

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th May, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report on the Study Tour to the Parliaments of Italy and Spain by the Library Committee on 7th November, 2010 to 19th November, 2010.

(By Mr. Ruteere)

NOTICES OF MOTIONS

ADOPTION OF REPORT ON STUDY TOUR OF ITALY AND SPAIN

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

THAT, this House adopts the Report of the Library Committee on its study tour to the Parliaments of Italy and Spain on 7th November, 2010 to 19th November, 2010 laid on the Table on Tuesday, 10th May, 2011.

MEASURES TO CURB ESCALATING FUEL PRICES

Mr. Langat: Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, aware that majority of Kenyans and businesses are consumers of petroleum fuel products; concerned that the relevant institutions do not maintain strategic fuel reserves to stabilize prices; concerned further that as a result, the cost of petroleum products has significantly increased in the last two months; noting that escalating fuel prices could have far reaching negative socio-economic effects on the nation; this House urges the Government to urgently subsidize the prices of all categories of petroleum products to maintain pump prices at a maximum of Kshs80 per litre by setting up a consumer petroleum fuel subsidy fund through reallocation of funds from various votes of Government Ministries.

QUESTIONS BY PRIVATE NOTICE

KILLING OF ELEPHANTS BY POACHERS

Mr. C. Kilonzo: Mr. Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) How many elephants have been killed by poachers in the last 8 years?

(b) Who were the exporters of the consignment of elephant tusks worth over Kshs.380 million and equivalent to 120 elephants killed, which was impounded by the Thailand Customs Department?

(c) What action is the Government taking to address the issue of poaching?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, my substantive Minister responded to this Question on Wednesday, 4th May, 2011. However, the hon. Member raised a supplementary question seeking to know the names of the owners of the companies which were reportedly involved in the shipment of the consignment of ivory tusks.

I wish to point out that my Ministry does not keep records of the ownership of companies registered within or outside Kenya. My Ministry has, therefore, written to the Registrar of Companies and the Kenya Revenue Authority (KRA) for assistance in establishing the names of the owners of the Kenyan companies that were involved in the illegal shipment of ivory tusks.

I wish to table the letters. I also undertake to table the names in this House as soon as I receive them.

(Mr. Nanok laid the letters on the Table)

Mr. C. Kilonzo: Mr. Speaker, Sir, this is the fourth time this House is handling this matter. I do not understand why we have not got a response about the ten companies and yet, the Minister wrote a letter on 4th May, 2010? Could there be something the Government is not revealing to us?

Mr. Nanok: Mr. Speaker, Sir, we did not, as a Ministry, sanction that export. From the documents that have been presented, it is indicated that this was shipped through by custom officers at the Port of Mombasa. It only came to our notice through a Press release by the Thai Custom officials.

Mr. C. Kilonzo: Mr. Speaker, Sir, what I am asking---

Mr. Speaker: Order, Member for Yatta! That is not how you do it. You do not just walk to the microphone. That is not allowed.

Mr. Mureithi: Mr. Speaker, Sir, I am really concerned when the Assistant Minister brings the letters here after this Question was asked a while ago. When one is exporting items, there are so many documents that are completed and they carry the names of individuals and the companies. One of the forms is the Export Declaration Form. Could the Assistant Minister guarantee this House that he will supply those names if they are not hiding the identity of the people who exported ivory from this country?

Mr. Nanok: Mr. Speaker, Sir, we are not hiding anyone's identity. As I said before, the export of 2,000 tonnes of ivory was not sanctioned by the Ministry of Forestry

and Wildlife. The documents that were tabled here on 4th May, 2010--- Mr. C. Kilonzo asked us to table shipment documents from the Port of Mombasa.

Mr. Mwangi: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to inform the House that the Government does not sanction export of those goods? Is he in order to mislead the House that the Government is not responsible for whatever happens to our resources in this country? We have exports. Is he in order to mislead this House that the Government is not concerned with what is happening to our elephants?

Mr. Nanok: Mr. Speaker, Sir, I have just said that the Ministry of Forestry and Wildlife--- You must realize that we have the Customs Department at the Port of Mombasa, which is under the KRA. It checks importation and exportation. I believe that this could have been sanctioned by other people other than my Ministry. This is the reason we have written to KRA requesting them to give us the information that the hon. Member has sought. Up to now, we have not received that feedback.

Mr. C. Kilonzo: Mr. Speaker, Sir, I am not a Minister in this Government. The Government wrote to KRA on 4th May, 2010. They said that they did not have an answer. I wrote to KRA yesterday and they gave me an answer. They told me thus: "From records held in this Office, we have confirmed that Tiger Enterprise registered for a tax number online and obtained a PIN in July, 2010. However, the details of the directors of the same company are not in our records".

Mr. Speaker, Sir, I have also confirmed that such a company does not exist with the Registrar of Companies. So, if a Back Bencher can have this information from the Government, what about the Government itself?

Mr. Speaker: Mr. Nanok, that appears relevant!

Mr. Nanok: Mr. Speaker, Sir, it is well and good. If the hon. Member has the information, could he share it with us? However, as far as I am concerned, we wrote to KRA and they have not responded to our letter up to now.

Mr. C. Kilonzo: Mr. Speaker, Sir, unless we are dealing with a Government which is not serious in being accountable to the House and Kenyans--- How is it that the same Government can write a letter, which I hereby table, showing that they gave a company a PIN and Tax Number online and yet, it does not know who the directors of the company are? They even wrote indicating that they do not know who the directors are. Are we not exposing our country? What is the Assistant Minister doing to ensure that we get the names of the directors of those companies so that we know who is responsible for poaching?

Mr. Nanok: Mr. Speaker, Sir, I have said that we have made an effort to write to the relevant Government offices that keep such information. We have written to the Registrar of Companies to provide us with that information. We have also written to KRA to give us further details on the export documents which they have not yet done.

Mr. Speaker: What is it, Member for Yatta?

Mr. C. Kilonzo: Mr. Speaker, Sir, we have tabled a letter from the Government which states all the facts. All we want is the Assistant Minister to respond to the questions and not to try to have this Question deferred. We have deferred this Question for a whole month now!

Mr. Nanok: Mr. Speaker, Sir, as you may know, I am neither responsible for KRA nor the Registrar of Companies. We have, however, done our best to communicate

with them to provide us with the information that we require to answer the Question raised by the hon. Member.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I am sure you have listened very attentively to what the Assistant Minister has said. Would I be in order, now that the Assistant Minister has not even taken time to peruse the letter which we have tabled on the Floor of the House, request for the deferral of this Question until he comes back with sufficient information?

Mr. Speaker: Order! Mr. Assistant Minister, have you looked at this letter which has been tabled this afternoon?

Mr. Nanok: No, Mr. Speaker.

Mr. Speaker: Then you need to acquaint yourself with it. Order, hon. Members! We will take the next Question and give time to the Assistant Minister to acquaint himself with the document. Mr. Assistant Minister, resume your seat. We will revert to that Question later. Next Question by Mr. Shakeel!

INAPPROPRIATE PASSENGER TRANSPORT AT KISUMU INTERNATIONAL AIRPORT

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

(a) Could the Minister explain the rationale for providing buses with narrow and high entries, which are inappropriate, to ferry passengers within Kisumu International Airport?

(b) How was the tendering for the buses done; were the buses professionally assessed and how much money is being collected per day from that service?

(c) What steps is the Ministry taking to provide alternative and appropriate airport transfer services at the Kisumu International Airport?

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

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. I have not been given a written reply.

Mr. Speaker: Mr. Assistant Minister, do you have an extra copy of your answer?

The Assistant Minister for Transport (Mr. Ogari): Mr. Speaker, Sir, unfortunately, I do not have any copy there. The copies were sent the normal way. I do not know why he does not have it.

Mr. Speaker: Mr. Shakeel, you can choose, if you want, the Assistant Minister to answer and then you interrogate the answer. Alternatively, we can defer this Question until later on in the week.

Mr. Shakeel: Mr. Speaker, Sir, I request the Assistant Minister to continue.

Mr. Speaker: Very well. Proceed, Mr. Assistant Minister.

The Assistant Minister for Transport (Mr. Ogari): Thank you, Mr. Speaker, Sir. I beg to reply.

(a) The ongoing works on the runway were being undertaken at the section close to the old aprons and aircrafts could not, therefore, access those aprons. In addition, the pavements around the old terminal are old and are disintegrating. To reduce the risks associated with further deterioration of pavements, an alternative measure was sought. It

involved the use of the new apron and ferrying of passengers to the old terminal. Owing to the temporal nature of the busing requirement, a tender was floated for ordinary buses. The high step was reduced by modifying the bus steps to introduce a new step close to the ground.

(b) The buses were locally procured in Kisumu through a competitive bidding process as per the provisions of the Public Procurement and Disposal Act and regulations. Bids were evaluated for compliance with technical specifications and the lowest evaluated bidder was awarded. There is no money being collected from that service per day.

(c) As of 1st May, 2011, Kenya Airports Authority (KAA) has reverted to the use of the old apron as the works that necessitated the use of buses are complete. The buses are no longer required.

Mr. Shakeel: Mr. Speaker, Sir, the Assistant Minister has not answered this Question fully. So, may I kindly ask him again to tell us the rationale for providing unsuitable buses? I am not asking him to give us the rationale for using buses. In Part (b) of his answer, he has also chosen to ignore a big part of the question. I am not suggesting that money was being paid per day. I wanted him to tell me how much the contract was and what was paid. I was informed by the Assistant Minister, himself, that the cost was Kshs60,000 per bus per day and there were four buses. That translates to Kshs240,000. On the last part of the Question, I am happy that the runway is ready.

Mr. Ogari: Mr. Speaker, Sir, I am aware that I met the hon. Member at the airport when I was conducting an inspection and giving instructions about the buses. I think it is from there that he generated the Question. However, I do not want to tie the issue of Kshs60,000 per day to that. However, the rationale was--- First of all, the buses might not be too unsuitable, but that was a short temporary measure. The whole idea was to benefit the locals. That is why the tendering was done for the local buses. Secondly---

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

Mr. Speaker: Order, hon. Shakeel! Just listen to the Assistant Minister first! Allow him to finish!

Mr. Ogari: Mr. Speaker, Sir, secondly, the contract was for three buses at the cost of Kshs2,106,000 per month. When you work on the three buses, we were getting a monthly rate of Kshs702,000 per bus. That works to around Kshs23,400 per day. The figure is not far-fetched for most of us who have been hiring buses for all purposes.

Mr. Speaker: Order! Mr. Shakeel, do you want to still raise a point of order?

Mr. Shakeel: No, Mr. Speaker, Sir. In the last part of his---

Mr. Speaker: Order! If you say no, then you stop there. Anybody else interested? Last question, hon. Shakeel!

Mr. Shakeel: Mr. Speaker, Sir, thank you. Could the Assistant Minister assure the House that, henceforth, when buses are hired, they are not the *matatu* country buses for a new airport like the one in Kisumu? Could he assure this House that next time, he will conduct due diligence and hire the right buses?

Mr. Ogari: Mr. Speaker, Sir, it is my hope that, that situation will never arise again. That is because we are heading towards the completion of that airport. But, again, there are many considerations. One of them is the benefits to the local community. But when it is necessary, I am sure we will hire appropriate buses.

Mr. Speaker: Next Question by hon. Olago.

DISCONNECTION OF ELECTRICITY
TO WATER PROJECTS

Mr. Olago: Mr. Speaker, Sir, I would like to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that power supply to the pumps at Nyahera/Mkendwa/Kanyakwar Water Project have been disconnected by KPLC due to failure by Ms Gulf Water Services Ltd to pay an accumulated power bill of Kshs.700,000/=?

(b) What urgent steps is the Minister taking to restore power to those projects?

(c) What policy steps is the Ministry taking to ensure that provision of water is effected efficiently, considering that private water companies contracted by the Ministry through the various water boards have failed to offer efficient services?

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that power supply to the pumps at Nyahera/Mkendwa/Kanyakwar Water Project was disconnected on 7th February, by the Kenya Power and Lighting and Company (KPLC) due to failure by Gulf Water Services Company to pay an accumulated power bill of Kshs700,000. Power was reconnected on 18th April after my Ministry paid Kshs200,000.

(b) My Ministry, through the Lake Victoria South Water Services Board, has engaged the KPLC to identify modalities of offsetting the remaining balance, while maintaining electricity connection to the water supplies. Lake Victoria South Water Services Board has, in addition, committed to pay Kshs200,000 immediately.

(c) My Ministry, through the Lake Victoria South Water Services Board, has instituted the following measures to strengthen water services providers within its area of jurisdiction to effectively deliver water and sanitation services:-

(i) Undertake a commercial viability study for proposed cluster water services providers.

(ii) Pursuing clustering of water supplies in Kisumu County to be under an expanded Kisumu Water and Sewerage Company Limited through stakeholder participation.

(iii) Expansion and improvement of infrastructure and broadening of services areas coverage contained in the service provision agreement with the board.

Mr. Olago: Mr. Speaker, Sir, I wish to thank the Assistant Minister for the answer. We had discussed this issue briefly before we came to the House. Whereas I am happy that action was taken, we must appreciate that power was reconnected to Nyahera/Mkendwa/Kanyakwar Water Project only after I asked this Question. However, the fundamental issue is this: What action is the Assistant Minister taking to ensure that those water service providers are made to be self-sustainable so that power is not disconnected again very soon.

Mr. Waititu: Mr. Speaker, Sir, we are aware that some of these are new companies. As a Ministry, we are trying to push them to be more efficient, so that they can use their revenue properly and make sure that they pay their workers and electricity

bills. It is our sincere hope that with time, some of these companies will be able to stand on their feet.

Mr. Chanzu: Mr. Speaker, Sir, I appreciate the answer by the Assistant Minister. The Assistant Minister has water officers all over the country; it is still the responsibility of the Government to offer services to its citizens. What are you doing to ensure that the water officers monitor this and report promptly? There are some essential services, for example hospitals, which end up suffering. What is the Assistant Minister doing to ensure that these water officers give prompt information to his office when this happens?

Mr. Waititu: Mr. Speaker, Sir, it is true that some of the officers at the grassroots do not report matters immediately. Sometimes they are to blame for the failure in communication. However, you know very well that we are still implementing the new Water Act. At least, we expect some teething problems in some of the new companies. As time goes by, these companies are improving their efficiency, and it is our sincere hope that within no time all these companies will be efficient enough.

