

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 25th 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:-

Report of the Public Accounts Committee on the Government of Kenya Accounts for the Year 2006/2007.

*(By Dr. Khalwale)*

Report of the Departmental Committee on Justice and Legal Affairs on the Approval of Nominees to the Commission for the Implementation of the Constitution.

*(By Ms. A. Abdalla on behalf of the Chairman,  
Departmental Committee on Justice and Legal Affairs)*

Report of the Departmental Committee on Finance, Planning and Trade on the Appointment of the Chairperson and Members of the Commission on Revenue Allocation.

*(By Mr. Okemo)*

NOTICES OF MOTIONS

ADOPTION OF PAC REPORT ON GOVERNMENT  
OF KENYA ACCOUNTS FOR 2006/2007

**Dr. Khalwale:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2006/2007 laid on the Table today, Thursday, 25<sup>th</sup> November, 2010.

ADOPTION OF REPORT ON APPOINTMENT OF  
CHAIRPERSON/MEMBERS OF CIC

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

THAT, pursuant to provisions of Section 8(6) of the Commission for the Implementation of the Constitution Act, 2010, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Approval of Nominees to the Commission for the Implementation of the Constitution laid on the Table today, Thursday, 25<sup>th</sup> November, 2010.

ADOPTION OF REPORT ON APPOINTMENT OF  
CHAIRPERSON/MEMBERS OF CRA

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

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning, and Trade on the Appointment of the Chairperson and Members of the Commission on Revenue Allocation laid on the Table today, Thursday, 25<sup>th</sup> November, 2010.

**Mr. Speaker:** Let us move on to the next Order which is Questions!

**Mr. Ngugi:** Mr. Speaker, Sir, although I filed this Question about ten days ago, it has just appeared on the Order Paper today. I have also received the answer now. Nevertheless, I will still ask the Question although the Prime Minister addressed the same matter yesterday. I will still ask it for whatever worth it is.

**QUESTION BY PRIVATE NOTICE**

MAGNITUDE OF DRUG TRAFFICKING IN KENYA

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

(a) Could the Minister reveal the magnitude of drug trafficking in the country and the measures taken by the Government to combat trafficking of and trade in drugs?

(b) Could the Minister confirm that the US Government has imposed a travel ban on senior Government officers for involvement in drug trafficking/trade and, if so, reveal their identity and state the disciplinary action contemplated against them?

(c) Why has the Government failed to act against the known criminals, considering that information on the trade is apparently available even to the US Government?

**Mr. Speaker:** Order, Member for Kinangop! Please, resume your seat. You are saying that this matter was addressed by the Prime Minister yesterday. Were you satisfied with the information given by the Prime Minister?

The purpose of Questions is to seek information from the Government where you do not have information or you need it for purposes that you serve. So, do you still feel that there are areas that you want interrogated further or are you satisfied by the Statement that was given yesterday?

**Mr. Ngugi:** Mr. Speaker, Sir, I was not satisfied because part “c” of the Question---

**Mr. Speaker:** Very well. That is good enough. Mr. Ojode, please, answer the Question.

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

(a) Owing to its geographical location, Kenya has of late become a regional hub for drug traffickers within Jomo Kenyatta International Airport (JKIA) and Kilindini Port. Most of the

drugs trafficked through Kenya are destined for Scandinavian countries, Europe and the USA. For the last three years, police have heightened their efforts in the war against drug trafficking and such efforts are visualized by the following arrests and detection for the last three years:

On the detection of narcotic drugs in 2008, 2009 and 2010, I will table the list because it is long. Although the number of cases detected went up from 4,407 to 5,541 in 2009, the figures went down up to October, 2010. Comparatively, Central Province was leading in the number of detected narcotic drugs followed by Coast Province.

The following measures have been put in place to combat the drugs menace. Under the command of the Kenya Police, a total of 32 Anti-Narcotic Unit Stations have been established countrywide; profiling of passengers at the JKIA and those suspected to be traffickers put on the watch list to help track their movement internationally. Random checks are also conducted on passengers and luggage at the airport. In cooperation with other law enforcement agencies, random road blocks are laid along major highways and routes suspected to be used by traffickers.

Raids are conducted in suspected and known hideouts for drug abusers and traffickers. There is exchange of information and joint operation with other law enforcement agencies within the East African Region. Internationally, Interpol plays a major role in co-ordinating or passing information to respective countries which may be required.

(b) I cannot confirm. I am yet to get official communication from the USA Government on the identities of the senior Government officers involved in drug trafficking. Once such information is received, appropriate action will be taken against any Government official mentioned in accordance with the law.

(c) As indicated, I have yet to get official communication from the USA Government. However, to date the following seizures have been made by the police. Heroin - 123.9 kilogrammes; cocaine - 87.037 kilogrammes; *cannabis sativa* - 141,476 kilogrammes and psychotropic substances - 14,615 tablets.

In the last three years, a total of 14,238 cases were detected and most of them are still pending in various courts within the country. The war against drug trafficking and trade is ongoing. I want to promise this House that no stone will be left unturned.

**Mr. Ngugi:** Mr. Speaker, Sir, we are dismayed by these stereotype kind of answers to Questions on matters that are very serious. If he waits for the USA Government to give him names of Kenyan drug barons, are we being protected by the USA Government or our own security agencies ought to be the first to know who these drug barons are? How can the USA Government be the one getting information on our own soil on crimes against our citizens before our security agencies?

**Mr. Ojode:** Mr. Speaker, Sir, I have said that investigations are being carried out. In any case, I do not want to elaborate on this case because even Standing Order No.43(4) bars me from answering this Question because it has already been dealt with by the Prime Minister. However, we are investigating this matter and we will definitely know those who are involved. Once we identify the people behind this crime, ordinarily, they will be taken to court.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, it is rather curious that the USA Ambassador has the names of the senior Government officials and yet the Assistant Minister says that he has not received them. This is the case and yet the Ambassador is here and they have not summoned him. Is it that the Assistant Minister is not interested in knowing who those officers are? If so, what has he done to ensure that he gets those names? Could the Assistant Minister undertake to the House that he will summon the Ambassador so that he can table the names of the

Government officials so that we stop blanket condemnation of the entire Government? The Assistant Minister should take measures against those officers.

**Mr. Ojode:** Mr. Speaker, Sir, as I mentioned, we have already written to the US Ambassador to officially give us the names of those whom they suspect to be drug barons. There is nothing we are hiding. The only thing we have to do is to wait for the names to be given to us in writing and then we will definitely release them once investigations are over.

**Mr. Imanyara:** Mr. Speaker, Sir, yesterday, the Assistant Minister was sitting next to the Prime Minister when he gave assurances to this House that urgent and immediate steps will be taken to ensure the safety of SSP Godana and that action will also be taken against those others who were named in the dossier that I presented to this Parliament. Could he tell this House what action he has taken since yesterday when this information was made available to him?

**Mr. Ojode:** Mr. Speaker, Sir, I have already instructed the Police Commissioner to provide security to Mr. Godana. I hope he has done so. I have not checked, but I will check to ascertain if he has, indeed, given security to Mr. Godana.

**Mr. Yakub:** Mr. Speaker, Sir, you heard the Assistant Minister say that Coast Province is number two on the issue of drug. The fact of the matter is that it leads on cases of drugs. Right now, it is very sad and painful for Kenyans who are watching us live to hear him casually replying this Question. Chapter 14 of the new Constitution covers the national security. It is unfortunate that the Government took action against drug barons after an ambassador said he had information implicating four top Government officials in this issue.

What is he doing to implement Chapter 14 of the Constitution? What action are they taking, especially at the Coast, to make sure that these drug barons are arrested?

**Mr. Ojode:** Mr. Speaker, Sir, once investigations are over, the Minister will arrest those who are adversely mentioned. If there is any proof, we will take them to court.

**Mr. Bahari:** Mr. Speaker, Sir, lives of Kenyans and their security is very important. Since the Prime Minister gave directives yesterday on the safety of Mr. Godana, it is now nearly 24 hours. On matters of security, the Office of the President needs to move with speed and diligence to give us a conclusive matter. Could he undertake to report to this House next Tuesday, on the conclusive actions he has taken to ensure the safety of Mr. Godana?

**Mr. Ojode:** Mr. Speaker, Sir, I have already instructed the Police Commissioner to provide security to Mr. Godana. If you want me to check and report back whether he has so far been given security personnel, I will do so.

**Mr. Litole:** Mr. Speaker, Sir, in our supermarkets, there is a drug called “kupef” that is also causing havoc to our young people. Could the Assistant Minister tell this House what action they will take, so that this drug can also be banned alongside others?

**Mr. Ojode:** Mr. Speaker, Sir, the law is very clear on drugs which are sold in our departmental stores. They must pass the test from the Ministry of Health through the Pharmacy and Poisons Board. They have to be tested in order for them to be sold in the departmental stores. So, the law is there and we are covered.

**Mr. Ngugi:** Mr. Speaker, Sir, you have heard how the Assistant Minister has treated this matter so casually. Yesterday, you heard the Prime Minister tell us that there is involvement of the security forces. Maybe, he can tell us how far his Ministry is involved in protecting these barons. He does not seem serious to tackle this national disaster.

**Mr. Ojode:** Mr. Speaker, Sir, I have said and I want to repeat here that we are not taking these cases casually. This is a very sensitive issue. My officers must investigate this matter.

They must know who is behind drug trafficking. Once we have identified those who are behind drug trafficking trade, we will arrest them and take them to court.

**Mr. Mbugua:** On a point of order, Mr. Speaker, Sir. You heard the Assistant Minister say that he has written a letter to the American Ambassador. Could he table the letter he has written to the American Ambassador because this Assistant Minister is not serious? He is taking this Question casually?

**Mr. Speaker:** Order, Member for Kamukunji! It will suffice, if the Assistant Minister indicates the date on which he sent the letter.

**Mr. Ojode:** Mr. Speaker, Sir, we wrote a letter to the US Ambassador yesterday when we received this Question.

*(Mr. Mbugua stood up in his place)*

**Mr. Speaker:** Order, Member for Kamukunji! That is not the way we do business here.

**Mr. Ojode:** Mr. Speaker, Sir, I said that we wrote a letter to the US Ambassador to share with us the names of those whose identities are involved. Then we want to compare with the list which we have; those who are being investigated now. Not that we have not done anything, we are investigating those who are behind drug trafficking. We were not supposed to wait for the list because our officers are on the ground in Mombasa, Central and Nairobi to investigate this matter.

**Mr. Speaker:** Very well, Member for Ikolomani!

**Dr. Khalwale:** Mr. Speaker, Sir, the Assistant Minister has told us that---

**Mr. Speaker:** Order, Order, Member for Ikolomani! You have been called to ask Question No.429. Proceed!

*(Laughter)*

## ORAL ANSWERS TO QUESTIONS

*Question No. 429*

### KENYA SUGAR BOARD SUPPORT TO CANE DEVELOPMENT

**Dr. Khalwale** asked the Minister for Agriculture:-

(a) whether the Kenya Sugar Board (KSB) supports sugarcane farmers in cane development in the country;

(b) whether she could provide a list showing the amount of money expended by KSB towards cane development, and indicate the amount allocated to each Sugarcane Growing Zone per annum since 2005; and,

(c) whether she could also provide a list showing the amount of sugar produced by each zone since 2005.

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, before I reply, I wish to confirm from the hon. Member that we agreed last week that we were going to deal with the supplementary part that has not been answered adequately in the House. The Question as originally constituted had been responded to. If that is correct, I would like to proceed.

**Mr. Speaker:** What was your answer, Minister?

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I said that this Question was responded to last week. The hon. Member asked a supplementary question, and I think, we agreed, the HANSARD bears me out, that what we were to respond to today, is the supplementary part. I am seeking his concurrence so that I can proceed.

**Mr. Speaker:** You may proceed, if you understand that to be the position.

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, I wish to confirm that the negotiations between Equity Bank and Kenya Sugar Board have been ongoing for a long time. Indeed, the Member was right because according to the records, this is a matter which should have been sorted out as far back as the year 2003. These protracted discussions, I am told, were delayed because there were many issues to be resolved involving other Ministries.

I am pleased to inform him that as of 18<sup>th</sup> November, last week, the matter has been resolved and Equity Bank will now lend directly to farmers on behalf of the Kenya Sugar Board.

**Dr. Khalwale:** Mr. Speaker, Sir, I want to thank the Minister for quickly ensuring that now farmers will get access to this money at the rate of 5 per cent directly from Equity Bank rather than going through the millers. The only request I would like to make is that the Minister should table in this House the authorization that the Office of the Deputy Prime Minister and Ministry of Finance has now given to Equity Bank so that it does not just amount to a question of diplo-speak in the House. But more importantly, could he also confirm to the House how she wants to address the Kshs150 million that West Kenya Sugar Company got from Levy Development Fund and the Kshs270 million that Mumias Sugar Company got from this Fund purporting to go and develop cane for farmers but they ended up buying machinery for doing roads and ended up asking farmers to pay interest on those loans? How will farmers be compensated?

**Dr. Kosgei:** Mr. Speaker, Sir, the last part of that question is just another supplementary question for which I do not have information with me. However, on the issue of the authority to the Kenya Sugar Board (KSB) to let Equity Bank lend the money directly, I am pleased to lay on the Table the letter from the Permanent Secretary in the Office of the Deputy Prime Minister and Ministry of Finance giving that authority.

**Mr. Okemo:** Mr. Speaker, Sir, many of the issues affecting the sugar sector and only partly raised in the Question can actually be addressed by amendments to the Sugar Act. Could the Minister indicate to us when we hope to have amendments to the Sugar Act because that will solve many problems?

**Dr. Kosgei:** Mr. Speaker, Sir, the amendments to the Sugar Act have been signed and published. They are coming to the House together with the report from the Departmental Committee on Agriculture, Livestock and Cooperatives. I had to ask them to hold on for these amendments to come here having gone through the Cabinet not so long ago so that we could address these issues comprehensively because they are serious, urgent and affect many people.

**Dr. Khalwale:** Mr. Speaker, Sir, the former chairman of the KSB, who was recently suspended has been fighting with the Ministry of Agriculture with a view of ensuring that the Ministry gives this authorization. Because of insisting that he would not release the Kshs500 million, he was suspended. Could the Minister now reinstate Mr. Obado, the Chairman of KSB now that the reason why he was suspended has been acceded to by the Government? So, the man should not be punished for having pushed the agenda of sugarcane farmers.

**Dr. Kosgei:** Mr. Speaker, Sir, to me that is complete fiction because I am not aware that Mr. Obado was suspended or fired because of this. When the hon. Member brought up that issue

last Thursday I was sitting here when my colleague answered the Question. My colleague said that, that was completely news to him. My colleague and I were unaware of that even though he had been in the Ministry much longer than I had been. I went back to the office that afternoon and went through the file to find out where that issue stood. It had absolutely nothing to do with Mr. Obado. If what the hon. Member wants to do is to address the issues of regulation in the KSB that again is a different Question.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. I do not wish to mislead the House. The Minister for Agriculture has usurped the powers of the KSB to the extent that she has not only sacked the Chairman of the Board but she has also suspended the Chief Executive Officer of the KSB. According to the Act, she does not have these powers. Could she, on a point of order, tell us what interest she has in the Board which is personal to the extent that she goes on and usurps the powers of the KSB?

