

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd July, 2008

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

BLOOD SHORTAGE AT KISUMU BLOOD TRANSFUSION CENTRE

(Mr. Shakeel) to ask the Minister for Medical Services:-

(a) Is the Minister aware that lives of patients are at risk owing to serious shortage of blood at the Kisumu Blood Transfusion Centre, and that the centre has not received funds for fuel and refreshments for blood donors?

(b) Could the Minister state the amount of blood required in the country annually and indicate how much has been collected over the last two years?

(c) Could he also state the per unit cost of collection and preparation of blood and explain why blood is sold to private hospitals at Kshs600 per unit, who then charge their patients in excess of Kshs3,500 per unit?

(d) What urgent steps is the Government taking to remedy the above situation?

Mr. Deputy Speaker: Hon. Shakeel Shabir is not in yet. We will come back to the Question later.

MEASURES TO CURB INSECURITY IN EMUHAYA DISTRICT

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

(a) Is the Minister aware that there is increased insecurity in Emuhaya District that has led to deaths, injuries as well as theft of livestock and other goods at various market centres in the district?

(b) When will the Government post the Officer Commanding Police Division (OCPD) to the district, which was created two years ago?

(c) What other urgent measures is the Minister taking to curb the rising insecurity in the district?

Mr. Deputy Speaker: The Minister of State for Provincial Administration and Internal Security! He is not in yet! We will come back to the Question later on.

ORAL ANSWERS TO QUESTIONS

Question No. 096
EQUIPPING/STAFFING OF CDF
DISPENSARIES

Mr. K. Kilonzo asked the Minister for Medical Services:-

(a) what steps he has taken to ensure that all the dispensaries constructed using Constituencies Development Fund (CDF) money are provided with medical officers and medicine; and,

(b) when he will provide an ambulance to Mwitika Dispensary which is at the divisional headquarters for use in the dispensary.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has, in the last two years, gazetted 995 CDF constructed dispensaries that were complete. This means that the gazetted facilities are entitled to nursing staff, essential medicines and medical supplies from the Kenya Medical Supplies Agency (KEMSA) in the Budget for the financial year, 2008/2009. My Ministry has made provisions to make all the gazetted CDF dispensaries operational in terms of provision of medical equipment and supplies as well as staffing with, at least, one nurse. Nurses are the cadre of technical staff that the Ministry deploys at the dispensary level.

(b) My Ministry has no immediate plans to provide Mwitika Dispensary with an ambulance. This is because dispensaries do not qualify for provision of ambulances as per the existing policies neither are transport personnel found at that level. The infrastructure norms by my Ministry for dispensaries specify necessary transport at that level as a bicycle primarily for outreach services and a motorcycle for collection of supplies. Provision of ambulances commences from the level of sub-district hospitals upwards.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, the Minister is a good example of Ministers who take their work seriously. I want to thank him for that exhaustive answer. However, I would like to seek his assistance and assurance, given that Mwitika Dispensary has been proposed to be a health centre. This has not been effected and yet the dispensary is within the divisional headquarters. Could the Minister consider elevating Mwitika Dispensary to the status of a health centre?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the hon. Member is right. The policy we are trying to implement at the moment is to establish sub-district hospitals in every constituency. Once this is done, other facilities downwards will have to be upgraded *mutatis mutandis*.

Mr. Lekuton: Mr. Deputy Speaker, Sir, I would like to ask the Minister if he could consider areas in northern Kenya where we have no roads and bicycles. Could he consider camels as a mode of transportation in order for the medicines to be taken to different places?

Mr. Deputy Speaker: Mr. Minister, will you consider camels instead of bicycles and motorcycles because there are no roads there?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, we will have to consult very closely with the Minister for Livestock Development to ascertain whether it will be possible to do that. However, we are open to ideas. At the moment, we are using ambulances in those areas, but as the hon. Member said, sometimes ambulances cannot go on certain roads. So, it is quite an innovative idea which should be considered seriously. We shall be consulting with the hon. Member and the Minister for Livestock Development to find out whether this is a possibility. I, however, believe that it is not beyond the realm of reality.

Mr. Linturi: Mr. Deputy Speaker, Sir, since we have a number of medical facilities or

institutions that are being funded by other donors like the former Plan International, I think that it is also important that the Minister considers posting medical personnel to these medical institutions in order to assist Kenyans. I have in mind dispensaries like Nthambiru and Kirindini in my constituency where we have a lot of equipment from Plan International, but which has not been put to use for the last five years.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, as I said in the House recently, we are in the process of taking an audit of all medical facilities. It is true that even certain dispensaries have had substantial equipment put into them by donor agencies. That information may not be available to us, but the moment we realise that an institution has equipment that goes beyond the level assigned to it, it will, definitely, be moved upwards. Our objective is to ensure that medical service delivery is effective. The better the institutions are, the better it is for us. So, I must congratulate hon. Members who have invested so much in health facilities at the primary level. This has correspondingly invited donor agencies to help. It will be our responsibility, in consultation with hon. Members, to ensure that the proper upgrading is done. Indeed, I think this week or the next, we are gazetting a number of facilities which are being upgraded.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, while the Minister is right in saying that every dispensary deserves one nurse, we have dispensaries in the constituency which do not have those nurses. When I go to the Medical Officer of Health (MoH), for instance in Kitui, trying to request him to take a nurse to Kiongwe dispensary, I am told that there is no staff. Could the Minister give a directive that each and every dispensary deserves to have a nurse and tell us when the nurses will be deployed?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, at this point in time--- Even in my own constituency, I have six dispensaries without nurses. This is mainly because we have a shortage of nurses but we are recruiting, as I said, 1,600 nurses this year. The advertisement should be in the newspapers very soon. As soon as we recruit the nurses, we intend to deploy them to all the institutions where their services are required. So, I will undertake, in consultation with the hon. Member, to follow up the issue very carefully; in his case, once we have the advertisement and nurses are recruited, we will make sure that his dispensary is staffed.

(Applause)

Question No.138

ESCALATION OF INSECURITY IN KANDARA

Mr. Deputy Speaker: Mr. Kamau!

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, I rise to ask Question No.138.

Mr. Deputy Speaker: Order, Mr. Kamau! You are asking Ordinary Question No.138.

Mr. J.M. Kamau: That is right!

Mr. Deputy Speaker: Please ask Question No.138!

Mr. J.M. Kamau: Mr, Deputy Speaker, Sir, I ask Question No.138!

Mr. Deputy Speaker: Question No.138!

Mr. J.M. Kamau: I am asking Question No.138!

(Laughter)

Mr. Deputy Speaker: Proceed!

Mr. J.M. Kamau asked the Minister of State for Provincial Administration and

Internal Security:-

(a) whether he was aware that insecurity in Kandara has escalated and businesses have to close by 5.00 p.m. as gangsters armed with automatic weapons are on the loose;

(b) whether he could confirm that some police officers in the area have served in one station for up to 10 years, and are colluding with criminals; and,

(c) whether he could provide the statistics of crime in Kandara and indicate the steps he has taken to curb crime in the area.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I am confused in that the Questioner is asking for Question No.038, I have to reply to Question No. 138!

(Laughter)

Mr. Deputy Speaker: It is Question No.138!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, but I will reply to Question No.138.

Mr. Deputy Speaker: Order, Mr. Ojode! Proceed and reply to Question No.138!

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

(a) I am not aware that insecurity has escalated within Kandara, leading to the residents closing their businesses by 5.00 p.m.. However, there are few isolated incidents of crime which the police are handling effectively.

(b) I can confirm that none of the Kenya Police officers stationed in the area have been there for more than four years. The bulk of the officers were posted there two years ago, and so far, none of them has been implicated in criminal activities that I am aware of.

(c) The crime statistics for the past three years are as follows: in 2006, there were only 203 cases of crime reported. In 2007, there were 172 reported cases of crime, which was a decrease from 2006. Finally in 2008, there were only 94 cases of crime reported. According to the trend of crime, the insecurity in this particular area is going down.

Thank you.

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, I am surprised to hear from the Assistant Minister that we have isolated cases of crime in Kandara. Between Saturday and Monday, five shops and four homes were attacked and people were injured. So, when he talks about isolated cases of crime in Kandara, I do not know what he is talking about. We have thugs in this area. They are not ordinary thugs, but marauding thugs armed with automatic weapons. I can prove to the Assistant Minister that there is a big problem in that area. People in Kandara are wondering whether a curfew has been declared. So, when he talks about isolated cases of crime, I am very surprised. On Saturday, they attacked a shop in a centre called Kaguthi.

Mr. Deputy Speaker: Mr. Kamau, ask a supplementary question, please!

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to tell us what the Government is doing, because the people of Kandara are worried. They even fear that they have no protection!

Mr. Deputy Speaker: You have made your point! Proceed, Mr. Assistant Minister!

Mr. Ojode: Mr. Deputy Speaker, Sir, the statistics provided, which I have just read out, do not reflect any escalation of insecurity in the area. I want to assure the House that the Government will continue with its cardinal duty of protecting lives and property. So far, we have opened police patrol stations at Kiragu, the place he is talking about. We have also opened police posts at

Kaburunge, Ngararia, Muruka, Naru and Guthuri. The patrol bases are manned by both the Regular and Administration Police officers. That is why the crime rate is going down.

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, we are have a Clerk-at-the-Table in front of you; his brother almost got killed by five thugs who went into his house. The Assistant Minister talked about the police stations that they have put up, but they are moving them. Those that are available have no police officers; so, what are we talking about here? On the issue that the police officers have not been in Kandara for more than ten years, I can give names of police officers who are operating bars in Kandara. They are very comfortable there because they have been there for more than ten years. So, I do not know where he got those figures from.

Mr. Ojode: Mr. Deputy Speaker, Sir, so far, I have the statistics for the police officers who have been posted to Kandara Police Station. In fact, the longest serving was posted there on 19th March, 2004.

Mr. Deputy Speaker: Table them!

Mr. Ojode: Mr. Deputy Speaker, Sir, I wish to table the same.

(Mr. Ojode laid the document on the Table)

What I have also done is that last week I added a vehicle to patrol within these police posts, that is the ones in Kandara, Kiragu and Kaburunge. If the Questioner wants, we can give him more Administration Police officers to patrol Kandara streets.

Question No.171

EVICTION OF OGIEK COMMUNITY
FROM KIPKURERE FOREST

Mr. Deputy Speaker: Ms. Chepchumba! She is not here; the Question is dropped!

Dr. Otichilo: On a point of order, Mr. Deputy Speaker, Sir. Now that the Minister of State for Provincial Administration and Internal Security is here---

Mr. Deputy Speaker: Order, Dr. Otichilo!

Dr. Otichilo: Order!

(Laughter)

Mr. Deputy Speaker: Order, Dr. Otichilo! You do not order the Chair!

(Question dropped)

Next Question, Mr. Ethuro!

Question No.054

UPGRADING/GAZETTEMENT OF DISPENSARIES
IN TURKANA CENTRAL

Mr. C. Kilonzo: On a point of information, Mr. Deputy Speaker, Sir.

Deputy Speaker: Proceed, Mr. C. Kilonzo!

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

Mr. Deputy Speaker: Proceed, Mr. C. Kilonzo!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I rise on a point of information. Mr. Ethuro is on parliamentary duties within the country.

Mr. Deputy Speaker: Very well. I direct that Question No.054 be placed on the Order Paper when Mr. Ekwe Ethuro is available to ask it.

(Question deferred)

Next Question, Dr. Eseli!

Question No.090

ALLOCATION OF KRB FUNDS
TO CONSTITUENCIES

Dr. Eseli asked the Minister for Roads:-

(a) whether he could confirm that the Kenya Roads Board (KRB) ordinarily allocates equal amounts of money to each constituency without regard to their size; and,

(b) when he will change the method to ensure that constituencies like Kimilili, which have wider road networks, receive a higher allocation.

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

(a) I confirm that the KRB allocates each constituency an equal amount of money without regard to the size, under the 20 per cent portion of constituencies.

(b) My Ministry does not intend to change the method since it can only be changed by Parliament through an amendment to the Kenya Roads Board Act.

Dr. Eseli: Mr. Deputy Speaker, Sir, it is a very sad day that the Assistant Minister tells us that he will continue perpetuating inequality in this country, and that he has no intention to change it. I believe he is part of Parliament. Could he tell us when he will bring an amendment to that Act?

Dr. Machage: Mr. Deputy Speaker, Sir, I have clearly stated that I have no intention of changing this method. The hon. Member is at liberty to introduce in Parliament a Private Member's Motion to ask the House to change this Act. It requires a minimum majority of the membership of this House to pass such a Motion. My support will not be there, but if he convinces hon. Members, the law will be changed. Maybe, the important issue here is for the hon. Member to fight for subdivision of his constituency, which is overdue. Some hon. Members think that there are benefits in this method. We also have the district-based distribution of the KRB funds, which is also done without regard to equal distribution. It is equitably distributed. That takes care of the hon. Member's concern.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to advise the Questioner to bring a Motion to amend the Kenya Roads Board Act, and go on to say that he will not support such a Motion? Is he not misadvising the Questioner?

Mr. Deputy Speaker: The hon. Member can move a Private Member's Motion, seeking leave of the House to bring a Bill to amend the existing Act. As to whether the Assistant Minister or the Government will support the Motion or not, that is entirely at the discretion of the Government.

Last question, Dr. Eseli!

Dr. Eseli: Mr. Deputy Speaker, Sir, it is not just a question of equal distribution based on the size of the constituencies. The Assistant Minister is aware that every constituency has a different size of road network. That is what I was trying to bring out, but he has refused to see that point. However, could he give us a reason as to why he will not support that kind of Motion, if I bring it?