Mr. Ochieng': Mr. Speaker, Sir, the Assistant Minister has repeatedly mentioned that these water companies are still trying to sustain themselves, or get themselves acquainted with whatever they are supposed to do. As they do that that, what plans does he have to make sure that electricity is not disconnected in these facilities as has happened in Nyakach every now and again?

Mr. Waititu: Mr. Speaker, Sir, it is true that Nyakach Water Services Company had some problems. However, our Ministry has been trying to help the company to stand on its own. We thought that we could cluster the companies together, so that they could work together. However, we have realized that if we cluster some of these companies together before we know their problems, it will be like clustering problems together. We first want to identify the ones which cannot stand on their own. Our Ministry is going to make sure that at least something is done. If it means merging them together, we are ready to do that.

Mr. Ochieng': On a point of order, Mr. Speaker, Sir. The Assistant Minister has not addressed my question properly. I asked him to clarify what concrete plans they have to make sure that electricity is not disconnected in these facilities while these companies are still reorganizing themselves.

Mr. Waititu: Mr. Speaker, Sir, some of the problems have no short-term solutions. In this case of Nyakach, the water is pump-oriented. They use pumps to supply water. Our Ministry has a long-term plan of using gravity oriented water supply. That is a long-term project we have. We want to build a dam on, I think, River Nyando, so that water can flow on its own, and we avoid electricity bills that companies incur to pump water. According to me, that has no immediate solution. We have to agree that in the future, if we have gravity-oriented water supplies, we shall not be having those electricity bills. I think that way we will get a solution.

Mr. Shakeel: Mr. Speaker, Sir, I want to refer the Assistant Minister to the Water Act. The Water Act demands that the water boards only give water service providers the permission to provide water when they are financially viable. The two answers given on Nyakach and Kisumu Town West give the impression that these two water providers are not financially competent. So, can you confirm whether you will cancel their licences and give them to other water providers, which are able to pay the bills?

Mr. Waititu: Mr. Speaker, Sir, we would like those companies to be self sustaining. That is for sure. However, we cannot just merge them before we know exactly what the problems are. When they are small the way they are, it is easier to identify their problems.

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. The Assistant Minister is avoiding the question. Under the Water Act, before you give a licence to water providers they have to satisfy the Board that they are financially capable of running water services. These two companies have now proved that they cannot meet the financial requirements. Could their licences be cancelled and other capable companies sought? I am not asking that they be amalgamated or anything like that. There are many other water providers which may be able to offer the financial backing required, so that we do not get into these constant problems.

Mr. Waititu: Mr. Speaker, Sir, these companies are the ones responsible for water connections in the areas where they operate. We cannot just cancel their licences when they still have the responsibility to supply water to the residents.

(Mr. Shakeel stood up in his place)

Mr. Speaker: Order, Mr. Shakeel!

Last question, Mr. Olago!

Mr. Olago: Mr. Speaker, Sir, although power was reconnected, there is a real risk that very soon there will be a disconnection again. This will happen because this water service provider does not involve locals in its management. It is only answerable to Lake Victoria South Water Board, and does not care about the locals at all. If they were aware of what should be done, they would have enlarged the Nyahera borehole, so that there could be more water to supplement the source. Last week the Assistant Minister told the House that Kisumu City now has more water than it requires. I contested that and said that only the lower part of the city has water. The upper part on the hills has no water at all. What is the Ministry doing to ensure that the upper part of Kisumu City has sufficient water for use?

Mr. Waititu: Mr. Speaker, Sir, it is true that there is water in Kisumu; that is for sure. What the Ministry has not been able to do, through the service provider, is to lay the pipeline to the northern part of Kisumu. However, our Ministry is in the process of laying the piping to the northern part of Kisumu.

Mr. Speaker: Next Question by the Member for Budalang'i.

DEATHS OF FISHERMEN IN UGANDA

(Mr. Namwamba) to ask the Minister for Foreign Affairs:- (a) Under what circumstances were three Kenyan fishermen, namely Mr. Lucas Odinga, Mr. Godfrey Egesa and Ms Maria Girigori, from Gauze Village in Budalang'i, killed at Maning Village in Sigulu Island, Uganda, on 18th April 2011 at 3.00 a.m?

(b) Has the Kenya Government contacted the Government of Uganda over the matter, and what measures have been taken to ensure justice for the deceased and compensation to their families?

(c) What measures has the Government taken to guarantee the safety of Kenyan citizens trading in the waters of Lake Victoria, and halt the constant harassment and killings by Ugandans?

Mr. Speaker: Is the Member for Budalang'i not here?

Question dropped!

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Hon. Members, on Question No.676, the Member for Gichugu is away with permission from Mr. Speaker; so, this Question is deferred to Tuesday next week at 2.30 p.m.

Question No.676

TRESPASS INTO PRIVATE PROPERTY BY APS

(Question deferred)

Next Question by the Member for Nyatike.

Question No.750

PROJECTS UNDERTAKEN IN NYATIKE BY LBDA

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

(a) whether he could provide a list of projects/programmes that have been undertaken or funded by the Lake Basin Development Authority (LBDA) in Nyatike Constituency in the last four years; and,

(b) whether he could also indicate the location of those projects/programmes and the budgetary allocations for each project.

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

(a) The list of projects and programmes that have been undertaken or funded, by the LBDA in Nyatike Constituency in the last four years, and the budgetary allocations are as follows. In 2008, we did two projects, one called Kanyasanya Youth Tree Group Nursery at Kshs194,282, and Oseke Water Pump Project Rehabilitation at Kshs2,291,465.95. In 2009, we rehabilitated the Kanyasanya Youth Tree Group Nursery again at Kshs185,816. In 2009, there was the rehabilitation of the same water pan, Oseke, at a cost of Kshs412, 904. In 2010, there was rehabilitation and construction of a water pan at Kang'ombe at a cost of Kshs1, 689,150.

Mr. Speaker, Sir, the Authority did not implement any project in 2007 due to lack of funds.

Thank you, Mr. Speaker, Sir.

Mr. Anyanga: Mr. Speaker, Sir, let me take this opportunity to thank the Assistant Minister. What plans has the Ministry put in place to ensure that there is sustainability and that those projects, like Kangame, Oseke and Kanyasa water pans do not stall, as has been the case in the recent past?

Mr. ole Metito: Mr. Speaker, Sir, for sustainability, some of the projects will generate some income that will be used to sustain themselves. For example, the Kanyasanya Youth Group Tree Nursery will sell the seedlings to sustain itself. However, should there be need for us to allocate it seed money in order to operate, we will do that as a Ministry.

Mr. Speaker, Sir, on the Kang'ombe and Oseke water pans, we have always allocated small amounts of money every financial year to do de-siltation, excavation, dyke building and grassing, should there be need. So, the Lake Basin Development Authority (LBDA) will always be there to provide some funds to make sure that these projects are alive.

Mr. Olago: On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister say that LBDA will let the projects become self-sustaining once they are started. Is it in order for the Assistant Minister to discuss about self-sustenance of the projects when he knows very well that one reason why LBDA cannot operate full capacity is because of lack of funding from the Ministry?

Mr. ole Metito: Mr. Speaker, Sir, that is not true because if you look at the financial years I have given - 2008, 2009 and 2010 – you will find that there is always some money – Kshs.194,282, Kshs.185,816, Kshs. 412,904 – which the LBDA has been giving or ploughing back to these projects to sustain them. I may agree with the hon. Member that the LBDA may not be operating to its maximum due to some financial hiccups, but we are doing our best to make sure that the projects that have been started do not become white elephant projects.

Mr. Speaker: Last question, the Member for Nyatike!

Mr. Anyanga: Thank you, Mr. Speaker, Sir. The Assistant Minister has confirmed that Kang'ombe Water Dam was constructed in 2010; Oseke Water Pan was constructed in 2009 and another Oseke Water Pan was done in 2008. What plans does the Ministry have to give us another project in 2011?

Mr. ole Metito: Mr. Speaker, Sir, this financial year or within the quarter of this financial year, we have set aside Kshs4.3 million for an agricultural demonstration centre for small scale farmers in Nyatike Constituency. This will benefit the whole constituency. We have asked the county council to avail land and the Kshs4.3 million will be utilized accordingly.

Mr. Speaker: The hon. Member for Nyakach!

Mr. Ochieng: Mr. Speaker, Sir, I rise to ask Question No.686, but unfortunately I have not been favoured with a copy of the written answer.

Question No. 686

FREQUENT FAILURES OF *MV KWALE* FERRY

Mr. Ochieng asked the Minister for Transport:-

(a) why the ferry “*M.V. Kwale*” frequently fails to ferry passengers across the Likoni channel;

(b) if he could provide details of costs of the two newly-acquired vessels, how they were procured, who won the tender and indicate whether the Government got value for money in the purchase; and,

(c) how many times the two vessels have stalled midstream and what measures the Minister is taking to ensure that the Kenya Ferry Services guarantees safety to passengers using the ferry services.

Mr. Speaker: Do you wish to proceed without the written answer?

Mr. Ochieng: Yeah, I can deal with the Question, Mr. Speaker, Sir.

Mr. Speaker: Yes, the Minister for Transport!

The Assistant Minister for Transport (Mr. Ogari): Mr. Speaker, Sir, I have a copy of the written answer and if the hon. Member wants, I can give it to him so that he can look at it now.

Mr. Speaker: Please, table it and it will be passed on to the hon. Member.

(Mr. Ogari laid a copy of the written answer on the Table)

Proceed!

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

(a) The ferry “*M.V. Kwale*” has been used to ferry both pedestrians and vehicles daily across the Likoni channel since June, 2010 after its commissioning. The total number of hours on the ferry is 3,886 with 16,164 trips. That is moves across the channel as of January, 2011.

(b) The two ferries were procured through open tender awarded in April, 2004, and delivered in June, 2010, at the cost of Kshs1, 249,265,152. The tender was won by SET/SYWD, a German firm. The original cost of the two ferries was Kshs983, 691,488 for one six-meter ferry and one 48-meter ferry. This was later varied to two ferries of 6-meter each. The variation has been the subject of investigation by the relevant Committee of this House, the Inspectorate of State Corporations and the Kenya Anti-Corruption Commission (KACC).

(c) The new vessels have never stalled midstream but have run aground three times on the island ramps due to the change of tide. The Kenya Ferry Services has now trained all the operators; that is the coxswains and also streamlined the plant maintenance system for all the ferry vessels. All the ferry vessels undergo statutory inspections and safety certificates provided by the Kenya Marine Authority and the Lloyd Register. This is a requirement for both insurance certification and International Maritime Organization requirements and standards.

Thank you, Mr. Speaker, Sir.

Mr. Ochieng: Mr. Speaker, Sir, the Assistant Minister has tried to answer the Question although he is denying in his answer to part “c” that the ferry does not actually stop midstream, on several occasions – even yesterday when we were in Mombasa – one of them stopped midstream and it had to be diverted to the other side where they do service. Could the Assistant Minister explain why every now and again these ferries stop

midstream and are then diverted to be checked on the other side? I do not know whether it is called “Mtongwe Docking Yard”.

Mr. Ogari: Mr. Speaker, Sir, I am not able to answer for yesterdays stalling, but I am informed that the stopping of the ferries sometimes or most of the time is intentional, because they have to stop when there are ships crossing the channel and *wananchi* might construe this as stalling. Sometimes, as I said, they run aground due to bad weather or sea currents. However, we are not aware of the constant stalling in the ocean as they cross the channel.

Mr. Yinda: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that the new ferries do not stall, whereas we know that every other day these ferries stall? Is it in order not to accept that the ferries are actually sub-standard?

Mr. Ogari: Mr. Speaker, Sir, I am quite in order because that is the fact. We are not aware of any constant stalling of the ferries. I have given the reasons of the so-called “stalling,” but we are not aware of the constant stalling of the new ferries.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to continuously mislead the House, yet we read newspapers every day? Our memory tells us that the Mtongwe Ferry accident claimed so many lives. We are talking about Kenyans’ lives. Is he in order?

Mr. Speaker: Order! Assistant Minister, perhaps you need not respond to that one, and I will let the Member for Juja know why. First, newspapers can never be a source of authority in the House. The Standing Orders are clear. Secondly, if you want to challenge the Assistant Minister on whether or not his answer is factual, you have to move away from generalised aspersions and be specific on dates. For example, by giving the date on which the ferry stalled. You should tell him that on such and such a date, the ferry stalled because the engine was not running, or whatever it was. Otherwise, it is just a matter of argument. You have a different opinion from the answer given by the Assistant Minister. So, that one does not pass the test, I am afraid.

Mr. Mwathi: Mr. Speaker, Sir, I listened to the answer given by the Assistant Minister. In trying to explain what he is doing about the variation of the original contract sum of Kshs983 million to about Kshs1.3 billion, he said that the Committee is dealing with that matter. I want to know what steps the Ministry took, or is taking, to establish the cause of this big variation, because other than the Committee, the Ministry itself must tell us why this variation occurred. The Ministry has a system it can use to establish why the variation occurred. What is the Ministry doing to establish the cause of this variation?

Mr. Ogari: Mr. Speaker, Sir, I stated that the variation has been a subject of investigation by the relevant Committee of the House, which is yet to table its report. The Ministry, through the Inspectorate of State Corporations (ISC), is also carrying out investigations. This has led to the suspension and, later on, replacement of the Managing Director. So, the Ministry accepts that there was something wrong. That is why we have involved the ISC. Some action has already been taken. I am sure that through the Kenya Anti-Corruption Commission (KACC), more will be done. So, as a Ministry, we know that there was something wrong.

Mr. Shakeel: Mr. Speaker, Sir, could the Assistant Minister kindly tell us whether he is aware that the company that manufactured the two ferries, and which is legally bound to service them, is bankrupt? What is he going to do about it?

Mr. Ogari: Mr. Speaker, Sir, I am not aware of that. I would like to share that information with him.

Mr. Yinda: Mr. Speaker, Sir, the Assistant Minister is aware of the problems that this country has gone through, especially in the procurement of the two ferries, which are not performing. He is also aware that the company which got the contract to build these ferries became bankrupt even before they started building the ferries. The new company that built the ferries also went bankrupt after delivering the ferries. Could he confirm to this House that the warranty period, which should have been effected by the company that built the ferries, will still be provided and by whom?

Mr. Ogari: Mr. Speaker, Sir, I confirm that I am not in the know about the company or the two companies having gone bankrupt. On the issue of the warranty, I am not ready to answer because I do not have the answer. Maybe, I should go and find out that information.

Mr. Yinda: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to keep telling this House that he is not aware? Has he got information as to whether any due diligence was carried out by the Government before the procurement of the ferries?

