

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th November, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Abstracts of Accounts on the Municipal Council of Lodwar for the years 2004 to 2007 and the certificate thereon by the Controller and Auditor-General.

Abstracts of Accounts on the Town Council of Nzoia for the years 1994 to 2005 and the certificate thereon by the Controller and Auditor-General.

Abstracts of Accounts on the Town Council of Nyando for the year 2005/2006 and the certificate thereon by the Controller and Auditor-General.

Abstracts of Accounts on the Municipal Council of Mombasa for the year ended 30th June, 2006 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Deputy Prime Minister and Minister for Local Government)

Annual Report and Accounts of Policy Holders Compensation Fund for the year ended 30th June, 2009 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Deputy Prime Minister and Minister for Finance)

Annual Report and Accounts of National Environment Management Authority for the year ended 30th June, 2009 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Minister for Environment and Mineral Resources)

Annual Report and Accounts of Kenya School of Law for the year ended 30th June, 2009 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Minister for Justice, National Cohesion and Constitutional Affairs)

Annual Report and Financial Statements of the Rural Electrification Authority for the year 2008/2009 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Minister for Energy)

Financial Statements of Kenya Medical Supplies Agency (KEMSA) for the year ended 30th June, 2009 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Minister for Medical Services)

Annual Report and Financial Statements of Agro-Chemical and Food Company Limited for the year ended 30th June, 2009 and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode) on behalf of the Minister for Agriculture)

QUESTION BY PRIVATE NOTICE

CLOSURE OF TASIA COFFEE ESTATES

Mr. Kabogo: Mr. Speaker, Sir, I beg to ask the Minister for Labour and Human Resource Development the following Question by Private Notice.

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

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

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

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

(a) As I had indicated last time, there were 43 permanent employees who were paid and 83 seasonal employees---

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. The Assistant Minister had an obligation to explain his absence in the House that time. I think there was an order that they explain their whereabouts because he was not in the House yesterday. There is a ruling to that effect.

Mr. Speaker: Was he not in the House this morning?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, I am not aware that I was to explain anything regarding my whereabouts. I do not know what the hon. Member is alluding to because we have been here.

Mr. Speaker: I do not recollect that any directions were made against the Assistant Minister for Labour unless Mr. Imanyara is categorical and certain that it was so. In which event, there will be need for us to ascertain the position from the HANSARD of the day.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I have addressed the Member for Central Imenti! In that case, we will revisit the Question a little later during this sitting.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I have given directions with respect to the first Question by Private Notice. However, if your point of order is different, I will hear.

Dr. Khalwale: Mr. Speaker, Sir, the business of the House ended prematurely this morning because Ministers were not there to answer Questions. In keeping with good practice, could the Chair find out from the Leader of Government Business why Ministers did not turn up this morning to answer Questions?

Mr. Speaker: The Deputy Leader of Government Business is ready to respond.

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I was here in the morning and I want to confirm that the Government side was, indeed, here to answer the Questions. However, those who were to raise the Questions were not here.

Mr. Koech: On a point of order, Mr. Speaker, Sir. On the same note, we are here to transact business and when all the Questions are dropped, it becomes a bit difficult for us. I wanted to participate in the morning's debate not because I had a Question. I really wanted to be here at exactly 9.00 a.m.

I was in the gym and used the wall clock there. Unfortunately, the wall clocks within Parliament Buildings are not synchronized. Will it be in order to request that, on daily basis, all wall clocks within Parliament Buildings are synchronized so that hon. Members are able to follow?

Secondly, before business of the House every day, there is always a bell that is rung for five minutes. It was practical and possible before, for all hon. Members to come and sit around the main Parliament Buildings. Currently, courtesy of the developments in Parliament, we have hon. Members staying in their offices in County Hall and Continental House. Will I be in order to request that we have an extension of the bell to those areas? Could the Chair even consider giving hon. Members more time, say, ten minutes so that they can walk across?

(Applause)

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Speaker, Sir. I was sharing the hon. Member's sentiments. Perhaps, the

reason the clocks in the gym are not working is because there used to be a Committee in the last Parliament whose term expired and a new one has not been appointed. So, the gym runs without a Committee.

Mr. Mungatana: Mr. Speaker, Sir, related to that point of order is the adverse Press reports which have gone out. It will be good to correct the impression that has been created that, in fact, Parliament was boycotting Government business. The mornings of Wednesdays are meant for Private Members' Questions and Motions. The whole Parliament is being portrayed in negative light and this is not correct. There are other reasons and not the ones being put forward.

Mr. K. Kilonzo: Mr. Speaker, Sir, just to underscore the importance of ringing the bell in the other areas, if you go to other jurisdictions like in the Congress and others, you find that the bell rings in all the places within Parliament. Given the distance from our offices to this place, we further request that we review the five minutes rule. When an allowance of five minutes was given, it was assumed that Members of Parliament hang around this place. However, with the current development and given the fact that the offices are a distance away, I suggest that we extend the time of ringing the bell to 10 minutes to enable hon. Members who are in their offices get here.

Mr. Imanyara: Mr. Speaker, Sir, I had the misfortune of being in the Chair this morning. I can confirm what the Deputy Leader of Government Business has stated that it is in fact, the Back Bench, particularly on the left that was absent. For the first time, Ministers were actually in the House. My colleagues on this side were not there. I was the only one present and I was on the Chair.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, without being seen to be supporting the Back Bench on this issue, but taking from what hon. Koech has just said, there is a very good practice in the House of Commons in that, there are bells in the pubs around the Westminster which normally alert Members of Parliament. If they are having one for the road, they could quickly come to Parliament.

The Speaker on the Chair at the time did, in fact, two rounds over the Questions before they were dropped. So, we were here and ready and the Questioners were away. So, they must take the consequences.

Mr. Kabogo: Mr. Speaker, Sir, I would like to be on record that I was here at exactly 9.00 a.m. There is an issue being raised by hon. Members that they must be reminded and the clocks must be set. We all have watches and we know that it is our duty to be in the House at 9.00 a.m. on Wednesdays. Let us not shift issues. I do not agree that, that is the problem. It is us, hon. Members, who need to know that we need to be in the House at that time.

Mr. Speaker: Order! Hon. Members, in fact, I followed what transpired this morning and it is unfortunate that events emerged as they did. I have heard the concerns raised by hon. Members. However, as things stand now, I am not in a position to make any directions one way or the other, because there seems to be a balance which is tricky between those who are aggrieved and those who feel that the way business was conducted was in accordance with our Standing Orders and, therefore, rightly so. So, I think it is a matter that I want to address a little more considerably than just giving it a casual communication. So, I will want to take time and address myself to it and give directions that are suitable and that will help to guide us even in future.

However, in the meantime, please note that you take responsibility for your actions at all times for the words, the utterances that you make and you must be prepared to live with the consequences of your actions and words. Indeed, even before I came here, I have heard intimation as perhaps maybe, being amplified by the media, that hon. Members decided that they will go slow. However, I will have to verify this and incorporate it in my communication. So that being the position, I will address myself to this matter substantively as, indeed, is proving necessary, on Tuesday at 2.30 p.m.

We will then proceed to take the Question by the hon. Member for Makadara Constituency.

(Mr. Kabogo stood up in his place)

I have given direction on your Question. We will come back to it a little later.

Mr. Mbuvi: Bw. Spika, nimesimama kuuliza Swali No.504.

ORAL ANSWERS TO QUESTIONS

Question No.504

MEASURES TO ADDRESS YOUTH UNEMPLOYMENT

Mr. Mbuvi asked the Minister for Planning, National Development and Vision 2030 what measures the Government is putting in place to curb the rising unemployment among the youths in Makadara Constituency and the nation as a whole.

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Speaker Sir, I beg to reply.

Hon. Members are aware that Kenya faces a major challenge of expanding employment---

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Speaker, Sir. The Question is written in English Language and the hon. Member asked it in Kiswahili Language against the Standing Orders of this House. It is important for him to learn and that is why I have raised it.

Mr. Speaker: No, I think the hon. Member is in order to proceed at any instance in one language or the other. Now that he has opted to ask the Question in Kiswahili language, he is bound to continue and finish in Kiswahili Language.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. While that is so, could the Minister also be in order to respond in the same language the Questioner has used?

Mr. Speaker: Order, Mr. K. Kilonzo! You have made your point, but the Standing Order does not say so. The Minister will choose one language and stick to it. Proceed, Mr. Minister!

(Mr. Koech stood up in his place)

Mr. Koech, some of these matters must rest when it is clear!

The Minister of State for Planning, National Development and Vision 2030

(Mr. Oparanya): Mr. Speaker Sir, I beg to reply.

Hon. Members are aware that Kenya faces a major challenge of expanding employment opportunities, not only in Makadara Constituency, but in the entire country. Data for Nairobi East District according to the District Development Plan 2008-2012 indicate that about 60 per cent of the youth are unemployed. Indeed, I am also aware that the national unemployment level stands at around 12 per cent, the majority of whom are youth. In order to expand employment opportunities for the youth, the Government is putting in place a number of strategies to facilitate employment creation. These include the Stimulus Package, which includes *Kazi Kwa Vijana* (KKV) Programme and the Economic Stimulus Programme (ESP). Under the ESP, constituency industrial development centres (Jua Kali sheds), will be constructed in each constituency, Makadara included, and equipped with appropriate tools and equipment. The project is estimated to cost Kshs2.5 million per constituency and additional Kshs1 million to equip the centres.

Special economic zones have to be set out due to increasing number of skilled young Kenyans leaving universities as the labour market is able to absorb only a small fraction of new entrants into the labour market. The Government intends to establish special economic zones, industrial business and Information Technology (IT) parks.

In an effort to accelerate employment creation of the youth, the Government will put in place comprehensive programmes to equip the youth with practical, technical and vocational skills. A total of Kshs1 billion was allocated during the 2010/2011 Financial Year to initiate expansion of all the 26 technical training institutes in the country and Kshs640 million to expand the training facilities in eight national polytechnics and universities to allow for more youth to be equipped with practical skills. The Government has also established revolving funds and Kshs3.8 billion was allocated to be lent to small and medium enterprises.

Finally, I would like to state that Kenya Vision 2030, indeed, states that the young people today and in future will be principal beneficiaries of the Vision 2030 aspirations. Under the Vision, therefore, specific policies and interventions will be implemented to fully develop the youth potential as well as prepare and engage them in social economic development of the country.

Mr. Mbuvi: Bw. Spika, namshukuru sana Waziri kwa jibu lake. Nina haki Waziri atakubaliana na mimi nikisema kuwa ukosefu wa kazi ndio changio kubwa la umasikini hapa nchini. Leo, kuna watu watakaolala njaa kwa sababu hawana kazi.

Mr. Speaker: Tafadhali mhe. Mbuvi, uliza swali lako kwa haraka kwa sababu ya wakati.

Mr. Mbuvi: Bw. Spika, wakati Serikali ya Mseto ilichukua uongozi wa nchi hii, iliahidi kubuni nafasi 500,000 za kazi kwa vijana kila mwaka. Je, ni nafasi ngapi za kazi zimebuniwa kufikia sasa? Isitoshe---

Mr. Speaker: Asante! Huu ni Wakati wa Maswali, tumpe nafasi Waziri ajibu swali lako!

Mr. Oparanya: Mr. Speaker Sir that was a promise by the NARC Government and not the Coalition Government. As to how many people have been employed, that is the responsibility of the Ministry of Labour. It is them who know how many people have been employed up to this moment. I am dealing with the general planning of the Government!

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. You have heard the Minister say the promise was given by the NARC Government, whereas we know that the Government is the same; it is the same leadership and Ministers. Is he not misleading the House?

Mr. Oparanya: Mr. Speaker, Sir, I agree with that, but the hon. Member should know that this is a Coalition Government with different policies. This is not the NARC Government!

Eng. Rege: Mr. Speaker, Sir, I would like the Minister to explain to this House how they are planning to train the youth in districts on technical jobs when some districts do not even have technical institutions such as youth polytechnics? What is the Ministry planning to do in this regard?

Mr. Speaker, Sir, youth polytechnics are really wanted in the districts. We are going into the fourth year and so far, there is no plan to provide these services to most districts.

