.

Madam Temporary Deputy Speaker, even though we have been able to come up with the causes of cattle rustling and what we consider to be recommendations, our concern is the commitment from the Government. I say so because this is not something new. This is the domain of the Government. We have Government officers in all those areas. There are administrators, who are supposed to carry out administrative policies of the Government, and security personnel, who are supposed to oversee security.

There are veterinary officers and if it is necessary to brand animals, they should be able to know the importance of branding animals. If you talk about the management of livestock, there are livestock officers. So, it is not something new. It is just a matter of Government commitment. The fact that we have been talking about marginalisation of communities in those areas, this one speaks for itself.

Madam Temporary Deputy Speaker, just as it has been said, those who are involved in cattle rustling are the youth. You cannot expect an old man, or somebody who has a family, to engage in cattle rustling. So, the people who are involved are the youth. If there is a way we can minimise cattle rustling by prevailing upon the youth not to engage in this undesirable practice--- The best way to kill that kind of anti-social activity is through education.

The Government knows that any educated person will never think of going into cattle rustling. Nobody is ready to lose his life. If somebody who is educated cannot get a job, he can engage in other activities that can generate income for him. These people practise nomadic kind of economy. That is their source of livelihood; when conditions become tough and people have to move with their animals, even those youths who are in school will abandon school and move with the animals, because that is where they get their daily bread from.

Madam Temporary Deputy Speaker, therefore, when you talk about education, there are two critical things: One, primary education in this country is free and compulsory. So, we can use our administrative officers to ensure that children in their respective administrative units attend school. Every chief and assistant chief should be able to know that in a given family, there are so many children and, therefore, at least half of them should go to school. That way, we will be able to ensure that many youths go to school.

Secondly, we should ensure that we retain youths in schools. The conditions out there are very tough. So, they follow their parents when they move about with their animals. Therefore, the Government should provide boarding facilities, so that when parents move around with their animals, the youth can be retained in school because they have got a place to stay. Those are some of the things we have proposed in this Report.

Mr. Temporary Deputy Speaker, in every financial year, funds are allocated to the districts, but we do not see these things happen. We are not saying that it is only we,



parliamentarians, who know the importance of boarding facilities in ASAL areas. We are not saying that it is only you and I as a Parliamentarian who knows the importance of boarding facilities for these Arid and Semi Arid Lands (ASAL) areas.

Two, the majority of those communities that are involved in cattle rustling are in ASAL areas. These areas are mainly characterized by a hostile and dry environment and scarcity of water. You cannot keep livestock where there is no water. Therefore, drought is so prevalent and these people are forced to move to other places to look for these scarce resources. They come from different directions because availability of water points are also limited. They will converge at where there is water and then from there, certainly because they have to scramble for that water, then they are bound to clash. So, what we are saying is that as a solution to that problem, the Government should be able to provide water points in the form boreholes, dams and pans in their respective areas so that it limits the movement of the animals. This is not happening. When it happens, you will find that a lot of resources are pumped into one region. This issue was raised here. Then what do you expect to happen? They will continue with that kind of marginalization. This is the problem. Therefore, what we are saying is that we got a good report yes, but we doubt and I must say without any fear of contradiction, without the commitment of the Government because it is not anything new--- We hope with these recommendations that at least, the Government should be able to do it this time.