Dr. Machage: Mr. Deputy Speaker, Sir, I would like to reserve my comment on that question. However, I would like to advise the hon. Member to highlight his predicament in writing or come to my office to do so. The Minister also has the discretion to order for funds for construction of roads that might be very important. So, he is at liberty to do so.

Mr. Deputy Speaker: Next Question, Mr. C. Kilonzo!

Question No.157

GAZETTEMMENT OF NEW
LOCAL AUTHORITIES

Mr. C. Kilonzo asked the Deputy Prime Minister and Minister for Local Government:-

- (a) when he will gazette new local authorities in line with the new districts;
- (b) how many local authorities the Government intends to create; and,
- (c) whether he could table the list of the proposed new local authorities.

Mr. Deputy Speaker: The Deputy Prime Minister and Minister for Local Government!

An hon. Member: He is away!

(Question Deferred)

Mr. Deputy Speaker: Let us go back to Mr. Shakeel's Question by Private Notice.

Mr. Shakeel: Mr. Deputy Speaker, Sir, first, I would like to apologise. I got delayed on the road because of the traffic crisis.

QUESTIONS BY PRIVATE NOTICE

BLOOD SHORTAGE AT KISUMU
BLOOD TRANSFUSION CENTRE

Mr. Shakeel: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that lives of patients are at risk owing to serious shortage of blood at the Kisumu Blood Transfusion Centre, and that the centre has not received funds for fuel and refreshments for blood donors?

(b) Could the Minister state the amount of blood required in the country annually and indicate how much has been collected over the last two years?

(c) Could he also state the per unit cost of collection and preparation of blood and explain why blood is sold to private hospitals at Kshs600 per unit, who then charge their patients in excess of Kshs3,500 per unit?

(d) What urgent steps is the Government taking to remedy the above situation?

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I

beg to reply.

(a) I am aware that there are occasional shortages of blood at Kisumu Blood Transfusion Centre. However, patients are not exposed to undue risk as blood is airlifted to the facility to meet shortages whenever necessary. The centre is also receiving the necessary support in terms of fuel and refreshments for blood donors. Whenever blood donors give blood, they are given refreshments to energise them. I remember that while I was in High School, whenever I gave blood, I was always given a bottle of *Fanta* and biscuits.

(b) The estimated annual country blood requirement is 200,000 units. Last year, the National Blood Transfusion Service collected 267,000 units. This is a significant rise from the 40,000 units that were collected before the establishment of the National Blood Transfusion Service in 2004, which has streamlined blood collection in the country.

(c) No cost can be assigned to a unit of blood. However, there is a cost involved in its collection and processing. To deliver a safe unit of blood to a patient, it costs approximately Kshs3,000.

The National Blood Transfusion Service supplies blood to private hospitals at a highly subsidised fee of Kshs300 as opposed to Kshs3,000 in the hope that the private hospitals will pass the benefit to the patients. Unfortunately, some of the private hospitals are charging patients more than what is reasonable.

(d) In order to remedy the above situation, the Ministry is taking the following actions:-

(1) Review of blood charges to private hospitals from Kshs300 to Kshs1,000 per unit, up from the current Kshs300. The extra revenue will then be used to improve collection of blood.

(2) Promotion of a culture of blood donation in our population. I have requested the Permanent Secretary to organise a blood donation day, where we shall lead by example.

(3) Employment of professional blood donor recruiters. This cadre is already in place.

(4) Strengthening the managerial capacity at Kisumu Blood Transfusion Centre, so that it can respond more rapidly whenever shortages are in the offing, so that at no time should the centre be without blood.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Shakeel: Thank you, Mr. Minister for a very good answer. However, I wish to make one observation. The price of Kshs1,000 per unit of blood, at which you intend to sell to private hospitals is not sufficient. Private hospitals sell blood at up to Kshs6,000 per unit. So, increasing the price of a unit of blood to just Kshs1,000, from Kshs300, is actually subsidising the private hospitals, instead of subsidising poor patients.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the hon. Member is right. Recently, we went to Kisii District Hospital, which receives blood from Kisumu for distribution to hospitals in that region. We found out that there are certain private hospitals which charge for blood transfusion at exorbitant rates. What we will do is not to sell them blood at a price higher than Kshs1,000, but to establish a much more effective surveillance system to ensure that no patient pays more than Kshs3,000 for a unit of blood. We would not like them to charge more than Kshs3,000, because we know that they also incur certain costs like making sure that those transfusing blood wear proper clothing and use proper equipment. Otherwise, charging any patient more than Kshs3,000 is not ethical. So, I assure the hon. Member that the best thing for us is to establish a better surveillance system on private hospitals, and also appeal to those who own private hospitals to be more ethical in the way they deal with an essential thing like blood.

Mr. Olago: Mr. Deputy Speaker, Sir, part (d) of that question calls for more serious thought. There is no shortage of volunteers for blood but, unfortunately, blood that is given voluntarily is most of the time found to be impure and is rejected. The Ministry should invest in co-ordinating with United Nations (UN) bodies and agencies, who are concerned with that issue so

that we find ways and means of purifying the blood, and making it acceptable, or we invest in artificial blood. I would like to ask the Minister, what steps the Ministry is taking to have the blood that is donated purified or invest in manufacturing artificial blood.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, we largely depend on school children for blood donation. It is understandable that school children, on average, have better blood than most of us sitting in this House, mainly because of age. The moment you attain 50 years, you have been attacked by malaria, all kinds of flu and so on. So, there is a likelihood that you may not have blood that is good, but I encourage everybody, including myself, to donate blood. We have five regional blood transfusion centres in the country, apart from the national one in Nairobi. We have transfusion centres in Embu, Mombasa, Kisumu, Eldoret and Nakuru. The National Blood Transfusion Service, which was established in the year 2004, operates under the funding from a development partner called "Presidential Emergency Plan for Aid Relief (PETFA)". This support is actually enough to give us enough blood in this country. We do not need to go to artificial blood. Artificial blood will present many more problems, as my fellow doctor sitting opposite me will testify. Human blood is much better because it raises---

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. While I would like to acknowledge the appreciation by the Minister that I am a doctor of medicine, is he in order to refer to me as "a fellow doctor" when he has never been to a school of medicine?

Mr. Deputy Speaker: Mr. Minister, you are not a medical doctor. You are a doctor of political science.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, my fellow hon. Member of Parliament, who is a medical doctor, a gynaecologist, specialising in an area which I do not want to go into detail-- **Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. You have heard the Minister saying that I am a gynaecologist, specialising in an area which he does not want to go into in detail. Is he in order, because, first, I am not a gynaecologist? Secondly, why is he imputing improper motive on the honourable profession of a gynaecology? As a Minister, he is supposed to take care of gynaecologists in the country.

Mr. Deputy Speaker: Order! Mr. Minister, have you concluded your answer?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, let me go back to the question. My appeal is for us to have a much more serious national blood donation day, to make sure that we have enough reserves of natural blood in our blood bank. I am sure that the steps being taken by the Ministry will ascertain that we have enough blood in the nation. I, again, appeal to the private health institutions--- Hon. Members should appeal to them in their various constituencies that blood is such an essential lifeline for human beings that it should not be bought at a cost that is not ethical. Let us not hold our patients to ransom by withholding such an essential input to their health system, or by charging them a fortune. That is the appeal that I would make. In the meantime, the hon. Member will have his profession respected.

Mr. Deputy Speaker: Next Question, Dr. Otichilo!

MEASURES TO CURB INSECURITY IN EMUHAYA DISTRICT

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

(a) Is the Minister aware that there is increased insecurity in Emuhaya District that has led to deaths, injuries as well as theft of livestock and other goods at various market centres in the district?

(b) When will the Government post an Officer Commanding Police Division (OCPD) to

the district, which was created two years ago?

(c) What other urgent measures is the Minister taking to curb the rising insecurity in the district?

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

(a) No. I am not aware that insecurity has increased in the district. To the contrary, crime statistics indicate that all forms of crime have decreased in the district in the recent past.

(b) The Government will consider posting of an OCPD to the district after the construction of a divisional police headquarters and other infrastructure is put in place. For the past two years, no land has been identified for this purpose.

(c) Security patrols have been beefed up and patrols intensified, hence the decrease in crime, as indicated in my response.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I am surprised that the Minister is not aware of the insecurity in Emuhaya in terms of its intensity. In the last two weeks, we have had many shopping centres attacked. So, I would like to know what the Assistant Minister is doing to ensure that this insecurity, particularly in the shopping centres, is curbed.

Secondly, I would like the Assistant Minister to assure me that he will take some measures while we are looking for land to construct offices for the divisional police headquarters. What is he going to do to ensure that we have police patrols in the constituency? Otherwise, if we wait for the construction of the OCPD's office, it will take many years and my people will be suffering. So, I would like to know what he is planning to do.

Mr. Ojode: Mr. Deputy Speaker, Sir, mine is very simple. Let him get us the land and we construct the OCPD's office and a house. I am ready to post eight to ten officers to man his constituency. The reason why I was saying that---

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

Mr. Deputy Speaker: Let the Minister conclude his answer then you can rise on a point of order.

Mr. Ojode: Mr. Deputy Speaker, Sir, if the hon. Member can assure me that they have identified land, I will be able to move very fast with my officers, so that his people do not suffer. The reason why I was saying that the crime rate has gone down, is that I have some figures which I want to share with my colleagues.

Mr. Deputy Speaker, Sir, in January to December, 2006, we had 12 cases. Then in January to December 2007 we only had six cases. In January to July 2008 we only had two cases. Murder cases were ten, nine and now five. Assault cases in January to December, 2006 were 53 cases, January to December, 2007 there were 56 cases and then January to July 2008, there were only 26 cases. I think the crime rate will go down once we post an OCPD to his area. In any case, I will be visiting his constituency to check what is happening there.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, the Assistant Minister's response is, indeed, very unsatisfactory as far as I am concerned because his core business is actually to ensure that we have security in this country. He should be having information at his fingertips at any given time. No wonder our security systems are almost cracking down.

Mr. Deputy Speaker, Sir, however, let me put my question across. If we wait for buildings and yet the Government is not allocating resources, we will not be able to have officers serving the newly created districts including Wajir South. We already have construction underway that can accommodate the officers.

Could the Assistant Minister consider posting officers to those stations, so that we can have our district security systems operational, especially in the districts that were created in 2005?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have the figures with me. Like in the hon.

Member's place, we have about 14 police officers but if he can give me the names of the new places where he wants me to do the posting, I will do it like yesterday. I have the officers with me and if he wants me to beef up the area, I will do it like yesterday. We have also agreed with the Questioner that we will need to put up a temporary camp at Luanda. I am going to post some Administration Police officers (APs) to patrol his constituency from Luanda.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I appreciate the answer the Assistant Minister has given me and I look forward to him taking the action he has promised this House.

ORAL ANSWER TO QUESTION

Question No.171

EVICTION OF OGIEK COMMUNITY FROM KIPKURERE FOREST

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Ms. Chepchumba has requested me to make a special appeal to you to defer Question No.171 on the Order Paper to next week on Wednesday.

Mr. Deputy Speaker: Mr. Koech, you should have been here early enough but nonetheless, given that the hon. Member of Parliament has already communicated that, I will not drop her Question. It will be on the Order Paper at a time when she will be conveniently here. So, it is upon her to communicate that information to the Clerk's office.

(Question deferred)

POINT OF ORDER

POOR STATE OF MOMBASA ROAD

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Ministry of Roads regarding the current state of Mombasa Road which is currently under construction. We all know that Mombasa Road is the life line of this country. The current state of the road is very pathetic. It is in a very bad shape. The road is poorly maintained. The diversion is not frequently maintained. This has caused most of the traffic and especially small vehicles that are not able to use it to take longer routes through Kangundo.

The diversion alone is very long. It is roughly about 75 kilometres. The completed section is also not open to traffic use. Also, due to the poor state of the road, insecurity has increased. Traffic jams are the order of the day. Could the Minister clearly explain why the contractor has not maintained the diversion to acceptable standards? Secondly, why has the contractor not maintained the section of tarmac between Lukenya and Chumvi? Three, when is this contract likely to be completed? Finally, what action will the Minister take with regard to this particular contractor and the Ministry officials who have not ensured that the contract is followed to the letter?

Mr. Deputy Speaker: Dr. Machage, when will you have the Ministerial Statement available?

The Assistant Minister for Roads (Dr. Machage): Mr. Deputy Speaker, Sir, I will endeavour to deliver the Ministerial Statement on Tuesday next week.

Mr. Deputy Speaker: Very well! Next Order!

MOTIONS**MEASURES TO PROTECT CHERANGANY
HILLS FROM HUMAN ACTIVITIES**

THAT, in view of the fact that Cherangany Hills, a Government gazetted forest is under serious threat from human activities such as logging, aware that the forest is an important natural human resource which is the source of a number of rivers and streams, further aware that it is the Government's stated objective to conserve forests in order to mitigate the effects of climate change, this House urges the Government to protect Cherangany Hills from adverse human activities.

(Mr. Kaino on 16.7.2008)

*(Resumption of Debate
interrupted on 16.7.2008)*

Mr. Deputy Speaker: Anybody interested in contributing to the Motion?

Dr. Eseli: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, Dr. Eseli!

Dr. Eseli: Thank you, Mr. Deputy Speaker, Sir. I would like to thank the Mover of the Motion, Mr. Kaino, for this very important Motion because as debate goes on in the country about Mau Forest, similarly the Cherangany Hills are affected. If it is because of human settlement, I think this is something that can be sorted out amicably.

At the moment, there is a lot of land within the wider Trans Nzoia District that is being vacated and actually is available for sale. I think it will be very easy for the Government to actually acquire this land and resettle people who have been interfering with the Cherangany Hills. Once they are resettled, then they can be able to vacate the Cherangany Hills and we can conserve that part of the forest.