Mr. Oparanya: Mr. Speaker, Sir, I thank the Member of Parliament for Karachuonyo for that question. However, you are aware that in the last financial year, every constituency was given Kshs5 million for the youth polytechnics. That was meant to provide equipment for all the constituencies that submitted their lists. The equipment was supposed to enhance the technical skills of the youth so that they are able to get employment both in the formal and informal sectors.

Mr. James Maina Kamau: Mr. Speaker, Sir, you are aware that Kenyans outside this country find it very difficult to get jobs when they are outside the country. What is the Government doing to make sure that the few jobs that are available in Kenya are given to Kenyans only? When we contract Chinese companies in this country, we should make sure they do not bring their own people from China to do the jobs here.

Mr. Oparanya: Mr. Speaker, Sir, you are now aware that a country is like a village and we are not as independent as the hon. Member thinks. As a country, we integrate with other countries like we have the East African Community (EAC) and the African Union (AU). As a result of this, in order to develop, we must allow others to get employment in our country. However, we should make sure that when there is any employment, it is a specialized area and for a particular period. It will be self defeating to say that we cannot allow any other foreigner to get employment here because you are aware that most of the foreign investments that we have, come with conditionalities. We must allow them to come with some employees.

Dr. Kones: Mr. Speaker, Sir, the Minister has talked of establishment of special economic zones and industrial parks. When you look at these programmes, they are mainly based in big cities. What is the Minister doing to set up similar programmes suited to rural areas?

Mr. Oparanya: Mr. Speaker, Sir, that is a different Question but because of collective responsibility, I will try to answer.

We have economic zones mainly around Nairobi, along Mombasa Road and around Mombasa. Economic zones are supposed to stimulate the economy, especially for exports because we want our country to be export-oriented. That is the only way we can have our economy grow as fast as possible to be able to provide employment. With the new Constitution and with the creation of counties, those are areas we are going to look into since counties are going to be economic zones. The Government will now consider

creating economic zones within counties that are capable to absorb those foreign investments.

Mr. Mbuvi: Bw. Spika, ningependa Waziri atuambie kama Serikali inaweza kufikiria kubadilisha umri wa kustaafu hapa Kenya kutoka miaka 60 hadi miaka 50 ama 45 ili kupatia kazi wale vijana walio na shahada za digrii kutoka vioo vikuu hapa nchini.

Swali la pili, ---

(Laughter)

Mr. Speaker: Order! *Hiyo imetosh!*

Mr. Oparanya: Mr. Speaker, Sir, in the real sense, that is not my question. That is a question for Mr. Dalmas Otieno. He is here but in the spirit of collective responsibility, I will try to answer it. However, if I do not give the correct answer, as the Minister in charge, he can chip in.

Let me assure you that before the Government decided to increase the retirement age from 55 years to 60 years, there was a lot of review that was done. A lot of information was collected within the economy and it was established that even those people retiring are not replaced by young people. In fact, in this country, every year, only about 5,000 people retire. This is a very small number. Therefore, we felt that the trend in the world is now to increase retirement age. You heard the other day, even France increased the retirement age to 62 years. This is done so that the techniques of the people we have trained using Government money are used as much as possible. They have acquired skills which we cannot get from the youth and that is why we increased the retirement age from 55 years to 60 years.

Mr. Speaker: Next Question by the Member for Samburu East!

Question No.353

POSTING OF OCPD TO SAMBURU

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

(a) when he will post Officer Commanding Police Division (OCPD) to Samburu East District;

(b) what arrangements he has to upgrade Wamba Police station and Archer's Post Police post to a police Division and Police Station respectively; and,

(c) what the status of the staff housing in the Wamba Police Station and Archer's post police post is.

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

(a) Due to funding constraints, posting of Officers Commanding Police Divisions (OCPD) to recently created districts is being implemented but in phases. In the first phase, an OCPD was posted to Samburu North District while in the next phase, one will be posted to Samburu East District within Wamba Town once the necessary infrastructure has been put in place.

(b) A survey is currently being carried out with a view to finding out which police stations and posts require upgrading. Wamba Police Station is earmarked for upgrading and construction of a divisional police headquarters while Archers Post will be considered for upgrading to a police station once the survey is finalized.

Mr. Speaker, Sir, this is not the first time this Question is being asked. I did commit that we will upgrade Archers Post to a fully fledged police station. It is due to financial constraints that made me not upgrade it immediately. However, it is under survey and we will upgrade it once we have the money.

(c) Both Wamba Police Station and Archer's Police Post have inadequate office and housing facilities. In our current departmental development plan, there is a proposal to put up modern offices and housing units at both places. However, lack of sufficient funding has been a major obstacle. But I want to assure the hon. Member that once we get the money, either through the normal budgeting or Supplementary Budget, we will consider Wamba Town and Archer's Post.

Mr. Letimalo: Mr. Speaker, Sir, the Assistant Minister has said that he is yet to post an Officer Commanding Police Division (OCPD) to Samburu East. Unless he is not aware or has withdrawn the OCPD, the OCPD is already there and he attended Mashujaa Day Celebrations. So, I really want to congratulate the Minister for that. But my concern is that Wamba Police Station and Archer's Post Police Post are two old police facilities. The name "Archer's Post" confirms that, because it was named after a colonial administrator. Now that the Assistant Minister has said that he is going to carry out a survey to determine the police stations or posts to be upgraded, has this survey commenced and when is it going to be completed?

Mr. Ojode: Mr. Speaker, Sir, that is a good question. We are not only doing the survey in Wamba or within his district. We are carrying out a survey countrywide in order for us to agree on which police post to be upgraded and which one to be left.

Mr. Speaker, Sir, you are aware that we have a place in Bungoma called Ndalul Settlement Scheme which has a similar problem. We have a lot of criminal activities within Kimilili Town and Kiminini and both places have police stations. So, that survey will give us an indication which police station we should upgrade. In fact, we will also include Kimilili Police Station to be a fully fledged police division. In the same vein, I want to say that in places where we have police stations and there is some laxity, I am going to make heads roll. I will remove those police officers who are not working and retain those who are working. This will also happen in Ndalul, Kimilili, Kiminini and Wamba.

Mr. Wambugu: Mr. Speaker, Sir, could the Assistant Minister tell this House what criteria he uses to upgrade police posts to police stations and thereafter to police divisions? Could he also indicate when he is going to upgrade Kiriaini Police Post to a police division because it serves Mathioya District?

Mr. Ojode: Mr. Speaker, Sir, there is a committee known as District Security Committee, which can consider and request that we require a police division as opposed to police station. A police station is headed by an Officer Commanding Station (OCS). A police division is headed by an OCPD. Once there is a recommendation from the District Criminal Investigations Officer (DCIO) that we need a police division, then we will also put that to our survey team to check whether the crime rate is high or low. Those are some of the criteria which we put in force.

Mr. Letimalo: Mr. Speaker, Sir, in part “c”, the Assistant Minister has cited some department developmental plan with a proposal to put up a modern office and housing units. We know that there are financial constraints, but could he indicate when he is going to implement this proposal?

Mr. Ojode: Mr. Speaker, Sir, this is not the first time we have earmarked this particular police station for upgrading. I do recommend for an upgrade, but due to financial constraints--- Even in the last financial year, the development funds---

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that they cannot find money to set up a police division in Wamba and a police station in Archer’s Post when he knows that these are some of the oldest police stations in this country? Is he in order to continue misleading the House? I would expect him to take money where the need is. This is on a highway which is rampant with cattle rustling. The other day, they drove away 4,000 cattle from the Samburu because of failure to enforce security in Archer’s Post.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Juja! You know very well that when a point of order is raised, there has to be a response before we take another.

Proceed, Mr. Assistant Minister!

Mr. Ojode: Mr. Speaker, Sir, the hon. Member is absolutely right. But I had indicated here that I had already included Wamba to be upgraded, but due to financial constraints--- It was not just affecting Wamba but many other police stations which we were supposed to upgrade. But I want to confirm to this House that once we get the money, which we have actually asked Treasury to give us, we are going to upgrade many other police stations and not just Wamba and Archer’s Post. In fact, we might even consider yours if the survey recommends so.

Mr. Letimalo: On a point of order, Mr. Speaker, Sir. The Question was specific: “When are you going to commence these projects?” Are you going to do it in this financial year or next financial year?

Mr. Speaker: Order, Mr. Letimalo! You have made your point; that, your question is not answered and it is specific to “when”.

Mr. Ojode: Mr. Speaker, Sir, I did say that once I get the money, I will upgrade it. This is because upgrading means doing the infrastructure. I cannot do the housing units without money. Once I get the money from Treasury, I will upgrade immediately.

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. Is the Minister in order to avoid a very direct question? When is he getting this money?

Mr. Ojode: Mr. Speaker, Sir, every year, we request Treasury to give us money for purposes of doing A, B, C and D. Later on, the whole thing comes to Parliament for approval. Whenever we ask for money for upgrading some of the police stations, we get negative answers. But what I want to say---

Mr. Speaker: Order, Minister! Please, resume your seat. I keep on directing that we should use our time optimally. Mr. Minister, from the way you are responding, I would have expected your answer to be straightforward; that, you expect to get the money in the next financial year. So, that should be your answer.

Mr. Ojode: Mr. Speaker, Sir, we had already put in a request. If we get the money in the next financial year, I will upgrade the units.

Mr. Speaker: Could your answer not be that you expect to get the money in the next financial year?

Mr. Ojode: Next financial year, Mr. Speaker, Sir.

Mr. Speaker: Simple! You have spent so much time just running around.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. You are aware that this matter of police divisions and lack of staff is a regular thing in this House and this Minister keeps giving the House long stories. Is it in order for the Government to set up police divisions all over the country and they do not have people to man them, yet we are wasting the time of the House every now and then, answering this Question of lack of staff, OCPDs, OCSs and facilities?

Mr. Ojode: Mr. Speaker, Sir, I thought the hon. Member would sympathize with our case. First, we have not recruited for the last two years but we have requested for the money. Once we get the money, we are going to recruit and will have enough personnel.

Question No.516

DISTRICTS CREATED IN LAST FIVE YEARS

Mr. ole Lankas asked the Minister of State for Provincial Administration and Internal Security:-

(a) to provide a list of all new districts created in the last five years and state how many of them have fully operational District Security and Intelligence Committees (DSICs); and,

(b) how much funds have been allocated to each of the districts for construction of district headquarters.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, my colleague, hon. Lesrima, spoke to the hon. Member so that we defer the Question to Wednesday when he will be coming to answer it directly.

Mr. Speaker: Very well! The Question is deferred to Wednesday morning at 9.00 am.

(Question deferred)

Question No.523

CRITERIA FOR SELECTION OF PROJECTS FUNDED BY LBDA

Mr. Cheruiyot asked the Minister for Regional Development Authorities:-

(a) what criteria is used in the selection of projects funded by the Lake Basin Development Authority;

(b) to explain why Lake Basin Development Authority has not invested in Kuresoi and the entire Mau area which are critical and strategic to the survival of Lake Victoria; and,

(c) whether the Government could consider establishing a development authority to address community development matters unique to the Mau ecosystem.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Speaker, Sir, I beg to reply.

(a) The selection of the projects will be implemented based on the Lake Basin Strategic Plan 2010/2012 which is derived from national priorities such as Vision 2030 and the Millennium Development Goals, among others.

(b) It is not true that the Lake Basin Development Authority has not invested in Kuresoi and the entire Mau area because there are conservation programmes currently being undertaken in the area by the authority.

(c) The creation of regional development authorities is based on the drainage systems of the major rivers and the large water bodies. Thus, the vast Mau Water Towers is adequately covered and addressed by the Lake Basin Development Authority for the rivers draining into Lake Victoria and the Ewaso Nyiro South Development Authority for those draining into Lake Nakuru and the Mara ecosystems.

Mr. Cheruiyot: Mr. Speaker, Sir, while thanking the Assistant Minister for attempting to give an answer, could he give a specific project which has been undertaken in Kuresoi by the Lake Basin Development Authority? Could he give a specific project?