**Mr. Speaker:** Order, the hon. Member for Ikolomoni! I do not see a point of order there. I hear you clearly asking a question. What powers does the Minister have to do what she has done? Obviously, that cannot pass for a point of order and I am afraid I will have to rule it out of order as such.

Let us move on to the next Question by the Member for Gichugu!

#### *Question No.435*

#### SUBMISSION OF COMMISSIONS' REPORTS

**Ms. Karua** asked the Minister of State for Provincial Administration and Internal Security whether he could provide to the House the Report of the Kiruki Commission of Inquiry on the Artur Brothers, the Report of the Cockar Commission on the Sale of Grand Regency Hotel, the Report of Inquiry into the Raid on Retired Archbishop Gitari's House in Kirinyaga on the 21st of April, 1999, the Report of the Akiwumi Commission of Inquiry into Tribal Clashes and the Report of the Chesoni Commission of Inquiry into the Kirinyaga/Embu Land Dispute.

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

Mr. Speaker, Sir, commissions of inquiry are established in accordance with the Commissions of Inquiry Act, Cap.102, Laws of Kenya. At the time the reports requested were prepared, the law then provided that they be handed over to the appointing authority which was the President of the Republic of Kenya. In accordance with the law, the President was not obliged to divulge the findings of inquiry to the public. Several considerations were taken into account before a report of a commission of inquiry was released. The major consideration included national security and public order. For instance, the report would have contained confidential details on matters incidental thereto whose disclosure would jeopardize national security and public order and, therefore, injure national interest.

Mr. Speaker, Sir, the new Constitution and the recent amendments to the Commissions of Inquiry Act do not by whatsoever means of interpretation require the retrospective application of the new law. However, the Akiwumi Report was released in 2002 to the public and is available at the Government printer and, therefore, in the public domain. On the alleged raid on the Retired Archbishop Gitari's house in Kirinyaga on 21<sup>st</sup> April, 2009 and a search conducted at Wang'uru

Police Station within which the issue falls indicates that there is no record of the incident. However, it should be noted that such records are not permanent and are usually destroyed after expiry of specified periods of time, according to Force Standing Orders authorizing that documents can be destroyed after ten years. I wish to table the Force Standing Orders that say the same.

Mr. Speaker, Sir, the issue of Akiwumi Report, as I have mentioned is under public domain and I managed to get a copy from the Government Printer for Kshs600. So, the hon. Member can also go ahead and get a copy. I wish to table the copy of the Akiwumi Report.

*(Mr. Ojode laid the documents on the Table)*

**Ms. Karua:** Mr. Speaker, Sir, I hope that the House has heard the answer. The Assistant Minister seems to be living in the past. This Question is being asked in this House in 2010 after the Constitution has been promulgated. Although the inquiries were done in the past, we now have acquired a right, as Kenyans, to the information held in the reports. All the reports that I have mentioned, none of them was a secret inquiry. All of them were public inquiries. So, to start talking about state security is to be opaque. You will recall that the Kiruki Commission of Inquiry was even televised. That means it was public. That was the inquiry into the Artur Brothers. The Report on the Cockar Commission on the sale of Grand Regency was again a public inquiry. What is a state security here or is it a matter of opacity? On the Report of Inquiry into the Raid on Retired Archbishop Gitari's House, I did not ask the Assistant Minister to get us the Occurrence Book (OB) from Wang'uru Police Station. This was an inquiry ordered by the former President into the matter. Since it was never released, we now have acquired a right to demand the information. Similarly, the Chesoni Report on the Kirinyaga/Embu Land Dispute was again a public inquiry. Chesoni went all over the country. We have now acquired a right.

I want to read as a basis for my Question Section 35 of the Constitution: Access to information. It says:

“Every citizen has a right of access to information held by the State and information held by another person and required for the exercise or protection of any right or fundamental freedom. The state shall publish and publicize any important information affecting the nation”.

Mr. Speaker, Sir, we are undergoing reforms. We need to know what went wrong so that we can correct it in the course of reforms. Is the Assistant Minister in order to fail to answer the Question and even in the case of the Akiwumi Report, which has never been tabled in this House, claim that we can buy it from the Government Printer? We want it in the House to be able to debate it. Is the Assistant Minister in order to refuse to bring the report to the House and therefore contravene Section 35 of the Constitution, which I have read to the House?

**Mr. Speaker:** Mr. Assistant Minister, what is your reaction to that?

**Mr. Ojode:** Mr. Speaker, Sir, let us put the matter straight because hon. Karua knows very well that in the old Constitution, which we were using then, there was no provision compelling the appointing authority to make public these reports. The amended version came into effect on 13<sup>th</sup> August, 2010, but are we going to apply the law retrospectively? It is you to decide whether the law is on the side of the appointing authority because---

*(Mr. Wamalwa stood up in his place)*



**Mr. Speaker:** Order, Member for Saboti! Let us hear the Assistant Minister first.

**Mr. Ojode:** Mr. Speaker, Sir, the article the hon. Karua is referring to, she is a lawyer--- She knows!

*(Ms Karua stood up in her place)*

**Mr. Speaker:** Order! Order, Member for Gichugu! Mr. Assistant Minister, please, address the Member for Gichugu with respect and decorum that she deserves. Do not just throw her name about.

*(Ms. Karua stood up in her place)*

**Ms. Karua:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order, Member for Gichugu! I will hear you. Order Member for Gichugu! Allow the Assistant Minister to finish and I will hear you. The way I expect to approach this matter is to hear a few more Members, then based on that I will be able to give direction. That is how I want to proceed.

**Mr. Ojode:** Mr. Speaker, Sir, I was just saying that we only get reports which have already been disposed of by the appointing authority. My good friend was the Minister in charge of Justice and she should have brought these reports before the House. She knows very well that she refused to---

*(Ms. Karua stood up in her place)*

**Mr. Speaker:** What is your point of order, Member for Gichugu? Order, Mr. Assistant Minister!

**Ms. Karua:** On a point of order, Mr. Speaker, Sir. This Assistant Minister is misleading the House. All these reports were by the Office of the President and not the Ministry of Justice. None of these reports has ever been in the Ministry of Justice. Is he in order to claim that I should have been the one to table them when he knows that the Office of the President refused to make them public and is continuing to defy the Constitution even today?

**Mr. Ojode:** If you go through the report which was tabled here yesterday by hon. Imanyara, it indicates clearly that at that particular time, the hon. Questioner was the *de facto* Leader of Government Business and she literally refused that Report to be tabled here. It is in the Report; those are not my own words. That is why---

*(Laughter)*

So, why should you preach water and take wine?

**Mr. Speaker:** Order! Yes, Member for Gichugu!

**Ms. Karua:** Mr. Speaker, Sir, it is true that I have read that in the Press and in the Report. If you look at the Report, and this is anticipating debate, you will see those malicious charges by the Committee are merely because I chaired a House Business Committee which declined to allocate Government time to the Report. That does not amount to refusing the matter to be debated. I will be able to talk about it when it is being debated. Today, I am asking for the Report to be laid on the table of the House. When the Report on the Artur Brothers will be

discussed, I will be able to show the malice of the then Committee in which several members including Mr. Speaker sat. I will be able to show the HANSARD to prove that malice.

**Mr. Sirma:** On a point of order, Mr. Speaker, Sir. The hon. Member for Gichugu is misleading the House. I was a member of the Committee on Administration, National Security and Local Authorities. She wrote a letter to stop us from performing our duties until the Speaker overruled her. Is she in order to mislead this House?

*(Ms. Karua stood up in her place)*

**Mr. Speaker:** Order! Order, Member for Gichugu! You have not caught the Speaker's eye yet. Order! Order, Member for Gichugu!

**Mr. K. Kilonzo:** Thank you, Mr. Speaker, Sir. I rise to seek your direction on the issue at hand. We are demanding those reports to be produced here because Section 35(c), which has already been quoted, confers Kenyans the right to information. It is on that basis that we are asking the Assistant Minister to table those reports. Is the Assistant Minister in order not to table the reports citing the old Constitution which he ably campaigned against?

*(Ms. Karua stood up in her place)*

**Mr. Speaker:** Order, Member for Gichugu! Let me, first of all, hear the Member for Gwassi.

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. I think this is a very serious and weighty matter. I think we need to ventilate it. I just want to put across an issue. The issue of the constitutionality has been talked about and I want to remind the Assistant Minister that the main reason why we have Ministers in the Office of the President is because we are aware that the President cannot come and sit in this House to answer Questions on behalf of the Office of the President. Therefore, telling us the appointing authority is different, to me, is out of order because we have Ministers in the Office of the President who are supposed to come and present reports in this House, on behalf of the Office of the President.

**Ms. Karua:** Mr. Speaker, Sir, hon. Sirma has claimed that I wrote a letter stopping the presentation of the Report. I want, under the Standing Orders, to demand that he substantiates by laying that letter here because as a matter of fact there is no such letter.

**Mr. Sirma:** Mr. Speaker, Sir, if you can give me only two hours, I will go and bring the letter now. I have the letter.

**Hon. Members:** Yes!

*(Loud consultations)*

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

Hon. Members, I am aware that we reviewed our Standing Orders and provide that in instances where an hon. Member has information but is not able to avail it immediately, they will be accorded time in the next opportunity. So, in those circumstances, I will allow hon. Musa Sirma to bring that substantiation and table it in the House on Tuesday afternoon.

*(Applause)*

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

**Mr. Speaker:** What is it, Dr. Khalwale? We must bring this matter to an end!

**Dr. Khalwale:** Mr. Speaker, Sir, I am aware that you want to give guidance to the House about the issue of the refusal by the Minister to table this Report.

As you exercise your mind, I would like to urge you to realize that having tabled one of the reports, that report is just a report like the others. Of greater concern to me is the Report by the Cockar Commission which was necessitated by the fact that the Government was not too sure whether to act on the resolution of this House that passed a Vote of No Confidence in hon. Amos Kimunya.

Mr. Speaker, Sir, because that Report either disagreed with the House or agreed with it, I beg that you request that the Report be tabled here so that we know whether the culture of impunity of reversing what Parliament has said, so that it suits the Executive, is the reason why hon. Kimunya is not only still a Minister, but he has become a Deputy Leader of Government Business.

**Mr. Speaker:** The last one, hon. Charles Kilonzo!

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I am rising on a point of order on issues of procedure.

Mr. Speaker, Sir, on many occasions, there have been cases whereby Assistant Ministers want to ask questions when Ministers are answering. Likewise, there is now a new trend where Back-benchers are trying to assist the Government to answer Questions.

I am seeking your ruling; the same ruling which was given restraining Assistant Ministers from asking Questions be extended to the Back Bench so that they stop assisting Ministers to answer Questions.

**Mr. Speaker:** Very well! I have very keenly followed what has transpired with respect to Question No. 435 and a number of issues have emerged which will need my giving directions on. First, as to what the fate of reports by commissions of inquiry ought to be and, two, whether or not the appointing authority can decline to make those reports public. Then three; whether or not the provisions of the new Constitution will compel the appointing authority to make those reports public. I intend to give substantive directions on this matter next week on Thursday at 2.30 p.m.

With respect to the matter canvassed by the hon. Member for Yatta, I did give some communication ten days ago and, among other things, I did urge the House that we will ensure that we comply with the Standing Orders, the practice and traditions of this House and treat Question Time strictly as Question Time, such that hon. Members who have Questions will be allowed to ask Questions, including a practice which entails the Questioner having the first bite at the cherry – asking the first Question – and having an opportunity of asking a supplementary question. We will have to refrain from what is appearing to emerge as a trend that hon. Members engage in debate; issue statements and make arguments even as they ask Questions.

I know this has gone down very well with the majority of the Membership. A few hon. Members appear now discontent that the Chair is curtailing them from making more statements than they ought to during Question Time. We just want to let the House know that the Chair will move to see to it that there is strict compliance with what ought to be transacted at what point in time during the Business of the House.

Hon. Members, I wish to interrupt Question Time and make a communication that is important at this point. This communication relates to a further sitting of the House today, Thursday, 25<sup>th</sup> November, 2010, pursuant to Standing Order No. 20 Paragraph 1.

## COMMUNICATION FROM THE CHAIR

## FURTHER SITTING OF THE HOUSE

Hon. Members, as you are aware, the following two reports have been tabled this afternoon. One, the Report of the Departmental Committee on Justice and Legal Affairs on the approval of persons nominated for appointment to the Commission for the Implementation of the Constitution and, two, the Report of the Departmental Committee on Finance, Planning and Trade on the approval of persons nominated for appointment to the Commission on Revenue Allocation. Notices of Motions have been given for approval in respect of the two reports.

Hon. Members, as you are no doubt aware, the two reports have immense constitutional significance as they relate to the constitution of two Constitutional commissions, namely the Commission for the Implementation of the Constitution and the Commission on Revenue Allocation. These commissions are pivotal to the process of implementation of the new Constitution. In recognition of the central role to be played by these two commissions, the Constitution at Section 25 (1) of the Sixth Schedule stipulates:-

“The Commission on the Implementation of the Constitution and the Commission on Revenue Allocation shall be constituted within ninety days after the effective date.”

Hon. Members, a reading of Section 25 (1) of the Sixth Schedule together with Article 259 (5) (a) of the Constitution indicate that the 90-day period lapses today, the 25<sup>th</sup> of November, 2010.

By these provisions, the period of time will be computed as follows: Four days in the month of August, 2010; 30 days in the month of September, 2010; 31 days in the month of October, 2010 and 25 days in the month of November, making a total of 90 days, which end today. The net effect of this is that the matter of the constitution of the two commissions requires to be disposed of by this House by the end of this day in order to ensure that the House discharges its obligations within the Constitutional timelines.

Hon. Members, under the circumstances, it has become necessary for me to issue directions concerning the conduct of Business for the day as regards the consideration of the two Departmental Committees.

Standing Order No. 20 (1) provides for the hours of meeting of the House as 9.00 a.m. on Wednesday and 2.30 p.m. on Tuesday, Wednesday and Thursday.

The Standing Orders, in recognition of the fact that the nature of the business of the House may at times require additional Sittings outside of normal sitting time, allow the Speaker to direct that more than one Sitting be held on the same day.

Hon. Members, in view of the constitutional timeline set for the constitution of the Commission for implementation of the Constitution and the Commission on Revenue Allocation, and in exercise of the powers conferred by Standing Order No.20(1), I direct as follows as regards the transaction of the business of the House today: One, that the House will have another Sitting today commencing at 7.00 p.m. Two, that the purpose of that Sitting shall primarily be to consider the following reports:

(a) The Report of the Departmental Committee on Justice and Legal Affairs on the approval of persons nominated for appointment to the Commission for the Implementation of the Constitution; and,

(b) The Report of the Departmental Committee on Finance, Planning and Trade on the approval of persons nominated for appointment to the Commission on Revenue Allocation.

Hon. Members, notwithstanding Standing Order No.35(2), which requires that an Order Paper be placed in each Members pigeon hole at least 12 hours before the House assembles and in view of the constitutional deadlines relating to the constitution of the Commission for the Implementation of the Constitution, and the Commission on Revenue Allocation, and in exercise of the powers conferred on me by Standing Order No.1, the Chair directs the Clerk to prepare the Order Paper for the additional Sitting forthwith, listing the business as stated and to ensure that it is circulated to all hon. Members as a matter of priority.