Mr. Deputy Speaker, Sir, the other issue with that forest is that we have never [**Dr. Eseli**] made any effort to fence it off as it has been done elsewhere like in Mt. Kenya where the forest has been fenced off. Despite the suffering that was caused to the people who were evacuated from Mt. Kenya, this can also be adapted in various other water catchment areas. I believe Cherangany Hills is one of the areas that qualify for such an action because I believe the future of our country and its neighbours is far more important than individual gains that are made by those people who are settled there.

Mr. Deputy Speaker, Sir, in the process of resettling them, I believe the Government can go into compulsory acquisition of some of the arable land in the wider Trans Nzoia District and resettle the people there. They should vacate the Cherangany Hills so that they can be reforested, so that the water catchment area is preserved. I believe Mr. Kaino's reason for bringing this Motion is very honourable and I believe we should all support it so that we can actually preserve the water catchment areas that affect not just this country but all our neighbouring countries.

Thank you.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Thank you very much, Mr. Deputy Speaker, Sir, for this opportunity to contribute. The Cherangany Forest that people talk about is not actually in Cherangany Constituency. Three-quarters of it is in my constituency and as we debate this Motion, as much as I support it, I would like to know what the Government will do with the people who are living in that forest.

This is a forest which the same Government gave out some portions called gled(?) to the

people of Marakwet East Constituency to live on, since they have been suffering since 1963. Their belongings were burnt for the twentieth time last week and they are now internally displaced, yet the Government claims it is their forest.

We do accept that we should conserve it but as I look at this Motion, I see that Marakwet East constituents will suffer if we pass it. So, before passing it, I would want to know where my people will be resettled.

I support.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Hon. Kilimo is a Member of the Government. Is it in order for her to ask what the Government policy is when she sits in that Government? Is she also in order to oppose the Government?

(Applause)

Mr. Deputy Speaker: Order, hon. Members! This is a Private Member's Motion. You are free to take any position that you want. You have stated your position. Have you concluded your debate? I am sure your point has been understood by the Government and the Government Responder.

The Assistant Minister of State for Public Service (Maj. Sugow): Thank you very much, Mr. Deputy Speaker, Sir. I stand here to support this Motion. This is a very important Motion for the country. Protection of water catchment areas is very, very important. I have seen bitter wars being fought over water and I think, as a country, we have a collective responsibility to ensure that we protect our water catchment areas. It is not just Cherangany Hills alone, but all over the country. Our water catchment areas also supply water to other neighbouring countries. Therefore, we also have an international and regional obligation to protect those catchment areas.

Mr. Deputy Speaker, Sir, we also need a more comprehensive land policy. If we are not going to have a new Constitution in this country which will also encompass a comprehensive review of the land policy in this country, then there is an urgent need to have a separate legislation to ensure that we have a more comprehensive land policy that will bring in a very constructive and comprehensive protection of resources such as water catchment areas.

Mr. Deputy Speaker, Sir, I think that our country has a lot of resources that are not properly protected or nurtured. There are certain areas in this country that are totally neglected. It is assumed that, actually, they have nothing to contribute to the economy of this country. Northern Kenya has limited resources in terms of vegetation and pasture. But it is a region that can support certain type of livelihoods. Right now, we are suffering considerably because of the refugees who have come into this country. There is need for us to come up with a policy of accepting refugees into certain areas, and consider the population that those areas can naturally support.

Mr. Deputy Speaker, Sir, I think that this Motion is very important and I urge hon. Members to support it.

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

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): On a point of order, Mr. Deputy Speaker, Sir. I do not want to be misunderstood in this House that I sit on the Government side and I do not support Government Motions. I support this Motion, but I would like to put it on record that God placed people in areas within catchment areas, like the way He placed my people in Marakwet East Constituency.

Mr. Deputy Speaker, Sir, the impression that I want to give here is that I support this Motion, but I would like the people to be resettled and, more so, the ones that were given farms by the Government in 1933. That is what I mean.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Members, based on the time, I think we only have time now

for the Government response and for the Mover to reply.

So, could we have the Government response?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you, Mr. Deputy Speaker, Sir. On behalf of the Government, we, indeed, applaud the Mover of the Motion and we are in support of this particular Motion, totally.

Mr. Deputy Speaker, Sir, we are happy that hon. Kaino is speaking the same language that the Government is speaking; that we want to conserve all our forest resources and, particularly, all the main water towers. Recently, on 8th July, 2008, we held a consultative meeting with both hon. Kaino, hon. Kilimo and representatives from the area of Marakwet. We discussed about Cherangany Hills and how we can be able to restore them. We agreed in that meeting that the Government is committed to restoring Cherangany Hills, just as it is committed to restoring the Mau Forest, Mount Kenya Forest, Aberdare Forest, Chyulu Hills and many other forests that are a source of water to this country. We have, indeed, planned to visit Cherangany Hills next month. We also plan to hold a consultative meeting of all stakeholders of Cherangany Hills sometime next month, when we can be able to map out the way forward in terms of restoring the forest.

With those few remarks, Mr. Deputy Speaker, Sir, we are in support of this Motion.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

Mr. Deputy Speaker: Is there any other hon. Member who is willing to contribute? The Government Responder has taken far less time than what is allotted to him.

Proceed, hon. Ngugi!

Mr. Ngugi: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion and congratulate hon. Kaino for bringing such a representative Motion. This is not a Motion about Cherangany Hills only. This Motion is about Kinangop and the Aberdares.

Mr. Deputy Speaker, Sir, the rate at which the Aberdare Forest has been destroyed shows that, in a couple of years, the City of Nairobi may not have water because the Sasumua Dam, itself, will dry up. It is saddening to see that it is the Government, itself, that is aiding the destruction of those forests. I say so because recently, in my area of Kinangop, we put up an electric fence to separate the elephants from human habitation. The Department of Forestry wanted to push that fence so far up in the Aberdares so that they can have as many trees as possible to sell to loggers from Timboroa and Nakuru. The people who guard that forest and are called upon to put out the fires whenever they occur were not considered.

Mr. Deputy Speaker, Sir, that is why it is so important for the Ministry responsible for forests to consult and consider the people living next to the forests who, for years, have been guarding those forests, even when they allocate permits for logging.

Mr. Deputy Speaker, Sir, the environment is so critical that if we do not guard Cherangany Hills, Mau Forest and the Aberdares, we will not have any country tomorrow. The desert will increase, production of crops will go down and famine will afflict this country. That is not the way we want to go and, therefore, that is why I support this Motion. I even invite the Minister responsible to accompany me to Kinangop to see the destruction there, which is aided by his Ministry.

Thank you, Mr. Deputy Speaker, Sir.

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir. Let me thank the Mover of this Motion. The issue of water catchment areas has been discussed for too long! We are all in agreement that we must protect water catchment areas. The question is: Is the Government ready to effect what has been said before?

Mr. Deputy Speaker, Sir, we do not want commissions to be set up. Setting up a

commission to inquire into what is happening in Mau Forest is of no use! We know that we need to protect our water catchment areas!

Mr. Deputy Speaker, Sir, communities in those areas should know that Ukambani was once a very green and wet area! Those were the good old days when the entire Kangundo Constituency, where hon. Muthama comes from, was a water catchment area. There were no people living there! Today, Kangundo is fully settled and we have no water in Ukambani. If we allow people to settle in the Cherangany Hills and Mau Forest, in essence, the entire country will become a desert. I do not know what is there in all these arguments and why people should not move out of the forest. It is very clear that forests are water catchment areas. We should be talking about expanding water catchment areas. If there are people living in those forests and they have title deeds, we have laws. We have the Compulsory Land Acquisition Act which should be used to evict these people. The Government can pay them off and let them move out of the forest. If there are people who have settled in the forest and they have no title, they have no business living there. We know there is greed. We know people want to settle there and make money. When the people heard that those to be evicted from Mau Forest will be compensated, other people started moving into the forest. We have to be very careful. Do we want to have a country which is a desert or do we want a country which is green with a lot of water?

Mr. Deputy Speaker, Sir, the culture of Ministers calling titles pieces of paper is not acceptable. The culture of people claiming they were given land in the forests is also not acceptable. If you have no title, you should move out. If you have a title, let the Government compensate you.

With those few remarks, I beg to support.

Dr. Khalwale: Thank you, Mr. Deputy Speaker. I wish to thank the Mover of this Motion because this is a very challenging moment to have a Motion like this in this House.

Mr. Deputy Speaker, Sir, I say this because the hon. Assistant Minister, Mrs. Kilimo, has set an example. She stood here at the Dispatch Box and asked the Government to resettle the people of

Marakwet so that the Cherangany hills can be protected. I honestly wish to appeal to hon. Members from the Kipsigis Community, some of them were my very close friends, to borrow a leaf from the hon. Assistant Minister. They should go home and talk to their people about the importance of protecting this forest. They should also approach the Government to advance funds and proper programmes so that these people can move out of this forest. We want Kenya to be there for us and Kenya to be there for the future. I am saying this from the bottom of my heart.

I wish to acknowledge that Cherangany Hills is a great asset not only to the people upstream but even us who come from downstream. We know our rivers; River Lukose, River Yala, River Isukhu and Nzoia River, all come from that area. We must protect this place. For this reason, I would like to go a step further and remind the Government that, today, we have the Kakamega Forest. Right now, as I speak, the Kenya Power and Lighting Company is cutting down a whole six kilometres of Kakamega Forest in the name of trying to take electricity to Chisaina Primary School, Ikuyo Primary School and Rondo Retreat Centre. We would like the Kenya Power and Lighting Company to be more innovative instead of making aerial lines in this forest. They should seriously consider doing underground cables so that we do not destroy Kakamega Forest that is very important to our people.

More importantly, even as they destroy Kakamega Forest today, we have special species of trees there. We have the elgon teak and other pine trees which are huge. Some of them are 80 metres tall. These trees have now been given to strangers in the Idaho and Isukha community where I come from. If, indeed, we must cut down these special trees, then the proceeds of the timber that will come from these trees in Kakamega forest should be used to construct and develop Ikuyo Primary School, Chisaina Primary School and other neighbouring institutions instead of

giving some strange Arabs and Asians who live in Kakamega Town and beyond. I wish the Minister in charge of the Kenya Power and Lighting Company could listen to us and move quickly to Kakamega Forest and stop what is going on there.

With those few remarks, I beg to support.

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir. I would like also to stand and support the Member who moved this Motion.

It is a very important Motion for this country.

Forests are an important resource to our country. There is desertification and you cannot dissociate desertification from de-forestation. Forests in this country are threatened by human inhabitation and charcoal burning. So many people rely on wood fuel as a source of energy. As a community, I would like to remove the notion that some people do not want the forests to be protected and reserved. What we stand for and we ask the Government to be committed to is that there are human beings staying in those forests. They need to be resettled elsewhere. So, the Government should identify alternative land and resettle these people there. That is our stand. We hope that the Government is committed to that cause.

Mr. Deputy Speaker, Sir, we would like to request that this problem be sorted out once and for all. Once these people are moved out of the forests after they are given alternative land, the Government or the Ministry should ensure that all the forest areas are fenced off. I applaud what they have done in Aberdare areas. I am saying this because the so called beacons are not even known by the local people in our communities. Let the boundary be clearly marked for the people not move into the forest. Most Kenyans today still rely on fuel wood as a source of energy. In order for us to save this country, the Government should think seriously on ways and means of providing alternative sources of energy to our people. Rural electrification and the use of biogas should be intensified to make these source of energy affordable to the common mwananchi.

We would like also the Ministry to encourage the many Kenyans because the areas demarcated as forests are not enough to produce enough trees in this country. We would like the Ministry to also encourage Kenyans to plant tree in their own plots.

With those few remarks, I beg to support.

Mr. Deputy Speaker: I have two minutes left. How do we deal with two minutes? Okay, Mr. Chepkitony, if you can present your case in two minutes, proceed.

Mr. Chepkitony: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute in support of this Motion.

This Motion is very important. It is touching on the environment and our forest. The problem we have is not the communities. The problem we have is with the authorities who control the forests. They left communities to stay in forests. Our population is increasing but the land available is diminishing. As a result, the people do not have land to survive and they are left to intrude into Government and trust forests. When it reaches a crisis level, the Government then says they will evict the people. Those to be evicted are not the problem. Why were they allowed to stay there in the first place? So, I do support the reservation and conservation of forests but we need to have a very strong policy. The best way of doing this will be to fence off all Government and trust forests so that there is no encroachment.

What the Government should do is to take stock of all the persons who are residing in forests. In my constituency, I have a forest called Elgeyo Forest, also known as Kapchemuto Forest. I did not know that the remnants of the Ogiek living there. These people have no other land. So, the Government needs to know the status of every forest land and the people who are living there. The Government should look for an alternative land so that these people are settled and the forest can be conserved and left intact without any settlement in it.

With those few remarks, I beg to support.

Mr. Deputy Speaker: I now call upon the Mover of the Motion to reply.

Mr. Kaino: Thank you very much, Mr. Deputy Speaker, Sir. Before I comment on the contributions by my colleagues, I wish to donate two minutes of my time to Messrs. Chanzu and Githae, respectively.

Mr. Deputy Speaker: Mr. Chanzu, please, proceed!

Mr. Chanzu: Mr. Deputy Speaker, Sir, I would like to thank Mr. Kaino for giving me this opportunity.

I rise to support this Motion. I represent Vihiga Constituency in this House. It has what we call the Maragoli Hills. It used to be known as the Maragoli Forest. The forest was destroyed because of the Government, civil servants and the leaders who served before me. It should be the Government policy that we conserve our forests and environment. I am happy that the Minister is here to take note of this.