Mr. ole Metito: Mr. Speaker, Sir, although the Lake Basin Development Authority has managed to do afforestation in the areas around the Mau Ecosystem, I am not satisfied that the Kuresoi area has been adequately addressed with regard to the development activities there. I confirm that the main project of development in that area has been the rehabilitation of the Timoeta–Matunda Dam and the restoration of the wetland area of the Chemosit River that drains in the other end as Sondu-Miriu River. I confirm that we will do those two projects during this financial year.

Mr. Speaker: Fair enough!

Mr. Cheruiyot: Mr. Speaker, Sir, if the Assistant Minister will honour his commitment to develop the dam and the river which drains into Lake Victoria from Kuresoi, then I am satisfied.

Question No.430

PROVISION OF UNIVERSAL HEALTH INSURANCE

Dr. Khalwale asked the Minister for Medical Services what the Government is doing to provide universal health insurance for all Kenyans.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, I beg to answer.

Hon. Members will recall that in 2005, the then Ministry of Health proposed the creation of the National Social Health Insurance Scheme (NSHIS) which failed to be legislated into law. Thereafter, the Ministry engaged stakeholders and established a broad based task force to develop a more stable health financing strategy that would address the health needs of all Kenyans. Strengthening the roles of the National Hospital Insurance Fund (NHIF) in social health insurance is one of the ten proposed health care financing

strategies. As part of the ongoing reforms in NHIF, a window now exists for self-employed Kenyans and those in the informal sector to pay premiums to cover themselves and their dependants. Similarly, philanthropic organizations or individuals have a window to pay contributions to poor or vulnerable persons and groups.

As the Ministry pursues the broader and sustainable healthcare financing strategy-

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(Loud consultations)

Hon. Members are consulting loudly and I cannot be heard.

Mr. Speaker: Order! Let us hear the Assistant Minister for Medical Services.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, as the Ministry pursues the broader and sustainable healthcare financial strategy, the NHIF has been told to provide structures for health insurance cover to cover all Kenyans through direct contributions or support by philanthropists or by those people who are rich enough to help the poor. However, contributions by or for the self-employed and the poor or vulnerable people can only be voluntary as there is no legal framework to compel them to become members of the NHIF.

Dr. Khalwale: Mr. Speaker, Sir, when this Motion came to the House last year and flopped, the Assistant Minister has told us that he set up a broad based taskforce. Could he tell us how much money was used by this taskforce and table the report?

Mr. Kambi: Mr. Speaker, Sir, I do not have the exact figures. However, I was perusing through these documents in my office and saw that it was something close to Kshs400 million. I am not certain of the exact figure but it something close to that.

Mr. Ethuro: Mr. Speaker, Sir, today, we attended the National Population Conference. It was being held 21 years after the first one. The same Government committed itself through a Sessional Paper on Population and Development that there would be health facilities after every five kilometers. The question by hon. Dr. Khalwale seeks to find out what the Government is doing to ensure that Kenyans access healthcare in a universal manner which means each and every person. The statistics now, as we speak, including maternal mortality indicate that there are 448 deaths in every 100,000 lives. Could the Assistant Minister address himself to the Question so as to make sure that the statistics are addressed through the universal provision of healthcare?

Mr. Kambi: Thank you Mr. Speaker, Sir. That is a very good question. The Ministry has come up with a proposal and we have forwarded it to the Office of the Deputy Prime Minister and Ministry of Finance. I can lay it here on the Table. All the details he is talking about are included in the proposal paper which is with the Office of the Deputy Prime Minister and Ministry of Finance.

Mr. Speaker: Lay it on the Table.

(Mr. Kambi laid the document on the Table)

Mr. Mungatana: Mr. Speaker, Sir, the Assistant Minister has told the House that the Ministry engaged stakeholders to establish a broad based taskforce to develop a health strategy financing mechanism to address the needs of Kenyans. I would like the Assistant Minister to tell this House, in view of the new Constitution--- We now have 47

counties and, obviously, you cannot compare them in terms of their income. We cannot, for example, compare the income of Nairobi County with that of Tana River County. What is the Ministry doing in terms of devolving or adapting the health strategy so that it can cover all of us? Do we have a uniform strategy for Nairobi County and the other counties? Has the Assistant Minister thought about this? If he has done, what is he doing about it? We want to start reaping from the new Constitution.

Mr. Kambi: Mr. Speaker, Sir, I have thought about it. As I speak, there is a Committee that is working on the same. However, I am sure we will have a Ministry of Medical Services where funds will be channelled in each county. At the national level, the Ministry will be working in referral hospitals. We have already done a paper which is with the Office of Deputy Prime Minister and Ministry of Finance. Once it is approved, it will be easier for us to implement these things. We have been taken to court by COTU for increasing the contributions which we wanted to use to provide this service to the Kenyan population. As I speak, our hands are tied. However, we are considering it and there is already a Committee in place which is working on it. It will come up with a policy which will help the county governments in giving the much needed service to the wananchi.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that his hands are tied because of financial constraints when we know that the National Hospital Insurance Fund (NHIF) is one of the very liquid institutions? They have ended up using that money to construct parking lots, which is not part of their responsibilities. Is he in order to mislead the House?

Mr. Speaker: Hon. Assistant Minister, that is legitimate!

Mr. Kambi: Mr. Speaker, Sir, I am not aware of any funds having been misused by the NHIF. The NHIF has helped so many hospitals to buy equipment. For example, it helped the Coast Provincial General Hospital to buy a dialysis equipment worth Kshs40 million. I am not aware of any funds which have been misappropriated by the NHIF.

Dr. Khalwale: Mr. Speaker, Sir, according to Article 43(1) (a) of the Constitution of Kenya, every Kenyan has a right to the highest attainable standard of health. I would like the Assistant Minister to table two reports, so that we can play the oversight role. First, he should table the report on which the Government spent Kshs400 million on the broad-based taskforce, so that we can know what they recommended. Secondly, he should give us the report by the Government stating what it wants to do so as to be compliant with Section 43(1) (a) of the Constitution of Kenya.

Mr. Kambi: Mr. Speaker, Sir, that is a different Question, but I will bring those documents. We have just formed a committee which is doing that work. We are beginning to implement the new Constitution---

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I would really not like to interrupt my good friend, hon. Kambi, but is he in order to persistently mislead this House that a legitimate question on a constitutional provision that the Government is supposed to implement and enforce is a different Question?

Mr. Speaker: Order! The Assistant Minister, of course, is not in order. But, hon. Assistant Minister, in some of these things, just apply your mind to the question. You are being referred to provisions of the Constitution which took effect from 27th August, 2010. Have you had time to comply? Look at the question and then answer!

Mr. Kambi: Mr. Speaker, Sir, we are domesticating the new Constitution. That is why we have a committee working on that.

Mr. Speaker: Order, Assistant Minister! Obviously, that cannot be valid! The new Constitution is enacted in Kenya by among other institutions, this Parliament. So, you cannot domesticate what---- I want you to conclude this Question this way: That by the end of this financial year, you will have endeavoured to comply and you will give a report to this House.

Mr. Kambi: Mr. Speaker, Sir, as I said earlier, we have already formed a committee---

Mr. Speaker: Order, Assistant Minister! Will you give a report as to compliance to this House by the end of June next year?

Mr. Kambi: Mr. Speaker, Sir, I will because we have already started compiling that report.

Question No.463

NON-IMPLEMENTATION OF NAIROBI
METROPOLITAN REGION CONCEPT

Dr. Otichilo asked the Minister for Nairobi Metropolitan Development:-

(a) what has been achieved to date since the preparation and publication of a document entitled “Nairobi Metro 2030”; and,

(b) why the Nairobi Metropolitan Region (NMR) concept has not been implemented to date.

The Assistant Minister for Nairobi Metropolitan Development (Mrs. Ongoro):
Mr. Speaker, Sir, I beg to reply.

(a) My Ministry was mandated in April, 2008, to carry out development of integrated Nairobi Metropolitan area. At the onset, one of the things we undertook was to produce our objectives in a document that has been referenced here as Nairobi Metro 2030 Strategy. After this, my Ministry has undertaken the following projects. Under the infrastructure development, we have completed roads and road junctions on Mbagathi and Ngong’ roads, Mbagathi and Langata roads, Bunyala and Commercial Street, Mariakani, Kapiti, Makueni, Chogoria and Dunga roads. Ongoing projects under the infrastructure development include the Garden Estate, Balozi/Hadrock, Coffee Garden Drive link and the link-road between Thika Road and Kiambu Road. We are also undertaking non-motorized pavement construction along the following:- Bunyala, Commercial Street, Haile Sellasie and Aerodromes roads.

My Ministry has also undertaken street lighting projects in several areas. We have completed street lighting projects along Kapenguria, Ambira, Kitengela, Gitanga, Othaya, Loitoktok and Kawangware roads. We have also completed installations along the Balozi-Hadrock and Kasarani Crescent.

We also have ongoing floodlight projects within the metropolitan region. We have installed 85, 10-metre high floodlights in the northern and southern regions and 47, 30-metre high masts within the western part of the City. Kenyatta Road is also being undertaken. We have installed 25 solar light high masts at the Kimende Shopping Centre.

We have also distributed firefighting equipment to the local authorities that fall within the metropolitan region. So far, we have distributed six firefighting equipment to

the following:- Limuru, Kiambu and Ruiru municipal councils and Machakos, Olkejuado and Kiambu county councils.

Mr. Speaker, Sir, we have also distributed ambulances to the local authorities that fall within the Metropolitan region as follows:- Kikuyu Town Council, Thika County Council, Machakos Municipal Council, Kangundo Town Council and Thika Municipal Council.

We have ordered additional fire-fighting equipment, which we are going to distribute soon. Apart from that, my Ministry has completed the draft Nairobi Metropolitan Bill, which we have to re-look at after the promulgation of the new Constitution. We also have our Ministry's Strategic Plan, which has been operationalised. We are also in the process of implementing our environment day, which is celebrated on the third Saturday of every month.

In addition to this, my Ministry has now expanded and put in place relevant departments, which are going to enable us carry out our mandate effectively.

(b) I am not aware of what is referenced as "Nairobi Metropolitan Region Concept". However, I am still making reference to the Nairobi Metro 2030 Strategy, which we are implementing. This is an extension of the national Vision 2030. As earlier stated, the formulation of the Nairobi Metro 2030 Strategy laid the foundation for transforming this region.

May I also state this at the outset, I stated that this was going to be implemented over a period of 22 years? We presented a bill of Kshs33 trillion. So, we are implementing my Ministry's mandate in phases.

Dr. Otichilo: Mr. Speaker, Sir, I wish to, first of all, thank the Assistant Minister for giving a very comprehensive answer to my Question. I also want to thank her for the good work they are doing. So far, based on her reply to my Question, there is a lot of good work that is going on. However, I wish to know what co-ordination mechanisms are in place to ensure that as the Ministry undertakes these jobs, they co-ordinate their activities with the municipalities concerned, including Nairobi City Council, to avoid duplication of efforts and possible misuse of funds on the same projects?

Mrs. Ongoro: Mr. Speaker, Sir, we became aware of that challenge when my Ministry started executing its mandate. So, one of the first things we did was to put in place a central committee with representatives from all the local authorities. That is how we were able to know what their priority projects are. They sit in that committee. When we were presenting the Nairobi Metro 2030 Strategy, all the councils' chairmen and all the mayors were in attendance.

Mr. Bahari: Mr. Speaker, Sir, is the Assistant Minister aware that the streets lights on Mombasa Road leading to Jomo Kenyatta International Airport are largely not functional? There are not lights there. If her answer is "yes", what is she doing about it?

Mrs. Ongoro: Mr. Speaker, Sir, we are aware of the situation. We are in constant consultation with Nairobi City Council to ensure that street lights are maintained. However, there is a lot of vandalism which takes place, and we are addressing that problem.

Mr. Koech: Mr. Speaker, Sir, I want to thank the Assistant Ministry for the good work they are doing and wish them well. Listening to the Assistant Minister, it is as if they are dealing with major problems within Nairobi Metropolitan, namely street lighting and roads improvement, which functions were previously basically done by the Ministry

of Local Government, and the Ministry of Roads. The biggest problem in Nairobi today is traffic jams. Madam Assistant Minister, what plans do you have to sort out the problem of traffic jams in Nairobi?