Hon. Members, in conclusion, I wish to thank all hon. Members of this House for the diligence that they have exhibited in the execution of the constitutional obligation, so far, required of Parliament in the implementation of the Constitution. I have no doubt whatsoever that this House is more than equal to the task of ensuring the full and faithful implementation of the Constitution.

Thank you.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. I want to thank you for rising to the urgency and forestalling a possible crisis, if by midnight tonight we do not achieve the approval of the names of the chairs and commissioners to the two commissions.

My point of order, is this: How do you intend, using the same powers vested in you, to save yet another crisis, the crisis in the Interim Independent Boundaries Review Commission?

Mr. Speaker, Sir, I want you to allow me, with all due respect, to refer to Article 89 of the Constitution of Kenya. Article 89(2) says that the Independent Electoral and Boundaries Commission which will succeed the IIBRC will not be able to touch constituencies until after eight to 12 years. This means that if we allow this new Commission to succeed the IIBRC, Kenyans will have to wait for ten to 14 years before they get a new constituency.

More disastrous is Article 89(8) which says that the Commission can only alter the boundaries of constituencies, names of constituencies and the number of wards. The new commission will not have any power to create new constituencies. If again you do not rise to this occasion it, therefore, means that Kenyans will not only wait for those many years, but even when the time comes the new commission will not have power, under the law, to create additional constituencies. Kindly guide the House.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** On a point of order, Mr. Speaker, Sir. Is it in order for Dr. Khalwale to impute improper motive on the Chair? The Chair has always risen to the occasion. He has always led the nation and this matter is before a court. It defeats common logic. We discussed this issue in the *Kamukunji* yesterday very elaborately. If people just stand up and think about themselves--- Kenyans have been aggrieved and this matter is before a court. You have always led us; please, do not be dragged into matters that are before a court.

**Mr. Speaker:** Order, hon. Members! I have heard the point of order addressed by the Member for Ikolomani, and, by way of response, the matter canvassed by Mr. Ali. I will consider all of them and be able to give whatever directions I can as we begin the debate at 7.00 p.m.

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

**Mr. Speaker:** Not on the same matter, I am afraid. I will give direction at 7.00 p.m. and I have ordered as such.

We want to go back to Questions for at least another 15 minutes; we want to take the Member for Gichugu on Question No.568

*Resumption of Oral Answers to Questions*

*Question No.568*

DISPUTE OVER ANGATA MWANGANGI'S PLOT IN TAVETA SCHEME

**Ms. Karua** asked the Minister of State for Provincial Administration and Internal Security:

(a) whether he is aware that police officers from Taveta Police Station have been harassing the family of Angata Mwangangi through arbitrary arrests relating to a dispute over plot Nos.1–45 in Taveta Settlement Scheme in spite of a court order that protects the family; and,

(b) what measures he will take against the officers involved.

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

I am not aware that police officers from Taveta Police Station have been harassing the family of Angata Mwangangi through arbitrary arrests relating to a dispute over Plots 1–45 in Taveta Settlement Scheme in spite of a court order that protects the family. However, I am aware that some members of the family have been arrested and charged with various charges before court as follows: creating disturbance contrary to Section 95(1) of the Penal Code. The accused person is one Martin Mbuvi Samuel who, while armed with a panga, chased away Ministry of Lands officials who were surveying the land after it was purchased by the Government for re-allocation to squatters and landless people in that particular area. The accused was arrested vide OB No.21/9/10/2010 and charged vide Taveta Police Station Criminal Case No.352/147/2010 and Court file No.387/2010.

Mr. Speaker, Sir, the accused was also charged with another count of destroying beacons in---

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Lower the level of your consultations so that we hear the Assistant Minister.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, the accused was also charged with another count of destroying beacons on surveyed land and demarcated boundary contrary to Section 174(3) of the Agricultural Act, Cap.18, Laws of Kenya. The hearing date was set for 23<sup>rd</sup> November, 2010. He was also charged with creating disturbance contrary to Section 95(1) of the Penal Code. The accused is Martin Mbuvi Samuel who was charged after chasing away the District Lands Officer and his staff while on official duties vide Taveta Criminal Case No.352652010 court file No.191/2010. Malicious damage to property contrary to Section 339(1) of the Penal Code, the accused persons, in this case are Brian Musyoka, Mary Maundu, Melita Maundu and Sineno Maundu. The accused persons damaged a Mitsubishi Truck Reg.No. KAA151 P owned by Alex Kioko Mutua. They were also charged with attempted arson contrary to Section 33(a) of the Penal Code. The accused bought and poured kerosene on the said truck and attempted to set it on fire, OB No.22/25/2010 of Taveta Police Station refers. They were all charged vide Taveta Police Criminal Case No.352/157/2010 and Court File No.901/2010. The hearing date is set for 9<sup>th</sup> December, 2010. All the accused persons are children of Mr. Angata

Mwangangi. The police are not aware of any court order and were guided by Section 193(a) of the Criminal Procedure Code, Cap.75, Laws of Kenya.

(b) The Assistant Minister will not take any action against the police officers involved. Their actions were necessitated by the need to protect property, which is one of their core functions and, hence, they were performing their duties.

Thank you.

**Ms. Karua:** Mr. Speaker, Sir, the background of this case is that one Basil Criticos, who owns much of Taveta, gave part of his land to the squatters, and Angata Mwangangi was one of the squatters. But the Provincial Administration, with their usual greed, decided that they were the squatters. Therefore, they have been terrorizing that particular squatter because they took part of her portion of five acres and want to leave her with less than half an acre. They took over 4.4 acres. You have heard the Assistant Minister say that he is not aware of a court order. I want to table on the Floor of the House Miscellaneous Civil Application No.63 of 2010 served upon the District Land Registrar, Taveta, the District Commissioner, Taveta, the OCS, Taveta and all that was done on 28<sup>th</sup> May, 2010. It is, therefore, embarrassing and misleading for this Assistant Minister to claim that he is not aware, when it is the very police officers who accepted service of the court order. I, therefore, want to ask whether it is in order for him to mislead the House that he is not aware of the court order.

*(Ms. Karua laid the document on the table)*

The houses that were set on fire belong to Angata Mwangangi. It, therefore, cannot be said that she is being charged for malicious damage. It is the police who should be charged for malicious damage to her property. I want to lay on the Table of the House copies of photographs showing how her houses and her crops have been vandalized, together with a letter by her lawyer complaining on the matter. Is it in order for the Assistant Minister to mislead the House on those two issues?

*(Ms. Karua laid the document on the table)*

**Mr. Ojode:** Mr. Speaker, Sir, I am not misleading this House. I said - and I want to repeat - that I am not aware of any court order protecting the family of Angata. This court order which has been tabled---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Did you hear the Assistant Minister say that he is not aware of any court order protecting the family of a Kenyan? Do Kenyans have to get court orders in order to have protection from the Government? Is he in order to mislead the House?

**Mr. Ojode:** Mr. Speaker, Sir, we have not received any court order to protect the family. But I agree with the Questioner when she says that Ann Mwangangi was a squatter on that farm for several years. That is true! The Government purchased part of that land from Basil Criticos and hon. Karua has mentioned that. That is the truth of the matter. A total of 45 plots of 60 x 100 were hived out of that sub-division. Angata Mwangangi was allocated three plots out of 45. But she was not satisfied and, instead, moved to court demanding to keep all the 45 plots. After the demarcation, the plots were free for allocation to any person on application and upon payment of Kshs35,000. Angata Mwangangi was allocated three plots which she even failed to pay the requisite fees. All the other allottees paid their requisite fees. The rest of the farm has been

allocated to landless people. So, the only thing the Questioner should do is to ask Angata to pay the Kshs35,000 which is required by the Ministry of Lands and she will still be allocated those three plots.

**Ms. Karua:** Mr. Speaker, Sir, the Assistant Minister has now admitted that there is a court order. He has also admitted that the Provincial Administration have a quarrel with that lady over the portion of land. Indeed, it is that quarrel---

*(Mr. Ojode stood up in his place)*

**Mr. Speaker:** Order, Mr. Ojode! You will have an opportunity to respond!

**Ms. Karua:** Mr. Speaker, Sir, it is that quarrel that has made Angata Mwangangi go to court and obtain restraining orders. She went for a prerogative writ and what she is asking the court is an order of prohibition against the respondents - and the respondents are the land adjudication officers. Therefore, the land adjudication officer cannot purport to have allocated the land to the administration. In the circumstances that there is a court order asking the status quo to be maintained, is it in order for the Assistant Minister to continue insisting that the police should enter, destroy Ms. Mwangangi's house and harass her family in the face of a court order which he had initially denied its existence?

**Mr. Ojode:** Mr. Speaker, Sir, I think let us be serious on this particular matter because Angata has no land as we speak. She demanded all the plots when the Ministry of Lands was reallocating the parcels. What I would ask the Questioner to do is to assist Angata to pay the Kshs35,000 which is required by the Ministry of Lands in order to be allocated the land. Instead, she wants all the plots and that is why she went to court. You know that does not fall under my docket. Anything to do with sub-division of land does not fall under my docket! I am just enforcing the law!

**Mr. Speaker:** Fair enough!

**Ms. Karua:** On a point of order, Mr. Speaker, Sir. I think we are losing focus. This House should not condone impunity even from the Government. The lady has a court order which is meant to operate as a stay on her being moved from the land. Yes, there is a dispute in court, but is it in order for the Assistant Minister to continue misleading Kenyans that because there is dispute, the police can ignore the stay order with which they have been served and which I have laid on the table to prove service? You remember the Assistant Minister was denying this. Can they continue harassing this lady instead of hurrying up the case in court so that a determination of the issue is made?

This is a lady whose house and crops have been destroyed, not by thugs, but by the police in uniform, whom the Assistant Minister continues to defend. Is he in order?

**Mr. Ojode:** Mr. Speaker, Sir, the work of the police is to protect lives and property but not to destroy any property. That is quite misleading. I think this particular issue of whether Mrs. Angata wants the whole parcel of five plots should have been referred to the Ministry of Lands. My officers were just enforcing what came out of the courts. I am requesting that if Mrs. Angata can pay Kshs35, 000 for the plots which were allocated to her, she will own them. As at now, she does not own those plots because she wanted the whole parcel.

**Mr. Ochieng':** On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is avoiding the question. I think the issue at hand is the stay order which he is ignoring to respond to. How did his officers go to demolish and destroy the crops of this poor lady when there was a stay order in force?



**Mr. Speaker:** Assistant Minister is it so; that there was a stay order and you appeared to have ignored it?

**Mr. Ojode:** Mr. Speaker, Sir, by the time these fellows went to the parcel of land in question, there was no court order at all. In any case, if there was any court order by that time, I would have said that this is *sub-judice* and I would not have gone ahead and answered the Question.

**Mr. Affey:** On a point of order, Mr. Speaker, Sir. I think we have a responsibility to protect Kenyans. Perhaps, the way forward would be if the Chair could read the court order and advise the Assistant Minister to desist from harassing this lady until the matter is determined by a court of law. Could the Assistant Minister tell his officers to keep off?

**Mr. Ojode:** Mr. Speaker, Sir, indeed, I will accept that if there is any court order of stay, I will definitely ask my police officers to leave that particular piece of land with immediate effect.

*(Ms. Karua stood up in her place)*

**Mr. Speaker:** Order, Member for Gichugu! I think we have interrogated this matter adequately so far.

Assistant Minister, were you aware of these documents which have been tabled this afternoon?

**Mr. Ojode:** No, Mr. Speaker, Sir.

**Mr. Speaker:** I would want to give you time to acquaint yourself with this document and come back on Wednesday afternoon and indicate to the House if your actions now will be in accordance with the court order.

**Mr. Ojode:** Mr. Speaker, Sir, I am ready to come back on Wednesday morning so that we dispose of this matter immediately.

**Mr. Speaker:** Fair enough, if you can come at 9.00 a.m. on Wednesday! Just acquaint yourself with these papers in the meantime. There would seem to be a court order.

This matter must rest for the time being. Let the Assistant Minister acquaint himself with that court order. I have directed that if that order is existing as it will appear to be, then he must comply with it.

Member for Gichugu, that is what I have said.

Next Question by Member for Narok South!

#### *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. Lesrima): Mr. Speaker, Sir, I answered this Question last week. What was left was for me to table the list under part “b” because I had forgotten the list in my office. The list indicates the amounts allocated to each district.

I do hereby table the list showing districts under normal allocation of Government funds and districts under allocation of the Economic Stimulus Programme Fund (ESPF).

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

**Mr. ole Lankas:** Mr. Speaker, Sir, arising from the answer that the Assistant Minister has given, there are two categories of districts; there are those which received the normal routine allocation from the Ministry and there is another category which received the Economic Stimulus Programme Funds (ESPF). All of them received Kshs30 million and above. How did the Assistant Minister arrive at the figures of Kshs30 million, Kshs36 million and Kshs39 million to some districts while others did not receive anything?

**Mr. Lesrima:** Mr. Speaker, Sir, the figures for the stimulus package came from the Treasury. The Kshs30 million were estimates. In Phase I, the Treasury gave 36 districts the funds in the last financial year. In this financial year, they gave 39 districts. If there are any variations, they could be arising out of funding of districts as I stated earlier.

**Eng. Rege:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House by indicating that the ESPF was actually the amount of money which was supposed to be allocated to the new districts for the building of the district headquarters?

**Mr. Lesrima:** Mr. Speaker, Sir, I had answered this Question. I think I am answering it for the third time. I do not know whether I should continue.

It is true that the ESPF in phases I and II covered 75 districts as indicated by the Treasury. We cannot fund all the 284 districts. The resources are simply not adequate. There have been ongoing projects in the past. The Question asked by the Member for Narok South was how many districts were created in the last five years. I tabled that list on the 4<sup>th</sup> November and it indicated the amount of money allocated in total for the construction of the new districts’ headquarters. That day, I did not have the list but I have brought it today. I am, therefore, right to say that the ESPF is for new districts.

**Eng. Rege:** On a point of order, Mr. Speaker, Sir. This is not true. Rachuonyo North received Kshs30 million from the ESP Fund for putting up a new school and not for building the district headquarters. I think the Assistant Minister should come clean on this matter. The ESP was for all districts.

**Mr. Lesrima:** Mr. Speaker, Sir, now I appreciate why Standing Orders prohibit repetition. The hon. Member could read the HANSARD. The Question was not about all stimulus packages. Even in my own constituency, I received funds from the ESPF for constructing a dispensary and a primary school. I was not coming here to answer questions about all ESP funded projects. I was coming specifically for funds allocated by the Treasury for the construction of district headquarters. Now, he is talking about construction of other things.

Mr. Speaker, Sir, I have dealt with this matter--

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

**Mr. Speaker:** Order, Member for South Mugirango! What is it?

**Mr. Oyongo Nyamweya:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is not answering the Question as asked. What is being asked here is the funds which have been

allocated for building district headquarters. I am the Member for South Mugirango and he has given a list of the allocation here indicating that South Mugirango was given Kshs10 million. I stand here to tell this House that South Mugirango, which is in Gucha South District, has not received a single coin to build the district headquarters. The Assistant Minister is misleading the House. Let him answer the Question as asked regarding the funds given to build offices for the District Commissioners and all the District Officers. South Mugirango, which is in Gucha South where I come from, has not received any funds.