There is a problem also that comes out of this. There are people who lived on Maragoli Hills who would have liked to move, but were not given alternative land. Even those who were trying to do farming within the forest, which was allowed at one stage, do not have title deeds. So, I would like this to be taken into account.

The other thing that has encouraged destruction of forests is the land-grabbing mania in this country. Karura Forest was destroyed because the Government actually allowed grabbing of land. Land was given to Government officials, civil servants, politicians and leaders. The Government should look into the possibility of reclaiming some of the land that was grabbed in areas like Karura Forest, Kakamega Forest, among others.

Mr. Deputy Speaker: Order! Hon. Member, you have exhausted your two minutes.

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

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Deputy Speaker, Sir, I rise to support this very important Motion. I commend the Mover, Mr. Kaino, for coming up with this very important Motion.

Mr. Deputy Speaker, Sir, in addition to supporting Cherangany Hills, we must support all the other water catchment areas, including Nandi Hills, Mt. Kenya, Kakamega, Aberdares and others that do not come to my mind straight away.

One way in which we can sort out this problem is to enact a law, like the way the Nordic countries have done, including Sweden, Norway and the others. If you are not farming your land, then you must plant trees on that land. As a result of that, I think Norway has one of the largest forest covers. It is over 80 per cent. Here in Kenya, it is less than 5 per cent. This is below the recommended 10 per cent by the United Nations. So, it is important to protect all our water catchment areas. To start with, we need to fence off all the forests. This is because if the forest is not fenced off then we cannot blame people who do not know where the boundary is.

Secondly, there seems to be a notion that there are some communities in this country that do not support the protection of forests. The truth could not be further than this. Those communities are saying that since their people are already in those forests, then if they are evicted, they should be given alternative resettlement areas. I think that should be the policy. Not only on forests, but even in slum areas. If we will evict people from slum areas, then we must show them an alternative place where they will settle, because they are human beings. They are Kenyans. It is not their mistake. Some of them were sold that land by the so-called land-grabbers and speculators who grabbed that land.

Lastly, the former President had very good intentions of settling the landless. But a few officials from the Ministry of Lands and Provincial Administration misused this opportunity. Instead of settling the landless, they allocated themselves the land. These are the problems that we are having. So, if we could begin by fencing off all the water catchment areas---

Mr. Deputy Speaker: Order, Mr. Githae!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local

Government (Mr. Githae): Mr. Deputy Speaker, Sir, with those few remarks, I beg to support and thank my friend, Mr. Kaino, for giving me the two minutes.

Mr. Deputy Speaker: Mr. Kaino, could you now respond?

Mr. Kaino: Thank you very much, Mr. Deputy Speaker, Sir. I wish to commend my colleagues who have contributed to this very important Motion.

As I said earlier, this forest is a very important forest. About 15 years ago when a study was carried out, 128,600 hectares of indigenous trees existed in Cherangany Hills. About 12,875 hectares of forest plantation also existed then. As I speak, if we conducted another study in the same place, we would find that this forest has been brought down drastically. This calls for immediate action from the Government to save this important forest.

Mr. Deputy Speaker, Sir, my colleagues here spoke and gave a lot of ideas and suggestions that are actually helpful to the protection of forests; not only in Cherangany Hills, but also in other forests in the country. Dr. Eseli from Western Kenya said that it is important that when we actually evict people from forests, we should also know exactly where to resettle them. These are human beings and Kenyan citizens. It was not their fault to be there in the forests. If the past Governments did mistakes, let us correct them and resettle our people. Let us tell them the importance of forests. As a result, we shall have no conflict between the wildlife and people who live around forests. I am referring to Mau Forest, Cherangany Hills, Aberdares and the mangrove forests in Coast Province. All those hon. Members who have spoken have strongly stated that forests must be protected. We are in this country to stay and our children are growing up. Where will they go if these forests are destroyed?

Mr. Deputy Speaker, Sir, we have heard the hon. Member for Mt. Elgon, hon. Wamalwa, Mr. Kioni, hon. Lessonet and many others. Hon. Lessonet spoke about Chemosusu Forest which is also under threat. My stand is not that the people of Kenya should be sent to the streets, so that they live there, while we preserve the forests. The forests are there for the people and the people are there also for the forests. All of them are very important. So, we must see to it that our people are not on the streets. There are plenty of farms in Trans Nzoia and Nakuru that people are willing to sell to the Government, so that people can be resettled there.

Mr. Deputy Speaker, Sir, I am talking about my people in Cherangany Hills where I also live. I am not against them. I love them. However, it must be known that millions of people depend on Cherangany Hills. They include people in Turkana and Ethiopia. We have River Moiben, River Siwa, River Kaptirit, River Chepkaitit and River Nzoia which all drain their water into Lake Victoria. Lake Victoria is shared by Sudan and Egypt. All these waters emanate from that mountain. Therefore, it calls for proper and speedy protection.

Mr. Deputy Speaker, Sir, we heard Dr. Khalwale talk about Kakamega Forest which is a tropical forest. It has unique tree species. There is also Maragoli Forest in Western Kenya which must also be protected. We have irrigation schemes which are in Turkana which need---

Mr. Deputy Speaker: Your time is up!

Mr. Kaino: Mr. Deputy Speaker, Sir, I beg to move.

(Question put and agreed to)

SELECT COMMITTEE TO INVESTIGATE ACTIVITIES
OF UNLAWFUL ORGANISATIONS

Mr. Kioni: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, noting the presence of several unlawful organised groups in the country drawing their membership mainly from the youth; further aware that the activities have led to unmitigated loss of lives, properties and livelihoods;

appreciating the fact that the Government has attempted to crack them down unsuccessfully in the past; cognisant that they pose a serious security challenge to the country; this House resolves to constitute a Select Committee to investigate their membership and organisational structure, operations, the underlying causes for their proliferation and that the Select Committee reports its findings to the House within eight months and further that the following be Members of the Committee:-

The Hon. Jeremiah N. Kioni, MP;
The Hon. Charles Kilonzo, MP;
The Hon. David Koech, MP;
The Hon. Eugene Wamalwa, MP;
The Hon. Elias Mbau, MP;
The Hon. Isaac Muoki, MP;
The Hon. Clement Wambugu, MP;
The Hon. George Nyamweya, MP;
The Hon. Johnstone Muthama, MP;
The Hon. Lewis Nguyai, MP;
The Hon. Ekwee Ethuro, MP;
The Hon. Rachael Shabesh, MP;
The Hon. Muturi Mwangi, MP;
The Hon. Millie Odhiambo, MP.
The Hon. Kambi Kazungu, MP;

Mr. Deputy Speaker, Sir, you will realise that there is a slight change between the names I have read out and those on the Order Paper. The ones I have read out are the ones that were intended to be from the beginning.

Mr. Deputy Speaker: Mr. Kioni, indeed, it is appreciated that you are a fresh Member. But nonetheless, you would have communicated to the House that you are moving the Motion as amended through the knowledge of the Chair. Nonetheless, I think the Members do understand. The amendments are there, hon. Members, and the Chair has approved them.

Proceed!

Mr. Kioni: Mr. Deputy Speaker, Sir, thank you for that guidance.

Mr. Deputy Speaker, Sir, one of the mandates and functions of Parliament is to hold regular discussions or to have audience with the nation on the various issues that involve and touch on the population; namely, issues that pose problems are contentious in nature. It is important that we, as parliamentarians, continue nurturing the spirit of listening to what our people, who we represent in this House, are saying outside there.

The issue of unlawful groupings among our young population is a phenomenon that has been with us for quite some time. It has been with us for over 20 years now. It is important that we understand that it is actually a very complex phenomenon, but one that requires the attention of this House without any divided position. It is important for us to know that Parliament is the only institution that can arbitrate and provide guidance to the Government on issues that are of socio-economic and political nature. We are the only persons who can understand some of the issues that are affecting our people on the ground because we are more often in touch with them. They gave us that mandate when they voted us to this Parliament.

Mr. Deputy Speaker, Sir, since the early 1990s, many police squads have been formed to try and deal with these unlawful groupings of our young population. When we talk about the unlawful youth groups, now we have figures that confirm to us that we are dealing with a section of the population that could be up to 70 per cent. We know very well that the Police Force has, on many occasions, tried to stem these unlawful groupings without any successful gains. It is then within the mandate of this Tenth Parliament to think of how we can get to understand the causes of

these groupings. We need to get involved, so that we can inform the Government to ensure that it formulates policies from an informed position.

Mr. Deputy Speaker, Sir, when young people come together, agree in one way or another and in one night they engage in massive operations that disrupt the lives of Kenyans and scatter Kenyans in different directions, it is only fair and reasonable for this Parliament to rise to the occasion and get to understand what is ailing our society. It is important for the House to note that when we are dealing with these groups, we need to know their nature, classification and what motivates them.

We have many groups under different names. We have youth groups that have drifted into gangs, which are operating under the various names. For example, we have the *Taliban*, *Mungiki*, *Chinkororo*, *Sabaoti Land Defence Force (SLDF)*, *Mulungunipa*, *Baghdad Boys*, *Kosovo*, *Jeshi la Wazee*, *Kamjeshi*, *Jeshi la Embakasi*, *Kaa Chonjo*, *Bangladesh*, *Kalahari*, *Fuata Nyayo*, *Mutaratarata*, *Majengo ya Saba*, *Michomoroni*, *Masumbura*, *Kamiti/Kikuyu Gang*, *Mbokola Warriors and the Forty Thieves*, among many others. It is very important to understand all these groups. There are many groups and I cannot exhaust them. Perhaps, this is one of the reasons why we need to have a team of Parliamentarians to go out there, and get to the bottom of this issue.

The team should try to understand why we are having rampant growth of these groups. What is the silent message that they are passing to us? Are they saying that we have lost touch with them? Is it that, perhaps, the leadership of this country is giving lip service? What are the real reasons why they come together quickly, fuse and understand themselves much more quickly than we do? What are the root causes? We need to go out there, and gather the very hard facts that will be there.

Mr. Deputy Speaker, Sir, the singular use of bullets by the police will not work. It has not worked in the past. We are not saying anything different, but we are saying that it is important for Parliament to play its role in engaging the population and getting to understand the deeper concerns that are there. It is important for us to realise that Kenyans are really looking upon us. It is upon us to give some hope. The Kenyans' hope is in our keeping. The fears of these youths are also our concern. If we do not do anything, we will have failed in our cardinal duty. It is important that we get to dialogue with ourselves. When the Prime Minister indicated that he may engage one of these groups in some discussion - and I must say that this Motion came up way before that invitation by the Prime Minister - there was some sigh of relief in this country. Kenyans felt that, perhaps, there was hope, and that something would come out of that discussion. This means that this is something that Parliament should support, so that we can see whether the policies that we are putting in place are really addressing the needs of these people. Are they issues that are drawing from what is happening on the ground, or are they a bit abstract in their nature?

We need to touch base with these young people. There are many issues that have been mentioned in the past. People have talked about drugs, discipline and many other things. For two decades Parliament has not played its role, which is bipartisan in nature. It has not given this issue the thought that every other person thinks we should give it. This is something that is affecting each and every member of this society in one way or another, and it is upon us to address it as a nation, quickly.

Mr. Deputy Speaker, Sir, the big question that will face us in the near future will be: What have the leaders in this 10th Parliament done as opposed to what the police did? How much brutality was meted out by the police to our young people? The bigger question will be: What role did the leaders in this country play? I dare say that, as we continue discussing this issue and engaging one another on the same issue, we will be best guided by the aspect of having love for one another. Practising love is much better than allowing ourselves to be driven by any amount of hatred, prejudice and ill motive. We must go out there guided by being mindful of other people, the youth and showing a lot of love towards them.

I have mentioned, and I want to repeat it, that Kenyans are looking upon us because the hopes and fears of these youthful people are in our hands, and we must rise to the occasion if we are to be counted as people who contributed positively to the wellbeing of this nation. This is a huge and complex issue, and it calls for a unified approach. We need to soldier on with this issue. In the recent past, just after the general election of last year, the courage Kenyans demonstrated and the ability to soldier on, even when faced with tough situations, constitute the experience that we must treasure. I am sure that Kenyans would also want to soldier on with this issue. The only way to soldier on is by talking to one another.

Mr. Deputy Speaker, Sir, when this peace accord was signed on 28th February this year, one of the messages that was being sent across the country is that Kenyans were tired. They did not want to be engaged in senseless wars. They did not want to be engaged in senseless destruction of property and killings. They wanted to live in harmony. Kenyans want to talk with one another. They believe that if we cannot sit at a table with one another, we can talk and agree on areas that otherwise look very difficult. We can sort out the differences between ourselves.

It is important to mention here, without raising an alarm, that we really do not have a lot of time; we cannot afford the luxury of saying that we want to cool off, because we feel we went through some difficult time. We do not have time to take a "tranquillizing drug" in the form of procrastination. We have to move and act now.

Mr. Deputy Speaker, Sir, when we were doing our campaigns, we made promises. I am sure that quite a number of promises were made to the youthful population of this country. This is one of the opportunities that we should use to fulfil these promises by engaging the youth. It will be tragic if this Parliament overlooks the urgency of this moment. It is important that we remain in tandem with the youth. We cannot, at any time, think that we can work alone. We must consult the youth. They must feel that they are engaged and listened to.

Despite their overwhelming presence, in terms of numbers, of the youthful portion of the population of this country, this Motion does not in any way intend to encourage any person to do any wrongful deeds. If they were to do so, their otherwise genuine cause would certainly be lost. The destiny of this youthful population is squarely tied to our destiny, and we cannot afford to lose this opportunity.