Mr. Speaker: That will not pass for a point of order. The Assistant Minister has said that he is not aware. You are now asking him whether any due diligence was carried out. That becomes a different Question.

Mr. Ochieng: Mr. Speaker, Sir, maybe, the Assistant Minister could also clarify whether the ferry themselves are insured, by whom, and whether the passengers are also covered by an insurance policy. We remember what happened in 1994, when we lost lives which were never compensated for.

Mr. Ogari: Mr. Speaker, Sir, I believe that is a different Question, which deserves an answer of its own.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. You will agree with us that this is a very weighty matter. It is a matter of the security of the citizens of this country. This is the second time the Assistant Minister is not aware, and he cannot answer questions. For instance, if at all these companies have gone bankrupt, this country stands to lose a lot of money. Would it be in for me to ask that this Question be deferred, so that the Assistant Minister can come back to the House with a proper answer to address this issue? We cannot take this matter lightly, and get satisfied with the answers that he is not aware, he does not know, or it is a different Question”.

Mr. Speaker: Order! Order! Of course, the Assistant Minister is entitled to make all those claims as long as he is within the rules. However, if this House is not satisfied with the answers that have been given so far, it is at liberty to invoke other instruments that it has to go into deeper inquiry of this matter. Even the Committee that has oversight of this Government Department is at liberty to inquire into this matter. Otherwise, we will not defer supplementary questions after we have spent 12 minutes on the Question. We were definitely doing some work. It was not virtual engineering. So, I am afraid, I will not defer the Question, but you are at liberty to invoke other mechanisms of Parliament to look into this matter beyond this interrogation.

Next Question, Member for Juja.

Question No.627

PAYMENT OF IDPS IN GITHURAI DIVISION

Mr. Kabogo asked the Minister of State for Special Programmes:-

(a) why the 254 Internally Displaced Persons (IDPs) residing in Githurai Division have not been paid despite several pleas made to the Ministry by the group; and,

(b) when the government will resettle and compensate them as well as all IDPs affected by the 2007/2008 Post Election Violence (PEV).

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Speaker, Sir, I beg to reply.

(a) I am aware of the 254 IDPs in Githurai who have not been paid Kshs10,000 each, as we have already paid a total of Kshs349 households the sum of Kshs10,000 each.

(b) The issue of re-settling of the IDPs does not arise, because we are only dealing with the re-settlement of the IDPs in the 20 camps.

The Government intends to finalise the re-settlement of all the profiled 2007/2008 post-election violence IDPs. We hope that we will be able to finish this exercise in 2011. We also hope that there will be no emerging challenges like the ones we have encountered in the last few months.

Mr. Kabogo: Mr. Speaker, Sir, I appreciate the answer given by the Minister, but, as you notice, she has said that she is not aware, and that IDPs were being paid in accordance with profiling by the District Commissioners (DCs). I have a letter with me from the District Officer, Githurai, to the DC, Thika, giving profiles of the 254 IDPs. I would like to table the letter, so that the Minister can acquaint herself with the situation, because she has said that she is not aware of it. I seek the direction of the House on how to proceed thereafter.

Mr. Speaker: Minister, you want to look at this letter and indicate if you are now aware and, therefore, able to proceed to answer the Question beyond the answer that you have given.

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Speaker, Sir, perhaps, the Member can give me time, so that I can countercheck against the 349 who have paid to see whether these people appear on this list or not.

Mr. Speaker: Member for Juja, you have a plea for time. Are you prepared to accommodate the Minister?

Mr. Kabogo: Mr. Speaker, Sir, I have no choice. I will just have to abide. It is an issue of resettling or compensating Kenyans who are staying in other people's homes. So, I do not mind as long as it does not take the rest of the year. It could take, probably, another two weeks or so.

Mr. Speaker: That is very kind of you. You know that this Minister is normally, otherwise, very strong. She does not plead. Now that she did, please, accommodate her. We will defer the Question to Thursday this week at 2.30 p.m. Is that good for you, Minister?

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Speaker, Sir, I would like to answer the Question on Tuesday, with your indulgence.

Mr. Speaker: Very well! It is so directed; Tuesday, next week at 2.30 p.m.!

(Question deferred)

Question No.829

INSECURITY AT MASABA ROAD IN UPPER HILL

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

(a) whether he is aware of rampant insecurity along Masaba Road within Upper Hill area in Nairobi, which is due to the poor state of the road and lack of street lighting; and,

(b) what he is doing to improve the road and install street lights along the road.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I was asked to hold brief for the Assistant Minister, Office of Deputy Prime Minister and Ministry of Local Government, but it looks like he has not come in. So, I would request that I continue. I will try to answer the Question.

Mr. Speaker: Proceed!

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

(a) Yes, I am aware that the road is in a bad state of disrepair and this coupled with poor street lighting, leads to insecurity in the area.

(b) To improve security along the road, the council has proposed to utilize Kshs583,800,000 in the financial year 2011/2012 to repair access roads in the city. Masaba Road forms part of the access roads to be repaired. To improve security in the area, the City Council of Nairobi will install street lights along the road.

Mr. Nyamai: Mr. Speaker, Sir, I want to thank the Assistant Minister for his answer. He has indicated that the City Council of Nairobi will utilize about Kshs0.5 billion for repair of roads. Could he give me the exact amount of money that has been allocated to Masaba Road for repairing the road and the street lighting?

Mr. Ojode: Mr. Speaker, Sir, from the answer which I have just given, there is no money which has been allocated in this financial year, but they will utilize Kshs538 million in the financial year 2011/2012. The Member should thank the council for having allocated that kind of money.

Mr. Njuguna: Mr. Speaker, Sir, as the road is currently insecure and motorists are under threat, what stringent measures is the Ministry taking to secure the road for the motorists and the community neighbouring the road?

Mr. Ojode: Mr. Speaker, Sir, there are plans to seal the potholes which are rampant on that particular road, but the issue of street lighting will have to wait until we get enough money to do so.

Dr. Eseli: Mr. Speaker, Sir, now that this Assistant Minister was left holding the baby by his colleague, could he give an indication to this House as to when the filling of the potholes is going to happen? Possibly tell us how much has been allocated for the filling of the potholes or for that urgent measure?

Mr. Ojode: Mr. Speaker, Sir, the Council is collecting some revenue. Once it has collected, it will seal off the potholes. I do not want to say specifically the amount of money which has been set aside because the Council is still collecting the revenue.

Mr. Nyamai: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House about what the Council is doing to repair this road? The reason why I brought up this issue is because some officers from the City Council of Nairobi were on the road for three weeks trying to fill the potholes, but they left more gaping potholes than they found. Is he in order to mislead the House about the action that is being taken?

Mr. Ojode: Mr. Speaker, Sir, it is true that they had started filling up the potholes, but because of the rains, you cannot expect them to do a perfect job simply because of the floods which we are experiencing in town. However, I want to assure this House that once City Council gets enough money, the potholes will be sealed.

Mr. Gaichuhie: Mr. Speaker, Sir, since the Assistant Minister who is holding brief for the Office of the Deputy Prime Minister and Ministry of Local Government, is an Assistant Minister, Ministry of State for Provincial Administration and Internal Security. Could he assure the House that he will increase patrols along the road, so that the insecurity can be taken care of?

Mr. Ojode: Mr. Speaker, Sir, that is a genuine concern. I can increase and beef up security within the area.

Mr. Nyamai: Mr. Speaker, Sir, actually I am left with no question. Nevertheless, the Assistant Minister has said that he will beef up security along that road. How exactly, is he going to do it? Will it be patrols on foot or by vehicles?

Mr. Ojode: Mr. Speaker, Sir, we are not just going to beef up security along that road. We are going to beef up security along major roads within the city, especially the Central Business District (CBD).

Question No.877

ERECTION OF BUMPS ALONG KISII-ISEBANIA ROAD

Mr. Pesa asked the Minister for Roads:-

(a) whether he is aware of the danger posed to motorists and pedestrians due to lack of bumps at Rongo, Ranen, Awendo, Uriri, Kakrao and Migori towns/centres along Kisii-Isebania road; and,

(b) whether the Government could urgently erect bumps at these places to avert further accidents and deaths.

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

(a) I am aware of the danger posed to motorists and pedestrians due to lack of bumps at Rongo, Ranen, Awendo, Uriri, Kakrao and Migori centres along Kisii-Isebania Road. However, the accidents are caused by several reasons among them:-

(i) Reckless driving by some of the motorists.

(ii) Unauthorized road side developments within the road reserves especially at the markets along the road.

(iii) Crossing of the road by pedestrians, especially at non-designated areas without exercising due care and caution. The primary function of the roads is to provide mobility. As a result, my Ministry results to installation of bumps to slow vehicles as the last option. This is because in some instances, bumps have also been seen to cause accidents in some sections.

(b) My Ministry has erected bumps at Awendo Centre and is monitoring the situation in the other mentioned areas so as to come up with the best intervention. In addition, the Ministry is carrying out a design for the rehabilitation of the road and part of the scope is to improve the road safety on the said road.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has tried to answer this Question quite well, but in part (a)(ii) of his answer, he has claimed some unauthorized structures have been built along the road reserve. I thought it is the duty of the Ministry to ensure that such structures are brought down. If they are there, which I doubt, what has he done to make sure that the structures are not left by the road side to bring problems along that road?

Mr. Kinyanjui: Mr. Speaker, Sir, I want to confirm to the hon. Member that in the centres that I have cited, there is encroachment of the road reserve by some of the traders along that road. Therefore, this has brought competition for the usage of the road by the non-motorized traffic. My Ministry intends to clear these areas, so that cyclists and pedestrians can use the road side and the vehicles can continue to use the designated area. Together with the local authority, we expect that a notice will be given soon to ensure that the areas are vacated.

Mr. Mwangi: Mr. Speaker, Sir, could the Assistant Minister comment on the importance of bumps on highways? Professionally, are bumps supposed to support motorists or road users or they are a hindrance and sometimes could be dangerous and cause accidents? The Assistant Minister should come out clearly and say whether we should be erecting bumps in our highways.

Mr. Kinyanjui: Mr. Speaker, Sir, as I have already indicated that my Ministry does not recommend the use of bumps to reduce speed. This is because the reason we have used so much money to improve our roads is to increase the flow of traffic on our roads. So, when we rehabilitate the roads and then erect bumps all over, the difference between the bumps and actual potholes would be nil. Therefore, my Ministry has come up with other measures to ensure that we reduce road accidents. Among them is the installation and maintenance of traffic signs, marking of pedestrian crossing and ensuring that they are obeyed or enforced; enforcement of traffic rules and the provision of non-motorized transport facilities. I think this is what I had mentioned earlier, where we have a special path where the pedestrians and cyclists can use and, therefore, reduce the interaction with the vehicles. We also have the use of footbridges to ensure that pedestrians cross in designated areas and, therefore, reduce the possibility of accidents.

Mr. Twaha: Mr. Speaker, Sir, there is a tendency in some parts of Kenya or populated centres for the communities to put up their own informal and unauthorized bumps, which are really dangerous. Some are structured like raw walls. What has the Assistant Minister done to discourage this practice? For example, on the way to Lamu, at a place called Kongoni, there are two horrible bumps.

Mr. Kinyanjui: Mr. Speaker, Sir, no one has the authority to erect bumps in Kenya other than the Ministry of Roads. Therefore, if there are any bumps that are

erected without the permission and knowledge of the Ministry, we will be able to take appropriate action. In case there are such instances, we would like the hon. Members to report them through the relevant roads offices in the constituencies.

Mr. Mbadi: Mr. Speaker, Sir, the road from Rongo to Awendo is very narrow. Given the usage of that road by the SONY Sugar Company, which uses big trucks to ferry sugarcane, what plans does the Ministry have to expand it so that it becomes safer for motorists?

Mr. Kinyanjui: Mr. Speaker, Sir, as I have indicated, my Ministry is considering the upgrading of these roads. As you are aware, we are currently undertaking the design for the improvement that will take into consideration the nature of the traffic on the road. That includes the agricultural transport for sugar, as the hon. Member as said. Once the design is done, I am sure it will incorporate all the issues that have been raised and, therefore, reduce the instances of accidents in that area.

Mr. Washiali: Mr. Speaker, Sir, the Assistant Minister has talked about erecting footbridges on some of the roads which are notorious for accidents. How many accidents have to happen before you erect a footbridge, because we have places which are very notorious? Other than this road that has been mentioned, we also have the road from Kakamega to Mumias. There are places like Makunga, Ijinja and Mwitoti where very many accidents have happened and to date, there are no footbridges. How many accidents have occurred before the Ministry erects a footbridge?

Mr. Kinyanjui: Mr. Speaker, Sir, it is true that the demand for footbridges far exceeds the supply. In most of the sections in the country, it is true that we would require to put up a number of footbridges for us to reduce the number of accidents. However, our greater concern is the usage of these footbridges. If you look at the footbridges that we have already put up, even when it is very clear that if you cross the road without going through the footbridge, you are exposing yourself to a lot of a danger. Members of the public do not use the footbridges. From Valley Road here in Nairobi to Mombasa Road and all over the country, we have a problem of people not utilizing the facility once it has been put up. Therefore, even as we try to get more funds to increase the number of footbridges, the issue of usage is an area that we all need to address as road users.

Mr. Magwanga: Mr. Speaker, Sir, this road was constructed in the 1960s and it runs from Ahero, Oyugis, Kisii to Migori. This is an international road that serves Kenya, Uganda and Tanzania. Given its size, a number of people have passed away along that road. A Member of this House was involved in a road accident along the same road. The pothole which caused the accident has not even been filled to date. Along the same road, in my constituency, that is, Kasipul Kabondo, we have lost quite a number of people due to lack of bumps *et cetera*. What has the Ministry done to erect bumps along the centres? What mitigation measures has the Minister taken to make sure that these potholes are sealed?

Mr. Kinyanjui: Mr. Speaker, Sir, I think those are several questions in one. However, as to the specific pothole that caused the accident of the said Member of Parliament, it is difficult for me to ascertain whether the same pothole, indeed, is there. But we have been undertaking regular maintenance of these roads and I believe that between then and now, they must have been sealed. However, the responsibility of road safety is not the mandate of the Ministry of Roads only. We as road users, motorists and leaders must use every available opportunity to sensitize our people to take care as they

use the roads. However, I also want to appreciate that the road, indeed, connects Kenya to our neighbouring Tanzania and is classified as A1. As a result of that classification and the importance attached to this road, we are designing this road to upgrade it to also meet the relevant safety standards that are required of a similar road.