**Mr. Lesrima:** Mr. Speaker, Sir, if indeed the district has not received funds, then it means that we are still waiting for bills of quantities and drawings. In fact, the funds are there.

**Mr. ole Lankas:** Mr. Speaker, Sir, from the answer that the Assistant Minister has given, some districts have received Kshs30 million for construction of the district headquarters, while Narok District, for instance, has just received Kshs5.5 million to build a district headquarters and it is 90 per cent complete. What is the rationale of giving some districts more funds for the same construction of district headquarters while others receive less for completion of the same district headquarters?

**Mr. Lesrima:** Mr. Speaker, Sir, there are two sets of funds as I had indicated earlier. There are funds through normal allocation through the Ministry. Districts are allocated funds on an annual basis. They could be allocated Kshs5 million or Kshs10 million over a period of two or three years. Then there are funds which were set aside in the last two financial years from the ESPF, to be given to 75 districts in two phases. So, the fact that we have given one district Kshs10 million through the Ministry allocation and another Kshs5 million through the Ministry allocation means that the projects will continue to be given money annually, like in the case of Narok South District. I believe, it is 90 per cent complete.

**Mr. ole Lankas:** On a point of order, Mr. Speaker, Sir. With Kshs5.5 million allocated to Narok South District, the works that have been done are 90 per cent complete. But the Assistant Minister has said that the projects are ongoing. Is he in order to say that 90 per cent of the works in Narok South, with Kshs5.5 million, is nearing completion?

**Mr. Lesrima:** Mr. Speaker, Sir, I will have to check again whether the figures for Narok South are correct. But when we start a project, we do it over a period of three years. I am not very sure whether the funds were given earlier on, but clearly Kshs5 million cannot complete a district headquarters.

**Mr. Speaker:** Very well! Mr. Assistant Minister, could you undertake to visit this area and ascertain the position from the ground?

**Mr. Lesrima:** I will do so, Mr. Speaker, Sir.

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

*Question No.493*

DELAYED PAYMENT OF RETIREMENT BENEFITS  
TO AFRICAN SAFARI CLUB EMPLOYEES

**Mr. Chanzu** asked the Minister for Labour:-

(a) whether he could 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 he is taking to resolve the matter.

**Mr. Speaker:** Mr. Minister, this Question was partly answered. So, just finish the last part. I think you are supposed to table some document.

**The Minister for Labour** (Mr. Munyes): Mr. Speaker, Sir, I will go straight to the directors of the Coast Hotel Development Company. The first director is Mr. Karl Jacob Rudin of P.O. Box 81443, Mombasa. The second one is Hurl Peter Rudin of the same address. Both of them are Swiss nationals.

Mr. Speaker, Sir, I wish to confirm to this House that the above two directors own 99 per cent of the Coast Hotel Development Company. The only other shareholder of this company is P.B.M Nominees Limited with just 1 per cent shareholding.

**Mr. Chanzu:** Mr. Speaker, Sir, I want to thank the Minister. This is the third time we have gotten information and there are a lot of contradictions. One thing which just needs to be noted is that these directors are as per the date of 23<sup>rd</sup> January, 1973, which is a long time ago. I just want the Minister to confirm that this information is up to date. But of great importance is the latest information we have received that the company is now set to wind up. It is a matter of life and death for many Kenyans who have been working with this company, who will lose their earnings and so on. In respect of the latest developments, could the Minister ensure that these workers are enjoined in the winding up application that has been made at the High Court by M/s Alpha Fine Foods Limited Kenya? I think it was filed on 3<sup>rd</sup> November, 2010.

**Mr. Munyes:** Mr. Speaker, Sir, I am aware of this matter and agree with the hon. Member, that it is a very crucial matter that needs urgent attention from my Ministry. I have always taken interest in this matter. I visited this company and will definitely, pursue the matter urgently sometimes this week.

**Mr. Speaker:** Very well! That now must bring this matter to an end really.  
Next Question, Mr. Affey!

#### *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 Parastatals 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 balance 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 answered this Question last Wednesday afternoon and you directed that we list it today to allow the hon. Members to raise supplementary questions out of the lists I tabled.

**Mr. Affey:** Mr. Speaker, Sir, I have serious difficulties in trying to interrogate the Minister on the answer he has given. This is because the Question I have asked is for him to table the list of all persons appointed to parastatal boards and their chief executives since the Coalition Government was formed, which he has attempted to do.

Mr. Speaker, Sir, in “b”, I asked whether the Minister is satisfied that all eligible Kenyans have had equal access to the opportunities referred to and that the appointments reflect our national diversity and give due regard to gender balance and marginalized groups in the country. I tried to see whether the Minister has answered this Question and it is quite evident that he was quite evasive in answering it. This is because if you, for instance, look at the National Museums of Kenya, all the board directors apart from two are from two, so the Minister claims. But above all, on the Kenya Revenue Authority, Capital Markets Authority, Consolidated Bank of Kenya, Deposit Protection Fund and many others, the Minister has given names but not the counties or districts where these members come from. Therefore, we have a concern, particularly, as the Chair of the Committee on Equal Opportunities, that Kenyans are not being given equal access to this opportunities. So, I would like you to direct the Minister to give us a complete list of these Kenyans and their gender; whether they are men or women, because it is not quite clear, and the districts of origin, so that we can interrogate him and see whether Kenyans from all the provinces have been given equal opportunity to serve in these boards.

**Mr. Otieno:** Mr. Speaker, Sir, I have given a comprehensive list of all the appointments as they are now. You will notice that they are for different periods. But I have indicated the periods. I pointed out that the appointments were made under different Acts of Parliament and the Member knows that. If there is any particular appointment that he thinks was done in a manner that does not comply with any statutes or the Constitution, this is the time we gave him to ask us specific questions.

**Mr. Speaker:** Very well. I think the Minister makes sense. Are there any other Members interested in this Question?

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

**Mr. Speaker:** Order, Ambassador Affey! Is there any other Member interested in this Question? If there is none, Ambassador Affey, will you ask your last question?

**Mr. Affey:** Mr. Speaker, Sir, I want your guidance on this. The question I have asked on Part (b) has not been answered by the Minister. I do not understand how I can continue to ask the question because---- I want the Minister to tell us which part of Kenya the people who are mentioned here come from, so that we can know whether Government Ministries have been giving sufficient opportunities to all Kenyans.

**Mr. Speaker:** Order, Amb. Affey. Are you saying that Part (b) has not been answered?

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

**Mr. Speaker:** Mr. Minister, could you address yourself to Part (b) of the Question?

**Mr. Otieno:** Mr. Speaker, Sir, I am satisfied that under the statutes at the time when the appointments were made, opportunities were granted to all Kenyans to get those appointments. I am also aware that the new Constitution, plus the enabling statutes that we shall be making, may be more strict and demanding on the basis of equal opportunity, and an adjustment period will be necessary to comply with the new requirements after Parliament enacts the enabling statutes.

**Mr. Speaker:** Ambassador Affey, that tells you that now you have an answer.

**Mr. Affey:** Mr. Speaker, Sir, the Minister is misleading the House. According to the answer he has given, in which case he has categorized the answer in terms of name, gender (it is important to know whether they are men and women) and date of appointment. He has left out

the district of origin. He gave the rest of the details and deleted the district of origin. How am I supposed to be satisfied?

**Mr. Speaker:** Order, Ambassador Affey! Please, resume your seat for a moment. As much as you want to belabour this point, look at your own Question. Part (b) of the Question is to this effect, so that the House can follow what it is that you are taking issue with. Is the Minister 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 balance and marginalized groups in the country? The Minister has given you an answer that says: “Yes, he is satisfied!” What other answer did you expect, Ambassador Affey?

**Mr. Affey:** Mr. Speaker, Sir, the Minister has given a sweeping statement. He has not shown that the diversity in the country has been taken care of. That is what I wanted to know. I want to know whether, indeed, the Minister is satisfied that Kenyans in the eight provinces of Kenya have equal access. It seems as if the Minister is evading answering the Question. I would like him to tell us the districts---

**Mr. Speaker:** Order, Ambassador Affey! I am afraid that the Minister has answered the Question adequately as asked. You asked the Minister whether he was satisfied and he has told you that he is satisfied. I do not see what other answer he can give you. If you wanted him to tell you whether or not each of the eight provinces has been covered, you should have been specific in your Question. If anything, it is your Question which is over-generalized. I am afraid that must be so. Let us move on to the next Question by the Member for Karachuonyo.

*Question No.558*

START UP SYSTEM/CAPACITY FOR  
COUNTY GOVERNMENTS

**Eng. Rege** asked the Deputy Prime Minister and Minister for Local Government what the Government is doing to put in place a start-up system and capacity in readiness for the county governments after the 2012 General Elections.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

My Ministry has gazetted a National Steering Committee and Taskforce on devolved governments and the supplementary information is on the gazette notice which I will lay on the Table of the House. The Steering Committee and the Taskforce will consult widely so that the recommendations that will be brought to the House for legislation reflect the wishes of Kenyans on devolved Governments. The Steering Committee and the Taskforce is a multi-stakeholders committee whose membership comprise of a wide range of expertise and experience drawn from all groups in Kenya.

At this point, we cannot preempt the consultations that are being undertaken by both the Steering Committee and the Taskforce on devolved Governments. I, therefore, appeal to all interested parties to give us time to carry out that national duty.

**Eng. Rege:** Thank you, Mr. Speaker, Sir. I am satisfied with the answer. I asked this Question in order to preempt the possibility of any county being set up on totally different standards than the national standards. We do not know who will become the Governor of any particular county and that is why I asked that Question. I am very satisfied.

**Mr. Speaker:** Now that you are satisfied, the matter must rest there. Let us move on to the next Question by the hon. Member for Manyatta.

**Mr. Kathuri:** Mr. Speaker, Sir, I have been requested by the Minister to accept the deferment of this Question until the week commencing on 5<sup>th</sup> December, and I am agreeable to that.

**Mr. Speaker:** Very well. The question is deferred to the week commencing 5<sup>th</sup> December.

*Question No.561*

OPERATIONS OF COFFEE SACCOs  
AFFECTED BY LOAN DEFAULTERS

*(Question deferred)*

*Question No.425*

REMAINING LEASE PERIOD FOR  
FOREIGN-OWNED TEA ESTATES IN KERICHO

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

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

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

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

**Mr. Speaker:** Where is the Minister for Lands? Minister for Public Service, what is happening to your colleague?

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, the Minister for Lands has been around. Since you said that we would only proceed for the next 15 minutes, he must have been under the impression that you would cut short Question Time.

**Mr. Speaker:** Very well. We will defer the Question to Wednesday next week at 9.00 a.m. Member for Konoin, please, take note. We just want to do as much as we can because gauging the nature of business before us, maybe, we will not be very long.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I will inform him accordingly.

*(Question deferred)*

*Question No.448*

IMPACT OF RAW SEWAGE ON ACQUATIC

## LIFE IN LAKE NAIVASHA

**Dr. Otichilo** asked the Minister for Fisheries Development:--

(a) what is the short and long term impact of raw sewage on the aquatic life in Lake Naivasha, in view of confirmation by the Ministry of Environment and Mineral Resources that Naivasha Municipal Council is releasing raw sewage directly into the lake;

(b) what has been the annual fish production and value from the lake during the period 2000 to 2009 and what is the future impact on the lake if the discharge of the raw sewage continues; and,

(c) what measures the ministry will take to ensure that the ecological function of the lake is restored.

**Dr. Otichilo:** Mr. Speaker, Sir, I have not received any written answer to this Question.

**Mr. Speaker:** Minister for Fisheries. It may be for the same reason that the Front-Bench believed that we will stop at 3.45 p.m. Similarly, will defer the Question to Wednesday at 9.00 a.m.

*(Question deferred)*

*Question No.500*

## COMPLETION OF KAMBIRWA AIRSTRIP

**Mr. Mwangi** asked the Minister for Transport:--

(a) to explain why the construction of Kambirwa Airstrip in Gikindu Location of Kiharu Constituency was abandoned; and,

(b) what measures he is taking to complete the Airstrip and how much money has been allocated for the project.

**The Minister for Transport** (Mr. Kimunya): Mr. Speaker, Sir, I beg to reply. This Question appeared sometime back and following your ruling, my Assistant Minister and the technical team from my Ministry visited Kambirwa Airstrip on 10<sup>th</sup> November, 2010. It was established that, indeed, the airstrip exists and that some works were undertaken at the airstrip in the 2004/2005 Financial Year in an attempt to gravel the airstrip by the then Ministry of Roads and Public Works at an estimated cost of Kshs555,000. The mandate for the rehabilitation of the airstrip was subsequently given to the Ministry of Transport in the Financial Year 2005/2006.

(b) The Ministry does not have any immediate plans to construct the airstrip due to technical limitations. It was established during the visit that the current length of the airstrip land is 800 metres, which means that only 500 metres is available for runway length after providing for the minimum runway and safety areas. The development of the runway on the available land would, therefore, not be sufficient for safe operations. The Ministry is currently developing a policy on the development of airstrips in order to establish criteria to be utilized in identifying airstrips for maintenance and rehabilitation. Inspection of the 146 Government airstrips across the country is almost complete and the aim is to ascertain their conditions so as to enable proper budgeting for maintenance and rehabilitation. For the reasons stated above, Kambirwa Airstrip is not one of the 146 airstrips being studied because of the technical limitations I have just mentioned.



Under the new constitutional dispensation, the Ministry considers that there will be need for, at least, one operational airstrip per county as a policy and will work accordingly.

**Mr. Mwangi:** Mr. Speaker, Sir, the answer given by the Minister is very worrying. The airstrip has been in existence for 47 years. While I appreciate he went to the ground and observed that the Ministry of Roads had spent over Kshs1 million in an attempt to gravel the airstrip, he says in his answer that the Ministry has no criteria. From that point of view and while admitting that the airstrip is over 47 years old, what would be the reason not to consider the airstrip for rehabilitation? Yesterday, 24<sup>th</sup> November, 2010, an official from the Kenya Airports Authority stated that they are rehabilitating airstrips. What reason would the Minister give for not including an airstrip, which is over 47 years old, on the list of the airstrips to be rehabilitated?

**Mr. Kimunya:** Mr. Speaker, Sir, the airstrip has been in the existence for the last 47 years. Indeed, it was used before Independence as a security airstrip. That was the time when the distance from Murang'a to Nairobi used to take four hours because of the condition of the road. Since then, the connectivity between Murang'a and Nairobi is now on bitumen and it takes less than an hour, hence the need for an airstrip even for security reasons is not an emergency. In those days, it was actually being used for purposes of air freighting the Mau Mau Fighters from the then Fort Hall to detention camps and prisons. But since Independence, it has never been used for any commercial or civil aviation purposes.