Mr. Deputy Speaker, Sir, one thing that happens to us on many occasions is the aspect of being indifferent. It is very easy to look the other way and pretend that nothing is happening. That aspect of being indifferent is something that we must make sure that it does not continue in this 10th Parliament. Being indifferent is worse than giving punishment. When you are indifferent you are not being creative. You are allowing a problem to become an end by itself, while it is actually the beginning of difficult times. It is important that we do not pretend that there is no difference between light and darkness. We should not pretend that we cannot see any difference between crime and punishment, cruelty and compassion. It is important for us to rise up to the occasion, seize the opportunity and the moment and act.

We must be able to recognise what has happened in the recent past. A in a couple of years that we have now gone through, some amount of economic security has been witnessed in this country, in the sense that the amount of borrowing from outside has been reduced drastically. It is sad to note that, perhaps, this has not gone hand in hand with social security. If we do not address this phenomenon that is now with us, and will remain with us until we boldly face it, then I can say here that the years to come will not be that rosy. We should ensure that we have social security, so that the economic security and gains that we have made in this country can be of use to us.

In conclusion, by supporting this Motion, we will be confirming that we are not unworthy of the leaders who have gone before us. Many leaders have been there in the past. They have contributed with the sole objective of making this nation a better one. This moment is presenting

itself to us, so that we can also make our contribution and be counted among those others, who have thought of this country and risen to the occasion when time called for their action.

With those remarks, I beg to move and ask Mr. Mbau to second the Motion.

Mr. Mbau: Mr. Deputy Speaker, Sir, I stand to be counted for supporting this Motion. I consider this a very important Motion whose time should have been yesterday. The question of giving legal space to the various contentious groups in this country cannot be gainsaid.

I know and wish to state that no country in its right senses can ignore the role of this productive, dynamic cohort of its population. Indeed, I want to submit that the destiny of any country squarely lies in its youth. For a long time, Kenya, has kind of, not given the right position or treatment to her youthful population. It is only recently that this country consciously and deliberately came up with a policy and a Ministry to address youth issues. I wish to thank the Government for setting up the Ministry of Youth and Sports, albeit belatedly.

Mr. Deputy Speaker, Sir, we need to ask ourselves, who are the members of these so-called unlawful gangs and militia? Who constitute this group? So far, we have been misled to believe that the so-called legal gangs and groups are for those misguided who have nothing to do. As I stand here, I am conscious of what happened in this country about two months ago. We were taken aback when we woke up and many towns, especially within central Kenya, came to a standstill because we were told that a certain illegal gang in the name of *Mungiki* had said no activities were going to be undertaken and people were to remain in their homes. Even though these gangs are called illegal, they consist of people who are known to the Government. They are gangs known by the Provincial Administration. They are people who roam our villages and towns and they are known by names.

Mr. Deputy Speaker, Sir, I think time has come - I want to thank the Mover of this Motion - for us to recognise and appreciate that there is not much we can do to these gangs. These people are only trying to find space for themselves because whether you like it or not, they somehow feel disposed by the so-called leaders; ourselves. We keep on telling them that they are the leaders of tomorrow. For them, tomorrow has come but they are not seeing these leadership opportunities or benefits.

We should prevent them from feeling that the suffering they are undergoing is at the expense of leaders and the haves, leaving them without. They have reached 18 years, 25 years, 30 years and 40 years. I want to say that those who are 40 years old and below in this country comprise not less than 75 per cent of our population. These are people who have need for clothing, food, shelter and even taking their children to school. However, they do not have gainful deployment or employment.

Mr. Deputy Speaker, Sir, recently we read a report by a United Nations (UN) agency. We now know that the life expectancy in Kenya is about 45 years to 50 years. It is 54 years for men and about 50 years for women. Therefore, we know that at birth, you are expecting to live, on average, about 54 years. These young people who are dotted across the country in the Coast Province, Western Province, Eastern Province, Nairobi Province and Central Province, on attaining an age of knowing what they need to know discover that they have only about 15 years of productive life. They then reach 30 years or 40 years yet they have nothing to do. I want to call on Members to take this Motion very seriously knowing that if we do to address and manage the question of our youth population, they will soon or later sweep us aside.

However, we need to ask ourselves what the underlying issues that occasion the proliferation of these groups are. We should also tell ourselves that the palace will never be safe if the cottage is not at ease. We cannot go about purporting to be enjoying or leaving in comfort zones when we know that these groups are there. That is why you find Members of Parliament and other leaders with security and bodyguards. Those who are not employed will look for them. I think we need to consciously give the youth, who comprise the gangs, face, by ensuring that we create

this select committee and that it moves with speed to create better understanding and establish the impact and possible magnitude of this crisis as well as deliberately undertake to facilitate dialogue with these criminal gangs. The unity of the various groups is what will move this country forward.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Medical Services (Mr. Mungatana): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to air my views on this Motion. First of all, I want to thank Mr. Kioni for bringing this Motion to the House thereby giving us an opportunity to air our views on this matter. I listened very carefully to the hon. Member as he moved this Motion. I am persuaded that it requires the entire support of this House. I stand to support this Motion because of the following reasons:

First of all, if you look at the Standing Orders, we have various Select Committees which have been given specific mandates, for example, the House Business Committee (HBC), the Departmental Committees and all others. If you go through the Standing Orders, you will realise that these Committees are specific to certain purposes. However, Standing Order No.153 gives allowance for the establishment of Select Committees that are not covered within the provisions of this House. This is one of such committees.

[Mr. Deputy Speaker left the Chair]

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

Madam Temporary Deputy Speaker, when we have matters that touch on national importance, it is important for us, as a Parliament, to engage so that our views and thoughts can be heard. The unlawfully organised groups have been a phenomenon in this country for a number of years. They always arise just before elections and are active just after elections. This raises the question: "What is the role of leaders in these organised groups?" Unfortunately, some of them are elected into this august House. It, therefore, becomes impossible to investigate the same people, especially if the same people are appointed into the Executive either as Ministers or Assistant Ministers. It really becomes impossible to investigate.

The attitude that has been there is that leaders are clean. Everybody else will speak outside there: "We know the rumours and we know that it is so-and-so who is leading that group. He gives them money and does this and that." It is impossible to investigate these people because they hold positions of power and influence. That is why when we had a public offer from the Prime Minister at some point, that is, when he said that he was willing to discuss with the *Mungiki*, the Minister of State for Provincial Administration and Internal Security said, "No, such discussions cannot take place." You can see very clearly that within the conservatism of the State, there is a desire to protect things that are not right within the system. It is only this Parliament that has the power, strength and ability to make it happen. The truth must be told.

Madam Temporary Deputy Speaker, if you look at this Motion, it is going to touch on extremely important personalities in this country, some of whom have retired. I would urge the Select Committee which is going to execute this mandate on our behalf to summon these people whoever they are. It does not matter whether they are retired politicians or not. Whatever positions they used to hold in this country, they must come and explain to the people of Kenya. It has become too much and this country has suffered for too long.

What worries me, even as I support this Motion, is that the Standing Orders have a

provision with regard to the execution of this mandate. Standing Order No.161 states that the evidence that they are going to receive cannot be made public. So, if this Select Committee we are setting up to investigate these unlawful organisations and their activities--- The idea is that they must come up with deterrence measures to the recurrence of these unlawfully organised groups. We need to listen to them or know what they are doing. The Motion states that the Select Committee will do this work for eight months and then report its findings to Parliament. This means that for the entire period of eight months, we will not get to know what it is they are actually doing. I would be much happier if the Mover of this Motion would also seek leave to move an amendment, at some point, that the operations of this Select Committee shall be public. It should be a public affair. I am saying so because if you ask the people, some of whom have gone public on these matters--- I remember reading in the Press about some of the young people who said that they have participated in these unlawfully organised groups. They said that they have grievances that need to be addressed. Perhaps, if these people can come out and talk about it, apart from their leaders, it can help us, as a nation, to make progress towards the sorting out of this problem.

Madam Temporary Deputy Speaker, this Select Committee is also supposed to investigate the root causes of why we have these organised groups that crop at some point in our election cycle. Real recommendations will come out and we will see them. At some point, before the eruption of school unrest that we have right now, several commissions have been set up. However, commissions are controlled by the Commissions of Inquiry Act. They are supposed to report back to the appointing authority, ordinarily, the Head of State. Ordinarily, if the recommendations are too radical, they are shelved.

The fact that this is going to be a Parliamentary Select Committee, it is my prayer that the recommendations that are going to come out of it, are not only made public when the Report is laid on the Table of this House, but also be implemented. This is because it may serve as an opening point or a window through which we can unearth the operations of things that are always kept secret under the Ministry of State for Provincial Administration and Internal Security. It is my prayer that the recommendations of this Committee will be implemented. I pray that even the Minister will come out strongly to support this Motion. We need solutions towards the problems that affect us. In one way or the other, those affected directly and those not affected directly, we are all being touched by the problems caused by these groups.

Madam Temporary Deputy Speaker, even in our region where we have not seen very strong groupings of this nature, we have a domino effect in a small scale. It is just like what is happening with regard to the unrest in our schools. If one school is affected, then the problem spreads to other places. We have had big gangs being organised in the country and then miniature versions of those groups developing across the country even in the rural areas. We need to know what can be done. It needs to be an open discussion without condemning anyone. We need to hear what those people are saying. What is the problem? Who is to blame? What can we do about it?

Madam Temporary Deputy Speaker, we have learnt from experience that whenever this country has problems, it has not been the strong arm of our security forces that has solved them. In fact, it has always been dialogue and discussions. I believe that if Kenyans are going to participate in open discussions, through this Select Committee, and truly say what the problem is, then we will have solutions that are going to help this country. We will probably not have a repeat of this pattern that has become part of our existence during elections.

Madam Temporary Deputy Speaker, with those few remarks I beg to support.

Mrs. Shebesh: Madam Temporary Deputy Speaker, I stand to support this Motion and thank the hon. Member who has brought it to the House. However, I would like to raise a few issues on the composition of the Committee, and the way the Motion has been framed. I would like to seek the indulgence of the Mover of this Motion to consider the composition, or representation of the hon. Members of the Committee. I believe, as the previous speaker has said, that even areas

where these illegal groupings have not gone to, people need to be aware why they come up. Therefore, we should not only look at regions where we say these groups operate. We must look at all regions of this country. With that in mind, the composition does not include all regions. I would ask that the composition should be, at least, two hon. Members from every province. I believe that, that will put into place a more effective Committee that will look at this issue in a more broad-based manner.

(Applause)

If we just have in it hon. Members who are affected, we could end up having a Committee that is busy blaming each other and fighting instead of coming up with solutions.

Also in the way the Motion has been framed, the language, for me, is more of police language; it says we want to investigate; we want to know--- I would like this Committee to be more of a Committee that will bring understanding, reconciliation and rehabilitation. The young people who belong to these illegal--- I even have a problem calling them that, because to me, we are the ones who have termed them illegal but in their minds, they do not think they are. But since that is how they are called, I will refer to them as illegal groupings. These young people in these illegal groupings, as we are calling them---

An hon. Member: Unlawful!

Mrs. Shebesh: Unlawful groupings, Madam Temporary Deputy Speaker.

I would want to call upon them to look at this Committee that is being set up by Parliament as the bridge that they need to cross over to the lawful side. I would want them to give us a chance, as Members of Parliament who are elected from the grassroots, because I know that they have been frustrated. They are young people, who are frustrated and they might not necessarily welcome us. I would like to call upon them to open up dialogue with this Committee, because I believe that is why the Mover has brought this idea to the fore, to give the young people an opportunity to also talk and explain why they are in these groupings.

I also want to talk about the issue of the police and what their role has been. We must be clear and candid about these discussions. We must not protect, at any time, players who have brought about these groupings. The police have had an impact in this. The way the police have dealt with these groupings has been to victimise them without looking into the issues that surround these groupings. I would like the police to also give us a chance, because they will use the law; probably, the police will be a hindrance to this Committee doing an effective job. So, I am calling upon the Minister of State for Provincial Administration and Internal Security and the Commissioner of Police to be of help to this Committee and not to be a hindrance.

It is unfortunate that when we talk about these young people we only see the illegal side of them. We forget that most of these young people are unemployed. We do not deal with the issue of unemployment; instead we single out individuals amongst these groupings and make them heroes. What do I mean? I mean, for example, that when an individual disappears from a slum, for instance in Nairobi, and the whole community takes up placards to demand the release of that particular young person, who has been arrested, and the police keep quiet, then that person disappears forever, what have we created? We have created a hero, whose leadership position another young person will want to take up. So, when we think we are dealing with it the way we are dealing with it as the police, we are actually encouraging heroes to come and fight for a cause they are not aware of themselves. We are dealing with it through extrajudicial killings and arrests that cannot be explained; this is really a problem. We must not give too much attention to the way we are dealing with this; instead, we should give attention to how we are going to rehabilitate them.

Madam Temporary Deputy Speaker, we must also protect the human rights of individuals in this country, irrespective of what we consider them to be. If today I [**Mrs. Shabesh**]

were to be arrested, I believe I would be given justice. I would have a lawyer; I would be taken to court to argue my case. Why is it that when these young people are arrested, they must disappear? Why must they never be seen or heard of after that? Is it that we believe that, that is the way the problem will be solved? That is why I am quite excited about this Committee. If it will look into these issues in the period that has been given, I would ask, again, that the Minister of State for Provincial Administration and Internal Security and the Commissioner of Police stop the arrests that cannot be explained, and the extrajudicial killings that are happening in respect to these people. If they want these young people to take us seriously, as a Committee, and co-operate with us, then the Government must help us; as hon. Members of this House, they must help us come up with a good report and way forward for the young people of this country.