Mr. Speaker: Last question, Member for Migori!

Mr. Pesa: Mr. Speaker, Sir, I want to thank the Assistant Minister for the work they are doing on this road from Migori towards Kisii. But that notwithstanding, we have lost quite a number of school going children around Migori. Could I ask the Assistant Minister, on behalf of Migori people, to take as the last resort the erecting of bumps between Assad Johnson on the other side of Migori and Kakrao, so that we can reduce the death of the young people that we lose along that road?

Mr. Kinyanjui: Mr. Speaker, Sir, as I have said, we use the data that we normally get from the police, indicating the number of accidents that have occurred in any one particular point and in this case, the centres indicated by the hon. Member. Indeed, the numbers are a bit worrying. I want to assure the hon. Member that we will not spare any action to ensure that we bring the number of accidents down, including the option of erecting bumps.

Mr. Speaker: We will go back to the first Question by Private Notice.

QUESTION BY PRIVATE NOTICE

KILLING OF ELEPHANTS BY POACHERS

Mr. C. Kilonzo: Mr. Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife:-

(a) How many elephants have been killed by poachers in the last eight years?

(b) Who were the exporters of the consignment of elephant tusks worth over Kshs380 million and equivalent to 120 elephants killed, which was impounded by the Thailand Customs Department?

Mr. Speaker: Mr. Minister, are you now able to proceed to conclude?

Mr. Nanok: Mr. Speaker, Sir, I have looked at the letter that was tabled by my colleague, hon. C. Kilonzo, which he had written to the Commissioner for Domestic Tax at the Kenya Revenue Authority (KRA), a Mrs. Alice Awuor. She indicates that her officers confirmed that Tinga Enterprises registered for a tax number online and obtained PIN No.P051333892J in July, 2010. However, the details of the directors of the same company are not in our records.

Mr. Speaker, Sir, basically, we wrote to both, the Commissioner-General of KRA, Mr. Michael Waweru, and, the Registrar of Companies, Mrs. Bernice Gachengu, on the same day. I want to quote specifically some of the things that we had mentioned in the letter. It says:-

“The specific consignment that was arrested by the Thai Customs was declared and chipped as frozen mackerel fish. The purpose of this letter is to request you to facilitate further investigation to ascertain how the consignment was cleared in our port and declared as frozen mackerel fish.”

In the second letter to the Registrar of Companies, we specifically indicated that Parliament has directed that the names of the persons responsible for the shipment be tabled. The purpose of this letter is to request you to take note of the matter as requested by Parliament.

Mr. Speaker, Sir, basically, the letter tabled by my colleague, hon. C. Kilonzo, has not specifically given any hint of the information on the directors of this particular company. We are still waiting for the Registrar of Companies and the Commissioner-General of KRA to give us detailed comprehensive information. We are even aware that shipment went through Customs Service Kilindini, Export Section, Shed 5 and the Container Terminal Office, Kilindini Port, Kenya Ports Authority.

I can only urge my colleague to be patient with us because this investigation is being done both internally and externally. It will take a little while, probably, two or three months, before we can get to the bottom of this matter.

Mr. Oyongo Nyamweya: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell us that what was exported was fish? We know very well that in order to export fish, you need documentation and certificates. Therefore, a wrong process was followed. There was a clearing agent who handled this cargo. Could he tell us the names of directors of this company because this information is available?

Mr. Speaker: I am afraid, that does not pass for a point of order.

Mr. Njuguna: Mr. Speaker, Sir, continued poaching of elephants in our game reserves is tarnishing the image of this country. What corrective measures is the Ministry taking to make sure that this trend is curbed, so that we preserve our wildlife for posterity?

Mr. Nanok: Mr. Speaker, Sir, as I have said here previously, we are doing the best we can to contain this problem. Our rangers all over the country, particularly in protected areas, are taking stern measures to monitor. Our intelligence units are up in arms to make sure that they gather as much information as possible.

In the airports of Mombasa and Nairobi, we have put in a team with sniffer dogs that has helped to arrest about 1,600 pieces of ivory over the last two years. Only a few days ago, we were notified that a huge haul of ivory was also found at JKIA. This is now in our custody and our investigating teams are still looking to verify who may have been behind these exports.

In the port of Mombasa, we did not have a Kenya Wildlife Service team checking every single cargo that is being exported outside the country. We have been relying much more on Kenya Ports Authority and Customs Department to do so, on our behalf. However, we are now looking at ways of putting in a team to be stationed there permanently. You also have to realize that Kenya stands as a transit point where even illegal ivory, not only coming from within our game animals, but passing through. For instance, although we are looking at DNA regarding the JKIA ivory, we suspect that this may have come from outside our country. This investigation will continue and we hope that we will be able to nail those who may have been behind the exportation of this precious item.

Mr. Kabogo: Mr. Speaker, Sir, I fail to understand the difficulties the Assistant Minister is going through to get information on the exact people who were shipping ivory out even regarding the recent case that he is referring to. For any cargo to leave a country, it has to have documentation. There are some contents in that document, for example, the

bill of lading which states who is the exporter, importer and their addresses and the agent who declared the cargo, among other things. This information is readily available in the KRA. It is computerized. I fail to understand why he has difficulties to give the nation this information.

Mr. Nanok: Mr. Speaker, Sir, the custom export documents we tabled in this House indicate the number of companies that have been involved both in facilitating the consignee and the consigner of these documents. I want to indicate that we had Pacific International Limited based in Inscap House 2nd Floor, Mikanjuni Road off Mombasa Avenue of P.O. Box 43050 Mombasa, Muhaso Agencies Limited, Wakienda house, Meru Road, who facilitated the trans-shipment of this ivory. The directors are known. These are Edward Muhaso Muta ID. No.8469031 and Fredrick Sababu Mungule; ID No.11876091.

The other company is Tinga Enterprises Limited of P.O. Box 96491, Mombasa. We are yet to establish who the directors of this company are. We have asked the KRA to provide us with this information so that we can piece the information together.

Mr. C. Kilonzo: Mr. Speaker, Sir, the problem is not with the Ministry or the KWS. From the documents which were tabled by the Assistant Minister, the problem is with customs, specifically the KRA.

Mr. Speaker, Sir, within the banking sector, there is something known as “know your customer”. You cannot open an account in a bank unless the bank knows, not just the name of the company, but the directors. If somebody is able to open a company and register for tax payment and the Government does not know that person, then obviously, activities of this nature will continue. What is he doing to address the problem identified in the document you tabled here which has squarely put Customs Department where the problem is? That is where the problem is. It is not within your Ministry or the KWS.

Mr. Nanok: Mr. Speaker, Sir, I totally agree with the hon. Member that we have a problem that we need to resolve and which is what we are co-ordinating with the Ministries responsible for customs which are basically the Ministry of Finance and the Ministry of Transport which is responsible for KPA so that we can re-look at this matter and ensure that it does not take place once again.

I want to emphasize the fact that the KWS and the Ministry of Forestry and Wildlife do not export frozen fish. We do not export ivory because it is a banned product and we have been leading globally in trying to make the world understand that we should ban the trade in ivory because it is killing tourism. I want to assure the hon. Member that will make every effort to make sure that we have liaised with our counterpart Ministries and make sure that this matter is investigated and action taken against those who may have been involved in this illegal trade.

Mr. Speaker: Order, hon. Members. We will rest the matter there and direct the Minister that, as and when the investigations he has alluded to are completed, he should ensure that the hon. Member for Yatta is advised as to the outcome, and all other Members of the House who may be interested in knowing how your investigations concluded. To the Minister in charge of internal security, please, convey this to the Kenya Revenue Authority (KRA). From what has transpired in the House this afternoon, we have a most undesirable situation and practice which apparently has been embraced by KRA in this sense; that KRA issues Personal Identification Numbers (PINs) to companies which it does not even know that they exist and, in effect, legitimizing non-entities and, therefore, encouraging illegal activities. There is no reason for KRA to issue

a PIN number to a company it does not know that it actually exists. So, that practice, obviously, must be discouraged, if possible, beginning today.

So, that brings us to the end of Question Time. I am sorry that matter must rest there.

Next Order!

POINT OF ORDER

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. I seek your indulgence on a matter that you deferred, allow the Minister for Roads to visit a road where a contractor had diverted water meant for a community. It was a Question by Private Notice. You had indicated that within 48 hours, the Minister should visit the site. I seek your indulgence on how we need to move on a matter like that.

Mr. Speaker: I am afraid on that one, I will not offer any directions because, ideally, that should have come under Order No.6. Now, I can see why you are persisting but we can revisit it tomorrow. The Minister has heard those concerns and Mr. Kabogo, you will rise at Order No.6 tomorrow so that we get some answer from the Minister. I think we will first take Ministerial Statements which are ready. Minister in charge of internal security, do you have a Statement to deliver?

MINISTERIAL STATEMENT

KILLING OF KENYAN TURKANAS BY MERILLE TRIBESMEN

The Minister for State for Provincial Administration and Internal Security (Prof. Saitoti): Yes, Mr. Speaker, Sir. I wish to issue a Ministerial Statement on the killing of Turkanas of Kenya by the Merille tribesmen of Ethiopia on 2nd of May, 2011.

Mr. Speaker, Sir, on 2nd May, 2011 at around 7.00 a.m., four Merille tribesmen from Ethiopia ambushed a group of Turkana fishermen in the lake, killing one respected fisher folks leader and injuring another one in Turkana North District. In the commotion that ensued, unknown Turkana persons in retaliation, shot dead four Merille tribesmen otherwise known as Dassanch community members who were peacefully co-existing with the Turkana at Tajonya Catholic Church compound. It is suspected that some members of the Merille community escaped from the Turkana village and ran towards the Ethiopian direction for their safety. On their way to Ethiopia, it is alleged that they met a group from Merille who were escorting a group of Turkana committee members who had gone to Sies Village, a Merille village, to purchase food on the Kenyan side of the Kenya/Ethiopian border. Word reached them that their colleagues had been killed by the Turkana at the Tajonya Catholic compound. They turned against the Turkanas they were escorting and killed nine men and ten women, bringing the total number to 20 Turkanas. Two men were also injured, but they were later taken to hospital, treated and discharged.

Mr. Speaker, Sir, the District Security Intelligence Committee (DSIC) immediately evacuated 43 Turkanas from Dassanch villages while 14 Dassanch community members were similarly evacuated from Turkana villages to stop the spread of killings. The Provincial Security Intelligence Community (PSIC) flew to the scene on 3rd May, 2011, together with the area Member of Parliament in a bid to have a joint

border meeting with their counterparts from Ethiopia. The meetings are still on-going even now.

Mr. Speaker, Sir, to temporarily change the interaction of the two communities in the market, the Ministry of State for Special Programmes has distributed 100 bags of rice, 100 cartons of vegetable oil and 100 bags of beans as the lasting solution to that major problem is being sought. The distribution of relief food will continue on a regular basis to deter the Turkana from moving to the Ethiopia side in search of food. The bodies of the dead persons were disposed of at Todonyang Catholic Church Cemetery. In the meantime, the Government is relocating the General Service Unit (GSU) and the Administration Police (AP) camps at Todonyang to the actual border point between the two countries, which is 14 kilometers away, in order to counter any revenge attacks between the warring communities. The Government has also initiated peace and reconciliation meetings between the communities living along the border for a lasting solution.

Further, I would like to report that the Government has now been in touch with the Ethiopian Government over the killings in order to explore ways in which the two countries can ensure that similar killings will not recur. Meanwhile, a joint border commission meeting will be held soon to put in place strategies to ensure that the two communities live in peace.

Mr. Speaker, Sir, I would like, at this stage, to appeal for calm and urge the two communities to avoid the temptation to revenge. But I can say that this is a matter that we have already decided to liaise with the Ethiopian Government to ensure that it takes the necessary measures – like ourselves - to ensure that the two communities live cordially and exercise peaceful co-existence.

Mr. Speaker: Order, hon. Members! Speaking from the Chair, I was not aware that this Statement will be due for delivery today. But, earlier on, beginning from yesterday afternoon, I received a request from the Member for Saboti to raise this matter pursuant to Standing Order No.23. This morning, I received two further requests. One was from the Member for Rarieda and the other was from the Member for Turkana Central. So, this matter is tending towards duplication. So, I will want, at this point, to recognize the Member for Saboti because I had approved his request for his Motion. Then, if he has the requisite numbers in compliance with Standing Order No.23, then we will leave all other concerns to be addressed when the Motion comes up. If he does not have the requisite support, then we will take requests for clarifications at this stage.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I want to thank you for that ruling. However, I just wanted to make a distinction between what we were seeking and what this particular Statement was seeking. This one was specifically on the incident in Todonyang, which happened on the 2nd of May. Since then, other incidences have taken place. These did not only involve Ethiopia, but also Sudan and Uganda. I think that is what the Member for Saboti's Motion is attempting to address in totality. This is just the specifics of how the Todonyang case was handled. I plead with you that we prosecute this matter. Although it is related to the other one, it is separate.

Mr. Speaker: Order, Member for Turkana Central! Actually before I gave those directions I had very carefully considered this matter. I am satisfied that both should go hand in hand. Let us give it wholesome treatment. Even in your own attempt to draw a distinction between them, you have said that this was just one incident. Subsequently,

there have been other incidents. Therefore, saying that this is a small part of the bigger--- So, it is a subset and a subset is within a set. So, let us deal with the set!

(Applause)

Mr. Wamalwa: Mr. Speaker, Sir, most obliged for your ruling. Indeed, I had already given notice.

Pursuant to the provisions of Standing Order 23, I seek leave to move the adjournment of the House in order to discuss the rising insecurity in the country, and in Turkana County in particular, including the Todonyang killings, where over 40 Kenyans from the Turkana community were killed by the Merille Community of Ethiopia.

Mr. Speaker, Sir, this is no doubt a definite matter of urgent national importance as it touches on our national security. We will be most obliged if we are granted leave to move a Motion on the same to enable the House deliberate on this matter of vital national importance.

I beg to move.

Mr. Speaker: Order, hon. Members! Hon. Members, I am satisfied that this matter is definite, that it is urgent and that it is of national importance.

(Several hon. Members stood up in their places)

Hon. Members, the matter has the requisite support. I therefore, allocate time to it to be transacted from 5.00 p.m. today.

(Mr. Ojode stood up in his place)

KILLING OF MR. BERNARD KIMELI

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I have a Statement which I promised to release today, Tuesday. It was sought by Mr. Gitobu Imanyara.