As I said, this airstrip is only 800 metres long in terms of the land available. We need much more than that. We need, at least, 1.5 kilometres in length for the airstrip to be considered safe for operation as a civil aviation facility. Looking at the options we have of acquiring more land and rehabilitating the airstrip and considering its use, it will not give any advantage over the road which takes the same time to Nairobi. For this reason, we do not consider it as a priority, unless the Murang'a County was to provide extra land of, at least, 1.5 kilometres, where we can then consider an airstrip in the spirit of having an airstrip in every county. Certainly, the Kambirwa Airstrip is not technically viable. We do not need to do any further assessment on it. Notwithstanding the fact that the Ministry of Roads had tried to rehabilitate it, the Ministry of Transport considers it not to be safe and secure to rehabilitate the airstrip in that area.

**Mr. Mwangi:** on a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Mwangi!

**Mr. Mututho:** Mr. Speaker, Sir, could the Minister consider constructing an airport that can cover Nyeri, Naromoru and Laikipia? As it is now, you can fly to Kisumu---

**Mr. Speaker:** Order! Ask the question!

**Mr. Mututho:** Mr. Speaker, Sir, could the Minister consider upgrading any of the airstrips to an airport, so that we can fly to Nyeri and the adjoining counties?

**Mr. Kimunya:** Mr. Speaker, Sir, as I indicated, we are already considering providing an airstrip or air connectivity to every country, preferably, the county headquarters. If two counties can agree, as has happened with Gusii and Trans Mara on cross country airstrip or airport facility, we will be happy to provide that, so that all the counties are connected for air aviation. Within that study, then we will be looking at counties across the entire country, including the ones the hon. Member has mentioned.

**Mr. Mureithi:** Mr. Speaker, Sir, considering where Kambirwa Airstrip is and the pressure of land in that area, what guarantee is the Minister giving us that this land will not be grabbed, so that by the time he needs to develop an airstrip to cater for tourism in that area, he will not lack land? The land has not been utilized for a long time.

**Mr. Kimunya:** Mr. Speaker, Sir, I wish to assure the Member that the people of Murang'a County have jealously guarded this airstrip for over 47 years and will continue to do so. I want to thank them for having taken care of it and protecting it from getting into the wrong lands. I believe they will continue guarding it until, as a county, they agree on an alternative use for that land. So, it is safe from any encroachment. In any case, the new Constitution bars people from grabbing public facilities.

**Mr. Warugongo:** Mr. Speaker, Sir, I just want the Minister to tell us which of the airstrips in Nyeri he is rehabilitating. There is Nyarimbo, Mweiga and Gakawa in Nanyuki. Which one of these is he rehabilitating or will he rehabilitate all of them?

**Mr. Kimunya:** Mr. Speaker, Sir, as the Member is aware, Nyarimbo is being rehabilitated, Mweiga is currently in use and I need to establish the status of the other one. But since they are in his constituency, perhaps, he would be in a more up to date position to tell us the current status depending on his last visit to the constituency.

**Mr. Chanzu:** Mr. Speaker, Sir, the Minister has talked about the new Constitution and the counties, but there are airstrips on which there must have been feasibility studies carried out by the Government many years back, for example, the Busia Airstrip. What is the Ministry's take on this? There is the issue of the counties, which he has talked about, but there is also the issue of the airstrips which are already there and which were viable at one time, but they were neglected. What is the Ministry doing about this? We need to move and open up the country.

**Mr. Kimunya:** Mr. Speakers, Sir, in fact, we are looking at the whole country. As you know, Busia Airstrip ended up with a tragedy, where we lost people, including a Member of Parliament. Other people were injured. An assessment of that airstrip showed that it was not safe. There was heavy encroachment of its land, and we had to abandon it. We are currently discussing with the area local authority to provide us with alternative land for the development of an alternative airstrip. So, it is a partnership between the various local authorities, or the newly created County Government, and the Kenya Airports Authority (KAA) to identify the land and the mechanisms of how it will be maintained. We will then do the airstrip. However, Busia Airstrip, as it is, is certainly unsafe, and will not be considered for any further investment because of safety considerations.

**Mr. Speaker:** Last question, Member of Parliament for Kiharu!

**Mr. Mwangi:** Mr. Speaker, Sir, when we visited the airstrip with officers from the KAA, they had a design which was drawn by the then Airdromes Department. It is surprising that now the Minister says that after designing the airstrip and spending money on it, the Government does not recognise it. Is the Minister in order to deny Murang'a County an airstrip which has been there for 47 years?

**Mr. Kimunya:** Mr. Speaker, Sir, I started by admitting that the airstrip exists. I even gave its dimensions. I said that it has always been there, and has been used in the past as a security airfield. I did mention that it was used specifically for airlifting freedom fighters by the then colonial government to incarceration. Since then, it has never been used for any civil aviation purposes because of its limitation of length. Unless we acquire an extra 0.7 kilometres of land, the development of an 800-metre long runway will not be feasible. We have to work with the people of Murang'a to identify alternative land, which will then be developed as an airstrip, should it be decided that Murang'a County requires one.

**Mr. Speaker:** Hon. Members, that brings us to the end of Question Time.

Next Order!

**The Minister for Lands** (Mr. Orengo):---(off record)

**Mr. Speaker:** Order, Minister for Lands! I think that is spent. We will deal with that matter on the day the Question has been deferred to.

We will, first, take Statements which are ready for delivery, starting with the one by the Assistant Minister for Higher Education.

## STATEMENTS

### CLOSURE OF SUBSTANDARD/UNREGISTERED TECHNICAL AND VOCATIONAL INSTITUTIONS

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):**  
Mr. Speaker, Sir, I rise to issue a Ministerial Statement on an announcement that was made this morning by the Minister for Higher Education, relating to the closure of technical and vocational institutions which do not meet the standards.

This morning, the Minister made a statement relating to the following categories of institutions:-

- (i) institutions with full and valid provisional registration certificates;
- (ii) institutions that have made formal application to the Ministry and their applications are being processed; and,
- (iii) institutions that have not applied for registration, and which have continued to operate with expired registration certificates.

I would like to give the status of these three types of institutions. There are currently 363 Technical, Industrial, Vocational and Entrepreneurship Training (TIVET) institutions, with full registration certificates, a total of 99 TIVET institutions which are operating with valid provisional certificates, and 395 institutions, in our records, with expired registration certificates.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the decision to close institutions is made with regard to whether or not they meet the following criteria: Firstly, whether or not the establishment of an institution is consistent with the needs and policy guidelines of the country, and, secondly, whether or not the premises, accommodation, teaching and management staff are qualified.

For an institution to continue operating, we require the following. All of them must be registered under the Education Act, as provided for under Sections 13-16. All the courses offered by the training institutions must be approved and indicated on the registration certificate, which must be conspicuously displayed in the institution's office. Any training institution which intends to offer courses which are of specialised nature, like paramedical courses, must seek approval from the relevant regulatory body, in consultation with the Ministry. Any person purporting to be managing a training institution without approval by the Ministry is actually committing a crime.

Mr. Temporary Deputy Speaker, Sir, in view of this, beginning January, 2011, the Government is going to close all technical institutions which have expired provisional registration certificates, and which have continued to operate in total disregard of the law, as well

as all institutions which are operating without seeking registration from the Ministry. We are advising parents and students, who would like to know the legally registered institutions to go to the Ministry of Higher Education, Science and Technology website as well as educational institutions and newspapers, where these lists are going to be displayed.

We would like to involve all stakeholders in ensuring quality training. In this regard, the Ministry is planning for a national conference of managers and principals of TIVET institutions in the country in February, 2011, to give them an idea of how we would like to move along, and what the expectations would be to ensure that unscrupulous business people do not take advantage of innocent young people and desperate parents who are looking for opportunities for their young people.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Dr. Mwiria laid the document on the Table)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Is there any hon. Member who would like to seek clarification?

Dr. Mwiria, it looks as if your Ministerial Statement was satisfactory. Let us hear the next Statement.

#### THE MARCH OF IDPs FROM GILGIL TO NAIROBI

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I would like to issue a Ministerial Statement on the issue of Internally Displaced Persons (IDPs), who planned to trek from Gilgil to Nairobi, as demanded by the Member of Parliament for Ikolomani, Dr. Bony Khalwale.

The planned march from Gilgil on 17<sup>th</sup> November, 2010 involved about 200 IDPs from Ebenezer, in Kikopey area. The IDPs from this settlement area are among the 20 self help groups that are registered with the Ministry of Gender, Children and Social Development. They were protesting against claims of alteration of the original IDP Self-help Group Register. Secondly, they had leadership wrangles within the group.

Normally, IDPs elect their own leaders to manage the affairs of their respective members. Prior to the protest, the Regional Co-ordinator in my Ministry, in the company of the District Commissioner and an officer from the Ministry of Gender, Children and Social Development, had arranged a meeting with the group members to try and arbitrate on these emerging issues. Before this meeting took place, they decided to ignore it and planned to trek to Nairobi. I want to report to the House that before they could go far, at a centre named Kinugi, my regional co-ordinator and the District Commissioner, Gilgil, managed to talk to them. I want to acknowledge the support given to us by the area Member of Parliament, Mr. Mututho, who managed to persuade them to return to the camp. I really appreciate that effort, hon. Mututho. It was a joint effort that yielded fruit.

Mr. Temporary Deputy Speaker, Sir, since then a meeting was scheduled in my Ministry for 24<sup>th</sup> November, 2010, yesterday, between representatives of these protesting IDPs. We have had a long meeting. We went through their grievances and they went back happy to the camp. We have undertaken to ensure that those problems will be sorted out, once and for all. We have availed the register for the genuine IDPs to the DC. He will go through it, in co-operation with

the new Committee members, who have been elected. This matter will be sorted out once and for all.

Thank you.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Ministry for acting with quick speed. However, since the main problem of these IDPs is the desire to be settled, could the Assistant Minister confirm he will move with the same speed to settle them?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, yesterday Dr. Khalwale was in the House when a similar question was asked and I really answered it. Three weeks ago, I issued a very comprehensive statement regarding this matter of IDPs. I appreciate the concern of the Member and, indeed, many other Members who have always been asking questions about this matter. It is a matter we need to do away with very quickly.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, this process is ongoing. We hope that by the end of December, all the IDPs would have been settled. Unfortunately, I do not see us really able to meet that target, not because we do not want to do so, but we are facing a bit of challenges to do with land. As I said yesterday, where we get some land, sometimes disputes occur. I plead with hon. Members of Parliament who come from the areas where we get some parcels of land to co-operate and help us, so that the local communities do not become hostile to the IDPs as has been the case in some instances. Otherwise, we are taking this matter very seriously. The Government has set aside some funds to buy them parcels of land. The IDPs at Kikopey will also be settled as fast as possible.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, indeed, what the hon. Assistant Minister says is true. I commend them for showing genuine concern in settlement of the crisis. However, could they change their requirements on land because there are a lot of parcels of land under five acres and which individuals are willing to sell? We can use those funds to buy these people land collectively and facilitate them to integrate within the community.

Could they reconsider their overall policy; instead having to look at one big piece of land which may never be available; or makes another community feel segregated and kept far away from their homes. If the Ministry could work out its policy on land purchase, so that anybody with a title deed of two and half acres to five acres can offer to sell it to the Ministry so that we settle these individuals. That would work.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I appreciate that concern. Indeed, it is a genuine concern. We noted that problem. We have actually addressed that problem. The matter to do with land acquisition is being handled by the Ministry of Lands in co-ordination with our Ministry. We have put up a joint Committee to address this matter. We have agreed from now henceforth, we have even appealed to the general public and the IDPs themselves. Anybody who gets parcels of land which can be bought by the Government for that purpose can come forward and tell us and then we will be able to purchase, wherever the land is. I can assure the hon. Member that the requirement of five acres and above has now been removed.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, this Ministry has been in existence for some time. The Ministry has been using *ad hoc* structures such as the Provincial Administration and Committees. I want to know whether the Ministry is considering using other structures, so that they are able to deal with people who owe allegiance to the Ministry and not those who want to be in the Committees and after that, their work is done.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Temporary Deputy Speaker, Sir, the Member purports that this matter has been here for long. Yes, indeed, the issue of IDPs has been here since we had the post-election violence. Unfortunately, these allegations are partly to do with misinformation. The Government moved with speed and resettled many IDPs. We gave them Kshs10,000 and Kshs25,000 for those whose houses were burnt down. In fact, the IDPs we are talking about now and, indeed, even the group from Kikopey belongs to this group.

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Indeed, the Assistant Minister did not get my question. I asked him whether they have structures in place to handle the resettlement of these IDPs.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Temporary Deputy Speaker, Sir, we have structures in place. However, I was just reacting to the insinuation that the IDPs have been here for long. These people used their money and decided to buy parcels of land to settle. So, we realized that what they bought was a small piece of land and it was in a terrible condition. We, as a Government, felt that we could buy them better land; two and a quarter acres per IDP household. That is the one I wanted to correct. But for the structures, we already have them in place and they are working effectively.

**Mr. Jamleck Irungu Kamau:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister confirms that funds are available. It is also clear that land is available because there is a lot of land in Kenya and we have so many willing sellers. He says they have money to buy land to settle these people. He also says the land is available, but they cannot finish this transaction. Why so? Why is it that there is some dilly-dallying in this transaction? Is it because of political reasons?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Temporary Deputy Speaker, Sir, it is not for any political reasons. I want to confirm that, as the hon. Member said, land is available. Many people have come to the Ministry purporting to be genuine owners of land. However, we cannot just buy land without doing a search to prove that, indeed, that land is available and it is genuine. Unfortunately, many of these people who purport to own this land, do not actually own it. So, this complicates the case for us. There is actually one such case, whereby after the transaction, other people came up claiming that the land was theirs. There are no cases in courts. We have decided to put up a joint Committee which will fast-track this process.

**The Temporary Deputy Speaker (Prof. Kaloki):** Mr. Assistant Minister, the question is very clear. The issue has taken long to be resolved. If the Government has the funds and the land is available, what is the problem? It has taken more than three years.

**Mr. The Assistant Minister, Ministry of State for Special Programmes (M. M. Ali):** Mr. Temporary Deputy Speaker, Sir, we did not have the idea of buying land for the Internally Displaced Persons (IDPs) in the initial plan. It came up after we realized that there was serious need for the land to be bought. So, it should be removed from the minds of hon. Members and the public that from the beginning we planned to buy land but we were unable. We finished the first phase of our assignment which was to take the IDPs back to their land. However, it emerged that those who were taken back to their pieces of land had bought parcels of land with the little money that the Government gave them and their condition was deplorable. So, the Government embarked on buying land for them early this year. The problem that we are facing now is that most of the land that is purported to be sold is not genuine. However, we put in place a committee to look into that matter in order to fast-track the process. We hope that we will finish

it by the end of December and if we delay, it will just be by a small margin. I hope to report the progress by the end of December. Indeed, there is a Committee of the House which will be working with this Ministry and I am sure that they will appreciate the effort that we have made.

**Mr. Jamleck Irungu Kamau:** Mr. Temporary Deputy Speaker, Sir, I appreciate what the Assistant Minister has said because he is able. However, the Government has all the machinery which includes access to search at the Ministry of Lands. How come that the Government cannot establish land that is owned genuinely by individuals so that they can sell it to the Government?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M. M. Ali):** Mr. Temporary Deputy Speaker, Sir, the Government is constituted by ordinary human beings and as such, when people come and tell you that they have land, you will not know that it is not genuine. So, we have to go through the same process. However, I assure the hon. Member that we are working on that matter in order to move faster.