Madam Temporary Deputy Speaker, I want to say things here, so that my colleagues will be able to contribute. The Government should recognize traditional governorship. Cattle rustling is not a new phenomenon. It is an old thing, it has been there. The only thing now is that it is sophisticated because of the proliferation of firearms which never used to be there, and commercialization of cattle rustling which does not necessarily mean that the people who are stealing cattle are the same ones who are selling them. So, it involves even other players who may not necessarily be pastoralists. But I think ever since the beginning of the problem of cattle rustling, there has been a traditional governance through a council of elders where once animals have been traced following footprints to a given community, they would be able to sit down and if they will not be able to get the criminals, then they pay the animals. However, now the Government is imposing some unnecessary declarations like what they call Modogashe Declaration. What happened in Samburu in the year 2009 is really a very bad day and I think it will never disappear in the history of Kenya, where the Government instead of pursuing criminals, they deployed over 20 lorries with about 400 security personnel backed with military choppers as if they were going to attack another country and rounded up animals at water points in the grazing fields. They were not able to identify who were the cattle rustlers from the herds and which animals had been stolen from the herds. They just rounded up animals. I mean you have no business to know whether the owner of these animals is a Government employee, whether she is a widower, you just round up animals and drive them across and then you go and give them to other communities for the simple reason that the ones involved in cattle rustling came from the other community. So, the other communities are just left there and nobody cares what happens to them.

We are now saying, and this should go on record, that those of us who come from Samburu East, we are poor because we are made to be poor by this Government and the authorities in the office of the President. This is the most notorious Ministry I have ever

seen, in handling security. I am not worried to say so and I think these are some of the things that the Government should look into.

It has been said in this report that we establish military training centres in these semi arid areas. Okay, it may be necessary for purposes of exercises and the like but should not just be a question of there is unoccupied land and then you establish military training centres because they have also caused havoc. These people do not care about the environment; they do their training and then they leave the unexploded ammunition. Those herds boys are illiterate who are not familiar with these strange ammunitions and then they just explode. We have heard of cases of people who have been injured and others killed and nobody is bothered even to compensate in the name that it is gazetted land. After all, that is community land which nobody gets in the first place; they just use because they are the Government. So, I want to say that even if we are going to open up military training grounds in those areas, or NYS but we must be seen to be supporting those communities. Our military has got all the equipment, they could use to construct halls and dams but they do not do that. In fact, they go and construct in their areas where they come from; so, when are we going to help those other communities.

With those few remarks, I beg to support.

**Mr. Muthama:** Asante Bi. Spika wa Muda. Hata Mimi nasimama kuchangia mjadala huu ambao ni wa maana sana. Mengi yamezungumzwa na wenzangu na mimi nitaongezea yangu machache.

Nchi yetu ya Kenya imejaa msukosuko mwingi kwa kuwa watu wanapora mali ya wengine. Zamani katika ukoo wangu, wanaume walikuwa wanalazimika kwenda kuiba ng'ombe kutoka kwa jamii ya Wamasai ili kuonyesha kuwa amehitimu kuwa mwanaume.

Madam Spika wa Muda, baada ya elimu kuingia na watu kuerevuka kidogo, imekuwa vigumu kwa watu kurudia mambo hayo ya zamani. Lakini bado wizi unaendelea na hata watu wanaiba mahindi, ndizi, kuku na kila kitu. Wale ambao walichunguza kwa nini watu wanaiba mifugo ya wengine na wameandika ripoti. Ripoti hii imewasilishwa hapa Bungeni na wenzangu wamechangia maoni yao. Ndugu zangu, tukiwa viongozi, kitu cha maana ni kujua nchi yetu iko mashakani kwa tabia hii ya wizi na wale hawaibi benki, wanaiba mbuzi, wale hawaibi mbuzi, wanaiba ng'ombe, wale hawaibi ng'ombe, wanaiba mahidi, wale hawaibi mahindi, wanaiba mafuta hata wanakunywa na nchi yetu inakosa mafuta.