With those few remarks, therefore, I support the Motion with the necessary amendments that I have suggested.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): Thank you, Madam Temporary Deputy Speaker, for giving me a chance to contribute to this Motion. I, indeed, support it for following two fundamental reasons. First, I have been a victim of circumstances in the popularly known organised youth groups, who apparently show their face ordinarily just before elections, during elections and vanish after the elections. Secondly, I support this very important Motion for the simple reason that I have love for the youth. Time and again we are told that the youth are the leaders of tomorrow, which tomorrow never comes.

In view of the comments put across ably by my colleague and the previous speaker, we need to tidy up this a bit, but the Motion has fundamental issues that must be addressed. It is critical that all of us face this issue squarely, instead of burying our heads in the sand, for this way nobody will win. We know why these things happen. As the previous speaker said, it is the politicians who use their financial ability and muscle to recruit youths, use them and dump them after elections. This is a shameful thing that must not be allowed to happen in a modern society. There is an implosion in the youth that, unless it is addressed, is going to burn this country, as happens after elections.

Madam Temporary Deputy Speaker, I want to give an illustration of how an organised youth group started appearing in Kisii, where I come from. There is a popular youth group known by the acronym "KEBAGO", which means "Kisii Educated Boys and Girls Organisation." These young people went to school, and they were told: "Tomorrow, you will lead." They have never led until today. They have realised that they only spent time in school, and they have been clapping for elderly leaders with financial muscles, and that nothing else happens. One of the previous speakers said from the Floor that I am also a leader. Yes, I am a leader, but I became one after wading through the "mud", being clobbered and remained persistent. That is why I am here today.

In 1979 and the 1980s, we had a popular song which said that the youth were the leaders of tomorrow. I can tell you for a fact that people who were leading in 1963, are still in power. We voted for them. Our children have voted for them. They are still in power. Our grand children are voting for them. Then you say that you want to liberate the youth and give them a traditional pie! I want to offer free information to the Select Committee being formed. This is an issue we can address if only we address it squarely, without beating about the bush. We must create deliberate policies to employ our youth. That is the only thing we must do. We must empower the youth to create jobs and wealth amongst them. We should facilitate them to use their energies, not to clobber others, but to be productive if we want to grow.

Madam Temporary Deputy Speaker, Sir, there is moral decay in society. Some of the leaders we are emulating have got no morals. Can we stand to be counted? What legacy are we leaving behind as leaders? Even we, in this House, can we be examples of good leaders, so that we can be role models to be emulated by the youth of this country? When the youths of this country

are told: "I can steal from you and if you agitate, I can give you a share of the cake," we are telling them to also agitate and boycott mock examinations, refuse to stay in school and demand DVDs in boarding schools. That is simply because we have bad moral examples. It all starts with us, as a leadership. So, as we deliberate on this matter, it must be a case of self-examination, as leaders of this country, to be able to deal with these issues squarely.

We were told that we will do everything it takes to ensure that things go right, including pledges that no stone would be left unturned. At the end of the day, when you are elected using the *Sungusungu* or the *KEBAGOs* of this world, you forget about the youth. Some "stones" become too heavy to be turned because you cannot turn your own weight, because it is too heavy. It starts with us in leadership. Most of us have used those boys. Let us own up in a reconciliatory tone. As Ms. Shabesh said, we will still be spiting this country or putting this country on fire. We must start by owning up by saying: "Here we are. We made a mistake. We need to address the issues of the youth" and address it genuinely, without making political statements.

Madam Temporary Deputy Speaker, in the last Parliament, somebody in Government issued a stern warning to members of the *Mungiki* sect, and said that he would firmly deal with them. The same *Mungiki* leaders replied: "We will start with you and expose you." That is why the leadership of this country must lead by example. I want to support the issue that was raised by Mr. Mungatana - that, we must start with the leadership, so that we can set an example. If we are going to do it for the small boys, who have been arrested and jailed out there, we will be wasting time. We had better not even bother about constituting the proposed Select Committee. We must explain matters to the youth and bring them to account.

Let us bring the culprits to account, so that when the *Mungiki* leader-turned Christian points a finger at one of the Ministers of the Government, that issue is fizzled out. We cannot pretend to understand the issues of *Mungiki*, because we never gave birth to them. The "fathers" of *Mungiki* ran away from *Mungiki*. You cannot pretend to breastfeed a baby you never gave birth to. Such a baby can even bite you if it has teeth, because you are not its mother. Issues of economic suppression and social injustice must be brought to the fore. We should nurture a culture of fairness in terms of involving the youth in decision making. Do not just buy an aircraft for the youth when you have not even allocated them a field on which to land the aircraft; or buy for them a ferry when you do not even have the water on which that ferry can float.

Madam Temporary Deputy Speaker, we must start by stating the facts as they are, so that we can address the root cause of this matter, including the issue of social injustices. We take people to school, but when job opportunities come up, we recycle grey-haired fellows to fill up those positions. Thank God, my grey hair is not about age. By recycling grey-haired people and giving them public appointments, what are we telling the youth? We are telling them that they can go to school and continue clapping for your grandparents. We cannot pretend to be a good father and give our children a lovely kind of parental care and pretend to take care of our grandchildren, who are the children of our children. For heaven's sake, one of the terms of reference of the proposed Select Committee should be to address the issue of people wanting to be fathers because they take responsibility, and not grandfathers taking care of people's children. It is also immoral. We must stand to be counted.

The proposed Select Committee, through the Ministry of Youth Affairs and Sports, should let the youth to its Members what they want to do. Perhaps, because the Executive will keep on burying its head in the sand, we should involve the youth out there and come up with appropriate policies. Once you bring those policies to this House, we will give you wonderful support, so that we do not have to talk about the youth for the sake of it, but rather we talk for them, with them and for their benefit. In the Ministry of Trade, where I sit, I am incapacitated. I cannot help the youth to trade with the Government simply because the draconian rules of procurement are such that we must have a ten year old company to be able to trade with the Government. So, some boys from the

university, who have wonderful prowess, cannot engage with the Government, because their companies are not ten years old.

Madam Temporary Deputy Speaker, how do you start walking before you crawl? Open up these areas for the youth to participate in dealing with the country's biggest consumer of goods and services, who is the Government. We will absorb them in there. Sometimes we use the youth to give us positions, because they have the energy to run around. However, once we get those positions, we put them in the back banner. We forget that it is because of their energy that we got what we wanted. Thereafter, we tell them that their time will come, but their time never comes. I have a right, as a Kenyan, to also say that the youth need to demand from us, leaders, that their tomorrow is today. We will give you the support you require in this particular case.

Of course, as one of the previous speakers said, let us be sober in addressing this matter. Let us not create emotions because, sometimes, when you raise a matter that excites the youth, you will be losing, as opposed to guiding them. Let us be more reconciliatory in terms of the wording of this Motion. Reach out to everybody else, since if the Committee holds its hearings in camera, certain matters may never reach the Floor of the House. So, I suggest that the Committee holds its meetings in public. What is so secret about this matter? If the youth come to the Committee and explain themselves in public, maybe those of us who have moral obligations can own up and say: "Sorry, we have offended you enough. After using and dumping you, we can now partner and work with you", because the youth have the energy with which to work.

Madam Temporary Deputy Speaker, we are losing a generation. Colleagues, we are losing a generation because we have blocked the youth. They are suffocating. That is why they are expressing themselves in various forms. Unless we do address the youth's plight, the issue of solving our problems at hand will be far from over. It starts with all of us. This is a country which we must nurture. Let us grow together.

With those remarks, I beg to support.

Mr. Yinda: Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to support this Motion, which I consider to be very important. In this country, the youth are the most misunderstood. They are the most misused and the most abused mainly by us politicians. We use them at will when we want them to fight our battles. As soon as our battles are over, we dump them.

I feel very strongly that this Motion is very timely. We should deal with all the issues affecting the youth. When we see what is happening in our schools, where young people are acting in the way they are doing, what comes to mind is simply that the youth are actually crying for attention. The only way by which to help is to ensure that once the youth grow up, finish school and become ready to fend for themselves, we provide facilities for them to be able to look after themselves.

Madam Temporary Deputy Speaker, in contributing to this Motion, I would like to echo what some of my colleagues have said, that we should look at this Motion more widely and probably amend some sections of it, especially the representation, so that we can have all the provinces equally represented on it by Members of Parliament. I am saying this because the problems of the youth in this country are the same, with slight differences according to their regions. I am sure that if we put our heads together, we will be able to come up with a way forward for these young people.

I also feel that sometimes the police are too hard on the youth. When the youth are arrested because they react in the way they do--- For example, what happened after the elections was that the youth erected barriers on the roads. They believed that by erecting barriers, they were able to earn a living. I am sure that they did very well during those times, because all of us were affected by those barriers, because you had to pay *kitu kidogo* before going through them. If we allow that to continue, the youth may understand that through agitation and revolt, they can actually achieve

what they want. That is very dangerous for this country; therefore, we have a challenge to come up with a solution to what the youth can do before they take the law into their own hands to achieve what they want.

Madam Temporary Deputy Speaker, my feeling is that the Ministry of Youth Affairs and Sports can do a lot more to empower the young men and women. I also strongly feel that the Constituencies Development Fund (CDF) Act can be changed, so that some funds from this Fund can be used for poverty financing, and also creation of small enterprises. At the moment, even if you want to help the youth to establish small businesses, you are not allowed to use any funds from the CDF, because of the Act. I request that we look for a way of amending the CDF Act, so that the funds may help in rehabilitation of the youth through creation of enterprises in our different constituencies.

The youth are important to this nation and they constitute up to 70 per cent of the population of this country. This is a population that cannot be ignored. I want to support this Motion with the amendments that I and the other hon. Members have stated.

With those few remarks, I wish to support.

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, I want to congratulate Mr. Jeremiah Kioni, hon. Member for Ndaragwa for bringing this Motion before the House. It is an important Motion. I would like to say straight away that I support it, because I have been a victim. I would like to give a historical background to some of the issues involved in this Motion. I plead with my colleagues that we should not be narrow about this. The issue must be looked at with some historical perspectives.

I remember that I came to this House in 1988, and at the time there was nothing like what we see today. The whole thing taken on from the early 1990s when we had the tribal clashes in this country. The tribal clashes that we had, and continue having, were caused mainly by political leaders. These are some of the reasons that we are going to address through this Select Committee. There is also the participation of political leaders in the tribal clashes. It is not unknown to us that some of these organized groups have been funded by political leaders. Some of the political leaders have been in the Government, but mostly in politics. So, as you address this issue, that should be properly covered.

Madam Temporary Deputy Speaker, I said that I am a victim. I just want to draw the attention of the House to what has been happening in my area. In 1991 and 1992, we lost so many people in Trans Nzoia. In my own constituency of Kwanza, we lost 110 people. That was just before the election of 1992. We lost people because there was an organized group of young people, who were trained to cause mayhem and burn houses. The reasons for this were purely political. One of the underlying issues was land. This Committee must address the issue of land, corruption and Government departments charged with providing security not doing their job properly.

Mr. Ruto: On a point of order, Madam Temporary Deputy Speaker. The hon. Minister has just said that in 1992 several people lost their lives, because there was a group of trained youth who, presumably, went to kill. Could he tell us who trained the same youth? Was it the Government? Why would the Government train people to go and kill others? I believe if he knows about it then he should table evidence.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ruto, you are out of order! He is giving us information. We are trying to form an investigation committee; so, his is just a contribution towards that goal.

Go ahead, Mr. Minister!

Mr. Ruto: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): On the same issue?

Mr. Ruto: It is a clarification. The Minister made a statement of fact, that the youth were trained. That does not need investigation. If he had said that there were killings by unknown

people, that would need investigation. The Minister said that there were youth who had been trained. That means he is aware of them to that extent.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ruto, we are not discussing the report of the Committee. We are forming the Committee today. In his opening remarks, the Minister said that there are issues that must be investigated. He has requested the proposed Committee to investigate land issues and past injustices.

Go ahead, Mr. Minister!

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, let me tell you something. We have a saying that if you carry a stick and a dog has stolen meat, you will see it running away because of the mere fact that you have carried a stick. I do not know why my friend is jittery about what I am saying.

(Laughter)

The Assistant Minister for Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to imply that Mr. Ruto is a dog?

(Laughter)

The Temporary Deputy Speaker (Prof. Kamar): Proceed, hon. Minister!

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, most of the youth that killed my constituents in 1992 came from Uganda and from the way they were organised, it appeared very clearly that they were trained. More recently, about five kilometres from my home, a group of youth came in a car, picked ten people from a market called Kinyoro, tied their hands behind their backs, made them kneel on a road and shot ten of them execution style. Two weeks later in Mr. Wamalwa's constituency at a place called Matisi, an organised group mostly of young people came and entered some houses in the market and killed ten people in about 15 minutes. So, as I stand before you, I am speaking as somebody who has seen---

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On a point of order, Madam Temporary Deputy Speaker. Is the Select Committee already in session because it seems as if my friend is now giving evidence? He should wait until the Committee is formed and then he can give evidence.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Minister, please continue and cover only the areas that we want the Committee to cover. Your evidence will be allowed by the Committee, if you have any.

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, the point I am making is that we should look at this issue very broadly. We should not even focus on the post-election violence that rocked this country only the other day. The reason why I was referring to 1991/1992 is that this Select Committee must go as far way back to the early 1990s and look at this issue.

I want to conclude by saying that we must look at the issues of unemployment because I think it is one of the major causes of this problem. We must look at the education of our youth. We have educated some of our youth but we have not given them direction as to how to utilise that education. Some of our youth are not receiving proper education and I am thinking of the cultural practices that we find in some of our communities. Corruption is an issue that this Committee must look at very seriously because---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, your time is up!

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy

Speaker, I beg to support.

Mr. Mwaita: Thank you, Madam Temporary Deputy Speaker, for the opportunity to support this Motion. This Motion on this problem of organised gangs and militia is long overdue. I wish, at the outset, to congratulate the Mover for coming up with it. You recall that at the beginning of this year we had a similar problem but this problem goes way back to the 1990s when the introduction of multiparty politics came in and tribal clashes erupted.