Mrs. Ongoro: Mr. Speaker, Sir, my Ministry is aware of the problem. That is one of the major challenges we are dealing with. However, this is not something which can be dealt with in a week's time or in a few months' time. We have put in place infrastructure to ensure that when we implement the master-strategy, which we are still attempting to implement, because of lack of adequate funding---

As I mentioned here, what we presented to the Government was a Kshs33 trillion budget, and we were given Kshs3 billion. Under those circumstances, we are implementing what is possible within that budget, but everything is on course. If you read Nairobi Metro 2030 Strategy, you will see that we have a very elaborate transport system that we intend to put in place. That is why you see us working very closely with other line Ministries, to ensure that they implement whatever strategies they have in their Ministries according to the master-strategy we have for Nairobi Metropolis.

Dr. Otichilo: Mr. Speaker, Sir, I wish to know from the Assistant Minister what mechanisms she has put in place to ensure that the Metropolitan's partial planning that they have embarked on, after an international bidding, is going to involve all the stakeholders, and that all the stakeholders are given a chance to give as much input as possible?

Mrs. Ongoro: Mr. Speaker, Sir, the partial plan that the hon. Member has referred to has been finalised. When we invited people to come and express interest, we invited both local and international companies. We have already given it out to the best concept that was presented. In a few years' time, you will see us start to implement what they will have presented to us.

Mr. Speaker: Member for Juja!

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. I want to take this opportunity to apologise to both the Member of Parliament for Juja, and the Minister for Labour, because the point I raised about the Assistant Minister having to explain something has nothing to do with that Ministry. I have cross-checked with the HANSARD, and I wish to apologise. I did refer to the Minister for Labour when the matter is supposed to be in another Ministry. I am sorry for that.

Mr. Speaker: Fair enough. Member for Juja!

QUESTION BY PRIVATE NOTICE

CLOSURE OF TASIA COFFEE ESTATES

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

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

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

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

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, as I indicated earlier on, I had partially answered this Question. I had indicated that 43 permanent employees and 83 seasonal employees were paid, but the Member of Parliament for Juja presented a list of 28 additional employees. I have since confirmed that some of them were employees of Tasia Coffee Estates. My Labour Officer in Thika, in conjunction with the management of the company, are verifying documents to ensure that they are all in order, so that they can be paid their dues within the next 29 days.

Mr. Speaker: Member of Parliament for Juja, this Question was actually very substantially answered except for that part.

Mr. Kabogo: Mr. Speaker, Sir, you notice that the Assistant Minister has now confirmed that the persons on the list I gave him were actually employees of Tasia Coffee Estates; that they were not paid, and that they will be paid. So, I appreciate that they will be paid, as he says, within the next 29 days.

Thank you.

Mr. Speaker: Very well! That must rest the matter. You are at liberty, of course, to come back to the House, if need be.

Member of Parliament for Vihiga!

ORAL ANSWERS TO QUESTIONS

Question No.493

DELAYED PAYMENT OF RETIREMENT BENEFITS TO EMPLOYEES OF AFRICAN SAFARI CLUB LIMITED

Mr. Chanzu asked the Minister for Labour:-

(a) to explain why it has taken long to pay retirement benefits, salary arrears and unpaid travelling allowances to the employees of M/s African Safari Club Limited in Mombasa;

(b) why deductions from the staff salaries such as co-operative (SACCO) savings by the company have not been remitted accordingly; and,

(c) what urgent steps the Minister is taking to resolve the matter.

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

(a) It has taken long to pay retirement benefits, salary arrears and unpaid travelling allowances to employees of M/s African Safari Club Limited in Mombasa because of past persistent financial crisis.

(b) The company is currently not able to meet its wage bill, and, therefore, cannot make remittances to the worker's SACCO or meet any other statutory obligations.

(c) On realizing the gravity of the matter, I visited the establishment and had discussions with both parties, namely the employer and employees, in order to seek an amicable solution to the problem.

Further, I appointed a conciliator on 17th June, 2010 in accordance with Section 62 of Labour Relations, Act 2007 and discussions which will determine the way forward are currently ongoing between parties.

The conciliation activity was expected to be concluded within three months as stipulated in the Labour Relations Act, but due to the nature of the dispute the parties requested for more time. The report is expected to be submitted by the end of this month, November, 2010.

Mr. Chanzu: Mr. Speaker, Sir, I want to thank the Minister for having taken personal interest in the matter. The two documents referred to here are not attached. I would want the Minister to confirm whether he is aware that the main shareholders of this company reside outside the country and want to ultimately sell the business and get away without paying what they owe these miserable Kenya workers.

Mr. Munyes: Mr. Speaker, Sir, the matter is in the Industrial Court and we hope to compel the employer to ensure that the 84 retirees are paid before that happens.

Mr. Wambugu: Mr. Speaker, Sir, could the Minister tell this House what type of business this African Safari Club is doing in Mombasa? Also, could he indicate to this House how many employees are foreigners and how many are locals?

Mr. Munyes: Mr. Speaker, Sir, the company deals with a chain of hotels. Before the collapse of the charter business, it had charter business and cruise ship which they used to operate in 2007.

For now, according to information in our possession, that business has collapsed. Therefore, the company is not engaged in that business, except the chain of hotels.

As far as workers are concerned, the company employs 800 workers. However, I am yet to ascertain how many are outside this country.

Mr. Speaker: Member of Vihiga!

(Mr. Mungatana stood up in his place)

Order, Member for Garsen! You are too late. You have to stand up before I call the question.

Mr. Chanzu: Mr. Speaker, Sir, can I donate part of my time to Hon. Mungatana?

Mr. Speaker: You may, if you have no other question.

Mr. Mungatana: Mr. Speaker, Sir, African Safari Club has many employees in Mombasa. In fact, as the Minister has said, the mainstay of this business is now in Mombasa. I have spoken to workers who are aggrieved by, not only lack of their retirement benefits, but also salary. The story that is there right now, which I want him to confirm or deny--- In fact, the reason the workers are not being paid the arrears is that a very highly influential political figure has been recruited as one of the directors, so that he can offer protection against the workers who keep on demanding their salary arrears. The initial owner is telling them that they cannot do anything about it. Could he tell us the registered owners of African Safari Club? Why is it that they cannot pay? Is it that they are getting Government protection from some top politician in this country? What is going on?

Mr. Munyes: Mr. Speaker, Sir, I am not aware of that allegation. However, as the hon. Questioner put it, there are two issues to this Question; the retirement benefits and salary arrears. I have issued a certificate to the Industrial Court to deal with the issue of

salary arrears. On retirement, I have constituted a conciliator who should give me a report in three months.

I want to say to this House, we have these kind of employers in this country. The Ministry of Labour intends to blacklist some of these employers. We are about to start blacklisting them and compel them to abide by the Employment Act, that is now in place in the country.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. The Minister is not answering the question. Who are the directors of African Safari Club? We want to know who is this politician protecting the owners of this company against these poor workers. Could he table the names?

Mr. Munyes: Mr. Speaker, Sir, I am not aware of a politician who is involved. However, I can avail a list of the directors as demanded by the hon. Member. I beg your indulgence to do so next time.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. African Safari Club owns a chain of up to 15 Five Star Hotels in the North Coast. Can this House accept it, when the Minister who is in charge of that Ministry is saying he does not know that kind of employer and its directorship? I want to suggest that the House finds the Minister to be out of order for refusing to answer this Question.

Mr. Munyes: Mr. Speaker, Sir, I promise to provide the names of the directors next time.

Mr. Speaker: Very well, I will defer this Question for that unanswered part by the Minister to Tuesday, 2.30 p.m., next week.

Mr. Munyes: Mr. Speaker, Sir, that is okay.

(Question deferred)

(Mr. Chanzu stood up in his place)

Mr. Speaker: Order, Order, Member for Vihiga! That matter must rest there. Member for Maragua!

Question No.544

FUNCTIONS/ACHIEVEMENTS OF KENYA AGRICULTURAL
PRODUCTIVITY AND AGRIBUSINESS PROJECT

Mr. Mbau asked the Minister for Agriculture:-

(a) whether he could state the functions and achievements of the Kenya Agricultural Productivity and Agribusiness Project during its pilot phase;

(b) whether he could state why the project has continued in its pilot phase instead of expanding scope to other districts; and,

(c) whether he could state the budget allocation for the first phase and indicate the scope and implementation status of the second phase, which was due in 2009?

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I beg to reply.

(a) The function of the project is to support overall system of generation, dissemination and adoption of agricultural technology done through:-

1. Reforms in extension to increase responsiveness to clients and participation by the private sector providers;
2. An evolutionary change in the existing system of agricultural research to improve accountability and impact, and
3. Increase empowerment of producer organizations to influence the planning, design, implementation, funding, monitoring and evaluation of research extension, training and capacity building activities.

The achievements of the project are as follows:-

1. Increase uptake of technologies and practices in 86 pilot districts.
2. Finalize the National Agricultural Sector Extension Policy (NASEP) and its implementation framework. The policy has been endorsed by the sector Ministries and approved by the Government.
3. Drafted and submitted the National Agricultural Research System (NARS) policy to the Inter-Ministerial Technical Co-ordinating Committee.
4. Developed the National Agricultural Research System implementation framework with a definite plan for action to reform the policies of inter-institutional research policies.

The project has been up-scaled to cover more than 480 locations in 86 districts. It covers 200 divisions. This is to consolidate the achievements made in phase one into viable agri-businesses and provide a basis for expanding coverage to other districts.

(c) The budget allocation for Phase I was Kshs3 billion and the Phase II took off this year. As I have said, it is going to cover 86 districts and 480 locations. It has covered 200 farmers and we have 1,900 service providers.

Mr. Mbau: Mr. Speaker, Sir, I thank the Assistant Minister for that response. I would like to know the 20 districts and the criterion that was used to identify them noting that agricultural production is the mainstream of this country. It is imperative that when a criterion is chosen, it should be based on the districts that have high potential for agricultural activities. Which criterion was used to identify those districts?

Mr. Ndambuki: Mr. Speaker, Sir, the project was started in 2003. It is a World Bank project which will take 12 years and we have already done three years. The districts have now grown from 20 to 86. The first 20 districts were Wajir, Garissa, Tana River, Kilifi, Kwale, Taita Taveta, Makeni, Embu, Meru Central, Nyeri, Kakamega, Butere-Mumias, Busia, Trans Nzoia, Nakuru, Homa Bay, Siaya, West Pokot, Gucha and Nyandarua. These districts were selected in 2003 by a consultative group involving the World Bank. We were looking for districts which were dry and needed assistance at that time.

Mr. Koech: Mr. Speaker, Sir, I thank the Assistant Minister for the answer and hope that this project will improve the production of agricultural goods in the country. He has said that he has increased the districts to 86. Which are these districts and which criterion was used to select them? Could he confirm that Mosop or Nandi North District is among them?

Mr. Speaker: Mr. Assistant Minister, I think the best way to deal with that is to confirm whether Mosop District is among those districts, table the list of the 86 districts and indicate the criterion used.

Mr. Ndambuki: Mr. Speaker, Sir, I do not have the list of the 86 districts but I can table it any time.

Mr. Speaker: What about the criterion used?

Mr. Ndambuki: Mr. Speaker, Sir, the criterion was the districts which were hived out of the first 20 districts.

Mr. Speaker: Very well! You can table that list on Tuesday at 2.30 p.m.

Mr. Ndambuki: Yes, Mr. Speaker, Sir.

Mr. Speaker: We will defer the Question for that purpose only. There will be no other question other than the Assistant Minister tabling the list of the 86 districts.

Yes, Mr. Mbau!

Mr. Mbau: Mr. Speaker, Sir, alongside tabling the list, I would like the Assistant Minister to also furnish the House with the impact that may have been created or whatever tangible achievement he can claim that the Kshs3.4 billion that has been extended to this programme has realised. I would like the Assistant Minister to show that where the project has been implemented, the livelihoods of the common *wananchi* are different. Within Murang'a County, which district is in that programme? The district where I come from qualifies to be considered a semi-arid region. Could it be considered for coverage under the same programme?

Mr. Speaker: The question is why that district in Murang'a is not included in the programme?

Mr. Ndambuki: Mr. Speaker, Sir, I will confirm that to him when I table the list on Tuesday. Already over 200,000 farmers have benefitted. We also have more than 2,000 service providers apart from the Government extension officers.