Nataka wenzangu hapa waelewe kwamba mbali na kuwa kuna mtindo wa kiasili wa kabila fulani, kwa sababu tunaposikia jina la ubatizo; watu wanatoka na kuchukua ng'ombe za watu wengine. Serikali ikipata habari inawatuma maofisa wake kwenda kutuliza hali hiyo. Ni hao hao, Wabunge wenzangu, ambao wanaongoza wale watu tena na kusema watu wangu hawawezi kukamatwa, hii ni haki yao na hata kama wameiba ng'ombe, wapembelezwe ili warudishe pole pole. Kama mwizi ameiba halafu yuko katika sehemu fulani ya uwakilishi Bunge na hapa kuna ng'ombe ambazo wameibiwa kutoka kwa kabila lingine upande ule mwingine halafu kiongozi mwenyewe ndiye mtu wa kwanza kwenda kusimama na kuwazuia maofisa wa Serikali kuwachukulia hatua bila kuongea lugha ambayo inaeleweka na watu hawa--- Baadaye, watu wale ambao wameibiwa mifugo wanalipiza kizazi upande mwingine. Kisha, yule kiongozi tena anakimbia kwa maofisa wa Serikali ya utawala wa ndani na kulalamika kuwa watu wake wanauawa, ilhali yeye ndiye chanzo cha mambo hayo. Itakuwa jambo la maana kama tutaarevuka na kuunda nchi moja ya Mwafrika ambayo ina amani.

Sisi tunaielewa kwamba kama kuna Mpokot anamwibia Mturkana, basi anamwibia ndugu yake. Mbali na kwamba wameibia ndugu zake, vita vikitokea wanauana. Kwa hivyo, wanasema kwamba wameua Wapokot, Wamaasai, Wakamba na Wakikuyu na hawakuua mtu. Ni dhahiri kuhakikisha kwamba tunarudi katika sehemu zetu na kuanza na naibu wa chifu, chifu na Mkuu wa Wilaya ili wafanye mikutano na kuwaambia watu kwamba tunawaongoza ili wasifikirie kwenda kuiba kwa sababu hii ni hatia.

Bi. Naibu Spika wa Muda, kuna watu wanaona kwamba watu wao wanaiba na hawatambui kwa sababu ya kura. Mara nyingi anataka kumkinga huyo mtu ili ampie kura. Kesho yake yeye ndiye atakuwa mtu wa kwanza kufika katika ofisi ya Serikali kusema kwamba kuna wizi. Tena, Serikali inapochukua hatua, wanasema kwamba wale wezi wako na silaha kali, na wanaponyang'anywa hizo silaha, watu hao wanawaita vijana wetu wa polisi "hawa maaskari". Hao askari ni watoto wetu na walinda usalama. Hawa ni watu ambao wanatumia amri ili kuhakikisha sheria inafuatwa. Baada ya hayo yote kufanywa, tunakuja hapa bungeni na kusema mambo matamu ya kupendeza kwa kusema kwamba ukoo wangu unalinda wanyama.

Tulikuwa tunaambiwa kwamba ukiwekea Maasai shilingi milioni moja upande mmoja na upande mwingine uweke ng'ombe kumi na umuulize achague moja, atachagua ng'ombe kumi na wala sio hizo pesa. Wakati huo, milioni moja ilikuwa kama bilioni moja. Lakini tumetoka wakati huo. Kila mwananchi nchini amepata elimu na wale ambao hawajapata tuko hapa na tutawapelekea ujuzi na mambo yanayoeleweka na kuwaambia kwamba mlango wa kwenda mbele ni huu. Ndugu zangu na dada zangu, tuwache mambo ya kutaniana. Tuwache kuona kwamba Serikali itakuja kulinda boma lako na wala si yule mwingine. Amani na usalama huanza na sisi wananchi kabla Serikali ije kuangalia wale waliovunja sheria.