In the Statement he wanted to know whether the late Kimeli was not or was not a witness in the Waki Commission, and he gave very confidential information before that Commission. He also wanted to know if the officer was listed as one of the International Criminal Court (ICC) witnesses, and whether he due to fly out of the country at the time he was murdered. Finally, he wanted the Minister to appraise the House on whether investigations will be carried out by the same police officers who may be implicated.

Mr. Speaker, Sir, the late Bernard Kimeli was, until his retirement in the year 2008, the Commandant of the Kenya Police Training College. At the time of retirement the deceased was a Senior Deputy Commissioner of Police. On the 26th April 2011, the deceased was at his house in Muguga Green Estate, watching football together with his son, Nicholas Kimeli and Eric Mutua, a university student, whom he had contracted to offer extra tuition to his son. At about 10.30 p.m., after watching the first half of the game, the deceased retired to bed, leaving in the room his son Nicholas Kimeli and Erick Mutua, who continued watching the game until 11.30 pm.

Immediately after the game, the son, Nicholas, checked to confirm that all the doors were properly locked and secured. Nicholas and Erick Mutua then retired to the servant's quarters to sleep after ensuring that the door leading to their quarters was securely locked.

Mr. Speaker, Sir, the following day, the two boys woke up at 4.30 a.m. in order to do their revision in the dining room as was their routine. However, when Nicholas, the son of the deceased, knocked the door to the main house, he received no response from his father. He decided to go back to his room and wait until the father woke up. At about 8.00 a.m., the son, who found it unusual for his father to sleep up to that particular time, decided to try another door leading to the main gate, but was surprised to find the main door and their gate wide open. When he entered the main house, he found a trail of blood and his father's body lying near the fire place.

Mr. Speaker, Sir, Nicholas immediately called his mother, Margret Kimeli, who had travelled up country to their Lessos Farm in Nandi. She informed the police who immediately visited the scene and commenced investigations. The deceased had three stab wounds and one gunshot wound on the left upper arm. Police also recovered one spent cartridge and one live ammunition both of 9 mm caliber, and a blood stained knife. From the bedroom of the deceased, one pistol of a vector Serial No.BDH091, with ten rounds of ammunition and five rounds of .38 special were also recovered. The firearm was later confirmed as belonging to the deceased, who was a holder of civilian firearm licence No.2617. The police also discovered that only one mobile phone belonging to the deceased was stolen.

Mr. Speaker, Sir, the body was later moved to Lee Funeral Home, where a postmortem was later performed. The pathologist was of the opinion that the deceased died due to severe chest and abdominal injuries due to a single gunshot. Investigations are still ongoing, and so far the following witnesses have recorded statements:

1. Margret Irima Kimeli, the first wife of the deceased, who is a police officer based in Thika. On the fateful day she was away in their Lessos Farm together with her housegirl, Fastine Mulebani, and her 11-year old daughter, Mary Wawira Kimeli.

2. Nicholas Kimeli, the son to the deceased, who is a Form Three student at Lukenya High School, and who discovered the body of the deceased.

3. Erick Mutua, a university student at JKUAT, who at the time was contracted to offer extra tuition to Nicholas.

4. Ernest Otode Owade, a gardener who had just reported on duty that particular morning.

5. PC No.68205, David Musyoki, and PC, Simon Lokotodo, No.88513; these police officers were guarding the house of a senior police officer in the neighbourhood.

6. Jacob Wanjala, a watchman who was guarding the main gate leading to the court of the residential area.

7. John Nyaga, who is a neighbour and a State counsel.

8. Daniel Limo Komen, a driver employed by the deceased, who on the fateful night had travelled with the wife to the rural home.

9. Sgt. James Michemi, No.42816, an officer currently attached to the Tourist Police Unit, Nairobi, and a former official driver of the deceased.

10. Sgt. Christopher Kimei, No.41853, a brother to the deceased based at Macalder Police Station, who has land dispute with the deceased.

11. PC. Pelis Meli Kimurgor, No.88370, a son of the deceased based at Malaba Police Station.

12. Christopher Mwaniki Kalulu, employee of the deceased and the marketing executive at Dimani Enterprises Company in Nairobi.

13. Ronnie Ndung'u Njeri, employee of the deceased and the Manager of Dimani Enterprises.

14. James Kemei, driver to the deceased who witnessed the postmortem.

Mr. Speaker, Sir, the motive of this heinous crime has not yet been established although investigations are still ongoing. The police investigating team has no information so far as to whether the deceased was a witness in the Waki Commission on Post-Election Violence neither have they any clue as to whether he gave very sensitive information as a witness before the Commission.

In conclusion, Mr. Speaker, Sir, the police investigating team has not received any information as to whether the deceased was listed as one of the witnesses at the ICC and that he was due to fly out of the country as a witness at the time he was murdered. Police officers have not been implicated in the murder.

However, I wish to assure this House that any person, be it a police officer or not, if implicated in this murder, will be brought to book.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Clarifications! Yes, the Member for Mutito! Mr. Assistant Minister, please, take notes.

Mr. K. Kilonzo: Mr. Speaker, Sir, I wish to thank the Assistant Minister who, at any given time he is called upon to give Statements, he attempts to be very comprehensive.

However, I want him to tell this House whether the police did any dusting in the house to check for any foreign or any outside fingerprints. If they were able to do that, can he table the names of those who were found? If not, can he tell this House why that very important step of investigation was not done to trace if there were any outsiders who were involved in the killing of the late?

Dr. Kones: Mr. Speaker, Sir, the Assistant Minister has said that he is not aware whether the late officer was a witness in the ICC case and yet we know that the Minister of State for Provincial Administration and Internal Security is a Member of the Ministerial Committee that is in charge of the Witness Protection Program. Is the Assistant Minister misleading the House by saying that he is not aware whether he was part of the witnesses? Is he saying that he does not know who the witnesses are?

Mr. Mbadi: Mr. Speaker, Sir, it is true that there has been a lot of speculation on the death of this gentleman. I wanted the Assistant Minister to come out very clearly to remove these speculations whether Mr. Kimeli appeared before the Waki Commission. He may not be aware whether he was a witness in the cases at the ICC, but could he confirm to us whether he is aware if the late Kimeli ever appeared and testified before the Waki Commission?

Mr. Speaker: Let us get the last clarification from the Member for Kisumu Town West!

Mr. Olago: Mr. Speaker, Sir, the Assistant Minister has said that he is not aware that the deceased gave evidence to the Waki Commission or that he is a witness. But in actual fact, it is within the Assistant Minister's powers to find out information either

within the Ministry within Kenya or from the ICC and give that information to the House. Did the Assistant Minister take all the necessary steps to find out within the country and outside the country if the deceased gave a statement to the Waki Commission and was a possible witness at the ICC?

Mr. Speaker: Mr. Assistant Minister, you may make your responses!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, first, the question raised by Mr. K. Kilonzo on whether the dusting was done or not, I want to say here that the Kenyan police detectives are very shrewd; they are very shrewd fellows. There is no way the investigation would have started without doing those physics. First, we have the knife which was used to kill Mr. Kimeli.

Secondly, Mr. Speaker, Sir, we have the cartridge which was also used and we have sent it to the ballistic experts to check who pulled the trigger. A number of other things were collected from Mr. Kimeli's house, including the blood stains which were in his bedroom.

Mr. Speaker, Sir, Dr. Kones---

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I had earlier commended this Assistant Minister for being very articulate, but is he in order not to answer my question? My question was not whether it was taken. I asked whether there were any identified persons and whether he can table the same information. If not, why the omission? Is he in order to omit answering my question and start telling us about the police being very shrewd?

Mr. Speaker: Order, Mr. K. Kilonzo! You know you also have to be fair to the Assistant Minister. That was part of your earlier request for clarification. So, the Assistant Minister has partially answered your request. There is only a certain part which he has not done. So, you should continue to commend him and ask him to fill what he has left out.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, even if it was done, at this very early stage, I am not ready to give that kind of information because, first, it might jeopardize the investigations.

Mr. Speaker, Sir, we have lost a man and a security officer. I know for sure, we will get hold of those people who are behind this killing.

Mr. Keynan: On a point of order, Mr. Speaker, Sir. If I heard correctly, the Assistant Minister is misleading us in the sense that the hon. Member wanted to know whether it was done or not. The hon. Member was not interested in the Assistant Minister divulging the details of the investigation.

Mr. Speaker: Order, Mr. Keynan! I do not think you have been following the proceedings in this House this afternoon! This is the case and yet the Member for Mutito is your neighbor. Ask him what exactly he wanted in his clarification.

Mr. Assistant Minister, you may proceed! Mr. Keynan is out of order.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. K. Kilonzo can also assist my friend.

Mr. Speaker, Sir, Dr. Kones had asked whether the officer was a witness. I did mention here that I am not aware that he was a witness. The same answer goes to Mr. Mbadi from Gwassi. His name has not so far been listed in the Waki Report as a witness.

However, the insinuations which we also get is that we have some secret witnesses. However, I cannot tell whether he was a secret witness or not. But as far as we are concerned, as a Government, he was not a witness.

Mr. Speaker, Sir, Mr. Olago asked whether the deceased was in the house alone---

Mr. Speaker, Sir, could the hon. Member repeat his question?

Mr. Speaker: The Member for Kisumu Town West, can you repeat your concern?

Mr. Olago: Mr. Speaker, Sir, my question is completely different from what the Assistant Minister is attempting to answer. I asked if, within the powers available to the Assistant Minister, he has used his authority to find out within the Ministry and in the Republic of Kenya and outside at the ICC if the deceased was a witness either in the Waki Commission or at the hearings coming up at the ICC.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I think I have dealt with that question very well. I said that according to the listing which we have on the Waki Commission, he is not listed as a witness.

Mr. Speaker, Sir, as I mentioned earlier on, there are some witnesses who were secretly moved out of the country. I have heard this and I cannot say that it is an authentic Government statement because I am not aware whether the fellow was listed as a secret witness. However, I would like to assure this House that we are doing everything possible to get the killers of Mr. Kimeli and we will get them.

POINTS OF ORDER

STATUS OF REVENUE ACCOUNT AT TREASURY

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

Mr. Speaker: What is it, Member for Gwasssi?

Mr. Mbadi: Mr. Speaker, Sir, on 28th April, 2011, I sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance with regard to discrepancies between the revenue reporting from the Exchequer Account and that which has always been submitted to the House through Budget Estimates. The Ministerial Statement was supposed to come almost two weeks ago, but it did not. It was supposed to come last Wednesday but on that very Wednesday morning, hon. Muriithi reported to this House that the Assistant Minister was unwell, and that the Deputy Prime Minister and Minister for Finance was away. In the afternoon, both of them were here, after delivery of the Ministerial Statement had been deferred to today.

Mr. Speaker, Sir, I am concerned because the Minister is not even here, yet a commitment was given that today would be the last day for the delivery of this particular Ministerial Statement. The Ministerial Statement I have sought is very serious. It requires very serious information which borders on this House being misled into approving figures which are not correct, and into accepting revenue collection which is not the actual revenue collected.

Therefore, I am seeking your guidance on how I can be helped to force the Minister to bring the Ministerial Statement to this House. I would have said other

informal things that the Minister has told me but, please, may I get direction on this matter?

Mr. Speaker: Mr. Mbadi, you are an hon. Member of this House. So, if you disclose to the House the informal things, the House will take you very seriously. So, why do you not proceed? What are the informal things that he has told you?

Mr. Mbadi: Mr. Speaker, Sir, I would just wish that this Ministerial Statement is brought, so that I can comment.

Mr. Speaker: We have a comprehensive Bill of Rights. So, I will allow you to make your choice. However, if you have anything that you think the House should know, you have to say it. It is wrong for you to whet the appetite of the House and then decline to disclose what you know. That notwithstanding, Mr. Muriithi, did you communicate to the Minister that the Ministerial Statement had been deferred twice, and that was the third time it was being deferred?

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Speaker, Sir, first of all, I would like to correct the hon. Member. I made the undertaking but it was on Wednesday, and not Wednesday morning. I did communicate the information to the Minister.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. First of all, we must be factual. It was actually on Wednesday morning, and not on Wednesday afternoon; the Minister was present in this House. I was very keen. I could not have got that one wrong. The HANSARD will bear me witness.

Mr. Speaker, Sir, the Government has either not understood why I have sought this Ministerial Statement or they have understood but they deliberately want to deny this House very important information.

Mr. Speaker: Order, Member for Gwassi! Now that hon. Muriithi did not claim ignorance, I am certain that the Deputy Prime Minister and Minister for Finance has understood the import of your request. However, given that there has been non compliance, and that this is the third time, I am afraid, I have to impose sanctions at this point in time. I direct that neither the Deputy Prime Minister and Minister for Finance nor his Assistant Minister shall be permitted to transact any business in this House until that Ministerial Statement is delivered. It does not matter what it will be, but there will be no business transacted in this House pertaining to the Ministry of Finance until the Minister has delivered the Ministerial Statement. This direction is binding on all panelists who will preside over the business of the House until there is full compliance.

Yes, Member for South Mugirango!

MEASURES TO ADDRESS FUEL CRISIS

Mr. Oyongo Nyamweya: On a point of Order, Mr. Speaker Sir. I rise to seek a Ministerial Statement from the Minister for Energy regarding the crisis in the oil industry. On Wednesday, 27th April, 2011, the Rt. Hon. Prime Minister, while issuing a Statement during Prime Minister's Time, confirmed in this House that the Government had reduced the profit margin on regulated oil products such as kerosene, diesel and petrol from Kshs6 per litre to Kshs4 per litre. Consequently, the prices of these products were to go down by Kshs2 per litre. On Thursday, 5th May, 2011, the Minister for Energy further

assured this House that the prices of these oil products would go down. However, some of the oil marketers have indicated that fuel prices will go up by a further Kshs6 per litre.

Mr. Speaker, Sir, noting that the fuel prices have gone up by Kshs9 per litre over the last one month, and arising from the above intervention by the Government, could the Minister clarify the following in his Statement:-

(a) whether the reduction on tax was effected and whether the fuel prices will, indeed, go down, contrary to reports that fuel prices will go up by a further Kshs6 per litre;

(b) whether the country has enough stocks of fuel in the Government reservoirs, and if so, explain why the country continues to experience fluctuating supply of fuel at the marketing stations;

(c) assure this House, and the public, of the sustainability in the supply of petroleum products in the country.