(Question deferred)

Question No.555

LIST OF PARASTATAL BOARD MEMBERS/CHIEF EXECUTIVES
UNDER COALITION GOVERNMENT

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

(a) whether he could provide the list of all persons appointed to Parastatal Boards and their Chief Executives since the Coalition Government was formed;

(b) whether he is satisfied that all eligible Kenyans have had equal access to the opportunities referred to in (a) above and that the appointments reflect our national diversity and have due regard to gender and marginalized groups in the country; and,

(c) what the government is doing to stem apparent acts of nepotism being practiced by Government officers in making appointments.

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

- (a) I hereby table the list of persons appointed. The list is 56 pages long and it indicates the parent Ministry, the parastatal, the appointed person, the gender, date of appointment, expiry of appointment, the period of the appointment and the original home district, where that information was available in our file.

(Mr. Otieno laid the document on the Table)

(b) After the coalition Government was formed, there has been a consistent effort geared towards ensuring that all appointments of parastatal board members and chief executive officers are made competitively giving due attention to the following criteria:-

- (i) integrity
- (ii) competence
- (iii) equity in distribution
- (iv) gender balance.

Hon. Members will also have noted that Article 10, Chapter 2 of the Constitution is explicit on the national values and principles of governance which must be followed in all decisions in public administration.

(c) As indicated above, there are very specific guidelines on how appointments of board members and chief executive officers of parastatals are carried out. The Government does not condon any acts of nepotism in making these appointments. Indeed, in June, 2009, a circular was issued by the Prime Minister to all Ministries, departments and public institutions reminding them of the tenets of competence, integrity, regional and gender balance in the making of these appointments. I also wish to table the circular by the Prime Minister.

(Mr. Otieno laid the Circular on the Table)

Mr. Speaker, Sir, in this regard all appointments to public offices should strictly conform to the laid down requirements. It is anticipated that with the new Constitution, Parliament will be enacting additional legislation to give effect to Chapters 4, 6 and 13 of the Constitution all of which will address issues of appointment of board members, Chief Executive Officers of parastatals and other public offices. May I also add that the list being so long, Members should note that all these appointments are made under specific Acts of Parliament that grant the authority to an appointing officer or organ?

If after studying the list, any Member feels that any of the appointments are not strictly in compliance with the new Constitution and the guidelines already issued by the Government, he or she can either address the question for further clarification to the Prime Minister's Office or to the parent Ministry whose mandate is to make the appointments in strict compliance with the Constitution and the regulations.

Mr. Affey: Mr. Speaker, Sir, initially I had sent this Question to the Office of the Prime Minister, because as the co-ordinator of Government Business, I thought the Prime Minister was more competent than the Minister to offer an answer.

However, considering the answer given by the Minister, I would like to request the Chair to give us some direction. First, the volume of this Report requires some scrutiny in order for us to interrogate the Minister. Secondly, the Minister has started by

misleading the House in terms of deliberately refusing to disclose history or origin of some of the abstracts---

Mr. Speaker: Order! Order, Amb. Affey! Make up your mind. Do you want time to study the report and be able to interrogate the Minister or do you want to proceed now? You cannot have it both ways!

Mr. Affey: Mr. Speaker, Sir, I need time in order to interrogate the Minister.

Mr. Speaker: Very well! Is one week adequate?

Mr. Affey: Yes, Mr. Speaker, Sir.

Mr. Speaker: I will defer this Question to Thursday afternoon next week.

(Question deferred)

That, hon Members, brings us to the end of Question Time. Next Order!

Mr. Speaker: Are there any statements which are ready for delivery today and then we will take requests?

Mr. Assistant Minister, you may proceed!

MINISTERIAL STATEMENT

GAZETTMENT OF IIBRC REPORT

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, you recall that yesterday, 16th of November, 2010, the hon. Member for Kisumu Town West, hon. John Olago Aluoch, rose on a point of order to seek a Ministerial Statement on the progress made by the Interim Independent Boundaries Review Commission (IIBRC) and the validity or otherwise of any Gazette notice of the Report of the Commission.

Mr. Speaker, Sir, the hon. Member sought the Statement but raised the following pertinent and urgent issues. One, the independence of the Commission as set out under Section 41 (b) (8) of the former Constitution under which the Commission operates. Secondly, the tenure of the Commission as set out under Section 41 (b) (11) of the former Constitution. Three, the delimitation of electoral units under Article 89 (b) (6) of the Constitution.

Finally, how the Commission will proceed under the Constitution in line with Section 27 and 28 of the Sixth Schedule to the Constitution and whether or not the Commission has gazetted the boundaries of the constituencies.

Mr. Speaker, Sir, I wish to report and respond as follows:

(a) The independence of the Commission

The IIBRC is established under Section 41 (b) of the former Constitution. Then Section 41 (c) of the former Constitution sets out functions of the IIBRC. Section 41 (b) and (c) of the former Constitution continues to apply under the new Constitution as provided under Section 27 (1) of the Sixth Schedule of the Transitional and Consequential Provisions.

Mr. Speaker, Sir, Section 41 (b) (8) provides that the Commission, in exercising its functions under Section 41 (c), shall not be subject to the direction or control of any other person or authority. The Commission is, therefore, independent and not subject to direction or control from any quarter.

Mr. Speaker, Sir, since its establishment, the Commission has operated independently. In fact, at one point the Commission refused to respond to the Parliamentary Committee on Constitutional Review when it invited them to present their views in Naivasha citing its independence. The Commission has also continued to assert its independence whenever it has interacted with the Ministry. As a Ministry responsible in Government for elections, political parties and constitutional affairs, my Minister continued to support the operations of the Commission and has not, in any way, interfered with its operations.

(b) The tenure of the Commission

Section 41 (b) (11) of the former Constitution, as I stated earlier, provides clearly that the Commission shall stand dissolved 24 months after the commencement of the section or three months after promulgation of the new Constitution, whichever is earlier.

Mr. Speaker, Sir, the promulgation of the new Constitution occurred first on 27th of August, 2010 hence, therefore, the Commission shall stand dissolved on 27th of November, 2010.

(c) Delimitation of electoral units under Section 89 (5) and (6) of the Constitution

Under Section 27 (b) of the Sixth Schedule, the IIBRC shall determine the boundaries of the constituencies and the wards using the criteria set out in the new constitution.

Mr. Speaker, Sir, that is very important. The criteria used is set out in the new Constitution. Article 89 of the new Constitution sets out the criteria to guide the Commission in determining the boundaries of the constituencies and wards.

(d) Under Section 27 (1) (b) of the Sixth Schedule of the Constitution it is stated: “It shall determine the boundaries of constituencies and wards using the criteria mentioned in this Constitution”. Section 27 (c) further provides that: “members of the Commission shall be subject to Chapter Seven of this Constitution.”

Accordingly, therefore, in exercising its functions under Section 41 (c) of the former Constitution, the Commission should apply its mind to the relevant provisions of Chapter 7 of the new Constitution, being Article 89 and more particularly Article 89 (5) and (6). The Commission shall determine the boundaries of the constituencies and wards in line with the criteria set out under Section 89 of the new Constitution.

Mr. Speaker, Sir, the Commission has since forwarded its report to the Government Printer for gazette. The Commission has confirmed to me that it sought constitutional interpretation from the Attorney-General on the status of its report, whether it should or should not gazette the same. The Attorney-General, in his letter of 13th of September, 2010, advised the Commission that whereas under the former Constitution of Kenya, the Commission is required to make recommendation to Parliament in relation to boundaries of the constituencies, under the new Constitution, the Commission is required

to determine such boundaries. The Attorney-General, therefore, advised the Commission to proceed and gazette the report.

(Applause)

Mr. Speaker, Sir, finally, as to whether or not the Commission has gazzetted the report, though the Commission has forwarded its report to the Government Printer, the gazzettment, as at today, according to my knowledge has not been done.

Mr. Speaker: Hon. Members, we will allow five clarifications at a time. We will do the first round and, if necessary, depending on the level of interest, we will do another five. So, we will begin with the Member for Kisumu Town West.

Member for Kisumu Town West, note that according to the directions of the Chair made earlier during this session, you will be allowed a maximum of two clarifications. The rest of those intervening will be allowed one clarification per Member.

Mr. Olago: Mr. Speaker, Sir, I must say that I applaud the courage and audacity of the Assistant Minister in rhetoric, and in explaining to the House the issues that I raised yesterday. It takes courage to speak the way he has spoken.

By way of seeking a clarification, I first want to ask that in terms of the Constitution the only legal advisor to the Government is the hon. Attorney-General. He has the constitutional mandate to give advice to the Government, and I believe that we have only one Government, not two governments.

So, if the hon. Attorney-General has given advice to the Commission and the Government that the report of the boundaries commission ought to be gazzetted, why has that not been done up to now?

Two, on the 15th of November, Monday of this week, the Interim Independent Boundaries Review Commission (IIBRC) submitted its report to the Government Printer, and had the receipt of the report stamped as proof of receipt and dated. I wish to table a copy of the letter from the IIBRC, signed and stamped by the Commission and also stamped by the Government Printer as received.

(Mr. Olago laid the document on the Table)

Mr. Speaker, Sir, on the same day the Government Printer issued a proforma invoice to the IIBRC for Kshs175,000 in respect of charges for publishing the report. This was paid and here I wish to table a copy of the proforma invoice from the Government Printer showing payment.

(Mr. Olago laid the document on the Table)

Mr. Speaker, Sir, as a result of the letter that I have tabled and the proforma invoice, the Government Printer issued a Gazette Supplement No.83 of 2010. The Government Printer issued a Legislative Supplement No.52 of 2010 and also issued Legal Notice No.185 of 2010.

This is the normal procedure for publishing the *Kenya Gazette*. So, all this was done. Under these circumstances, could the Assistant Minister kindly clarify to the country and to this House whether given that all the processes have been complied with, the Government Printer will now proceed to publish this report?

Mr. Mungatana: Thank you, Mr. Speaker, Sir, for giving me the opportunity. First of all, I want to make the point that this is not a matter that the country, or even Parliament, should fight over. It is a matter on which understanding must be reached between the people who have issues to be heard and those who have grievances to be heard, so that it is resolved amicably.

Having said that and before I seek my clarification from the Assistant Minister, I wanted to bring to his attention Article 254 of the current Constitution, which gives direction in terms of the reporting of independent commissions.

Mr. Speaker, Sir, there is a requirement that if a commission has been appointed, there is no harm in that commission, apart from publishing a report, reporting to the National Assembly. I wonder whether the Assistant Minister addressed himself to this issue. The clarification I am seeking from the Assistant Minister is: Is it possible for the hon. Assistant Minister to request the Chair of that Commission to hold a *Kamukunji* with this House, so that the people who have issues can bring them and they are discussed, so that the country moves ahead together?

Mr. Speaker, Sir, is it possible for him to follow what the Committee of Experts, which was an independent body also, did? They published a report and invited views. They published a second report and invited views. Is it possible---

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Speaker, Sir.

Mr. Mungatana: I am just finishing, Mr. Speaker, Sir.

Mr. Speaker: Order! The Member for Garsen is on a point of order. You will have to hear him, unless there is really need for interruption.

Mr. Mungatana: Mr. Speaker, Sir, I am just asking: Is it possible for the Assistant Minister to find a conciliatory way, so that the country can move ahead together on this issue?

Mr. Chachu: Mr. Speaker, Sir, I represent North Horr Constituency, which is the largest constituency in the Republic of Kenya. In terms of size, it is as big as four provinces of Kenya, that is Central, Western, Nyanza and Nairobi Provinces. If these are put together, North Horr will still be bigger.

Could the Assistant Minister clearly clarify that only one parameter, which is population, was used by this Commission instead of taking into account other parameters clearly stated in the Constitution, which are geography, vastness of an area, means of communication, community interest as well as population trend? Could the Assistant Minister clarify that it is only one parameter that was used? If not, there is no way that all the informal settlements in Nairobi can be new constituencies while North Horr, Wajir South and other vast constituencies in Kenya are not considered as constituencies in the report.