Lakini sisi kama viongozi jukumu letu ni nini? Ni kusifia, kukinga, kulinda, kuzuia madhara yasionekane na tuache kasheshe. Ni lazima tulenge mambo sasa na kwa kidhahiri. Sasa ninaamini kwamba ni sisi viongozi tutaweza kusimama kwenye umati na kuwaambia watu kwamba kuiba mali ya mtu, kutusi mtu au kuvunja sheria ni vibaya. Shida ambayo tuko nayo katika nchi hii ni kuvunja sheria bila heshima. Tunavunja sheria kama tunavyovunja bakuli la uji. Hatuna heshima kwa sheria. Ni lazima tuiheshimu sheria ndiposa wenzetu waweze kutufuata. Tukifanya hivyo, tutasimamisha wizi wa ng'ombe, mbuzi na hata wizi wa benki. Wengine wanaambiwa kwamba kuiba benki ndiyo njia ya mwanamme kutajirika na huku ameiba na kuumiza watu. Inafaa sisi Wabunge tuchunge sana kwa sababu sisi ndio tunatumiwa vibaya kwa sababu mtu atakuja kwako na kukuambia kwamba mtoto amekamatwa bure bila kuiba na kwamba alikutana na polisi akienda nyumbani na akachukuliwa. Wengine wanasema kwamba ng'ombe walichanganyika na wengine na wakachukuliwa. Kwa nini hawakuchukuliwa upande wa kaskazini mwa Kenya, bali walichukuliwa upande wa kuzini. Hii ni kwa sababu pale kulikuwa na mwizi aliyetekeleza hayo. Kwa nini huyo alikamatwa usiku na mwingine hakukamatwa akiwa katika nyumba yake? Hii ni kwa sababu yule aliyekutana na polisi usiku alikuwa ni mwizi. Lakini sisi ndio watu wa kwanza kukataa sheria na kuwaita vijana wa idara ya polisi majina. Wakati wa kuajiri, sisi ndio watu wa kwanza kusema kwamba niandikie mtoto katika idara ya polisi au jeshi. Lakini akiingia huyo, tunamwita "huyu askari". Lazima tuwe na tabia na lugha nzuri na tuchunge midomo yetu na sheria.

Kwa hayo machache, ninaomba kuunga mkono ripoti hii.

**Mr. Mwaita:** Madam Temporary Deputy Speaker, thank you for giving me this opportunity to contribute to this Motion. First, I would like to join my colleagues by thanking Mr. Kaino and his Committee. When he moved the Motion the other day, he informed the House that they moved all over the country, especially the upper eastern, North Rift and even outside this country. They went to Ethiopia and Botswana.

Cattle rustling is a terrible menace and the effects cannot be under-estimated. It causes loss of lives and makes communities maimed, marginalized and impoverished. For example, in my constituency, Baringo Central, Mariga District, there is a community called the “Njemps” who are pastoralists. In the last five years, they have lost over 3,000 heads of cattle, 5,000 goats and over twenty lives lost across the board between them and the Pokots. It is terrible. I am happy that the Committee went round and paid a visit to those communities and they identified the major causes of this menace.

My colleagues have talked about cultural and traditional practices but in this time and era, those practices should have been discarded. In certain communities, people steal to get enough animals to pay for dowry but we cannot accept this. It is not acceptable. You steal property of another person to be able to marry. That should stop. They have also given other causes like poverty. These are people who are very poor and the youth, due to lack of jobs, resort to stealing. That is what has become commercialization of our cultural practice where people steal animals from one part of the country and sell it in another part to make money. That should not be allowed because it is causing insecurity among communities.

The Committee came up with several recommendations and there is one which I liked. That is, modernizing our way of keeping animals. In the normal branding, there is the idea of using computers and the GPRS where specific chips are inserted into the animal so that they can be tracked wherever they go. That is like the tracking system which is used in vehicles. If that can be introduced, it will be able to curtail this menace so that when animals are moved from Samburu, Turkana, West Pokot and loaded into trucks and moved all the way to Dagoretti to be slaughtered; they can be tracked using the GPRS system. If the Government can implement that among other recommendation, it will reduce the menace by over 70 per cent. This is because whoever will be stealing an animal in Samburu will know that the animal will be tracked up to Dagoretti. That will reduce this problem.