Mr. Speaker: Yes, Deputy Leader of Government Business.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I undertake to communicate the information to the Minister though, from the request, it appears that the genesis of the issue is the Statement by the Prime Minister. This being a cross-cutting issue, bringing together Treasury, the Ministry of Energy and the oil industry, we need to consult further to see whether we should come here with an update on where we are, arising from the Prime Minister's Statement. The Minister for Energy issued a Statement last week on the same matter. So, again, we could be repeating the same issues that were discussed last week. In terms of an update, I would seek your indulgence as to whether we should direct this matter to the Prime Minister's Office or to the Minister for Energy, as requested by the hon. Member, so that he could get a comprehensive Ministerial Statement. The clarification will determine the timing.

(Mr. Oyongo Nyamweya stood up in his place)

Mr. Speaker: Please, resume your seat. Deputy Leader of Government Business, it is incumbent upon you, as Government, to decide where this information ought to come from but, on the face of it, the request pertains to a matter that is very urgent, which seems to imply that the Government has, in fact, issued contradictory statements from different Ministries. The Prime Minister's Time will be due tomorrow. Given the urgency of the matter, if you wish to commit yourself that the Prime Minister will respond to this matter, I will direct accordingly that it comes tomorrow afternoon. It is a matter which is live. They have all made statements on it. So, it is not as if they are going to look for new information. I think what they are going to look for is harmonisation of information so far made public.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I will communicate this to the Prime Minister, so that he can issue the update tomorrow, as to where we are on this matter.

Mr. Speaker: So, we will expect a Statement tomorrow afternoon, as much as possible, during Prime Minister's Time. If not the Statement, then we should get some indication on when the Ministerial Statement will be delivered.

The Minister for Transport (Mr. Kimunya): That is okay, Mr. Speaker, Sir.

Mr. Speaker: Fair enough; it is so directed. Hon. Members, that brings us to the end of Order No.7 and we want to take the next Order.

BILLS

First Readings

THE NATIONAL CONSTRUCTION AUTHORITY BILL

THE UNCLAIMED FINANCIAL ASSETS BILL

(Orders for First Readings read – read the First Time and ordered to be referred to the relevant Departmental Committees)

Second Reading

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION BILL

(Minister for Justice, National Cohesion and Constitutional Affairs on 26.4.2011)

(Resumption of Debate interrupted on 05.5.2011)

Mr. Speaker: Order, hon. Members! At Order No.10, hon. Keynan had the Floor and he has five minutes to go. But given that this Order has been transacted continuously now, this will be like the Fourth or the Fifth Day and the amount of interest that there is from the membership of the House, I want to propose and I want Members to agree, because it is indeed, logical, that after hon. Keynan, all Members contributing to this business shall try and restrain themselves to say their bit within ten minutes except for the Mover.

You may proceed, hon. Keynan!

Mr. Keynan: Mr. Speaker, Sir, this is a very important Bill in the history of Kenya. It is a Bill that will make us cross and become truly an independent, vibrant and democratic nation that cannot be shaken by small issues regardless of how they arise.

We must get every aspect of this Bill right. The 2007/2008 dispute came about because the institutions that we entrusted with managing very important exercises like elections failed to meet the expectations of Kenyans.

As we try to prepare for 2012 and taking into account that Kenyans are generally a political community, we must make sure that the Commission that will be entrusted with managing the 2012 Election will not manage it like directors of a limited liability company or a parastatal. This means that we must have Commissioners who are loyal to the entity that we are going to create. The issue of having Commissioners whose loyalty and interests will be elsewhere, as part-time Commissioners, in my opinion, will be illogical and totally out of context. Individuals who are expected to conduct elections are expected to remain fiercely independent. They should be people of integrity and should also follow the institutional rules consistently. They are expected to be reliable and must

safeguard the interests of the people of Kenya at all times. If these individuals are appointed on part-time basis, it will not be possible for them to overcome these challenges. For instance, I will second my employee to be a part-time Commissioner with the IEBC and the loyalty of that individual will always remain to the first employer.

We must have Commissioners who will be permanent regardless of their numbers and where they come from, who will again represent the regional, religious and all the diversities of the people of Kenya. Elections represent the aspirations of the citizenry of any country. Therefore, managing elections is a very important institutional requirement of any Government. Universal franchise is an important component of the democratic governance of any country. For us to get all these right, we must be prepared to sacrifice. We must be prepared, as taxpayers, to pay the nine Commissioners and their Chairman dearly, so that they can manage the elections as expected by the people of Kenya. Just having a mere Constitution is not an issue at all. We must inculcate a culture of transparency, accountability and tolerance. For us to get this, we must sit down, think and reflect on what makes the Kenyan society to turn on each other. We know the resilience of the Kenyan people. We know that Kenyans come from different communities. We know that there are all crops of politicians and there will always be different political parties with different ideologies or even competing ideologies.

[Mr. Speaker left the Chair]

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

Since the first review is over with the Ligale Report, we must be consistent and accept, so that all of us are on board. We must be prepared to pass this Bill in line with the recommendations of the Justice and Legal Affairs Committee because that was a compromise approach. All other aspects of this Bill which are outside that Committee's report must be deleted, amended or completely removed because that will take us back to the acrimony that we have had. That is not in the interest of anybody because the first review is over.

Finally, this is a country of many nations in the context of the different regions and tribes. We must at all times be prepared that the 43 communities that consist this very important nation, whether we came together accidentally under the colonial rule or we decided to be part of this beautiful country by choice, there must be a culture of tolerance. The only thing that can bring us together is by having a good Constitution, which we have, and the second thing that remains is to follow that Constitution.

With those remarks, I beg to support the Bill.

Eng. Maina: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill. The basis of democracy and justice is one man one vote. We must come up with a Commission that will guarantee Kenyans that.

We know what happened with the last census. The Minister stood here and declared that some census reports were not okay. The Government should have moved in and assured Kenyans, whether the figures were correct or not, otherwise, they left the country in doubt. We are also aware that under the former IIBRC, some constituencies we not divided although they qualified to be divided under the Constitution while others

which did not qualify to be divided were divided. If this House ever accepts that report, it is going to be the beginning of injustice in elections. We should be careful with what happened in 2008. People are watching. I want to declare here that a group of Members from all over Kenya, we went to court because there have been moves to try and accept the Ligale Report when it was in contravention of the Constitution. This House cannot afford to go contrary to the Constitution which we promulgated. Therefore, under no circumstances should the Ligale Report be a basis of this. Let us have a new Commission start its job. It may borrow from the Ligale Report, the geographical maps of this country or whatever literature, but let us not try to bind them at all.

The other issue is that there are cities which were created here, but they have never been ratified. These are Mombasa, Kisumu and Nakuru. In the IIBRC, these were not regarded as cities. It is upon this House to ensure that these cities are ratified, so that they fall under the adjudication of the urban centres, otherwise, another injustice is going to come in.

Mr. Temporary Deputy Speaker, Sir, with regard to any crimes that are committed during elections, I would like us to put very stiff penalties. There should be strict adherence to justice, especially on the senior most officers. We have seen the saga in this country. If somebody at the level of a Returning Officer can alter figures – and it happened all over; let us not say who did what – that should be a crime almost equivalent to treason. This is because you are undoing what God had decided.

The other issue is about the secretariat. It should be there to keep accurate information and guide the Commission that we will select. Under no circumstances should they be accorded the powers of the Commission. The Chairman of the Commission and the Members remain the people that this House, which represents the people of Kenya, has given the mandate. The rest of them, and I do not want to use the word “secretaries” at whatever senior level, cannot take political responsibility. The only people who can take political responsibility are the Commissioners that we will appoint to the Commission. Therefore, they must have the overall authority. The Chief Executive Officer of this Commission and the whole secretariat should be answerable to the Commission. Under no circumstances should they have some independence, because political responsibility must be different from the Executive responsibility. Let the secretariat take responsibility for the Executive authority and the Commission takes political responsibility. The Commission should be the body that this House should be demanding an answer from tomorrow, but not anybody else who will be employed.

Mr. Temporary Deputy Speaker, Sir, we saw what happened in 2008. Some of us have very bitter memories of what can happen when an election is rigged. I have that experience. Fortunately, it happened at a lower level; that is at the party nomination. There is nothing as bad as people electing so-and-so and then somebody else is declared a winner. I am talking about parliamentary elections and I do not want to get to what has been happening here historically. My opinion may be different from other people’s, but I am saying that the representation of a people must be the greatest responsibility the Commission must bear. If it is ever proven, as it happened with the earlier IIBRC, that they gave an additional constituency to an area that does not deserve, this House must come out clear and declare that the Commission should be disbanded immediately and reconstituted. That is what I may wish to see because these things must come to an end.

Mr. Temporary Deputy Speaker, Sir, I want to touch briefly, again, on the issue of where Kenya is heading to. I have witnessed recently Judges being asked all kind of questions. I hold a completely different view. The great leaders of our country do not lead the country because of the laws or the Constitution that is made. The great leaders of a country lead their countries to greatness by their virtues. That is why in the United States of America, President Clinton was to leave office in disgrace just because of one thing, that is, lying under oath. The Chairman of this Commission and all Commissioners should be men of integrity. Men of integrity will not be selected through tribal or political affiliations. I am on record as having said in this House that even the appointment of the Chief Justice--- I wonder how many men of honour would go through what we are going through. Therefore, this House must decide that when proposals are brought for the Commissioners of this Commission, let us not say, "So-and-so cannot make a good Commissioner because he had two girlfriends," as it has happened before. Somebody's name was not approved by this House because maybe he was quarreling with his wife.

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

Mr. Oyongo Nyamweya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to support this very important Motion.

Mr. Temporary Deputy Speaker, Sir, the first point I want to state is that Commissioners have to be executive. The Commissioners who will be appointed must be accountable to what is happening in all the processes. Section 7(2) says that the Chairperson and the Vice-Chairperson shall be non-executive and shall serve on fulltime basis. What is the purpose of telling somebody to come to the office everyday and you make him non-executive? How will he work? If he is the chairman or vice-chairman what will he be going to do in the office on fulltime basis? So, in that clause, when the time comes, at the Committee of the whole House stage, I will propose this to be amended, so that we have the chairperson and vice-chairperson who will work on fulltime basis with the Commissioners. It is critical now that we are going through a political process. The Grand Coalition Government was formed because there was no winner and loser. It was formed because the Commissioners who were running this exercise could not agree. When we went into the last general election, the President appointed the Commissioner unilaterally and without consulting the other political players.

It is very critical that the referee who will officiate this football match or oversee election process in this country, be somebody agreed upon by all the political parties. We must get the right men and women who will preside over the next general elections.

Mr. Temporary Deputy Speaker, Sir, we may talk about qualifications and experience, but unless there is political concurrence and goodwill that men and women who will be appointed will be independent, we will not go far. I will give you my own experience. I was elected to Parliament through a by-election. It will really be a challenge for us unless our laws are very clear. In South Mugirango, for example, the Returning Officer tallied his own results on a different Form 16A. Forms 16A were being amended by the presiding officers on the way to the tallying centre. I told the Returning Officer the Form 16A he was using to tally the results was different from what I had. He told me to report him to the police station because he knew what he was doing. That is what he did. He used his own system of tallying. This man told me: "You can go to the police station." I successfully petitioned the case in court. The court nullified the election

results and here I am. However, nothing happened to this man who actually rigged the elections in South Mugirango in day time. The defunct Electoral Commission of Kenya (ECK) was found to be guilty as a corporate body. But the man who caused mess in South Mugirango went scot-free. He is now a free man in this country. The presiding officers who presided over the elections and who changed the figures using different Forms 16A were not even called as witnesses. They also went scot-free.

So, unless we come up with very strict laws to protect the process of election in this country, we will not go far. If the presiding officer or Returning Officer alters Form 16A so that he declares the wrong person as the winner, he should be treated as a criminal and be jailed. There should not even be an option of a fine. This is the only way we can tame the rich people from influencing elections in this country in one way or the other. If there is no option of a fine, these officers will be more careful and do their jobs diligently.

Mr. Temporary Deputy Speaker, Sir, another issue that I have seen here is about corruption and rewards. There should be strict penalties. Commissioners should not involve themselves in business. I totally agree with that. However, let us pay them well, so that they do not engage in businesses. Again, the Constitution here is very clear; commissioners will not have another job. Surely, even if we pay them a lot of money and we employ them on part time basis, what will they be doing? I feel that these Commissioners should be employed full time. They should be in charge. The decision should be by simple majority so that we move forward.

We, as leaders, must agree on the appointment of Commissioners to this commission. We experienced a crisis in this country because the Commissioners of the defunct ECK were not trusted by Kenyans. They may have done their job diligently, but one side failed. They did not do their work. Let us move away from that and involve everybody in this. We are now in the process of implementing this new Constitution. Let us be all-inclusive, so that come that time when we go for elections, let us not cry foul when we lose. Let us agree.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Member, I was just about to interrupt the hon. Member, but it is good he has concluded.

Hon. Members, you will recall that earlier the Chair had made a ruling to allow the hon. Member for Saboti to move the Motion for Adjournment. The Chair ruled that Motion should be moved at 5.00 p.m. I, therefore, wish to invite the Member for Saboti to proceed.

MOTION FOR ADJOURNMENT

KILLING OF TURKANA BY MERILLE COMMUNITY

Mr. Wamalwa: Mr. Temporary Deputy Speaker, this afternoon, the Minister of State for Provincial Administration and Internal Security did issue a Statement where he did confirm that there were killings of Kenyan Turkanas by members of the Merille community of Ethiopia on 2nd May, 2011.

Mr. Temporary Deputy Speaker, Sir, the Minister has put the official figure of the killings at about 20. The account that we have been given before the House today says

that these 20 people were massacred by members of the Merille Community from Ethiopia because they had crossed the border into Ethiopia to go and look for food on the other side of the border. I did have the privilege of visiting this county over the weekend in the company of my good neighbour and friend, Mr. Ekwee Ethuro. We did tour the entire county beginning with Kainuk. We went to Kabulokor, Lokitaung, Lokichoggio and finally came to Lodwar. The account we got on the ground was that there were no 20 people killed, but they were over 40 people who were killed.

When you talk of over 40 Kenyans being killed; these are not ordinary killings. This was a massacre. They were forced by hunger to cross into Ethiopia because the price of millet on the other side of the border is five times cheaper than the price of millet in Kenya. Those we interviewed who were relatives of the victims, particularly one lady known as Lopeyok gave an account of how her people went and were killed by the Merille on the other side of the border. She did indicate that a kilogramme of millet on the other side is about Kshs10 while on this side of the border it is about Kshs50.