## POINT OF ORDER

### HARASSMENT OF HON. MBUVI IN POLICE CUSTODY

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the circumstances surrounding the arrest and charging in court of the hon. Mike Mbuvi Kioki, the MP for Makadara. I wish to ask the Minister to clarify in his Ministerial Statement the following issues. The first issue is to confirm or deny whether there is political pressure being put upon the police to arrest, embarrass, expose hon. Mbuvi to public audium and eventually force him to resign as the Member for Makadara Constituency, Nairobi County. If that is not so, could he tell us why the police did not execute the warrants as far back as 1998 and chose only to do so four months after his election as the hon. Member for Makadara.

Secondly, he should clarify why, on 24<sup>th</sup> November, 2010, which was yesterday, while in police custody, the hon. Member was being asked to sign a letter of resignation addressed to Mr. Speaker to resign as the hon. Member for Makadara in exchange for peace and for the withdrawal of the charges. Why is it that all this time before he became an MP and he has not left the country, no warrant of arrest was effected? If it is not political, why is it that the MP whose House is in Buruburu and only 500 metres or less from the police station, has not been arrested all these years? If this is not political why were those warrants not effected during the "YES" campaigns in the just concluded referendum when the MP openly campaigned and shared the podium with His Excellency the President and even the Prime Minister? Why were those warrants not executed when the MP, whose business, amongst others, is public transport, filed a high profile case, Miscellaneous High Court case No.120/2006 successfully challenging the "Michuki Rules"?

Mr. Temporary Deputy Speaker, Sir, the Minister should also confirm or deny that the Criminal Investigation Department (CID) is under instructions to harass and intimidate the hon. Member. If not, why is it that today, 25<sup>th</sup> November, 2010 at 6.45 a.m. at Kileleshwa Police Station where the hon. Member has been ordered to stay in police custody until Friday, he was man-handled by one Adolo Muga, who said that he is from the CID Headquarters? He forcefully pushed the hon. Member and threw him to the ground. Why did the said officer in the company of three other officers from the CID Headquarters use abusive language against the hon.

Member, calling him a thief and a conman who ought not to be the MP for Makadara? Why did the CID officer, Mr. Adolo Muga, go against the police protocol at the Kileleshwa Police Station by ignoring the Officer Commanding Station (OCS) and man-handle the MP and yet he is a much junior officer compared to the OCS?

Could the Minister further clarify who gave this police officer, Mr. Adolo Muga, the instructions---

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mungatana, I know you want to be detailed for the Minister to understand exactly what you are asking but could you be specific on the issues that you want him to address? You will interrogate him when he issues the Ministerial Statement.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, could the Minister clarify who gave the orders to the said CID officer to come in complete disregard of the court order and remove the MP from police custody without informing his lawyers, family members or friends? What disciplinary measures will the Minister take against the CID officer?

Finally, when will the Minister take action against the said officer after the MP booked his complaint on OB No.12 of 25<sup>th</sup> November, 2010? The MP complained against the assault by the said officer.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, mine is just an addition to what Mr. Mungatana has requested. I would like the Minister to confirm here that the hon. Mbuvi has already told the Government that his life is danger. He is being threatened by certain political forces. If they have received that information, what measures has the Government taken? Could the Minister, when he will issue the Ministerial Statement, also confirm that the offence that Mr. Mbuvi is being charged with is bailable? He has been denied bail, ostensibly because there are investigations being carried out by the police who have confirmed that they are not undertaking any investigations. They are just doing that because of pressure from senior politicians in the Government.

**The Temporary Deputy Speaker** (Prof. Kaloki): Let us first of all get the undertaking from the Assistant Minister, Mr. Ojode.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me give a reply to this issue on Thursday next week.

**Mr. Mungatana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This matter must be taken more seriously. The hon. Member has been in custody. Could Mr. Amos Kimunya just stop interfering with this process? This matter is more serious than the Minister is taking it.

*(Mr. K. Kilonzo stood up in his place)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. K. Kilonzo!

**Mr. Mungatana:** The hon. Member has been in custody. This matter is not in Garsen or Maralal. It is here in Nairobi. The matters are here and every information is within his reach. Could this statement be treated more seriously? We want this statement on Tuesday.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Assistant Minister, I think that is fair. That is fair enough.



**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if the Statement will be ready by Tuesday, I will be able to deliver it.

**The Temporary Deputy Speaker** (Prof. Kaloki): Would you commit yourself to deliver it on Tuesday afternoon?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): I want to commit that if the statement will be ready on Tuesday, then I will deliver it---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Hon. Ojode, would you make an undertaking that you will bring the answer and reply to hon. Mungatana on Tuesday next week? It is an undertaking.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if you wanted me to come up with an elaborate statement, I will request the Chair to give me Wednesday morning.

**Hon. Members:** No!

**Mr. K. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We are seeking this Ministerial Statement because we want the Assistant Minister to come and tell this House categorically that this matter is not political. The MP who is in custody believes it is political. We want him to exonerate the Government because he defeated the candidate for the Assistant Minister's political party. We see no reason why he should not give that Statement by Tuesday, equivocally.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Let me confirm to this House that it is not political at all. But because they have asked me to include many other things, a lot of other information, I am ready to come with an elaborate Statement on Wednesday morning.

**Mr. Kutuny:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is touching on the life of a Member of Parliament and as a result of the event that took place today at Kileleshwa police station where somebody we cannot tell, whether it is a police officer, manhandled the Member of Parliament, pushed him and even slapped him. It is such a serious matter that we cannot tolerate. It touches on one of our colleagues. The Assistant Minister should give us the Statement as early as Tuesday.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if indeed it is true that this hon. Member was slapped, I will be able to fast-track this statement to read or deliver it on Tuesday. But I will have to find out whether it is true that somebody slapped the Member of Parliament---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Would you be able to prepare and issue the Ministerial Statement on Tuesday? Just assure the House and then we move forward.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, that is exactly what I have said. I have said I will give the statement, given the facts which I am hearing. I will give the statement on Tuesday afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! I think let us let that rest and move to a different issue.

## ROAD ACCIDENT ON KAPSABET-CHAVAKALI ROAD

**Mr. Chanzu:** I rise to seek for a Ministerial statement from the Minister for Transport in respect of a fatal accident which occurred along Kapsabet-Chavakali Road on Sunday, 20<sup>th</sup> November, 2010, at around 1.15 p.m., involving a Nissan matatu travelling towards Kapsabet and an Eldoret Express bus travelling from Nairobi to Kakamega, whereby all the 11 passengers in the Nissan matatu lost their lives. I would like the Minister to clarify what his Government is doing about the numerous road accidents which have been reported in the country lately.

I also want the Minister to restate the Government policy on speed governors on public service vehicles; the Government policy on police check units and police patrols on our roads and whether the condition of the road may have contributed to the accident. As you know, we have been asking about roads in Western Province being in very deplorable situation. Five, we also want to know whether both vehicles had been fitted with speed governors and finally, on humanitarian grounds, because I am sure maybe, these vehicles were insured but as the responsibility of the Government to its citizens, we want to know whether there will be facilitation of speedy investigation into the matter and compensation to the families of those who lost their loved ones.

**The Minister for Transport (Mr. Kimunya):** Mr. Temporary Deputy Speaker, Sir, the matters asked amount to a full investigation of the accident and it is only fair that we have adequate time to investigate and table the full facts to House. So I would ask for two weeks to have the full investigation and all the facts coming before this House. So, two weeks today.

**The Temporary Deputy Speaker (Prof. Kaloki):** Hon. Chanzu, I think that is fair enough.

## IMPLEMENTATION OF ALCHOLIC BEVERAGES CONTROL ACT 2010

**Mr. Mututho:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial statement on rampant abuse of alcohol by under 18 year old teenagers. Now, that Alcoholic Beverages Control Act of 2010 has been gazetted, could he outline measures put in place to operationalise, among others, production of prove of age in alcohol outlets including supermarkets and also the measures he is undertaking on enforcement of surveillance or policing at the point of sale at all alcohol outlets, including wines and spirits and also on promotions and advertisements for both the electronic and print media? Finally, would he also consider immediate cancellation of any licenses by manufacturers or sellers or retailers who violate the Act?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I do not wish to give any undertaking. I would want to finish by giving the highlights of what our Act contains, if you can allow me, for about five minutes.

**Mr. Temporary Deputy Speaker (Prof. Kaloki):** Mr. Temporary Deputy Speaker, Sir, I want to say the following about the Act: The Act provides for the control of production, the manufacture, sale, labeling, promotions, sponsorship and consumption of alcoholic drinks.

Section 3 says that it will protect the health of individuals and consumers of alcoholic drinks from misleading and deceptive inducements. I just want to highlight some of the core issues on the sections which I have mentioned. That same Section 3 also talks about the protection of the health of persons under the age of 18 years.

Mr. Temporary Deputy Speaker, Sir, when you are talking about the administration also, the Act provides for NACADA as the relevant agency to administer the Act. Section 4 says that NACADA will be advising the Minister on issues regarding:-

(1) Permissible levels of the constituents of alcoholic drinks. This will enable the Minister to determine the acceptable levels of the various ingredients of alcoholic drinks such as alcohol content. The Minister will, from time to time be advised by NACADA on the ingredients in order to come up with the contents of the alcoholic drinks.

(2) The harmful constituents and ingredients of alcoholic drinks. This will also ensure that manufacturers, for example, breweries or distillers of alcoholic drinks do not use harmful ingredients to produce alcoholic drinks.

(3) The packaging, sale and distribution of alcoholic drinks in a hygienic manner and with accurate content. Information displayed must also be displayed in the packaging.

Mr. Temporary Deputy Speaker, Sir, when you look at the licensing, which is Sections 9 up to 26, it says that this particular Act seeks to strengthen the licensing regime for alcoholic drinks by repealing and enacting, with modifications, the Liquor Licensing Act. This particular section provides that anyone intending to manufacture, sell, import or export alcoholic drinks will be required to apply for a license under Section 9 of the Act personally and individually.

Persons seeking to manufacture or sell alcoholic beverages in a locality must apply for a license from the district committee. The Act provides that we will constitute district committees whereby those who want to trade in alcoholic drinks will personally apply in order for them to get the license. The district committees will inform the public or residents of any applications and invite them for any objections. The district committees will not grant – I want you to listen to me – any new license for sale of alcoholic drinks unless it is satisfied that it will be in public interest to grant that particular license.

Mr. Temporary Deputy Speaker, Sir, no licensing of alcoholic drinks selling outlets in institution of basic education and within a radius of 300 meters from any school or learning institutions for persons below the age of 18 years. In other words, this particular section, Section 12 (a), says that bars or outlets within a radius of 300 meters from schools or learning institutions will not be licensed.

The owner, manager or employee of alcoholic drinks selling premises is permitted to eject – to remove drunk and disorderly patrons from the premises. The owner, manager or employee of alcoholic drinks selling premises who allows those who are drunk, leading to violence – I want you to note this – within the premises, commits an offence under Section 22 (4).

Mr. Temporary Deputy Speaker, Sir, what do we have in general requirements for alcoholic drinks? That takes us to sections 27 up to 32. The Act also seeks to legalize the production and consumption of *chang'aa* by repealing the *Chang'aa* Prohibition Act. It provides for: One, the legalizing of *chang'aa* and its manufacture to conform to prescribed standards. Currently, *chang'aa* is a prohibited alcoholic drink, but the Government, through advice of the relevant agency, shall develop standards for the manufacture of *chang'aa* that shall be followed. Some of those standards will include or will require that *chang'aa* must be bottled.

The Act prohibits selling of alcoholic drinks to persons under the age of 18 years. Failure to adhere leads to a fine of Kshs150,000 or 12 months imprisonment or both. That is Section 28 (6).

Mr. Temporary Deputy Speaker, Sir, there is prohibition of selling of alcoholic drinks by way of automatic vending machines. Here, we are trying to discourage use of machines, where

you can just go and buy without necessarily consulting with the owner or with the fellow at the counter. Since the machines are not manned, it would be hard to prevent the young people from accessing alcoholic drinks. A person who contravenes this particular section is liable to a fine of Kshs100, 000 or imprisonment for one year. That is what Section 30 is talking about.

Section 31 says that we must have mandatory warning labels of not less than 30 per cent of the total surface area of the package with information on the potential health hazards as well as a statement of the contents of the alcoholic drink. Such health warnings and messages include: One, “Excessive alcohol consumption is harmful to your health”, “excessive alcohol consumption can cause liver cirrhosis” – which is a liver disease – and “not for sale to persons under the age of 18 years.” The companies which will also apply for this must also do it personally or individually.

Mr. Temporary Deputy Speaker, Sir, drunkenness and being disorderly in public is outlawed. I want to repeat that particular section: Drunkenness and being disorderly in public is outlawed and it also attracts a fine – if you are arrested – of Kshs500 under Section 33 (2).

Selling an adulterated drink – that is selling any adulterated drink from the manufacturers – or a non-alcoholic drink which is adulterated with alcohol is also outlawed and attracts a fine of Kshs10 million. That is section 38.

Mr. Temporary Deputy Speaker, Sir, I would want those who are involved in the manufacture to note that there are stringent measures that the law contains. Selling an alcoholic drink to a police officer in uniform will be liable to a fine of Kshs50,000 or three months imprisonment. The law is very clear!

What about promotions, as stipulated in Sections 43 to 49? What do we do with the labeling? What do we do about adverts on television, the electronic and the print media? It prohibits the promotion of alcoholic drinks by means that are misleading or deceptive; that are likely to create an erroneous impression about characteristics, health effects, health hazards or social effects of alcoholic drinks. That is under Section 45.

Mr. Temporary Deputy Speaker, Sir, it also prohibits promotion of alcoholic drinks so as to create a false impression, for example, the alcoholic drink has therapeutic value or that it has the ability to prevent, treat or cure any human disease. That is not allowed. When you want to advertise any alcoholic drinks, you must go by what it does and not falsehoods.

Mr. Temporary Deputy Speaker, sir, enforcement of Sections 50 to 64 of the Act, authorized officers are public health officers, officers appointed under any law to maintain law and order such as District Commissioners, District Officers and Chiefs or persons appointed by the Minister. We will not allow anybody to misuse this particular section, not even the chief executive of NACADA. The law gives the Minister power to act.

Mr. Temporary Deputy Speaker, Sir, how about education and information under Sections 65 to 67. These particular sections seek to educate the public about the health, environmental, economic and social consequences of the abuse of alcohol. It calls upon the Government to:

1. promote awareness and education on health consequences;
2. ensure health service providers are educated on health impact of alcohol;
3. promote among others, public awareness and education on health consequences of excessive alcohol consumption.

Mr. Temporary Deputy Speaker, Sir, under miscellaneous Sections 67 to 68, the Minister is given power under the Act to make further rules to specify some issues in the law. The laid down rules on such issues are:

1. prescribed recommended levels of alcohol in alcoholic drinks;
2. hours within which the sale of alcohol drinks shall be permitted.