The other recommendation is affirmative action in some of these places and my colleagues have talked about it. Affirmative action in terms of infrastructure, mobile schools, mobile health centres and certain roads should be developed and improved so that they are motorable. These should be all-weather roads so that our security forces can reach those areas with ease. If that can be done by the Government, it will reduce this terrible menace.

Madam Temporary Deputy Speaker, the other issue is how we introduce other ways of improving the livelihoods of our people. We should introduce bee-keeping in the arid and semi-arid areas. We could also start honey refineries, so that the harvested honey can be packaged and exported. The people who rely on cattle rustling can then see that there is life outside cattle rearing and stealing.

As one Member said earlier, in some of these places, dams can be dug to start micro-irrigation schemes. These schemes will assist the communities to grow food crops

like sukuma wiki, cabbages and fruits. That will be an alternative way of earning an income and our people will move away from this menace of stealing animals.

The security forces should also strengthen their presence in these areas. The Anti-Stock Theft Unit should be strengthened, their number increased, equipped and even be given small choppers, so that they can patrol the area. This will help to reduce the menace of cattle rustling.

All these put together, in my view, will end this practice. We should conduct massive civic education through the vernacular radio stations. The Ministry of Livestock Development should craft certain advertisements in the vernacular radio stations to educate our people that this is a thing of the past and it is no longer tenable. The laws of this country have changed. We are in a new constitutional dispensation. We want our people to stop cattle rustling. If that can be done, this problem will be a thing of the past.

With those remarks, I support the Motion fully. I hope the Government implements the recommendations in this report to the letter.

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

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

**Mr. Magwanga:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank you for recognizing me. I have been trying to catch the Speaker's eye again and again, but I had not been successful.

From the onset, I want to commend the Committee for doing a very good job and coming up with very good recommendations. Cattle rustling is a backward practice and should be stopped in this country. Kenya is almost becoming a developed country and a thing like cattle rustling is a primitive way of living which should be discouraged. I want to support the Report fully. The Committee has come up with very good recommendations, which if implemented, I am sure the Government will give better service to the people from the cattle rustling areas than before. Cattle rustling majorly, is as a result of lack of water, which is key to the livelihood of the pastoralists and their animals. We should introduce a policy to make sure that there is availability of water in the ASAL areas to enable the people to rear healthy cattle which can be marketed within and abroad. We call upon the Government to help the people in the ASAL areas and ensure that there is availability of water. This can be done through drilling boreholes, constructing water pans and even pumping raw water to such areas to grow grass to feed the cattle. We have lost a number of lives as a result of cattle rustling. This does not reflect well on us as a country. If this report is adopted and implemented, this will come to an end.

In Kenya, we come up with very good policies, but implementation is almost nil. When we go out to compare what we do with what others have done, we are shown the photocopies of our policies. I hope the Government will implement this report, which has emanated from this Committee.

We need to encourage investors to invest in the arid areas, so that they can create employment opportunities for the youth in those areas and accord them an opportunity to

earn a living. I want to propose that industries like Boots Industries be located in the ASAL areas. We can also locate meat factories in such areas. It is needless to locate a meat factory in Nairobi where there are no cattle being reared. We need to re-locate the meat factories to the ASAL areas, so that once the abattoirs and the meat factories are there, they can employ the youth in such areas.

I am sure sisal industries can also be located in such dry areas because I am aware that sisal does not require constant rainfall or a lot of rainfall. If we can plant sisal in such areas, we can also have sisal industries.

Mr. Temporary Deputy Speaker, Sir, just like other colleagues have said, we can introduce tracking systems in our cows; we can put them even in their ears or whichever area which can enable the police force to track the stolen cows. If one steals a cow and he is sure that the police force will catch up with him, he will not actually attempt to steal it. So, this system will definitely reduce cattle rustling in such areas.