So, it was not out of choice that we had our fellow Kenyans crossing into Ethiopia. It was because of hunger and starvation. They were forced out of their homes. Men and women were forced to walk long distances in search of food. On their way back, because of the clash that had taken place earlier, the Merille of Ethiopia got word that some of their tribesmen had been killed. They turned on those that they were escorting; those that they had done barter trade with and sold millet to and butchered them. They killed them.

Mr. Temporary Deputy Speaker, Sir, I have listened very carefully to the Minister on what action was taken following the massacre. It is very worrying that the killings, having started at 7.00 a.m. in the morning, there was no immediate action to actually respond to prevent the killings and to help the affected families. It started with two killings in the morning at 7.00 a.m. and it escalated over time and, by the end of the day, over 40 people had been killed. It took over 24 hours for the Provincial Security Intelligence Committee (PSIC) to visit the area. From the Minister's official Statement, the official PSIC meeting arrived on 3rd May. That is over 24 hours later. When they arrived, they were not going to actually take action. They were, indeed, in the process of engaging in talks with their counterparts to see what could be done.

Mr. Temporary Deputy Speaker, Sir, it did not take less than seven days before the matter was discussed at the national level. We are glad to hear yesterday that this matter was discussed and deliberated upon at a meeting by none other than His Excellency the President and the Prime Minister. That was over seven days later. On the action taken on the ground, we are told that the Ministry of State for Special Programmes has now sent 100 bags of maize, 100 bags of rice, beans and vegetable oil. What we have is tokenism. Over time, people have starved in that region. Over time, we have heard a lone voice from the wilderness of Turkana. The Member for Turkana Central has been like a lone voice in the wilderness crying out to this nation saying: "Help my people who are dying of hunger. Double relief food. Provide enough security. Provide roads. Open up this region. Provide electricity." It is as if that has been falling on deaf ears. Not much has been done. Over 40 years after Independence, the people of Turkana live in abject poverty. They live in an age different from ours. As we sit in this august House and in this green City in the sun, we are in the 21st Century. But if anyone doubted that, indeed, there are two Kenyas, they need to visit Kabulokor and they will realize that while we

live in the 21st Century in this great City of Nairobi, there are Kenyans who are still living in the stone age in Kabulokor. They are still living in the dungeons of poverty, starvation and despair. Not much has been done over the years in spite of there being great potential in that region for irrigation from River Turkwel, to ensure that we are able to boost the food security in that region and make the communities independent. We have, over the years, made the communities dependent on relief food and even the relief food that has been given to them has been looted by some of the administrators in the region. That has actually exposed the community to starvation.

Mr. Temporary Deputy Speaker, Sir, it is an area where we must emphasise that the cardinal duty of any government is to protect the lives and the property of its citizens. That is the cardinal duty of any government worth its salt. It is a duty that is not charitable. The people of Turkana County and the people of this nation are not asking for charity. It is their constitutional right, enshrined in our Constitution. They are entitled to security. This is what we say under the Bill of Rights. One of the God given rights that is inalienable and inherent in every human being so long as you are born within the borders of Kenya, you are entitled to that security from the State. That comes not from the generosity of the State but from the hand of God who created the Turkanas and all those who live in that region that was affected.

Mr. Temporary Deputy Speaker, Sir, we know that other areas--- We have heard the side of Uganda. When you look at their security arrangement, you will find that after every 20 kilometers, they have security posts. But on the side of Kenya, we have been told the action that has been taken by the Government. The Government is moving the General Service Unit (GSU) and Administration Police (AP) camps at Todonyang closer to the border. That is about 14 kilometers. They are not doubling the number of security agents on the ground. They are moving the same number of officers, but only closer to the border. How is that going to boost security in that area? I would have expected the Minister to tell us today that they are going to add more GSU and AP officers. They are going to open more police posts along the border and at a closer distance. They are going to avail more vehicles in that region to boost security. Obviously, that has not been done from what has been presented. It is business as usual. There is no change. But what is also saddening is the action by the Government towards Ethiopia. What we are told from the Minister's Statement is that they contacted the Government of Ethiopia and informed it of the killings. We would have expected a strong protest note that those killings have gone on for a long time and they should no longer be condoned. That has not come out and, through this Motion, we are emphasizing that. We are actually reminding the Government of its cardinal duty of protecting the citizens of this country, whether they live in Turkana, Migingo or Ugingo which, as we speak--- We are told that Ugingo has now also been taken over by the Ugandan side. Kenyans are beginning to ask: Really, are we in Kenya? Are we citizens of this country? Are we entitled to the protection of the Constitution of Kenya or should we be subjects of Uganda or Ethiopia? It was saddening to hear Lopeyok say these words: "And the people of Turkana are now saying they would rather make sure that---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Wamalwa! Your time is out!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. With those few remarks, I beg to move that this House do now adjourn.

The Temporary Deputy Speaker (Mr. Ethuro): Who is seconding? Hon. Gumbo.

Eng. Gumbo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to second this important Motion. I also thank hon. Eugene Wamalwa for moving this very important Motion. I go straight to the point.

I want to start by condemning what appears to be an appalling indifference by this Government and our security forces as Kenyan territory becomes a playground for militias and foreign armies. If there is anything to learn, at all, from what happened in Todenyang, it is the appalling lack of preparedness by our security forces. That gets even worse when you consider that, after the first attack Todenyang, barely 48 hours later, the Merille attackers came back and killed our people and the Government was still missing in action.

Mr. Temporary Deputy Speaker, Sir, I think what must worry our country most is what appears to be the disturbing trend in the last 20 months where, we have had more than ten incursions into the Kenyan territory. We have witnessed repeated attacks in Turkana, the occupation by Ugandan forces at Migingo, the virtual servitude being suffered by some of our people in the lower parts of Msambweni at the hands of Tanzanian security forces, the repeated attacks by UPDF forces in parts of Pokot, particularly, Kacheliba, raids by Ugandan security forces which were reported recently in Sigulu in Budalang'i, occupation by Ugandan security forces at Ugingo Island and, of course the frequent cross-border raids by the *Al Shabaab* militias from Somalia into our North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, it must be stated very categorically that those unprovoked attacks make Kenya look very weak, indeed, and anybody who has gone through high school knows that when you look weak, you become appetizingly attractive to bullies. Kenya is becoming appetizingly attractive to bullies in the region. Our security forces are definitely sleeping on the job. What we are saying is that we are not asking our country to go to war or to attack any other country, but the presence of our security forces must be felt in every part of this country. If our security forces were present in Todenyang, the Merille would have thought twice before they attacked our people. But they did it and did it twice within 48 hours because they knew that the Kenyan security forces were not going to respond.

Mr. Temporary Deputy Speaker, Sir, clearly, we have a political leadership in this country. We have to say it because we are the leaders of this country. We have a political leadership in this country that does not seem to care about our territorial integrity. It is time this Government came out clearly and stated whether it considers Turkana, Kacheliba, Migingo and the lower parts of Msambweni to be parts of the Kenyan territory. We, therefore, need an effective policy to deal with all forms of foreign aggression, whether by formal armies or militia groupings.

As I conclude, we must also ask why, as the people of Kenya, we should be asked to continue embracing the spirit of the East African Community (EAC). The treaty that governs the establishment of the EAC is very clear in Article 6 and states that:-

“The fundamental principles that shall govern the achievement of the objectives of the community by the partner States shall include mutual trust, political will and sovereign equality, peaceful coexistence and good neighbourliness.”

Uganda continues to raid Kenya at will. Is this the spirit of good neighbourliness we look for? As a country, we must make our decisions. We have 40 million Kenyans to protect. We must decide whether we are going to continue to allow our country to be a play ground for all forms of militias, ragtag armies and formal armies in the neighbourhood. We are questioning as Kenyans; we did not see this attitude of our neighbours playing around with Kenyan territory more than ten years ago. Are we witnessing a situation where some leaders in the neighbourhood are now considering themselves to be the senior most, and starting to entrench their hunger for more territory and to bully other countries? Our country must respond. Our country must restore the dignity of the Turkana people. Our country must restore the dignity of our people in Ugingo and Migingo. Our country must restore the dignity of our people in the North Eastern Province. Our country must restore the belief of Kenyans in the fact that they have security forces which can protect them as and when necessary.

(Question proposed)

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very unfortunate topic about the massacre of Turkanas in Turkana County and particularly in Todonyang'. As the Mover of the Motion has just said, this matter happened on the 2nd of May. From our own records, apart from the one given by my colleague in Government which gave 20 as the number of lost lives, more than 50 Turkanas were massacred.

We have to note in this House, and particularly in this country, that Turkanas are not second class citizens. They are citizens like any other community of this country. So, their lives and livelihood must be protected and prioritized at all times.

Mr. Temporary Deputy Speaker, Sir, you may note that other incidents similar to the Todonyang' massacre have occurred in the past, particularly in the last four years. Two years ago, in 2009 we had the Lokori massacre. This House adjourned to discuss the Lokori massacre, where about 39 people had been killed. Up to this date, those who killed in Lokori have never been brought to book. This is actually what is going to happen again in Todonyang'. I think some of my colleagues in charge of security are just doing a public relation exercise to please Kenyans, so that when another incident occurs it is quickly forgotten.

I pray that this House, and Kenyans at large, do not forget this incident. Let the Government go to the root cause of this matter. We have had incidents like the Kanampiu massacre, where more than 20 Samburus were massacred by our own people in this country. We have had incidents along the border at Kainuk, Kakong'u and Nadapal along the Southern Sudan border, the Moyale incursions by militia, where we had quite a number of Kenyans killed. Of course, recently we had the Mandera incursions by illegal militia from Somalia. I believe we really have to relook at the security of our international borders in totality, not in piece meal.

I know the Minister of State for Provincial Administration and Internal Security is sitting here. I would like both him and the Minister of State for Defence to look into this matter. The responsibility of protecting our international borders has been given to those two Ministries. If they are not able to do their job, they should say so.

Mr. Temporary Deputy Speaker, Sir, our lack of policy focus and neglect of the burning issues relating to Lake Turkana may have contributed to the problem we have seen in Todonyang'. You may notice that the waters of Lake Turkana have continuously been receding backwards. You have the Merille who believe that they always live in the delta area. The delta area used to be at the border of our country with Ethiopia. It has, however, moved inwards. Therefore, they have moved with the delta, thereby increasing insecurity. On top of this, our own colleagues in the Government have gone ahead to sanction purchase of electricity that is going to be produced from River Omo that feeds into Lake Turkana. This is an issue communities around Lake Turkana have raised so critically.

It is unfortunate that the Government in which I serve has not been able to deal with this issue in the right way. This is a matter it should look into. That also includes this House; I am not blaming the Executive alone. This House also has not taken up the matter of Lake Turkana aggressively, knowing that it is the lifeline of more than 500,000 Kenyans, and they are affected. I hope that the Minister is listening as he is sitting here. Let me repeat that we do not have two categories of Kenyan citizenry. We have one Kenyan citizenry; whether Turkana, Kikuyu, Luo or Kalenjin, they are all Kenya citizens. We do not have Turkana in any other country apart from Kenya. We would want to be provided with security. When there is one death in Nairobi, the number of security personnel that are sent out to look into that one death is always more than 100.

There are a couple of things that the Government should be able to look into. Two years ago---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Nanok! Your time is up! Hon. Members, you will realize that in this Motion you have to contribute for a maximum of five minutes.

Mr. K. Kilonzo, please, proceed!

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, it is with a heavy heart that I stand here to discuss issues of Kenyans who have died because of the negligence of this so-called Coalition Government. We condemn the laxity of the Government in protecting our citizens. If today I was the Minister for Labour who comes from this area-- - I am happy that I am not. If today I was Mr. Nanok, I would have stepped down from this Government, because I would not have wanted to be associated with a Government which does not protect my people.

Dr. Eseli: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to speak disparagingly about the two hon. Members from the region that has actually suffered, when those two are equally concerned? In fact, the Minister for Labour went and camped in the place.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Eseli! He is perfectly in order. You are the one who is out of order, Dr. Eseli!

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, this morning---

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Let us allow the hon. Member to proceed.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, this morning members of Turkana community, and other Kenyans, walked to the gates of this Parliament, led by the Turkana Professional Association, to demonstrate their protest to this---

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): On a point of order, Mr. Temporary Deputy Speaker, Sir. I cannot let this matter go unmentioned. Is the hon. Member, Mr. K. Kilonzo, in order when we are discussing a Motion about insecurity and the massacre in Todonyang, to link it as if it is a Motion to discuss Nanok, the Assistant Minister? Is he in order to do that?

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I did not mention Nanok in that context. What I am trying to say is that all of us are legislators, but we come from certain regions. Precedence has been set here where hon. Members from certain communities which are marginalized have resigned. Where the Government does not take the interest of their community into account, Members have resigned before and it is not a shame to tell Mr. Nanok that.

Hon. Members: Name them! Who are they?

Mr. K. Kilonzo: However, Mr. Temporary Deputy Speaker, Sir, allow me to continue---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order!

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, today, members who came to this Parliament said that they were disturbed because of the Government's silence and inaction on attacks by Merille people from Ethiopia.

Mr. Temporary Deputy Speaker, Sir, as I speak today, I demand that the Government lives up to the spirit and the letter of the new Constitution and stops marginalizing the Turkana people. The recurrent drought and suffering that the Turkana people are undergoing is a result of negligence and complicity in the Turkana situation. Turkana are not alone. The Kamba –I am happy to say that is the region I represent in this Parliament first before I represent the rest of Kenyans – are also marginalized when it comes to allocation of resources by this Government. I represent Mutito Constituency in Parliament where time and again, herdsmen have been able to infiltrate my constituency and some people in my community have been killed. This is the case and yet the Minister of State for Provincial Administration and Internal Security sits in this House and does nothing else apart from driving big cars and spending money on foreign trips! They do not take into account the interest of the common *mwananchi*.

Mr. Temporary Deputy Speaker, Sir, we ask the Ethiopian Government to comply with the obligation under the International Humanitarian and Human Rights Laws and bring the militiamen to justice because this is a human rights issue. We demand the removal of the 3,500 Merille people who occupy the 14-kilometre radius of the delta into the Kenyan territory in Todonyang. I belong to the Departmental Committee on Defence and Foreign Relations and I applaud this Committee because it has taken this matter seriously. However, as we do so, the Government, as usual, is playing games. Shame, shame, shame to this Government!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. K. Kilonzo!
Proceed, Mr. Duale!

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. At the outset, I want to send my condolences to the people of Turkana and to the many Kenyans who lost their lives as a result of the incursion from neighbouring countries.