Section 68(1) (b) is on substances to be declared as harmful constituents of alcoholic drinks. Section 68(1) (c) prohibits the addition or use of any harmful constituents or ingredients in the production of alcoholic drinks. Section 68 (1) (d) is on control, the labeling, packaging, sale or distribution of alcoholic drinks.

So, I have a lot of powers to come and close even Kenya Breweries Limited tomorrow, if they contravene this particular Act. I have powers to close Keroche Industries if they do not go by what the Act says. I have the powers to close any brewery if it contravenes this particular law.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, dealing with the Assistant Minister, Ministry of Provincial Administration and Internal Security is exciting sometimes; he can react or respond accurately sometimes, all the time assuring us that, at least for tonight--- When children under 18 years of age go to buy alcoholic drinks from a supermarket, that supermarket risks being fined Kshs150,000.

He has also assured the House that all those people who are selling adulterated alcoholic drinks risk paying a fine of Kshs10 million or facing imprisonment for 10 years. With that, I can only thank the Assistant Minister. If he could only implement that one, as it is now, then we are okay and safe.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should tell us what efforts he is making to ensure that law enforcement officers are educated on the new found liberties in the alcohol industry. We who represent rural constituencies do not have Keroche or Kenya Breweries Limited there. The players who are harassed are the innocent people who know that the industry has now been liberalized and they can earn an honest living.

Finally, how is he fast-tracking the standards that will allow traditional liquor to be graded, so that the players can know that they are operating within the law? An example is busaa and the traditional African gin, sometimes called *chang'aa*. When will the Assistant Minister fast-track setting up of the standards, so that the producers can know the levels of alcohol proof which must be there so that they are protected from unnecessary harassment.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, that is a very genuine concern. Right now, since this law is new, we will educate the law enforcement officers in order for them to understand what the Act is all about. We will ask them also to hold *barazas*, so that they can educate the people at the grassroots level to know what the law prohibits and what it allows.

The law is very clear on the issue of the content and packaging. If you are found flouting this particular law, the law will catch up with you. We will close down the factory, take you to court, and you will pay a fine, if you are a manufacturer, to the tune of Kshs10 million or face a jail term of 10 years, or both.

I would want to urge the DCs, Chiefs and the Assistant Chiefs to educate people. Information should cascade all the way down, so that those who drink *chang'aa* know what it entails in terms of packaging and ingredients. Those who drink *busaa*, which is popular in rural areas including in Kakamega--- We will ask them to do what the law now requires them to do. We will not prohibit the sale of local brews but brewers will have to follow the law.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very practical issue. Delaying implementation of those standards will give room to law enforcement officers to harass our people. At what time will he gazette the standards? Is it in two weeks' time

or three weeks' time? Alcohol was drunk yesterday; it is being drunk today; it will be drunk tomorrow and our people are being harassed. When will he gazette the standard?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, that is a genuine question. We will fast-track the gazette of the rules and the standards. We will do that in two or three weeks.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, that should be operational in three weeks' time.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, while acknowledging that very informative statement by the Assistant Minister, I wish to ask him to indicate to this House how NACADA is capacitated effectively to handle this very heavy responsibility in all the regions of this country, upon commencement of the running time of the law.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, the Kenya Gazette Notice came out just last week. We have already told NACADA to make sure that they have the capacity to handle the issues in the new Act. I believe that NACADA, with our assistance, will definitely handle these issues.

**Rev. Murgor:** Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for the elaborate explanation of the law as it is now. Could he tell the House how he will make sure that law enforcers will not harass wananchi, and be the judges and prosecutors themselves in the villages, establishing kangaroo courts to harass people who are innocent? We know of their previous behavior where they have been milking money from people who brewed small amounts of local brews in the villages; they asked brewers to pay Kshs200 a month. How will he ensure that this will not happen now when there is liberty to make brews? It must be done within the law, and the law enforcers must be fair and accountable?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I think I mentioned when I was giving a statement that we are going to organise workshops for law enforcement officers so that they can know what the new law entails. This law was passed in this House. I would also request my colleagues to help us to talk to the people in the grassroots in terms of what the law entails and the consequences, should you be found with an illegal or illicit brew or drink. This does not only go to those who are brewing changaa or busaa. We are targeting those who want to kill or maim innocent Kenyans. If those who brew illicit brews - those big companies - the DCs will be at liberty to educate the chiefs and assistant chiefs. The assistant chiefs will be holding barazas on a weekly basis to educate the people on the grassroots on the need to respect the law, what they are required to do and what they should also not do. For example, if you are drunk and disorderly, there is a fine. It is the duty of the owner of a bar and the manager of that bar to make sure that nobody is drunk and disorderly within his or her premises. Equally, I also mentioned that within a radius of 300 metres around a learning institution, you are not going to be licensed. So, those people who are still operating under the old law, I want them to know that the new law empowers the Minister to revoke their licences, should they contravene the law.

*(Applause)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well. Hon. Members, it is now time for the Deputy Leader of Government Business, Mr. Kimunya, to give us a Statement of the business of the House for the next week.

BUSINESS OF THE HOUSE FOR THE NEXT WEEK

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.36(4), I take this opportunity to make the following Statement with regard to the business for the week commencing 25<sup>th</sup> November, 2010. Firstly, I wish to express my disappointment over yesterday's morning Session where the Chair had to drop two Private Members Motions; one by Mr. M'Mithiaru and the other by Mr. Ethuro due to the absence of the two hon. Members and, thereafter, causing the adjournment of the Session after only 45 minutes of deliberations. While the incident is, indeed, regrettable, I am pleased that in your ruling, you indicated that all is not lost for the two Motions and the hon. Members can still seek the indulgence of the Chair for the reinstatement of those important Motions.

On Tuesday the House will consider the following Bills. First, the First Reading of the Vetting of Judges and Magistrates Bill, Bill No.16 of 2010 and the second Bill is the First Reading of the Judicial Service Bill, Bill No.17 of 2010. There will also be a Motion to adopt the Report of the Kenya Delegation to the 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union (IPU) held in Geneva, Switzerland from 4<sup>th</sup> to 6<sup>th</sup> October, 2010. The House Business Committee (HBC) also balloted for consideration of the Motion by Mr. Elias Mbau to the Ministry of Medical Services. The HBC will sit on Tuesday, 30<sup>th</sup> November, 2010 to consider business for the rest of the week.

Thank you and I wish to table the Statement.

*(Mr. Kimunya laid the document on the table)*

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Departmental Committee on Agriculture, Livestock and Co-operatives completed a Report on the sugar industry and we went even further to do a proposed Bill to amend the Sugar Act, 2005. All in all, it has taken 12 months of very hard work by that Committee. So, blocking all the other work---

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mututho, you rose on a point of order. What is not in order with what the Minister has said?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, is the Minister in order to refuse to schedule the business called: Adoption of the Sugar Report, which is already complete and which has been there and on the Order Paper before?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I mentioned that the HBC will be meeting on Tuesday next week and, indeed, that may well be one of the issues they will be discussing and scheduling for the rest of the week. But this relates to the business as has already been discussed and agreed on.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mututho, are you satisfied with that answer? What is not fair to you?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, the last time that, that Report appeared on the Order Paper, we were more or less ambushed with it. We were not notified and we found it in the last six hours. We said that we are ready now to do that and it has taken a whole one month. If at that time it had passed through the HBC and they were ready and able to do it---

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! I think you have made your point and the Minister has already issued the Statement that next Tuesday, there will be a HBC meeting. So, I believe that that matter should be handled at that particular stage.

Next Order!

## MOTION

### ADOPTION OF REPORT ON IDPS IN RIFT VALLEY

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on a fact finding tour to Mai Mahiu, Gilgil and Kurbanyat Internally Displaced Persons camps in the Rift Valley Province undertaken on 3rd and 4th May, 2010, and laid on the Table of the House on Thursday, 4th November, 2010.

*(Mr. Odhiambo on 25.11.2010)*

Mr. Temporary Deputy Speaker, Sir, in doing that, the Committee visited the three camps which I have already mentioned. We did that because we wanted to find out what was happening to the IDPs who are in those camps. It has even come up here just a few minutes ago, that some of the IDPs were planning to make a protest walk all the way from Gilgil to Nairobi because they are not being catered for by the Government adequately. The Committee, before visiting those camps, deliberated with the concerned Ministry which is the Ministry of State for Special Programmes and we, therefore, had their permission to conduct those visits. Even officers of the Ministry accompanied us. While there, there are so many things that we noticed were taking place. The Report, of course, is very long but we will highlight some of the activities or issues that we think should be brought to the attention of this House. First, we want to say what the Government has done in order to address the situation affecting IDPs. The Government has set up a national humanitarian fund which has been used to assist some of the affected Post-Election Violence (PEV) IDPs. Having done that, some of the IDPs have already been assisted in various ways. Some have been given money. Some have also been counseled. Others have been assisted to go back to their original homes and farms through negotiations. Some have been assisted to use the money that they were being given by the Government to resettle. So far, we found that the Ministry of State for Special Programmes undertook this exercise of profiling the number of Internally Displaced Persons (IDPs). It had already spent Kshs53 million to make an accurate list of the IDPs that we have.

Mr. Temporary Deputy Speaker, Sir, after analyzing the figures, we found out that about 140,459 households were affected. This gave a total figure of 663,921 people who were displaced in the Post-Election Violence (PEV). The highest number of households was found in the Rift Valley. It had 84,947 households. The total number affected in the Rift Valley was 408,631 people. The numbers in other provinces are not as high as those in the Rift Valley.

On May 5<sup>th</sup> 2008, the Government launched *Operation Rudi Nyumbani* which was aimed at the IDPs going back to their respective homes. So far, 350,000 IDPs have voluntarily returned to their farms and have settled. Most of the IDP camps in other places like Nakuru, Naivasha, Uasin Gishu and Trans Nzoia have actually closed down. However, we still have some IDPs at



Mai Mahiu and Gilgil. These are mainly IDPs who have not been assisted by the Government as was pledged.

Mr. Temporary Deputy Speaker, Sir, at Mai Mahiu, there are 798 households, giving a total of about 5,000 people. At Gilgil, we found about 800 people who have not been assisted. They have neither been given the Kshs10, 000 nor the Kshs25, 000 which the Government promised to give them for resettlement. Some of the IDPs at Mai Mahiu have formed a cooperative among themselves. Some of them used the money given by the Government to acquire land on which they have put up some structures. The Government has also assisted them to put up those houses. However, a majority of them are still living in tents because the Government has not given them the money they are supposed to use to resettle.

We found families which were left out during the Government profiling exercise at Mai Mahiu and Gilgil. They have not been profiled and this means that even the Government will not compensate or resettle them because they are not in the list of those considered to have been in the IDP camps.

Mr. Temporary Deputy Speaker, Sir, the Committee heard that among the seven camps at Mai Mahiu; *Jikaze, Vumilia, Amani* and *Maoni Yetu* were profiled by the Government through the Ministry of State for Special Programmes before the deadline of the profiling which was December 31<sup>st</sup>. However, three of the camps; *Tumaini, Neema* and *Huruma* were not profiled by the Government. They came in after the profiling had taken place. Therefore, they are not in the list.

We realized that the three un-profiled camps have not been given any money and that is why they are there living in tents. The others named above were given the money which they put together in a pool and they acquired a farm. They have subdivided the farm into smaller units and put up small houses for themselves. They are doing some farming. Some of them planted Irish potatoes, maize and so on.

In partnership with Mabati Rolling Mills, members of the profiled camps have built themselves permanent houses for 145 households for *Jikaze*. The other households in *Vumilia, Amani* and *Maoni Yetu* have put up small permanent houses which are still being built by the Government in partnership with Habitat for Humanity.

Mr. Temporary Deputy Speaker, Sir, the issue therefore, is those who were not profiled. They are in a state of dilemma because they do not know their future. They do not know whether the Government will assist them or not. However, the District Officer (DO) who accompanied us told us that it looked like they would not be profiled because they came in too late and the issue of profiling had already been closed.

When we came to the issue of food, the Government through the Ministry of State for Special Programmes, using the provincial administration on the ground, is giving them food on a monthly basis. This food is based on households. The problem is; it is not adequate because they seem to give an equal amount. They give 74 kilogrammes of maize, four kilogrammes of beans and three litres of cooking oil per household. However, the number of people is not the same per household. So, the larger households are not adequately catered for by this food. The Committee felt very strongly that if this food is to be given, then it should be given in accordance with the number of people in a family. The bigger families should get bigger shares than the smaller families.

Mr. Temporary Deputy Speaker, Sir, on the issue of education, we found that these people were really suffering. The nearest primary school was eight kilometres away. It was quite challenging for the children to walk all the way daily for eight kilometres. There was also one

secondary school which was catering for all these children in the neighbourhood. This secondary school had the normal enrolment which had been there before the IDPs came. So, now with the influx of the IDPs, their children joining that school, the school facilities there are overstretched and even the teachers are overworked. So, they are not giving these children what they deserve in terms of quality. So, it was a very strong feeling of the Committee that the Government puts up, at least, a primary school within a walking distance for the children of these people. Also, the Government should put up an Early Childhood Development (ECD) centre for them because the little children cannot walk for eight kilometres.

Mr. Temporary Deputy Speaker, Sir, there was also the issue of lack of school fees. These people who were displaced are not able to raise school fees for their children. So, the children who are going to secondary school, despite the fact that we have what we call free day secondary education, they are also under subsidies which parents actually make towards secondary education. So, they were actually not able to raise the subsidies. As a Committee, we felt that the Government should consider giving bursary. The Members of Parliament for that place should also consider extending some bursaries through the Constituencies Development Fund (CDF). But more importantly, we thought that the Government should take it up and give bursary to those children, because their parents are not at the moment involved in any economically viable activity.

Mr. Temporary Deputy Speaker, Sir, it was also noted that the parents whose children were in both primary and secondary schools were actually struggling to get birth certificates. This is because at that time, there was this rule which had come up that all children in school must have birth certificates, especially those who were to enroll for examinations. So, we recommended that the Ministry that is responsible for issuing birth certificates sends officers on the ground to issue birth certificates, because these people cannot afford to raise money to travel far in search of the certificates.

Mr. Temporary Deputy Speaker, Sir, regarding water, there was not any water apart from a borehole which had been sunk. The Government was getting them water from Kijabe Mission Hospital, but it was very inadequate. So, people were really having very rough time getting water. Although a bore hole has been sunk, it does not have a pump. So, it was our strong feeling and recommendation that the Government should be able to install a pump for them, so that they can access water. This is because without water, life is meaningless. They need it for their daily use; for preparation of their food, washing and so on.

Mr. Temporary Deputy Speaker, Sir, we also realized that they had a lot of problems on health. They did not have any health facility around. For them to access any health facility, they have to move to Kijabe Hospital, which is a private Mission hospital. So, they have to pay. The hospital has been very kind to them and has been asking for only Kshs60 to treat them, because it knows their fate. But still, some of them are not even able to raise that Kshs60. Since they have to walk a long distance to reach Kijabe Hospital, some of them are not able because they are unwell. Some of them have even lost their lives, especially young children. So, we also recommended that it would be good for the Government to consider putting up something like a makeshift hospital there and sending nurses or clinical officers on daily basis, just to attend to them and go back either to the nearest Government hospital or the same Kijabe Hospital, but the Government gives subsidies payment to the hospital since it is a mission hospital.