Mr. Temporary Deputy Speaker, Sir, I want also to add just one thing which some of my colleagues or the past contributors have actually not talked about. The Government is supposed to protect the lives of its people. A Government that does not protect its people is a failed government. We should actually put it to the Government that they must take care and protect the people who are living in areas where cattle rustling is rampant. We cannot allow one who has stolen a chicken to get 20 years and one who has stolen 100 or 200 cows to go scot free. This is actually very, very unfair and we need to introduce stiffer penalties for those who are involved in cattle rustling.

Mr. Temporary Deputy Speaker, Sir, I want to conclude by saying that cattle rustling should also not be politicized. It should actually come out clearly as cattle rustling and it should not be politicized by the politicians. It is the leaders who are supposed to sensitize their people not to involve themselves in cattle rustling. They are also not supposed to encourage their people to go roaming and steal and then come to Parliament and hit back at the Government. So, I would actually like to say that we, as the leaders, should sensitize our people and we should mobilize our people to let them know that cattle rustling is illegal.

Thank you, Mr. Temporary Deputy Speaker, Sir, I beg to support.

**The Temporary Deputy Speaker** (Mr. Ethuro): In the absence of any other person willing to contribute, then I would call upon the Mover to reply.

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to thank all my colleagues who really participated in debating this very important Motion. Many hon. Members spoke about it and spoke very bitterly about what has happened in this country for a long time. They spoke about traditions, which are not conducive to the lives of people who live in the remote areas of this country. We call them remote because the Government has neglected them for a long time. It is high time that those people were brought out of hardships by opening up their places and providing education and other facilities. My colleagues have spoken a lot about this.

Some of the issues that I noted when Members were contributing to this Motion are that--- Hon. Members have come up with recommendations that we did not get when we were going round this country. One of the bad traditions is the practice of genital mutilation and other social and cultural practices that continue to take place in this country.

When girls are circumcised and men want to get married to them, they will do anything to get cows to pay dowry. Dowry was mentioned here by almost five hon. Members, who said that this has prompted young men to practise cattle rustling.

Another practice is the traditional meetings where people gather together and sing. When women sing in the rural areas and praise some young men, the other men who have not been mentioned by the young girls, who sing in very sweet voices, will be prompted to go and steal some animals. They kill a lot of people while stealing the animals.

Another thing that hon. Members spoke about is school fees, and affirmative action in schools. We did not even capture in our report, laboratories for testing animals. Another thing that we mentioned, and it was really stressed by Mr. Mututho is a chopper to be placed in strategic places in counties, or even in some regions, so that when an incident of cattle rustling happens, the culprits are followed immediately before they go far. What normally happens is that when an incident happens, it takes about one week before the Government follows the animals. By that time, you cannot even trace the footsteps of those animals. They would have disappeared.

Hon. Members also talked about compensation for those who have lost their relatives. These are children who have been rendered orphans because their parents have been killed. That is a very important issue that the Government must think about. If the parents of children have been killed and their animals have been taken away, where do you expect them to get anything? You will only see those children on the streets and they will just die as beggars.

These are issues that the Government must look into, because it is not the choice of those people. It is just something that has been created. It is the Government that has not taken control of the security of the people; as a result, these people become stranded and poor.

There are some other things that also came up during this debate like the tradition of Laibons, who encourage the communities to believe that they would succeed when we go on raids. They tell communities about very healthy animals, and declare: "When you go out, none of you will lose your lives".

We need to give civic education to those people. That is why we are encouraging NGOs, churches and religious institutions to go to those places and give civic education.

Of late, cattle rustlers have taken to attacking people on highways. Those cattle rustlers who used to steal animals have now started attacking people on highways, where they take people's money and other property. Motorists are actually being attacked now.

Mr. Temporary Deputy Speaker, Sir, that is another level of cattle rustling that is more than stealing animals or forcefully taking them away. Some of the recommendations that my colleagues have given are to strengthen the work of the Committee. They are also to strengthen the Ministry for the Development of Northern Kenya and other Arid Lands which does not have any budgetary allocation at all. The budgetary allocation given to the Ministry is just peanuts and cannot be enough to construct boreholes in those regions. The budgetary allocation for the Ministry of Livestock Development can also be used to curb cattle rustling.