Madam Temporary Deputy Speaker, the problem of organised gangs and militia, targets mainly the youth as the Mover has said. The youth are vulnerable. They fall prey to these organised gangs which as my other colleagues have said, are mainly funded by leaders for political reasons. The main cause of this problem is unemployment of our youth and rampant poverty. When the Select Committee is created, I wish it looks at creating employment opportunities for our youth so that they are able to be fully engaged. They should not be idling around trading centres as we see them doing. They should be able to get gainful employment either in the *Jua Kali* sector or any other sector of the economy so that they can be able to contribute to the well-being of this society.

In this regard, I have in mind the *Jua Kali* sector especially the Small and Medium-size Enterprises (SMEs), the *boda boda* and the artisans. To this end, we need to look at how to strengthen our polytechnics because any threat to security is a threat to livelihood. So, the House should look at this problem and come up with the underlying causes, how to tackle them and measures to stamp out this problem once and for all in this country.

Madam Temporary Deputy Speaker, looking at the proposed Select Committee, I notice, the way my other colleagues had mentioned that the membership is not representative. It should not only be from the areas where this problem is rampant. It should be representative across the country. I propose that the membership be amended and before I finish my contribution, I would like to move an amendment to the membership to include Mr. Cheruiyot given his experience in terms of security and Mr. Kapondi, if you are aware of what has been happening in Mt. Elgon. We know the Sabao Land Defence Force (SLDF) and Mr. Kapondi represents Mt. Elgon Constituency. He is also the Chairman of the Departmental Committee on Administration, National Security and Local Authorities. The third hon. Member I would propose the Mover to include is Mr. Mututho---

The Assistant Minister for Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker. It seems to me that Mr. Mwaita is moving an amendment. Is that the right way to do it since I am a little lost? Could I get clarification over this matter?

Mr. Mwaita: Madam Temporary Deputy Speaker, I was just suggesting names as I contribute.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Mwaita, your amendments have already been proposed on the Floor and I think what you should be introducing is names to deal with the amendment which I think the Mover will be able to respond to.

Mr. Mwaita: Thank you, Madam Temporary Deputy Speaker, for that clarification. The other point I wanted to talk about is the issue of strengthening our National Security Intelligence Service (NSIS). Every year this House sets aside funds for the NSIS to be able to report on organised crimes and groups which threaten our security. Unfortunately, these organised groups react while our security agents are unaware.

I wonder why this is the case, Madam Temporary Deputy Speaker. Maybe, it is because the NSIS became de-linked from the police. In the past, prior to the establishment of NSIS, there used to be the Special Branch group, which used to be a department within the Police Department. Maybe, they need to be more closely linked so that the reports they churn reach the law enforcement arm, especially the police, and assist in curbing the proliferation of those organized groups.

Madam Temporary Deputy Speaker, the other thing I would like to mention to the proposed

Select Committee is the expansion of our approved schools. I know we have a few approved schools in this country. If those schools are expanded so that, at least, there is one in every district, we may be able to curb the problem of youths falling prey to organized groups.

Madam Temporary Deputy Speaker, how will that Select Committee collect its views? Hon. Members have come up with a proposal that the Select Committee should hold its hearings in public, so that members of the public are able to ventilate their views, instead of just doing it in camera. I support the idea that it should hold its hearings in public and go round the provinces so that members of public can contribute.

Madam Temporary Deputy Speaker, as I conclude my remarks, the other aspect that we need to look into, particularly in the urban areas, is slum upgrading. We have noted that many members of those organized gangs originate from slums in urban areas. If the Government can be able to upgrade those slums, particularly in the urban areas, and create opportunities for the youth, we could curb that problem.

With those few remarks, I beg to support.

Mr. Muturi: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to the Motion. I would like to echo the sentiments expressed by the previous speaker. One of the problems that we have observed in this country in regard to the management of our youth programmes is lack of dialogue! We are not listening to them. We have a political leadership that, for a very long time, does not want to hold dialogue with the youth whenever a crisis arises. Unemployment has been mentioned as one of the areas that the Select Committee should look into. It has been discussed in many other fora. But I think one of the most important things that this House should consider is--- The problems affecting the youth should be looked into from an angle of socio-economic and political challenges, and what has been promised to them. The decline of employment opportunities, the collapsing of the agricultural activities in the rural areas, migration from rural to urban centres; all those should be looked into by the Select Committee.

Madam Temporary Deputy Speaker, we used to produce enough wheat in this country. The Guaranteed Minimum Returns (GMR) was very useful to the farmer. What happened? When all that collapsed, we could not employ the youth in the rural areas? We need the Select Committee--- As an hon. Member said earlier, the life expectancy is up to 54 years. When we talk about the youth, we are talking about ages ranging from 18 years to 35 years. How many years are left for those youths to realize their potential? I think we need to look at the whole spectrum of our youth, and not only from that bracket. Look at what is happening in our secondary schools! The police are using force even in secondary schools! They are creating heroes for no reason at all! There is more than beating, arresting or even shooting the youths! We need dialogue; we need to find out what has gone wrong in our cultural backgrounds! Are we withholding our cultural beliefs that would help us to contain our youth and nurture them into adulthood?

Madam Temporary Deputy Speaker, when we talk about the unplanned settlements or the slums, who created them? This country must realize and accept that the spread of capitalism and the lesser devils should be addressed! The unplanned slums have no infrastructure at all and, if they have, it is inadequate. You only need to go to *Mukuru* slums! The industrialists would never want the slums to go away because they are a source of cheap labour! When the youth have no jobs, then they are called *Mungiki*, *Jeshi la Mzee et cetera*. The problem is within us, the leaders, and the country must address the problem!

Madam Temporary Deputy Speaker, in our own way of managing our resources, we need to look at the Ministry of Youth Affairs and Sports and find out whether the Government has allocated enough resources to enable the Ministry to create employment and build centres that will impart skills and trades that will help them to settle. By addressing the youth activities, we will be able to arrest the situation that is mostly faced by youths in the rural areas and in the urban slums.

Madam Temporary Deputy Speaker, we also need to look at our education programmes. For quite some time now, we assume that, by the time those boys and girls get to Form IV, they are adults. One of the objectives of any education programme is to train and prepare our youth to suit in the society. I am doubtful whether the kind of programmes we have today are preparing our youths to fit in our society.

The other issue that I have, Madam Temporary Deputy Speaker, is with regard to the distribution of our wealth. The Select Committee should also be able to look at the policies, if any, on industrialisation in this country. Our agricultural industries are based in some of the areas where people cannot reach the markets. The infrastructure should also be addressed. While we are doing the industrialisation, the Ministry of Roads should also ask itself when it is giving out contracts: "Are we using our youths in intensive work or, are we going to use machinery while our youths still lament and cry for lack of employment?"

With those few remarks, Madam Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Thank you, hon. Members. The time allotted for the debate is now over and I would like to invite the Minister to respond.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Thank you, Madam Temporary Deputy Speaker. I wish to---

An hon. Member: Donate time!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): I cannot donate time to you! You are not in Government!

Madam Temporary Deputy Speaker, I will be very brief. I know I have 20 minutes to respond but I will take shorter time. It is up to the Mover to donate his time, if he so wishes.

Madam Temporary Deputy Speaker, let me from the outset congratulate the hon. Jeremiah Kioni, the Member for Ndaragwa for bringing this Motion.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker. My point of order is in connection with the time. You told us that the time to contribute is over. I thought the Motion was supposed to be debated for two hours?

The Temporary Deputy Speaker (Prof. Kamar): Yes, it started at 10.20 a.m. and it will end at 12.20 p.m. The Minister should have 20 minutes to respond. If he decides to donate a few minutes, he will. He will be required to have ten minutes when replying. So, we are going to end discussion on this issue at 12.20 p.m.

Go ahead, Mr. Assistant Minister!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Madam Temporary Deputy Speaker, I wish to donate five minutes to Ms. Mbarire; three minutes to Mr. Chanzu and two minutes to Prof. Olweny.

The Assistant Minister for Tourism (Ms. Mbarire): Thank you, Madam Temporary Deputy Speaker. I want to begin by saying that I stand to support this Motion whose time has come. This Motion will truly help us to deal with certain issues that are bedeviling the youth of this country.

Madam Temporary Deputy Speaker, from the outset, I want to say that we need to get to the root cause of the existence of these militia, gangs and groupings. I tend to feel that the real reason why the youth form these groups is that they have been socially, economically and politically deprived of their rights to participate, to be heard and to be part of the mainstream policy processes of this country. If you look at many youths, you will see that they participate a lot in the elections. They are the ones who actually campaign for us. If we look at what happens immediately after elections, then one gets to know why the youths get betrayed by the leaders. We forget what they do for us, as leaders. We forget the roles they played in the political parties. When it comes to appointments, we do not even consider young people to appointments in political offices and running of the Executive. We do not even remember their existence.

Madam Temporary Deputy Speaker, I am sure there are youths who participated in the campaigns for ODM, ODM (K) and PNU who never ate and walked around villages across the country to campaign for those political parties. Today, these youths are jobless and have nothing to eat. But the leaders have got into power and forgotten them. That is why they resolve to these kind of groupings to make a statement to be heard. I think this is the time we ought to start thinking about how we should help the youth of this country. The youth are stripped of by unemployment in a way that has never happened before in the history of this country. Because of unemployment, there is increased crime rate and increased abuse of drugs. This has now trickled down to our secondary schools because nobody listens to the young people. Five years have elapsed without us sitting here to seriously address the issues affecting the youth as a sector. The National Youth Policy has not been looked into to date. What do you expect them to do? I hope this Select Committee will truly address the real issues and bring a report to this House that can, finally, help the youth of this country.

With those few remarks, I beg to support.

Mr. Chanzu: Thank you, Madam Temporary Deputy Speaker for giving me this opportunity to contribute.

I want to say that I support the Motion. Secondly, I find it multi-faceted because the recommendations of the Select Committee will touch on quite a number of Ministries who will have to do a lot about the youth. The youth constitute a very large proportion of our population and we cannot ignore that. Now that we have a Budget Office that went through the other day, I think we should allocate funds based on the numbers and not on the sectors. When we do allocation the way it has been going on, then we will leave out a lot. We cannot ignore the youth. I just want to say that we should allocate enough money for the youth to engage them meaningfully.

I saw in the Printed Estimates that we allocated about Kshs4 billion towards paying Anglo Leasing related debts. I do not know why we should do that. Why should we allocate about Kshs4.9 billion to purchase a cruise ship at the expense of our youth. I do not understand why this should happen.

Madam Temporary Deputy Speaker, the Minister for Forestry and Wildlife talked about education training programmes. We must put a lot of money towards this issue. We must allocate a lot of money for education and training of the youth. If we engage our youths meaningfully, I do not think we will experience the kind of problems we are facing today. We must also put a lot of money towards civic education so that we can interact with our youth. We must have rehabilitation programmes for those who may have gone astray---

The Temporary Deputy Speaker (Prof. Kamar): Time up!

Mr. Chanzu: With those few remarks, I beg to support.

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, I have expressed my feelings to the Mover that this Committee needs to be amended as some of my colleagues talked about. There are unemployed youths of this country who have been misused by politicians. It is my wish that politicians who use youths to campaign for them and protect their communities because they feel insecure, should be exposed. This Committee should help us to expose these people.

Madam Temporary Deputy Speaker, we have had groups of thugs in this country. Sometimes back we had groups like *Angola Msumbiji*. There are several organised thugs in these country. It has been very easy for the police to get rid of these groups. But if they are used by the politicians--- It is leaders who make these groups to be hardened. Otherwise, if they are ordinary thugs, the police would have found it easy to dismantle and disorganise them so that they faded out. There have been organised oathings in this country. This has always been done by leaders, politicians, the rich and business people. For what purpose? What makes them feel insecure that they should take a group of youth and elders to conduct oathings in this country? What are they

lacking? This is the kind of information which we need to know. We have also heard about noble religious groups. For example, the *Mungiki* started as noble religious movement in this country. It has now turned to other things because of being used by politicians. The culprit here is the politician.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Provincial Administration and National Security (Mr. Lesrima): Thank you Madam Temporary Deputy Speaker. I rise to support this Motion. The House will have noticed that all the Ministers and Assistant Ministers who have spoken have supported the Motion also.

However, while setting up the Parliamentary Select Committee, the following precautions should be taken into account. First, the efforts taken by the Government to subdue the illegal groups have been and will be sustained until all suspects face the due legal process.

Secondly, the genesis of these unlawful groups is well documented. Therefore, setting up the proposed Parliamentary Select - one hopes - will serve the intended purpose and not become just a duplication of what the Government has already done. The Government has all the information and is addressing those challenges decisively.

Thirdly, some people, including political leaders, have in the past made utterances which suggest that they are sympathetic to these illegal groups.

Fourthly, people with ulterior motives could take advantage of the intended Committee to maliciously defend innocent leaders and persons. But I take into account the sentiments of the Mover that utmost care will be exercised in this process.

Lastly, I wish to assure the hon. Members that the Government is committed to eradicating all criminal groups in the country and to uphold the rule of law without fear or favour.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): We still have a few minutes. I will allow anybody who wishes to debate.

Yes, hon. Wamalwa!

Mr. Wamalwa: Madam Temporary Deputy Speaker, I had asked my friend, hon. Kioni, to give me a few minutes, but thank you for giving me the chance.

Madam Temporary Deputy Speaker, Kenya is 45 years old. Seventy per cent of the population of Kenya are the youth. By any standards, this nation can be called a youthful nation. Yet, for all these years, this nation has lacked a comprehensive national policy on the youth. To me, this is the biggest problem that this country is facing. Something needs to be done urgently. This is because what has happened, so far, is what we can call tokenism on the part of the Government.