Mr. Temporary Deputy Speaker, Sir, on agriculture, those people were actually very much prepared to work, but they do not have the land to till. So, we actually recommended also that, at least, the Government should be able to access some land for them as per what even the

Minister of State for Special Programmes was just saying here, so that they can till the land and produce their own food. In fact, those people said that they feel very bitter that they have to be seen like they are beggars, yet they really want to work hard and be on their own, because they are prepared to supplement their own living through their own efforts by working on the farms, if availed to them. Some of them, in fact, had already started keeping some poultry and were thinking that if the Government gave them some support, they would try and introduce dairy farming, green houses and so on. Since they pulled together and were able to acquire that little farm on which they have put up their structures, they were wondering if the Ministry of Lands would assist them in getting title deeds for each of those little structures. Although the plots are small, they were really thinking that the Government would be fair - because they do not see themselves going anywhere else – and assist them to get title deeds.

Mr. Temporary Deputy Speaker, Sir, we had a *baraza* with them. They had leaders who they had elected. There are households which have settled there. There were households called Emanuel, Nawamu and Kimondo which came from Eldoret, but have now settled in Mai Mahiu. As such, they are not able to receive the Government money and are still living in tents. The area also sometimes is prone to floods during the rainy season. So, normally when heavy rains come, they get floods. When they get floods, diseases such as Malaria become very common. That is why I said before that some of the children have even lost their lives there.

## QUORUM

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have realized that neither the Minister nor the officers who are in this particular Ministry are in the Chamber. What is even more disturbing is that there seems to be a problem with quorum also. For such an important issue that is a constant headache to us and having seen this Committee do such a thorough job, would I be in order to ask for quorum?

**The Temporary Deputy Speaker** (Prof. Kaloki): Clerk-at-the-Table, could you ascertain that we have the required quorum in the House?

*(The Clerk-at-the-Table counted  
the hon. Members in the Chamber)*

Well, I have the record that there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)]*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Members! We now have quorum. Mr. Odhiambo, please, proceed!

**Mr. Odhiambo:** Thank you, Mr. Temporary Deputy Speaker, Sir. My namesake thought that she was the one you were calling. However, this is Alfred Odhiambo and not Millie Odhiambo. For those who have just come in---

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. For purposes of record, I am Mrs. Millie Odhiambo-Mabona. We should not be confused.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Mrs. Millie Odhiambo-Mabona, you stood on a point of order!

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, my point of order was: Is the hon. Member in order to refer to me as Millie Odhiambo when my correct names are Mrs. Odhiambo-Mabona? Mr. Mabona is a handsome man from Zimbabwe.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Mrs. Odhiambo-Mabona, you are completely out of order! Mr. Odhiambo, please, proceed!

**Mr. Odhiambo:** Mr. Speaker, Sir, for the sake of hon. Members who just came in, we are going through a Report on IDPs. I was just giving my submissions. I had just said that Mai Mahiu is prone to floods.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, could you, please, call the House to order?

**The Temporary Deputy Speaker** (Prof. Kaloki): The House is in order. Proceed!

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, those people are affected by floods during the rainy season. When the floods affect them, they suffer from malaria. So far, many of their children have died of malaria. There are no hospitals near there as I said earlier, Kijabe Mission Hospital is the only one near the place.

We visited another camp called Mawingu. At Mawingu, we found 444 households. Those people were brought to Giwa Farm in Rongai District. The housing project for the 444 families is still ongoing. It is not yet complete. Therefore, those people are also staying in tents. The Committee also learnt that the Red Cross society of Kenya has played a major role in supplementing Government efforts.

We also visited another camp at Gilgil. That camp was situated in a swampy place. It was very difficult to access it because the route to that area is really bad.

Mr. Temporary Deputy Speaker, Sir, we had to use Four Wheel Drive vehicles to reach the IDPs camp. It was very difficult. They live in tents. There are about 2,805 households at the Gilgil Camp. These are the people who were planning to walk to Nairobi to protest. None of them has received the Government funding of Kshs10,000 and Kshs25,000. One of the challenges facing these people is that some of them have large families and so, the food that is given by the Government is not adequate for them. The other one is that they do not have land for farming, although they would wish to produce their own foodstuffs. Some IDPs have not been profiled and so, they are still living in tents. There is lack of enough water or no water at all. The children walk very long distances to access schools. They do not have money to pay for the subsidy for the education of their children, especially in secondary schools where they need to subsidize things like lunch. In one primary school and one secondary school, the facilities are overstretched. The teachers are overworked and the children are overcrowded. So, this is not conducive for good learning. There is lack of health facilities. There is no hospital. They would want to start some small businesses but they do not have the money. More than 20,000 were claiming to be IDPs at the time we visited these camps.

The recommendations that we made include that the Ministry of State for Special Programmes should consider the size of the families while giving food, so that the large families can be given more food than the small ones.

The Government should quicken the process of acquiring and allocating the two and a quarter acres of land to the IDPs to enable them to engage in economic activities, so that they can stop depending on the Government for their daily needs.

We visited another place which is different from the Post-Election Violence camps. We visited Kurbanyat, which is a camp for people who were displaced from the Mau Forest for purposes of environmental conservation. We visited Kurbanyat because it is the only place we could access. Otherwise, there is Kurbanyat, Kapkembo, Kipkonyor, Chepkopruto, Kipkoris, Kiritar and Kusimek. Kurbanyat has 164 people, Kapkembo has 2,850 people, Kipkonyor has 3,074 people, Chepkopruto has 1,196 people, Kipkoris has 820, Tiritar has 939 people and Kusumek has 2,874 people. In total, the people who were displaced from the Mau Forest were 11,917.

It was very difficult to reach Kurbanyat even with Four Wheel Drive Vehicles. We really had to struggle to get there. The conditions under which these people live are dehumanizing. They are very bad, indeed. The tents are not enough. You find a family of ten people squeezed in one tent. The conditions are pathetic. These are very genuine people with some of them as old as 90 years unlike at Mai Mahiu where you could see young people and you could suspect that some of them are not genuine IDPs because they could have been just hawkers. At Kurbanyat, the people cannot do any farming because there are no farms at all.

We were told that Kurbanyat is one of the small camps, but we could not access the big ones. That camp has only 164 people, but there are others with as many as 2,850 people. Those people are really in a very bad state. The Government must do something to help them. By the time we arrived there, about four people had died. On the day we arrived there, some people were very sick and we even had to contribute some money among ourselves, so that they could be taken to hospital. The Ministry officials gave us a lot of support. They were with us throughout and they really helped us. They gave us some information which we did not have.

The people at Kurbanyat preferred to be called Government Displaced Persons (GDP) rather than IDPs. We talked to them and promised that we were coming to talk to our colleagues in Parliament and the Minister concerned, so that they would be considered and given alternative land where they could settle and continue with their normal livelihoods.

Because of time, I beg to move and call upon Mr. Konchella to second this very important Motion.

**Mr. Konchella:** Mr. Temporary Deputy Speaker, Sir, I beg to second this Motion. In doing so, I want to highlight the dilemma of this Committee in the sense that it is a Committee which is over-sighting six Ministries, namely, the Ministry of Labour, Youth Affairs and Sports, Gender, Children and Social Development, Ministry of State for National Heritage, Ministry of State for Special Programmes and even the Office of the Vice-President and Ministry of Home Affairs. Looking at our task, I can ask that maybe, in the next Parliament, this Committee be broken into three for it to do justice to some of the roles that it is supposed to oversight. Currently, we are not doing justice to the people of Kenya by looking at their problems with such a wide scope of roles.

Mr. Temporary Deputy Speaker, Sir, the issue of labour relations is a very big area. So are national manpower development and the promotion of micro and small enterprises. These issues we need to revisit, as a Committee. The issue of the National Social Security Fund (NSSF) is one of the aspects we need time, as a Committee, to be able to address, leave alone the issues of gender, social development and mainstreaming, women affairs and development, Women Enterprise Fund, coalition of volunteer services, social welfare and vulnerable groups like the IDPs.

As a Committee, we went to assess the condition and the status of people living in IDP camps. While we were not able to visit all the IDP camps, what comes in mind is that the

Government has done quite a bit. It has provided money to profile the IDPs. However, this was done for only some of them, when the money was available. The Government had only Kshs23 million to do the profiling. Thereafter, more people streamed into the IDP camps, because of the problems they were facing. For example, the people in the IDP camp in Gilgil are the urban poor. After they discovered that people were being re-settled, they moved into the camp from Nakuru and the towns surrounding Gilgil area, as well as from Nairobi.

Mr. Temporary Deputy Speaker, Sir, one admirable thing about these people is that even without the money, they were able to--- They received only Kshs10,000 each instead of the Kshs25,000 they were supposed to receive. With that little money, they joined into groups and built houses for themselves. They were also able to grow food. They are almost self-sufficient. So, the Government should meet its pledge of allocating to each of all those IDPs 2.05 acres of land it promised them, because they can take care of themselves.

The Government need not spend money feeding those people. These people are capable of feeding themselves. That is what we found in the camps. If the Government can spend whatever money it has to allocate those people land, they will be able to take care of their families. Some of them have very big families, but all families are given the same amount of food. Therefore, children do not get enough food nutrients to enable them survive.

Mr. Temporary Deputy Speaker, Sir, another issue is that of education. Since these people have been displaced from their original environment, they are crowding in the schools around where they live. So, this is an issue which the Government needs to address by putting up schools, dispensaries and health centres within the IDP camps so as to provide them with decent living.

We also found that within Central Province, for instance, a many of the IDPs live with their families and thus, over-stretching the resources of those families. The IDPs living with their families have not been given any support by the Government. This is an area where the Government needs to profile those people, so that they can be assisted to either go back to their farms or be able to get for themselves accommodation and means of livelihood.

Mr. Temporary Deputy Speaker, Sir, one of the recommendations which the Committee came up with talks about requesting the Government to provide, for now, reasonable amount of food, depending on individual family size. So, as opposed to giving food based on household, it should be based on the family size, so that they can get adequate food to eat.

We also recommend that the Government moves very fast to acquire the land it promised the IDPs and give each family two-and-quarter acres, so that they can settle down. My personal opinion is that the settlement of these people should be where their communities are. If you take them to other places, the issue of demography will come in, and we will not be solving the problem as the same people will still be complaining about the local people who will have gone to settle with them. They are likely to have the problem of having many people settling with them and, therefore, changing the demography of the area. So, this is an important factor which should be taken care of when these people are finally settled.

Mr. Temporary Deputy Speaker, Sir, there is the issue of education at both primary and secondary school levels. Where there are 2,000 people, surely, there must be proper educational facilities for them, including staff. Of course, some of the complaints are that some of them did not get the Kshs25,000 to put up the houses. This amount may look small, but when you see how these people are working, you will appreciate that Kshs25,000 is a reasonable sum of money. Some of these people can create decent homes for themselves and live comfortably thereafter.

We also recommend that the Government establishes funds like the Women Enterprise Fund for women groups within those camps, because some of the women are not very busy. They have a lot of time to do extra work. If they are supported, in terms of funding, they can help themselves. They do not have title deeds to take to banks to secure loans, but if special attention is given to IDP programmes and the women are put into groups, they should be able to develop themselves.

Mr. Temporary Deputy Speaker, Sir, I do not want to talk much. I want say that it is time this House looks critically into the issue of IDPs, particularly those from the Mau Forest. We talk of 11,000 people who have been removed from the Mau Forest. These are human beings. They say that they are Government-displaced and that may be the case. While we need to sustain the environment, because of rain and other factors, we need to remember that these are human beings. Let them be settled. Let them also live comfortably, so that this country can move forward as one developing nation.

Leaving people to lay themselves on the road side, and thus cause destruction of the environment, is another big problem we are creating. So, our Committee has put forward this recommendation. We want the House to support this particular Report, so that the Government can implement it, and the people get the services they require.

With those few remarks, I beg to support.

*(Question proposed)*

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to also support this Report very strongly.

First, let me thank the Chairman of the Committee for his critical stewardship in the consolidation of the Report presented to this House. I also recognise the role that was played by the Members of the Committee in developing this very good Report.

Mr. Temporary Deputy Speaker, Sir, the issue of IDPs is critical. These people have suffered so much as a result of the violence we have experienced in this country. It is emerging from the Report that those people who have not been settled are now really suffering. One point I have noted from the Report is on dwellings of these people, particularly those who are in Mai Mahiu, Mau Forest and Gilgil.

The tents that they were given initially are already won out. Those innocent families are living in the cold. This is an issue which needs to be addressed by the Government very quickly. These are our brothers and sisters, and we should not watch them continue suffering. Some of the IDPs are still on the roadside, and we seem not to be sensitive to their plight. It is high time that remedial action was taken to ensure that these people are settled. We note with disappointment that the families which are unsettled at Mai Mahiu to date do not have water. They rely on water supplied by Kijabe Mission Hospital.

Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the Mission Hospital for this humane act that they are doing. We need to continue with that effort. They give not only water, but also drugs to those people. Where is the Ministry concerned when our people are suffering without water? A borehole has been provided. What is lacking today is a mere pump; a pump that can be fitted within two or three hours. It is a total shame.

Mr. Temporary Deputy Speaker, Sir, regarding the health of our people in those uncleared camps; we need to address that issue very quickly. People are suffering from malaria, cholera and other diseases that are controllable. Health of our people is very important. We

passed in the current Constitution that every citizen in this country has a right to good health. These IDPs are not enjoying that right. It is, therefore, important that they are not denied this right.

Mr. Temporary Deputy Speaker, Sir, concerning education of their children, there are no schools. You can imagine that KCPE and KCSE were done the other day. The children of those IDPs were not able to sit for these national examinations. So, the future of their children, who could be doctors, scientist and pilots, have been denied that right. This is very bad and brutal.

Mr. Temporary Deputy Speaker, Sir, on this note, I will suggest that mobile schools must established as we prepare to remove these people from those camps. The deadline that has been given by the new Minister for Special Programmes must be made real. It must be seen to happen. We are now waiting for 31 days. As we prepare to see the last day of this year, the IDPs must enjoy the facilities that human beings enjoy. The Christmas is coming. Those people must be allowed to celebrate with us during the Christmas. They should be given plates, goats, clean water and televisions. It is really inhuman if we cannot imagine about giving them these facilities. Food meant for the IDPs has fallen in the hands of criminals. Food meant for them have been sold by people. Those people are, therefore, hungry and desperate. We must make sure that food meant for those people reaches them.

Not only IDPs that we have in this country, but we have other people, who have not been settled. We have squatters who were living in the colonial emergency villages. Those people are also desperate and also need to be settled.

We recall that we passed a Motion in this House to recognise the critical role played by the Mau Mau freedom fighters. The Motion allowed allocation of two and half acres to those people. We call them “*mashujaa*”. They are “*mashujaa*” without anything. So, those people must be recognised. I would urge His Excellency the President to give his assent to the Bill, so that those people can also feel that they participated in the real liberation of this country.

Mr. Temporary Deputy Speaker, Sir, a sum of Kshs2 billion was set aside to make sure the IDPs are settled. This money must put into the intended cause.

With those few remarks, I fully support the report.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned until today 25<sup>th</sup> November, 2010, at 7.00 p.m. this evening.

The House rose at 6.30 p.m.