Mr. Njuguna talked about road networks and water dams. He is not the only one. Many other hon. Members have raised the issue. That is a solution. If the Government is very serious in alleviating the suffering of those people, these things must be done. They

must provide water and education. They should take civic education there so that people can be aware that, that culture is bad.

I want to thank the many people who assisted us when we were going round. There are some NGOs like Action Aid, World Vision, Institute for Security Studies (ISS), PCEA Church, National Focal Point on Small Arms and Light Weapons, Amani Forum, the Catholic Church, PCs and DCs who played a very great role as we went round. They got for us the people who had facts on this matter and we met them. We spoke with them and they said that if the Government was very serious in eradicating the menace that has tormented Kenya for 40 years, it is very simple. They only need to provide a good communication and road network. They need to provide schools for those people. They can build a school that could be shared by different communities so that as children grow up, they grow up knowing that they are brothers and sisters. In this case, we just live for the sake of living. For the past 40 years, there has been no change at all. There are no roads.

The impact of CDF is very little. Unless the Government comes up with proper ways of investing and putting money there, there is nothing that will bring those communities to the level of other people. There are other things that we saw in Botswana while we were there. That is the zoning of some areas. For example, when we have counties, we should zone some areas and fence them, so that animals from one region do not move to another place. Zoning protects livestock from diseases. Cattle rustlers are not able to disturb people or steal animals. I still urge the Government to send a delegation to Botswana to see what happens there.

Finally, I would like to thank my colleagues and hon. Members who were part of my team. They are:-

- The hon. Nelson Gaichuihie, MP
- The hon. Raphael Letimalo, MP
- The hon. Wilson Litole, MP
- The hon. John Mututho, MP
- The hon. Edwin Yinda, MP
- The hon. Ekwe Ethuro, MP
- The hon. Lucas Chepkitony, MP
- The hon. Nicholas Gumbo, MP
- The hon. Maison Leshomo, MP
- The hon. Kiema Kilonzo, MP
- The hon. Elias Mbau, MP
- The hon. (Mrs.) Millie Odhiambo-Mabona, MP
- The hon. Joshua Kutuny, MP
- The hon. Ntoitha M’Mithiaru, MP
- The hon. Boaz Kaino, MP

Just to conclude, cattle rustling breaches human rights and our laws. Collective criminalization and punishment for an entire community may be charged with generalized criminal behavior. The Kenya Anti-Stock Theft Unit is an amorphous and un-transparent group that is not governed by any specific statute outside the Police Force. I am saying that because ASTU has been placed in strategic areas which do not have those problems.



You will see some animals being collected and they say that some orders have come from Nairobi. I thank God because of the new Constitution. Police reforms will be implemented. I believe God will help us, so that our people can be safe and removed from the suffering that has caused pain for a very long time.

Mr. Temporary Deputy Speaker, Sir, the world is presently caught up in such a way that humanity is constantly working towards oneness. Where that is not the case, unrest, greed, theft, harmful competition and other vices become rampant. Kenyans have a common destiny. Therefore, cattle rustling is not a pastoralist issue. It is a national issue. The Government must facilitate the journey towards this unity. The unseen factors must also be addressed.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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

#### ADOPTION OF REPORT ON 123<sup>RD</sup> ASSEMBLY OF IPU

THAT, this House adopts the Report of the IPU Kenya Delegation to the 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union (IPU) held in Geneva, Switzerland from 4th–6th October 2010, laid on the Table of the House on Tuesday 23rd November, 2010.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Leader of Delegation to the IPU is not here! The Motion, is therefore, deferred!

*(Motion deferred)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, it is now time for interruption of the business. The House, therefore, is adjourned until tomorrow Thursday, 16<sup>th</sup> December 2010 at 9.00 a.m.

The House rose at 6.23 p.m.