The Minister for Gender, Children and Social Development (Dr. Shaban): Asante sana, Mhe. Spika. Yangu ni kutaja kwamba wale ambao ni wanyonge, haswa wale ambao wako katika maeneo ambapo hakuna watu wengi---

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Speaker, Sir. My point of order is on two issues. One, the hon. Member on the Floor, Dr. Shaban, is a Member of Cabinet and I think she is addressing herself to hon. Cheptumo.

The second point of order is that it is not the business of this House to set criteria; we have been given a constitutional mandate, which I think the Minister is referring to.

Mr. Speaker: Order, hon. Members! I think it escaped my attention that Dr. Shaban is, in fact, a Member of the Front Bench. So, she cannot ask for clarification from her colleague. I have given directions on that before. The same applies to Mr. Duale. So, those two are actually out of order.

Mr. Wamalwa: Mr. Speaker, Sir, I would like the Minister to clarify whether, indeed, the Government Printer was served with the court order and when. Whether that court order was addressed to the Government Printer as a party in the matter and when they received the documents for gazettelement from the Ligale Commission, whether it was before the court order was served. If so, the Ligale Commission having delivered the document for gazettelement, whether, indeed, this Commission had become *functus officio* in the matter.

Mr. Speaker: Mr. Mbau and that will be the last one in the first round!

(Several hon. Members stood up in their places)

Order, hon. Members!

Mr. Mbau: Mr. Speaker, Sir, thank you very much for giving me a chance. I want to seek clarification on the following; that the IIBRC is, indeed, a boundaries commission which was mandated to go and review and delineate specific boundaries which boundaries the public was to know thereafter; that if a constituency has been subdivided, we were supposed to know that these are the specific boundaries by way of a river, road or ridge. I would like to know whether we now know, for instance, the boundaries of Roysambu Constituency and those of Ruaraka Constituency.

(Applause)

Unless that is done, what we are doing is putting the cart before the horse. How are we then going to know which aspirants or potential contestants will be running for which constituency?

Mr. Speaker, Sir, ---

Mr. Speaker: Order, Mr. Mbau! I have given clear directions; one clarification per hon. Member after the original Questioner.

Mr. Mbau: Mr. Speaker, Sir, I just want to know the specific boundaries for constituencies.

Mr. Speaker: Very well! Mr. Assistant Minister, you may now want to respond to those!

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I further seek your clarification on this matter because there is a court order which has been issued and a date of hearing on this matter has been set for 2nd December, 2010 and I wish to table it.

(Mr. K. Kilonzo laid the document on the table)

Standing Order No.80 talks of a matter that is *sub judice* or secret. It states:-

“Subject to paragraph (5), no Member shall refer to any particular matter which is *sub judice* or which, by the operation of any written law, is secret.

Mr. Speaker, Sir, I would wish to seek your ruling on the matter on the Floor of the House!

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! I will want to deal with the matter raised by Mr. K. Kilonzo immediately. First, let it go on record clearly that Mr. Speaker does not give clarifications. Clarification comes from a Minister, a member of the Front Bench and not the Speaker.

(Laughter)

So let the record be clear that I will not give clarification sought neither now nor in future. I may give directions. I may make findings or make communication.

With respect to the *sub judice* rule, I think it is a matter that I have addressed myself to previously on more than two occasions during this Tenth Parliament. The parameters within which it operates are clear as laid out under Standing Order No.80 beginning from sub-paragraph (2). It says clearly:-

“A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.”

So either the matter is active and one or other; a criminal or civil matter and discussion of it is likely to prejudice its fair determination. So you must apply that test!

“(3) In determining whether a criminal or civil proceeding is active, the following shall apply:-

- (a) criminal proceeding shall be deemed to be active when a charge has been made or a summons to appear has been issued;
- (b) criminal proceeding shall be deemed to have ceased to be active when they are concluded by verdict or sentence or discontinuance;
- (c) civil proceeding shall be deemed to be active when arrangements for hearing, such as setting down a case for trial have been made, until the proceedings are ended by judgment or discontinuance”.

Part (d) does not necessary apply here and so I will not read it out.

Paragraph (4) of Standing Order No.80 says:-

“A member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable”.

The Member for Mutito is obligated to do so because he is the one alleging that this matter is *sub judice*.

“(5) Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee.”

However, the Speaker obviously does not exercise this discretion arbitrarily.

In my directions as given in the past, I have indicated that for the Speaker to be able to determine whether or not a matter is *sub judice*, the party or hon. Member is under duty to table all pleadings in the case. What the Member for Mutito has done is that he

has tabled in this House this afternoon an order that was issued in Petition No.72 of 2010. I do not have any pleadings!

(Applause)

I understand what pleadings are. Quite clearly this is something that I have found time and given very lengthy directions on. By any measure, by application of all rules, including even common sense, this document; this order here, is not a pleading.

An hon. Member: Amen!

(Laughter)

Mr. Speaker: So, it fails the test! I am afraid, with the information which has been tendered to the House it falls short of the requisite standard of evidence that must be tabled before the House for the Speaker or any presiding officer to determine whether or not a matter is *sub judice*. So, I decline to find as such, for the reasons that I have given.

The Assistant Minister for Public Works (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. Once again, I would like to seek your guidance. If you look at Article No.27 of the new Constitution, Schedule 6(27)(b) the IIBRC shall determine the boundaries of constituencies and wards using the criteria mentioned in this Constitution.

Mr. Speaker, Sir, if you look at Article 89 of the Constitution, it is very clear that their mandate was to review the number of wards and their boundaries. I am privy to the information tabled here. However, I am wondering whether the gazette was for the number of constituencies and the boundaries. The Chair must address this issue. If that is not the case, then there is a matter that requires more clarification.

Mr. Speaker, Sir, we need your guidance on whether there was anything gazetted for the boundaries. That is my worry.

Mr. Speaker: Order, hon. Members! I allowed the Assistant Minister to address the House because I believed that he was raising a matter with respect to which the Speaker needs to give directions. After he has canvassed the matter so ably, I am afraid I do not see that I have to give any directions in that respect. What the hon. Member requires is a clarification from the Assistant Minister who is his colleague in the Cabinet. So, I am afraid I rule that to be out of order by reason that you belong to the Front Bench! You cannot call your colleague to account.

(Applause)

Assistant Minister, you may respond!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, let me start with the concerns by Mr. Olago. He wanted to know why the Government Printer did not proceed to gazette the Report from the Commission. He also wanted to know whether the Government Printer can now proceed in view of what we have shared here.

Mr. Speaker, Sir, I do not know or have the reasons why the Government Printer did not gazette the Report. The Government Printer is an independent department which is certainly not under my Ministry.

As to why they received the Report from the Commission on 15th and did not proceed to gazette until the purported court order was issued yesterday, I have always and will continue to be vigilant and truthful to this House. I do not have the answer to that.

On whether the Government Printer will proceed---

Mr. Olago: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Assistant Minister, please, proceed!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, my colleague, Mr. Mungatana, wanted to know whether the Chairman of the Commission can invite Members to a *Kamukunji* so that we can discuss this issue with a view to putting our country together. The fundamental objectives of the Agenda Four Commissions is to bring unity in this country so that we can move together as a nation.

However, we cannot do that blindly without following the law. If you look at Section 41(b) (11) which talks about the independence of the Commission, the Commission is not subject to the control of anybody or any authority. Therefore, it would not be possible for me, at this point in time and in this House, to undertake that the Commission can do that. In any event, let us see the level we have reached now. We have reached a level where the Report has already been forwarded to the Government Printer. Perhaps to call a *Kamukunji* at this point would be going back. The Commission has performed its functions. I do not really think it is possible for me as the Assistant Minister in the Ministry to give an undertaking on that.

Mr. Speaker, Sir, the Member for North Horr, Mr. Chachu, wanted to know whether the criteria applied was proper. It is this very House which passed the Constitution and set the criteria to be applied when determining the boundaries and number of constituencies. The Commission went round the country and I believe my brother Mr. Chachu must have appeared before the Commission and given his version of how he wants the sharing to be done.

Mr. Chachu: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for North Horr! Please, relax. Some of these things must just pass.

Mr. Cheptumo, please, proceed!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, when I refer to my brother Mr. Chachu, it also refers to me because I also appeared before the Commission.

Mr. Affey: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to evade answering the question as asked by Mr. Chachu? The question is whether the Assistant Minister is satisfied that the Commission used the criteria as set out in the Constitution. The criteria is very clear. Is the Assistant Minister satisfied with the Commission in terms of the use of the criteria?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, as a responsible Assistant Minister, I do not want to answer questions straight. I want to help my brother by expounding on my answers. However, if I wanted to answer directly; I am very satisfied with the manner the criteria was applied.

(Applause)

Mr. Speaker, Sir, Mr. Wamalwa---

(Loud consultations)

Mr. Speaker, Sir, I need your protection.

Mr. Speaker: Order, hon. Members! Please, lower the levels of your consultations so that we hear the Assistant Minister!

Mr. Cheptumo, please, proceed!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, ---

Mr. Jamleck Irungu Kamau: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Kigumo! After the Assistant Minister responded to the point of order by Mr. Affey, he has hardly said anything that can prompt a point of order! Please, hear the Assistant Minister.

Order, Member for Kigumo! Do not bring to your neighbours problems where you are.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, Mr. Wamalwa wanted to know whether the Government Printer was served with the court order and if so, when.

The court order that I have before me here does not have the Government Printer as a respondent.

(Applause)

As a lawyer, my experience is that if you are not a party to a pleading then surely you cannot be served with a court order. Therefore, on the court order---

Mr. G. Nyamweya: On a point of order, Mr. Speaker, Sir. I have been listening rather disinterestedly in the matter. However, the question was whether the Government Printer has been served with that court order. It is not for the interpretation as to whether he is a party or not or whether it has an effect. It is "yes" or "no" was he served or not?

Mr. Speaker: Assistant Minister, you may want to respond to that.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, for sure I was very alert and clear. Mr. Wamalwa was very clear and I even wrote his question. He asked whether the Government Printer was served with a court order and if so, when. I think I have responded and said that the court order was issued on 16th of November. The Commission forwarded its Report to the Government Printer on 15th. So, it follows that at the time of service of the report with the Government Printer, there was not even a court order in the first place. In addition, the Government Printer is not party to the pleadings. Therefore, even the issue of serving the Printer with a court order does not arise in the first place.

Mr. Jamleck Irungu Kamau: On a point of order, Mr. Speaker, Sir. I rise on a point of order because it looks like we are making this House a theatre of absurdity!

(Loud consultations)

Let me substantiate what I am saying. The reason I am saying that---

Mr. Speaker: Order! What is it, hon. Shebesh?

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, I am on a point of order.

Mr. Speaker: Order, Member for Kigumo! Do you know the rules of this House?

Mrs. Shebesh: On a point of order, Mr. Speaker, Sir. I would like to ask the hon. Member who has just spoken whether it is in order to refer to our debate, which is a matter of national concern - because I have a list of 93 Members of Parliament who have signed this as an important issue – as a theatre of absurdity, when we are talking about representation of the people.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, as I was sitting with hon. Olago here, who asked for this Ministerial Statement, he was very clear. He told me that he is the one who drafted the Statement the Assistant Minister is giving. So, what is this we are doing here? That is what he told me right over here.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Order! Indeed, this matter is of great national importance. I want to urge all hon. Members to handle it with the respect that it deserves and manage themselves with full decorum. Please, do not forget decorum anywhere.

The allegation made by the Member for Kigumo is, obviously, very serious. I will want the Member for Kisumu Town West to make a response as well as the Assistant Minister to also make a response and indicate whether or not, in fact, his response to the request for a Ministerial Statement has been authored by the Member for Kisumu Town West.

First, let us hear the Member for Kisumu Town West!

Mr. Olago: Mr. Speaker, Sir, I am very saddened by the allegation made by the Member for Kigumo. At no time have I informed the hon. Member that I was party to the preparation of that Statement. I am neither the Permanent Secretary nor the Attorney-General. As the answers were being given by the Assistant Minister, hon. Jamleck Kamau asked: “How come hon. Cheptumo is issuing statements which seem to address issues which I had mentioned?” I said that it was because he is a brilliant lawyer. To that extent, I demand that hon. Jamleck Irungu Kamau withdraws that allegation of me having said what he says.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, whereas hon. Olago and the Member for Kigumo can smile, it is I whose credibility is being doubted in this House. I have been in this Ministry for close to three years. I have answered more than 100 Questions in this House. I believe and the Chair and my colleagues will bear me witness that I have done it diligently, without hon. Olago assisting me.