Looking at the Budget of this year and bearing in mind the role that the youth played in the post-election conflict, we were shocked to see that the Ministry of Youth Affairs and Sports, through which the youth are supposed to get support and hope, was allocated less than Kshs2 billion. This money is not enough to actually cater for the needs of the youth of this nation. It shows us that we lack or do not put the youth of this nation as a priority. We have had the problem of unemployment in this nation for many years. No comprehensive policy has been put in place to address the problem. In the last Parliament, hon. Angwenyi came up with a Motion - which passed - called the "new deal." Indeed, the youth of this nation feel that they have been given a raw deal. What they need is to be offered a new deal in terms of employment and empowerment. This has not come to pass because the Government has done nothing to implement the Motion that was passed.

The youth of this nation were promised 500,000 jobs in 2002. When this Select Committee goes round the country, it will find that actually this never came to be. We will find youth that are unemployed, frustrated and angry. This anger has translated into violence. It has also translated into hopelessness where the youth have resorted to joining militias. They are known by many names.

As Dr. Wekesa said, in Trans Nzoia, we have had quite a number of groups. There have been quite some incidents that have led to loss of lives and property. Many of those involved are young Kenyans who have no jobs and hope. They have nothing to lose. This Select Committee must go out and establish the root cause, because arresting or killing them will not do. Indeed, I believe that we do not have enough jails to hold the youth of this country. We must find a solution to this problem.

We must also look at what can be done to empower the youth of this country. We have endeavoured to set up a youth fund that has not really succeeded in giving resources or empowerment to the youth of this nation. As this Committee goes out to the villages and many parts of this country, it will find that many youth have never accessed the Youth Enterprise Development Fund (YEDF). Indeed, it will find that now there is a popular demand that the Constituencies Development Fund (CDF) Act should be amended, so that instead of having the YEDF, 10 per cent of the CDF should go towards the youth. This is something that must be done urgently to empower the youth, instead of the tokenism that we are seeing in the Budget; setting aside Kshs1 billion to buy the youth uniforms, balls and sports facilities. This will not do.

Madam Temporary Deputy Speaker, we also need to come up with alternatives. Look at other jurisdictions. What has happened in other countries where there have been conflicts and the youth have played an important role, like Rwanda and DRC Congo? I was recently in Washington DC and privileged to meet colleagues from these countries. They did indicate to us that after the conflict, the groups that we have here, that existed there also, were absorbed into the National Youth Service (NYS), military and police. We need, indeed, when this Committee goes out, to come out with specific plans of action to address this menace.

I believe that unless something is done urgently, we will continue having these problems. The human resource, being the most important resource in any country, you will find that the youth are an important part of that resource, yet we have not tapped it. We have not tapped their potential and utilized them. We have found that because of the frustration that the youth have been subjected to - being called leaders of tomorrow from 1963 to now - we have grandfathers and great grandfathers in this House, whose sons and great grandsons have come of age, yet, they have been part of our history. We read about them when we were in primary and secondary schools, and even at the universities. They are still in this House. They have not given the youth of this country a chance to lead.

Recently, there was the issue of recycling of Permanent Secretaries. We have people who have served this country for over 30 years. There are Permanent Secretaries who are over 55 years old whom we still retain and recycle. Yet we have youth; people who have qualifications, whom we have invested a lot in their education.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): May I now call upon the Mover to reply.

Mr. Kioni: Thank you, Madam Temporary Deputy Speaker. I wish to donate three minutes to Dr. Kones, two minutes to hon. Nderitu, and two minutes to hon. Gaichuhie.

Dr. Kones: Thank you, Madam Temporary Deputy Speaker. I thank the Mover for donating the three minutes so that, at least, I can also support this Motion.

The hon. Members have really dwelt on the subject and analyzed the situation as relates to these organized groups. I just wanted to add my views on this. This Committee needs to go and look at the very underlying issues that lead to these organized groups. There are politicians who influence the formation of these groups. I hope that the Committee will go and dig deep, so that it comes up with very specific recommendations as to how to deal with such politicians who organize youth to cause mayhem and loss of property.

Madam Temporary Deputy Speaker, I also want to support the fact that most of these unlawful groups are as a result of the poor economic programmes that we have, as a country. The

economic programmes that we are pursuing are only suitable to a select group in the society. This leaves out the most important group, namely, the youth. I hope the Committee will try to come up with recommendations to re-arrange and re-organise our way of allocating resources to these groups.

With those few remarks, I support the Motion.

The Assistant Minister for Industrialisation (Mr. Muriithi): Thank you very much, Madam Temporary Deputy Speaker. I must thank hon. Kioni for donating two minutes to me. The Assistant Minister has already given a positive response that the Government supports this initiative.

I am very gratified that this Committee will look into the underlying causes. In reality, the youth are looking to talk to us. Young people in this country feel bewildered by what is happening. They feel disenfranchised with the processes in this country. They feel disconnected and left out of the key processes in our society that determines issues of leadership and economic progression.

I think this Motion is timely to provide the young people an opportunity to engage with us, the elected leaders, in determining the key issues that are ailing our society. We need to determine what we should do to ensure that young people have a positive future in this country.

With those many words, I beg to support.

Mr. Gaichuhie: Madam Temporary Deputy Speaker, I want to thank the Mover of the Motion for giving me these two minutes. I also want to support the Motion. I want to urge the proposed Members of the Committee that they should not go out there to investigate the youth, but to understand them. If they go there to investigate, they shall just be duplicating what the police has been doing without understanding the youth.

Secondly, I would also want to ask the Government to have a policy that will cater for the unemployed youth. We have basically seen that the unemployed youths are the ones who are used by politicians and other people. We should have a policy where we can give the unemployed educated youths an upkeep allowance, so that they are not misused. The Committee should also be friendly. The people who misuse the youth should not see the Committee as being out there to undermine them. The Committee should be friendly, so that it can guide and counsel the youth.

With those few remarks, I support the Motion.

Mr. Kioni: Madam Temporary Deputy Speaker, I want to take this opportunity to thank all the hon. Members who have contributed to this Motion and those who have supported it. I note that nobody opposed the Motion. All have supported it.

Madam Temporary Deputy Speaker, I want to mention that the concerns that they have raised will be addressed by this Select Committee. There is the element of composition. We will look into possible ways of co-opting people, so that we can bring on board the suggestions that have been given by the various speakers. We will look at the friendliness of the Motion, so that we can remove words that may end up being intimidating. We take note of the Government's position on its achievements in this issue. We do not intend, in any way, to

water down the efforts that the Government has made. We know that the Government has a well documented position as to why these groups have started. We do not intend to duplicate any findings. The Committee will endeavour not to engage in any amount of defamation. This does not mean that we will be doing anything that should have been done by the police.

Madam Temporary Deputy Speaker, this Committee will be going out, as I said from the beginning, with all the amount of love that it can command, so that we can comprehend the issues that relate to the youth. We will talk of remedial measures that need to be put in place. We also need to make recommendations, so that the Government can make informed policy decisions. It is important that we take note of the spirit of the many speakers that have contributed to this Motion. The Committee will need to look into the national good. The hon. Members of the Committee will

be there to serve the whole nation as opposed to the areas or the regions that they come from. We cannot fail to understand that these issues are peculiar and unique in every given region. We will try our best to make sure that all these issues that have been raised by the Members are brought on board.

Once again, I want to appreciate the Government's support for the Motion. We are not out to undermine anything that the Government has done. We do not want to duplicate issues. This is not a token approach that we have taken, but it is a moment for us to save this nation. If we do not do it, then, as leaders, we will have a problem when it comes to the history of what we contributed to this nation. The Motion is as I read in the morning. However, we will look at the composition of the Committee Members as we continue.

With those few remarks, I beg to move.

(Question put and agreed to)

A BILL TO AMEND THE PARLIAMENTARY
SERVICE COMMISSION ACT

Ms. A. Abdalla: Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend Section 45(B) of the Constitution of Kenya to provide for gender parity, regional balance and the inclusion of persons other than Members of Parliament in the Parliamentary Service Commission and for matters incidental thereto and connected therewith.

Section 45B of the Constitution establishes the Parliamentary Service Commission. It determines the membership, which includes the Speaker, the Leader of Government Business, the Leader of the Official Opposition, four members from the party that is governing and three members from the Opposition.

Madam Temporary Deputy Speaker, the reason why I have proposed that amendment for the inclusions, in the Commission, of persons other than hon. Members is with regard to the fact that hon. Members were jittery of the fact that I was establishing a PSC composed purely of non-members of Parliament. I am proposing the inclusion of moderators in the PSC, so that we can deal with the public image problem that the PSC, and Parliament as an institution, is suffering from.

Madam Temporary Deputy, Speaker, the amendment to Section 45B is one of the most important contributions to parliamentary democracy that has ever been made by this House. In fact, I wish to pay tribute to the hon. Members of the Eighth Parliament, who went through the entire Motion of having a Private Members Motion to introduce amendments, so that we could be delinked from the public service, and so that Parliament could be an institution that consolidates its dignity, independence and supremacy. In that light I wish to mention the likes of hon. Oloo-Aringo who spent a lot of energy to ensure that we not only entrenched the Parliamentary Service Commission in the Constitution but also passed the Parliamentary Service Act, which is the organic law that seeks to provide for the implementation framework of Section 45A and B of our Constitution.

Parliament has come a long way from the days in 1969 when the late hon. Seroney had passed in this House a Motion that hon. Members no longer needed to go to the Office of the President to be paid, where the clerks were mistreating them. We have come a long way. That does not mean that we do not have more steps to take to improve the situation in our Parliament.

Madam Temporary Deputy Speaker, Sir, before the entrenchment of the PSC in the Constitution, and the subsequent passing of the PSC Act, the Executive was so strong that it had

completely emasculated the independence of Parliament in such a way that as a Parliament we could not make any move without the Executive making the decision to support that move. The situation is much more different now, in that the PSC has already got back constitutional support that it requires, and no longer has to overlook issues of equity and regional balance in order to appease the presence of the Executive in the PSC. For example, I do not see the reason why the Leader of Government Business is a member of the PSC whereas the Speaker is there because he is the head of this institution. At that point, it was necessary so that we did not antagonise the Executive, so that it allows this Bill to go through.

Through the PSC, we have made very remarkable strides into improving Parliament. Now this Parliament even has a research unit. If I want to know how many Parliaments have Parliamentary Service Commissions that have persons who are not MPs serving on them, I would get that information in less than an hour. We have a Legislative Drafting unit that is able to do drafting for us, and the Attorney-General's Chambers now cannot slow down individual hon. Members' Bills; we have our own Legislative Drafting unit.

Madam Temporary Deputy Speaker, it is only the control of the parliamentary calendar and the enactment of the Budget policy that are remaining for this Parliament to be completely independent.

Many of us think that because something is working so well, we do not need to make it better. Some hon. Members have the fear that if we change the current composition of the PSC, we will then be slowing it down. I want to raise the mischief that this amendment wants to address, so that I can allay fears of those hon. Members who may be having issues with non-members coming to the PSC.

Madam Temporary Deputy Speaker, number one is the fact that, as an institution, Parliament has a public relation nightmare. Members of the public and the media perceive us as an institution that does no other work other than increase our salaries. This is despite the fact that we never recommended the salary increment ourselves. It was done by an independent commission. We must ask ourselves, why it is that the Judicial Service Commission (JSC) or the judges do not have their salary increments questioned by members of the public? Why do we not have questions by members of the public on salary increments by the Public Service Commission (PSC)?

I want to assure this House that it is not the amount of money that Members earn. For one, the head of the Kenya Anti-Corruption Commission (KACC) earns three times what a Member of Parliament earns, yet nobody is raising an issue about his salary. I wish to submit that the reason we are having issues with members of the public is, the Parliamentary Service Commission (PSC) is perceived and seen as both judge and jury in determining the welfare of Members of Parliament.

Madam Temporary Deputy Speaker, in this amendment, I am calling for non-sitting Members of Parliament to be members of the PSC to act as moderators. They will act as internal auditors of the actions and proposals made by sitting Members of Parliament.

I have an issue with the perception members of the public have, that Members of Parliament earn a lot of money. However, I do not have the moral authority to stand up and say that, "yes, we deserve this pay". This is because I am a beneficiary of this good pay. I am a beneficiary of the good facilities that Parliament provides. If we had a moderator, he would then say, "yes, the decision was reached because of the following factors". He would have a better public relation credibility than a sitting Member of Parliament who does not have. I know people are fearful and do not want change but as we look forward when calling for change in all institutions so that they are more transparent and accountable, we must start with our own house. We should start to ensure that the PSC composition is transparent and accountable.

Madam Temporary Deputy Speaker, the other issue that I am hoping to address with this amendment is the fact that as a House, we have a problem to always preach water and drink wine. For example, for the last two weeks, I have been mentioning the issue of women not being

appointed Permanent Secretaries and those who attain the age of 55 years being promptly retired while their grey-haired men colleagues are retained. We are talking about the need for the Executive to implement the 30 per cent allocation for affirmative action that was promised in a circular, when the PSC in its eight years of existence has never had a female Commissioner. Do we have the moral authority to talk about affirmative action? Do we have the moral authority to talk about promotion of women when the PSC staff does not have women in high ranks to even have merited to apply for the position of the Clerk of the National Assembly that fell vacant a few months ago or even that of the Deputy Clerk? To my understanding, the highest placed woman is in the fourth tier of hierarchy in this Parliament. How do we tell people out there that they should promote gender parity in their---

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Ms. A. Amina, you still have ten minutes to conclude your contribution. It will be given in the next sitting.

Hon. Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.