Mr. Speaker, Sir, you gave orders yesterday in this House. I went to my house yesterday at around 9.00 p.m. because I wanted to be sure that I have an answer today, because this issue came up yesterday in the afternoon. So, I would like to request that the

Member for Kigumo withdraws and apologizes. I do not even know whether hon. Olago knows my office because he has never been there.

Mr. Speaker: Order, hon. Members! I am satisfied that the Member for Kigumo has cast an aspersion on the credibility, competence and capacity of the Assistant Minister for Justice, National Cohesion and Constitutional Affairs, without justification. So, I will direct that the Member for Kigumo withdraws that remark that the Statement that was read by the Minister was prepared by the Member for Kisumu Town West.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, I rise to withdraw and apologize, although hon. Olago has confirmed what he said.

Mr. Speaker: Order, Member for Kigumo! I think I would want it to settle; that you withdraw and apologize. Do not make any rider. There is no need for it.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, although hon. Olago has confirmed that the discussion took place, I nevertheless, withdraw and apologize.

Mr. Speaker: Very well! I want to actually confirm that as far as the Speaker is concerned, the Assistant Minister for Justice, National Cohesion and Constitutional Affairs, has actually handled his business in this House with full competence. I want to give him the benefit of the doubt in this situation because we must really uphold the integrity of the Assistant Minister and, indeed, applaud his performance as worthy of repute.

(Several hon. Members stood up in their places)

Order, Member for Juja! Order, hon. Sirma!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, let me now go to the clarification sought by the Member for Maragwa who wanted to know whether the Report done by the Commission actually includes the boundaries of the constituencies. What is being tabled now and taken for gazettment specifies the new additional constituencies and the total number of constituencies, which is 290, under the new Constitution. The details of the boundaries are not contained in what is now being gazetted. I want to report that as the true position.

Mr. Speaker, Sir, finally, I think the one for hon. Kiunjuri was a point of order seeking your direction. I think I have been able to deal with the first five.

Mr. Speaker: We will take another five, beginning with the Member for Central Imenti.

Mr. Imanyara: Mr. Speaker, Sir, I am concerned that as the Kenyan people have struggled to get a new constitutional dispensation for this country, as we did on 27th August, 2010, the Department of Government Printer has on two occasions been mentioned adversely in this House. Firstly, it was in relation to addition of new words in the Constitution and now in relation to non-performance of a task that was properly placed before it and, in the circumstances, interfered with the letter and spirit of the Constitution. Whether or not we are satisfied with the decision of the IIBRC, the law is very clear. Had we allowed the Government Printer to proceed and do what is required of it, then the Constitution would have applied and any person who is interested in filing any objections would have 30 days. But as it is now, because of the failure of this Government department, considerable harm and damage has been done not only to the

process of implementation of the Constitution but also in perpetuating the culture of impunity because we are yet to be told what the results of the investigations that were ordered and promised were, the last time the Department of Government Printer was accused of altering the new Constitution. Under those circumstances, is it in order that we spend time discussing a department of Government that does not fall within the jurisdiction of the Assistant Minister who has ably given us a Statement?

Mr. Speaker, Sir, your office directed that we would be given full information of the results of the investigations that took place when allegations of interference with the new Constitution were made against this department. If, indeed, as the Assistant Minister said, the Report went to the Government Printer 24 hours before, why was it not followed as it happens with other publications in the same instances? Is it in order that we should go through this when we are directing our complaints to the wrong department of Government?

Mr. Ochieng: Mr. Speaker, Sir, now that it is very clear that the injunction that was given by the judge was overtaken by events because the papers were already with the Government Printer prior to giving the judgment, could the Assistant Minister consider taking punitive measures against the judge?

(Loud consultations)

Mr. Speaker: Order! Hon. Members, let us hear the Member for Ndaragwa.

Mr. Kioni: Thank you, Mr. Speaker, Sir. During his presentation, the Assistant Minister mentioned that the Attorney-General gave legal advice. A copy of that, I believe, is what I am holding. The second paragraph on the second page reads:

“Whereas under the former Constitution of Kenya, you were required to make recommendations to Parliament in relation to the boundaries of constituencies and wards, under the new Constitution, you are to determine such boundaries. You are, therefore, mandated to gazette your determination. “

The Sixth Schedule, Article 27(i) (b) reads:

“The Interim Independent Boundaries Commission (IIBRC) shall determine the boundaries of constituencies and wards using the criteria mentioned in this Constitution.”

That was also read to us by the Assistant Minister. The document that was laid on the Table and stamped by the Government Printer, on its third page, contains a schedule dealing with a county, constituency number and constituency name. This document does not talk about boundaries but introduces counties. Now that the Assistant Minister has said that he is satisfied with the work that was done, could he clarify whether this document that was sent to the Government Printers conforms to the requirement of the law, the advice as given by the Attorney-General and as contained in the Constitution that we passed the other day?

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. I would like to request hon. Members, not because I am in a position of requesting, to remember a little about what led to the establishment of the IIBRC. The IIBRC is one of the important commissions that the Serena Committee sat for many hours and thought that it was important we give to this country for us to sustain peace and stability in the country.

Hon. Members will remember that the Kriegler Commission, which was formed through the same process, went on very well. The Interim Independent Electoral

Commission (IIEC) has gone on very well. In fact, it has conducted by-elections and Kenyans are very happy. However, when it comes to the Truth Justice and Reconciliation Commission (TJRC) and the IIBRC, since the TJRC is touching on the political history of some very important people in this country and the IIBRC touches on representation which the powerful people have an interest in, then these two commissions must have problems.

(Applause)

It is my reading that some forces in this country, which are against reforms, are deliberately making it difficult for the country to move forward.

Hon. Members: Yes!

Dr. Khalwale: Mr. Speaker, Sir, just to restate, and in fact, reiterate what hon. Imanyara said, it is the same Government Printer who brought an addition in the run up to the new Constitution after this House had formed an organ of review which had already decided that we should move to the Government Printer. It is the same Government Printer who has again defied the Ligale Commission. What sanctions is the Government considering taking against the Government and especially the Ministry because it is in the driving seat of moving Kenya to the next level? What sanctions are you considering taking against the Government Printer and, more importantly, what sanctions will the Office of the Leader of Government Business and the Office of the Prime Minister consider taking against the Minister, hon. Mutula Kilonzo, who keeps on issuing conflicting statements about the IIBRC?

Mr. Ngugi: Thank you, Mr. Speaker, Sir. The reason we had post-election violence was because people were fighting for justice. The reason we passed a new Constitution was because we wanted people to have justice. Going forward, we would not want anything that does not provide justice to affect us all.

Mr. Speaker, Sir, I want to ask the Assistant Minister for Justice, National Cohesion and Constitutional Affairs to clarify whether the formula that was supposed to be applied in creating the new constituencies was applied and whether there is justice. We should not find a constituency with high population being left out and one with low population being split into two. Could he clarify whether justice has been done?

Ms. A. Abdalla: On a point of order, Mr. Speaker, Sir. I wish to seek clarification from the Assistant Minister regarding Section 27(b) which reads:-

“The commission shall determine the boundaries of constituencies and wards using the criteria mentioned in this constitution”.

When he was responding, he repeatedly said that the IIBRC has taken a report for publication as a Kenya Gazette. I have a list of names of constituencies in terms of population and the geographical boundaries have not been placed in the report. Does he have a separate report from this list? Whereas there are over 100 Members who have signed, there is very little anger against the numbers of these constituencies; the issue at hand is where the boundaries would be. For example, you cannot talk of a constituency with a population of 346,000 being split into three and you have not given me a report to show how those three constituencies, which are in the City, will be divided, are you telling me that you are splitting Langata Constituency into three constituencies with a population of 100,000 each, when the criteria clearly says that Nairobi constituencies

have to have a population of 186,000? Unless he has another report, then this cannot be a report. It is a list of constituencies. We do not have problems with it, but how does it link to the criteria and the boundaries of these constituencies?

Mr. Ruto: On a point of order, Mr. Speaker, Sir. Much as I do not speak for the Ministry of Justice, National Cohesion and Constitutional Affairs, I do not know whether the list was also supposed to be accompanied by maps. I would expect that those maps can be accessed elsewhere.

An hon. Member: Where?

Mr. Ruto: In the Commission.

Mr. Speaker: You have stood on a point of order and so, you must speak within a point of order.

Mr. Ruto: Mr. Speaker, Sir, I wanted to digress, but I want to stick to the point of order.

Mr. Speaker: I will not allow you to do so!

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I earlier rose on a point of order seeking your directive on the issue of *sub judice*. I tabled a court order and you said that for you to consider it, it needed to be accompanied by pleadings. I hereby wish to table the pleadings.

(Mr. K. Kilonzo laid the document on the Table)

I, therefore, seek your direction.

Mr. Speaker: Order, hon. Members! I will want to acquaint myself to the document which has been tabled.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Mr. Speaker, Sir. While you are acquainting yourself with the contents of the pleadings as presented by hon. K. Kilonzo, you impressed on us the need to have decorum in this House and adhere to our Standing Orders. I have a lot of respect for my friend, hon. Khalwale, but you heard him call on the Office of the Leader of Government Business and the Prime Minister to take action against the Minister for Justice, National Cohesion and Constitutional Affairs, who is very ably represented this afternoon by hon. Cheptumo, the Assistant Minister. Is it in order for Dr. Khalwale to go against the provisions of the Standing Order No.79(4), which states that:-

“No Member shall impute improper motive to any other Member.”

I am aware that in terms of the conduct of Government Business and the need to uphold high standards, we have also to be careful not to scandalize Ministers' reputation without them being able to defend themselves.

Mr. Speaker: Member for Ikolomani, that is valid!

Dr. Khalwale: Mr. Speaker, Sir, I am aware that to make the kind of remarks that I made, if I went in depth, I would be required to move a substantive Motion. But I did not intend to do this because this is not the time for that kind of stuff. All Members of this House and, indeed, the whole nation, knows that the Minister for Justice, National Cohesion and Constitutional Affairs went to a retreat in a Mombasa hotel---

Mr. Speaker: Order, Member for Ikolomani! If you restrained yourself from getting to an area where you will be in breach of Standing Order No.79(4), then you

must, indeed, continue to restrain yourself. If you do otherwise, then, I am afraid, you will be in breach and, perhaps, in grave disorder!

Dr. Khalwale: Thank you, Mr. Speaker, Sir. I will, therefore, leave that for another day.

Mr. Speaker: Order! Member for Ikolomani, please, resume your seat! I want to direct you to do the following, and please, comply. Withdraw any part of whatever you have said that may have imputed improper motive on the part of the Leader of Government Business and even the Minister for Justice, National Cohesion and Constitutional Affairs, for that matter. Anything that may have imputed improper motive!

Dr. Khalwale: Mr. Speaker, Sir, as far as the Leader of Government Business is concerned and, indeed, the Prime Minister, I was just appealing to them as the drivers---

Mr. Speaker: Order! Just comply with my directions, please!

Dr. Khalwale: Mr. Speaker, Sir, since what I said is in the HANSARD, anything within my speech that has imputed improper motive, be it to the Leader of Government Business or hon. M. Kilonzo, should be withdrawn with my apologies accompanying it.

Mr. Speaker: Very well. Now we want to take responses from the Assistant Minister.

(Mr. Orengo stood up in his place)

Member for Ugenya, what is it? Is it a point of information or order?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I am seeking clarification from the Speaker.

Mr. Speaker: Very well, you may proceed!

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, in seeking direction from the Chair, I must say that the Assistant Minister has spoken very well for the Government of Kenya. Indeed, it shows that if the Cabinet had to be overhauled, we have a lot of talent amongst the Assistant Ministers and even the Back Bench.

Mr. Speaker, Sir, you know that even in the process of legislation, if any legislation runs counter to the Constitution, normally, the person affected or offended would wait until there is an Act of Parliament which then has commenced operations, to question whether that Act of Parliament is inconsistent with the Constitution. I am wondering, because there is constant reference to some material which has been placed before Mr. Speaker. All these documents are being tabled on the basis that it is the decision of the IIBRC. My understanding and reading of the Constitution, and it is clearly spelt out, is that the decision of the IIBRC is signified and concretized by way of a Gazette Notice, so that anything that has been placed before you is not material that we can debate on. Indeed, a lot of people went to the media without knowing what exactly the Interim Independent Boundaries Review Commission (IIBRC)---

Mr. Kioni: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order, Member of Parliament for Ndaragwa! Let the Minister complete his submission.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, the guidance I am seeing is: (a) Is there anything before this House we can say is the decision of the IIBRC? The Constitution says that the decision is concretised in a Gazette Notice. There is no Gazette Notice. Indeed, what he was trying to do is inchoate or premature. If I may say,

it is a very backward way of dealing with an issue. We should demonstrate the principles in the Constitution. One of them is what---

Mr. Kioni: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member of Parliament for Ndaragwa! The Minister is on a point of order!

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, unlike in the previous Constitution, even the mandate of this Parliament is a delegated mandate. Even the mandate of the courts is a delegated mandate, which must be exercised under the principles of the rule of law and constitutionalism. In that regard, can we continue to talk about a decision of the IIBRC when that decision is still not gazetted?

Mr. Kabogo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order, hon. Members! I would want to give directions to the House, first, with respect to the point of order raised by the Member of Parliament for Mutito, who has belatedly tabled a Photostat copy of a document – Petition No.72 of 2010. A Photostat copy of a document, which is authentic, is admissible. So, obviously, it can give guidance to the House.

However, the stage at which you have tabled this document cannot undo the directions I gave, because at the point I gave the directions this document was not before me. I had no pleadings. So, my direction, obviously, must stand. If you were a lawyer, who fortunately you are not, you would have been caught by a rule called “laches”. Something may be valid, but you are bringing it too late, after the horse has bolted, and it is of no use. It may govern, perhaps, in future cases, but for the purpose of the decision I made, I am afraid, this is not useful; this matter had already been substantively addressed, and it had to be concluded. However, if you want future directions, then I will deal with it.

With respect to the clarification sought by the hon. Member of Parliament for Ugenya, I am satisfied that what has proceeded before the House this afternoon, in terms of the documents that have been tabled, has been valid in the sense that the documents tabled passed the test of admissibility, as we have determined previously in this House.

On matters pertaining to interpretation of the Constitution, I am afraid, as I have said previously, that belongs to somebody else’s province, not mine, and I will not attempt to do so.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Relax!

Mr. K. Kilonzo: On a point of order!

Mr. Speaker: Order, Member of Parliament for Mutito! You are not the only Member of Parliament in this House!

Yes, Mr. Kabogo!

Mr. Kabogo: Mr. Speaker, Sir, having considered what you have said about the document that was tabled a while ago, I seek your clarification, or guidance. If you look at the first paragraph of that document, it talks about “In exercise of the powers conferred under Section 27(1)(b) of the Sixth Schedule---“, and goes on to say certain things. While I appreciate that Juja has been given an extra two constituencies, the issue referred to in this document---

Hon. Members: Oh! Oh!

Mr. Kabogo: Mr. Speaker, Sir, “oh” does not help. Could you protect me? I have a right to speak in this House.

Mr. Speaker: You are protected. Address the House.

Mr. Kabogo: Mr. Speaker, Sir, if you refer to the Sixth Schedule of the Constitution, Clause 7(1)(b)---

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! Mr. Kabogo is on a point of order. Really, I must hear him before I can allow another point of order.

Mr. Kabogo: Mr. Speaker, Sir, I am seeking your clarification, because you have admitted this document, and is rightfully before the House.

Mr. Speaker: Order, Mr. Kabogo! I have indicated that I will not give any clarification.

Mr. Kabogo: Mr. Speaker, Sir, my point of order is that this document is not in line with the Constitution although it purports to refer to it. What is it that the House is expected to do in these circumstances?

Mr. Speaker: Order! Order! I have directed not longer than three minutes ago, that, interpretation of the Constitution belongs to somebody else’s province. So, I am not going to attempt to interpret the Constitution for this House. I will not!

Proceed, Assistant Minister!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, let me begin the clarifications of the issue raised by hon. Imanyara.

Hon. Imanyara wanted to know whether we should continue discussing this report, yet the Government Printer is still under investigations. I would like to just mention that truly, that is not for me. The investigations should proceed. That is done by a different department. So, I may not have much to say on that one since it is something for another department.

The Member of Parliament for Nyakach wanted to know what action I will take against the judge who issued the order. Again, I do not have powers to take any action. I believe that the judicial officer, under the Constitution, has powers to exercise as per the discretion given to her under the Constitution. Therefore, as to what action I will take against the judge, that is outside my mandate.

Hon. Kioni raised an issue, which is legitimate, as to whether the report that is filed with the Government Printer complies with the Constitution. As I said earlier, what is taken to the Government Printer for printing is actually as per the Schedule showing the county, the constituency number, and the name of the constituency. The details about the boundaries, the population of each constituency, *et cetera*, are not part of what was taken to the Government Printer. I said so initially. The same position stands.

Mr. Speaker, Sir, Dr. Khalwlale wanted to know what action the Prime Minister and the Leader of Government Business will take against the Minister for Justice, National Cohesion and Constitutional Affairs, and so on. That one has been dealt with by the Leader of Government Business.

Hon. Ngugi wanted to know whether the criteria applied in determining the boundaries was followed. I have answered that I am satisfied that it was done in accordance with the provisions of the Constitution.

Finally, hon. A. Abdalla asked a clarification which is exactly the same as the one which was raised by hon. Kioni. I think I have also dealt with that. What is taken to the Government Printer is a schedule of the new constituencies and, indeed, the entire 290 constituencies. So, I think that is also sufficiently answered.

Mr. Speaker: Order, hon. Members! That matter then comes to an end there.

(Dr. Khalwale stood up in his place)

Order, Member for Ikolomani. That matter must rest there. Any request for statements?

IDPS TREK FROM GILGIL TO NAIROBI

Dr. Khalwale: Mr. Speaker, Sir, I rise to request for a Ministerial Statement from the Minister of State for Special Programmes. I would like her to brief the House on the issue of hundreds of Internally Displaced Persons (IDPs) who are currently marching from Gilgil to Nairobi, a distance of over 115 kilometres, in an attempt to be addressed by the Minister in Nairobi.

Mr. Speaker, Sir, I would like the Minister to clarify the following points:

1. Why she cannot immediately fly to the site and arrest the situation.
2. To state what intervention the Government is taking to ensure that security for the matching IDPs and to ensure that humanitarian relief, including food, water, medicines and transport from the Government are availed to this people who are marching.
3. Finally, to explain what happened to the money appropriated by this House for the settlement of these IDPs.

OFFICIAL GOVERNMENT POSITION ON TJRC

Mr. Speaker, Sir, I have a second Ministerial Statement to seek from the Minister for Justice, National Cohesion and Constitutional Affairs. The points I would like him to clarify are as follows:

1. Could he clarify the official position of the Government towards the Truth, Justice and Reconciliation Commission in view of the happenings that have bedevilled this Commission since its inception?
2. Could he clarify whether statements attributed to the Cabinet Minister to the effect that the TJRC should not be funded and, on the other hand, another Cabinet saying that the TJRC should be disbanded? He should clarify whether these statements from the Ministers of Government are a mirror reflection of the Government position on the way forward for the TJRC.
3. I would like him to clarify and state the amount of money so far extended to the TJRC by the Government.
4. I would like him to confirm whether the TJRC is on course in discharging its mandate.
5. I would like him to clarify whether there is a deliberate strategy by some influential and powerful people either within the Government or with strong connections to high echelons of power to cripple and eventually collapse the

TJRC, so as to cushion themselves against some of the crimes they fear they might have committed against Kenyans.

I thank you, Mr. Speaker.

Mr. Speaker: Order! Minister for Justice, National Cohesion and Constitutional Affairs, when will that Statement be ready?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, we can give the statement on Wednesday morning, next week.

Mr. Speaker: Which day did you say?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, Wednesday, next week.

Mr. Speaker: Wednesday morning; it is so directed.

Minister of State for Special Programmes; Leader of Government business, when can that statement be available?

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, Wednesday afternoon, next week.

Mr. Speaker: Wednesday afternoon; it is so directed.

Any other request. Member for Turkana Central.

UPSURGE OF INSECURITY IN TURKANA COUNTY

Mr. Ethuro: Mr. Speaker, Sir, I have two requests. The first one is that I had put a request to the Deputy Prime Minister and Minister for Local Government on the threats of evictions affecting the slum dwellers of Kipsongo in Kitale. That statement has been in abeyance for over a month. I would like to know what is happening to it.

Mr. Speaker, Sir, the specific one I am requesting today is a long one, but I will do a brief one and submit the lengthy one to the Minister, so that he can respond accordingly.

Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the state of insecurity, lack of law and order and general lawlessness in the Turkana County in the last two months.

In his statement, he should clarify the following: The circumstances surrounding the attacks, the day they took place, where, the number of the attackers involved and actions taken by the security personnel.

I would also want him to confirm to this House the number of residents who were killed, injured and displaced and the number of livestock taken away by raiders. The Minister should also clarify if there were any livestock recovered and culprits involved arrested; how many schools were affected, how many innocent teachers were displaced and how many children and other civilians or residents have been affected by this resurgence of attacks.

Mr. Speaker, Sir, I would expect him to tell this House the short and long term measures the Government of Kenya is taking to assure security in the Turkana County and to pacify the long suffering local communities.

Finally, when will the Government give ammunitions to the recently recruited Kenya Police Reservists whom it has been identifying for the last two years? If possible,

what contingency measures has the Government put in place to protect the citizens and give relief food to those who have been displaced?

Mr. Speaker: Very well. Member for Turkana Central, we will stick to the abbreviated request. Otherwise, the detail form of your request may have to satisfy certain criteria before, perhaps, it could become a request of a Ministerial Statement.

So, we will stick to the abbreviated version as now captured in the HANSARD. Then when the Minister brings the statement, you may then want to amplify it by the clarifications that you would seek. So, just be guided accordingly.

Mr. Ethuro: Mr. Speaker, Sir, I stand guided. But I am also aware that our standing orders allow a written communication which does not have to be verbal in the House. So, maybe, the Minister should respond to the verbal one as per your directions and then table the detailed one and/or submit it in writing to me.

Mr. Speaker: That will be fine. I am prepared to go by that.

Leader of Government Business, please, note that the Minister will respond to the abbreviated version in the House. But the detailed part which is written by the Member for Turkana Central may have to be answered in writing.

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, it will be done. I listened to the Member very keenly. It sounds to me like one of those things that require indepth research. Would it be in order to say that the statement be made in 14 days from today?

Mr. Speaker: Yes, it will be. I have weighted that matter also and I know that it is very substantive.

Hon. Members, that then brings us to the end of the order on statements, Order No.7. Hon. Members, the only other business left for the House to transact is order No.8.

Hon. Members, I have received intimation and, indeed, I have been urged and received very earnest pleas from the Deputy Prime Minister and Minister for Finance that there are issues that need consultations between him and the relevant Departmental Committees of the House and to some extent some of the membership of the House so that the whole process pertaining to Order No.8 flows smoothly in the interest of all the parties involved, stakeholders, Kenyans and our partners. On that basis I see very good reason for deferring Order No.8 until such a time that the Deputy Prime Minister and Minister for Finance advises that all the consultations have taken place and that they have crystallized. Under those circumstances, I defer Order No.8.

MOTION

INCREASE OF GOVERNMENT CONTINGENT LIABILITY

THAT, pursuant to section 3B of the Guarantee (Loans) Act (Chapter 461 of the Laws of Kenya), this House approves the increase of total contingent liability of the Government for the time being outstanding in respect of principal amount of money borrowed or credit under the Guarantee given under section 3(1) or referred to in section 8 of the Act from US\$1 billion (Kenya Shillings 80 billion) to US\$2.5 billion (Kenya Shillings 200 billion)

(Motion deferred)

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until tomorrow, 18th November, 2010, at 2.30 p.m.

The House rose at 5.40 p.m.