(Applause)

Mr. Temporary Deputy Speaker, Sir, today we have the Minister of State for Provincial Administration and Internal Security who also doubles as the acting Minister for Foreign Affairs. We must set our facts in order; that Kenya must set up a proper foreign policy in terms of dealing with insecurity with its neighbours.

We have the case of Migingo Island; we have the case of Mandera where the *Al-Shabaab* and the many players in the Somali geopolitics always spill over. We have seen the Turbi Massacre that came from Ethiopia and I think it is high time that this Government – of which I am also a part of – and the leadership of this House sent the strongest signal to governments that neighbour this country. This Constitution mandates this Government to protect the lives of the people and their property and we must tell Prime Minister Zenawi that we cannot take this anymore. The life of the Turkana people is very precious and valuable to us. President Salva Kiir and his Government must be told in no uncertain terms that we will not accept militia from his country. We must tell the same to President Sharif Sheikh Ahmed and the leadership of *Al-Shabaab*. Time has come when, under this Constitution, this House and this Government must stand up to protect the lives of our people. The life of a Turkana; the life of a Samburu and the life of a Somali are equal to the life of a Kikuyu and a Luo whether their communities produce the President or the Prime Minister. That when there is an incident in Nairobi, the security---

Mr. Kiuna: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have heard the Assistant Minister, Mr. Duale, insinuate that there are some communities which are regarded superior to others. Is he in order to say that?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kiuna! The hon. Member did not only insinuate; he stated and it is a fact. He does not have to substantiate!

(Applause)

Proceed, Mr. Duale!

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, history will judge me that when 3,000 Somali were killed in the Wagalla Massacre, no commission was formed. However, when the post election violence happened; when we have many Internally Displaced Persons (IDPs) in this country dating back to 1992 and 1997--- It is common knowledge that when we produce the President or the Prime Minister, we are better off as a community than when we have a pastoralist. This is testimony to the way the Turkana are being killed in the 21st Century under a new Constitution!

(Applause)

Mr. Temporary Deputy Speaker, Sir, I want to tell my colleague that days are gone under this new Constitution that communities will be discriminated against; that the lives of one community will be more valued than the lives of another community. The Kenyan Government and our good, hard working Minister of State for Provincial Administration and Internal Security must go to the bottom of the death of the Turkana people that happened last week. We must maintain security within our borders. The Minister of State for Defence and the Government must always put enough forces along our borders to make sure that the governments that we neighbour--- We are members of the Inter-Governmental Authority on Development (IGAD), East African Community (EAC), African Union (AU) and I think time has come when the security and the stability of our nation must not be played around with by militia men and pastoralists from across the border.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support this Motion.

(Applause)

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I would like to thank you for giving me this opportunity to also add my voice to this very serious matter that has been brought before the House.

I want to thank Mr. Eugene Wamalwa for bringing this Motion. I would only request that when we debate this Motion, let us be sober because this is a very serious matter; it is a matter of the security of this country. All of us, I am sure, watched what happened in Turkana and it was a scene you would wish happened elsewhere and not in your country. Even before we go to the internal security, the people who invaded Turkana came from outside the country and the main reason why we have hired the defence forces and pay our military is to protect our borders.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I even expected the Minister in charge of Defence to be here and listen to us. To me, this is not a matter that we can leave to the Minister of State for Provincial Administration and Internal Security. What if those people came with weapons which were very destructive that our police could not match?

Some of these people are in Eastleigh, Langata and Embakasi. Why can we not deploy our security personnel to man our borders? That is why we pay them. Losing between 40 and 50 people, or even 20 people in a day is not a small matter. Let us not blame the Members of Parliament from those areas. It is not the responsibility of hon. Munyes to provide security to his constituents. If we reduce this matter to such trivialities, we will lose it. I cannot provide security to the people of Gwasi. It is not possible. I have no capacity. I cannot even provide security to myself. So, implying that the hon. Members who come from those places should have resigned is simplifying this matter and making it look cheap, yet it is a matter which is very serious.

Mr. Temporary Deputy Speaker, Sir, let us be candid with the Government, and tell them that the main reason as to why governments are elected is to provide security to citizens. Otherwise, there would be no need for governments. In my constituency, I had

an island called “Migingoo”, which is no longer in my constituency. The island was forcefully taken away by foreign forces. Another island called “Ugingoo” in my constituency has been taken away by the same rogue Uganda Government. Museveni is applying his expansionist policies and extending Uganda’s borders into Kenya, but the Government of Kenya is just quiet. He even has the audacity of coming here, after brutalising people in his country. Shame on our Government! Why do we appear to be that weak?

The Minister for Nairobi Metropolitan Development (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on this point of order with a lot of reluctance, but I do not think we should allow the Member of Parliament to breach our Standing Orders, which are very clear; that, we do not discuss the conduct of a head of state in Parliament. In fact, he has said; “shame” to the President of the sovereign Republic of Uganda.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Githae! As a Member of the Front Bench, you should do better by listening. He never referred to the President of Uganda and said; “shame”. It was to his own Government that he said; “shame”.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I am not surprised. This is not the first time. Hon. Githae has never listened to my speech. I said; “shame on our Government!”

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Mbadi! Hon. Githae is also right in terms of discussing the conduct of a head of state. So, limit your contribution to the debate before this House.

Mr. Mbadi: Mr. Speaker, Sir, when a head of state of another country decides to misbehave in my country, I will have no respect for him. Therefore, I have no apologies to make on that one.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Mr. Mbadi! We are not saying that you cannot discuss any matter, but there are procedures in this House, by which we can discuss such particular matter. For now, that is not part of this procedure.

So, proceed.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, let me conclude my submissions.

In conclusion, what I am saying is that the Government of Kenya needs to put its acts in order. We need to have security in this country. We need to protect our borders. There is a point I wanted to put across. The Minister of State for Provincial Administration and Internal Security, and his Assistant, are here. Where is the Minister of State for Defence? We want to tell him that this is a matter which borders on external aggression, and that is why we pay him a salary. We do not want to see him in political rallies. We cannot see him here. Let him come to Parliament and explain to us what is happening.

With those remarks, I beg to support.

Mr. Muthama: Bw. Naibu Spika wa Muda, ninashukuru kwa kunipa nafasi ili niichangie Hoja hii ya maana sana, inayohusu Wakenya waliopoteza maisha yao.

Nikimshukuru mhe. Wamalwa kwa kuileta Hoja hii, ningependa kuwasihi Wabunge wenzangu tuzungumzie masuala ya taifa la Kenya, na tusitaje kabila hili ama

ile. Wakati mwananchi wa Kenya anapoteza maisha yake, awe ni wa kabila moja ama ingine, taifa nzima la Kenya linahusika. Katika nyakati kama hizo, tunastahili kuungana na kuzungumzia maisha ya Wakenya.

Bw. Naibu Spika wa Muda, jambo la pili ni kwamba ni lazima tuelewe nchi yetu na nchi yetu ituelewe vilivyo, tukifahamu kwamba tumezingirwa na mataifa ambayo wakati mwingine, na kwa sababu fulani, hawana imani ama upendo na nchi yetu ya Kenya. Tumeweza kuhusika kwenye masuala ya mauaji ya Wakenya. Waziri wa Utawala wa Mikoa na Usalama wa Ndani yuko hapa. Ni vigumu sana kujua mtu anayekuvizia atashambulia boma lako saa ngapi, na utamuzuia namna gani. Hata hivyo, ni jukumu la Serikali kuhakikisha kwamba jambo kama hilo likitokea kwa mara ya kwanza, halitokei tena. Kuna msembo wa Kiswahili unaosema: “Kosa si kosa. Kosa ni kurudia kosa”.

Tumeona mataifa mengi ya kigeni, likiwemo taifa la Amerika, yakishambuliwa na kundi la kigaidi lililokuwa likuongozwa na Osama Bin Laden. Hiyo haimaanishi kwamba hakukuwa na ulinzi katika nchi ya Amerika. Lilikuwa jukumu la walinzi wa nchi hiyo kuhakikisha kwamba mashambulizi kama hayo hayarudiwi tena. Kwa hivyo, yaliyotokea hivi karibuni, yemeshatokea. Tunamuomba Waziri wa Utawala wa Mikoa na Usalama wa Ndani na mwenzake, Waziri wa Ulinzi, wahakikishe kwamba waweungana na kulinda maslahi ya Wakenya vilivyo.

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

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

Bw. Naibu Spika wa Muda, kwa wale waliozungumza hapa na kuweka mipaka, wakisema kwamba tunazungumzia kabila fulani, ambako mauaji yalitokea, ningependa kusema kwamba sio watu walioko vijijini pekee wanaopoteza maisha yao. Hata Wabunge wanauawa kiholela. Wafanyikazi wa Serikali wanauawa kiholela. Wengine wanauawa wakiwa na walinzi wao. Maafisa wa polisi wenyewe wako hatarini ya kuuawa.

Kwa hivyo, suala la mauaji na watu kuviziwa katika nchi siyo suala la Waziri peke yake, bali ni suala linaloihusu nchi nzima. Kama tunataka kuweka ulinzi katika taifa letu, ni lazima tuache kugombana kwa misingi ya kikabila na tuache kusema kwamba watu wa kabila fulani hawalindwi. Inafaa tuyaangalie mambo haya kwa ujumla, tukiweka akili zetu pamoja, na tuisaidie Wizara ya Utawala wa Mikoa na Usalama wa Ndani, ili tunaposhuku kuweko kwa mpango wa kuchukua maisha ya Wakenya, hatua ichukuliwe mara moja dhidi ya mpango kama huo. Tusipofanya hivyo, tutakuwa tukiongea tu juu ya mauaji na mambo ya nchi nyingine.

Bw. Naibu Spika wa Muda, haifai sisi kuonekana kana kwamba tunatuma ujumbe, kwa nchi jirani zetu, kwamba tunataka ugomvi na wao. Kenya iko katika ramani ya dunia, na haswa Africa nzima. Jambo hili limedhihirishwa katika siku zilizopita. Tusipochunga matamshi yetu, tutatoa dharau kwa nchi za nje, na hatuna uwezo wa kuzuia kupigwa kutoka kwa kila pembe. Kwa hivyo, kama mambo haya yametokea kutoka Serikali ya Ethiopia, ni lazima Kenya itume ujumbe kuzungumza na serikali ya nchi hiyo na kuafikiana kwamba haikubaliki wananchi wa Kenya kuviziwa na kuuliwa mara kwa mara.

Hiyo ndiyo njia ya kidiplomasia tunayofaa kutumia kuzungumzia suala hili, na tutaheshimiwa. Hatutaki kuonekana na mataifa mageni kwamba tunaamka asubuhi na kutoa maneno ya dharau, tukionyesha kwamba tunaweza kupigana na mtu fulani. Anayechukua sheria mikononi na kupigana na jirani yake hatii hata sheria za Mwenyezi Mungu, bali anatomia uwezo wake mwenyewe na kuwadharau wanyonge. Kwa hivyo, tuchunge sana. Sisi tunatazamiwa kuiunganisha Afrika nzima, na ni lazima tusimame kwenye nafasi yetu.

Kwa hayo machache, ninaiunga mkono Hoja hii.

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to support the Motion. I came from Ethiopia with fellow hon. Members of this House. We went there to join an IGAD forum in a peace and security meeting, and His Excellency the Prime Minister of Ethiopia opened that forum. The delegates to that forum were very particular about respect for all the neighbours.

Mr. Temporary Deputy Speaker, Sir, I contributed in front of the forum on the Constitution that we have promulgated. The Bill of Rights respects service delivery and resources allocation. Those are some of the things that I thought will be very important and key in maintaining security and peace within our borders and with our neighbours. It is unfortunate that we are discussing this. I come from a region that has suffered so much. When I saw the issues in Turkana, it caused me a lot of pain because I am a pastoralist and I have gone through a lot of insecurity issues. This is something that we must be sensitive and careful about. Security is the most important thing in a country. Without security, then we will have a problem. Our Government has a responsibility to protect and safeguard the lives of every individual and their livelihoods. Having said that, we need the Government to speed up its actions in trying to protect every individual in this country; more so, those who are along the borders. We have lost many people and we must learn through the incidents. We must be very sensitive when we send our security forces along the borders.

Kenya is a member of the United Nations, which has made several resolutions, among them the United Nations Security Resolution 1325 that gives mandate to every Government to develop an action plan on how to carry out issues of security and peace. This should involve women, children and the youth in trying to address issues of violence. Because of that, we want this nation, particularly the Ministry of State for Provincial Administration and Internal Security to be keen in issues of our security. We have lost many people. This is a serious matter that we are discussing. We, as a country, have always respected our neighbours. I do not know of any incidence where Kenyans have invaded any of our neighbouring countries. We always get malicious neighbours crossing to our country. The people who cross over, hit our people, take our animals and do all sort of things--- Our Government needs to engage the respective Governments of our neighbouring countries. We can understand Somalia, which does not have a Government, if we get a major problem from them. But countries that have stable Governments and security mechanisms within their borders, we need to engage with them properly. Losing that number of people in the course of a week or two is not acceptable. We are in a country which has a Government and security mechanism up to the grassroots. It is upon our Government to engage with the Governments of Ethiopia and others, so that we do not have to witness what we witnessed last week.

The debate about our islands has come over several times. This is our country. Unfortunately, even our Constitution has not said anything about our borders. It is silent and nobody knows where our borders are in the Constitution. So, it is important that, as a House, we relook at our borders in the Constitution.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I take the opportunity to contribute to this very important Motion. Massacre has taken place and we need, as a House, to condemn very strongly, this massacre that has terminated the lives of innocent Kenyans. Children have been brutally murdered and this should not be tolerated in this country. Life in the Turkana region is threatened. It is the responsibility of the Government to make sure that peace is restored in the area. Social economic activities in region have been disrupted and, therefore, the people in that region are desperate.

With regard to our borders, it is important that marking of our territorial borders is given more attention. Our borders are not known. Our territorial borders must be marked and beacons re-affixed properly. Our neighbouring countries must also recognize the Statehood of our country. We exist and we should co-exist with our neighbours. We should also address ourselves to the proliferation of arms in this region. The Turkana community has not seen peace for decades. Therefore, it is important that peace is restored in that area. Mothers and children died while they were going to look for food. Irrigation schemes, boreholes, health centres and better roads must be built in that area. Any threat to this nation must be confronted very seriously.

I recall when the late Idd Amin threatened to grab a part of this nation, including Naivasha and Limuru, the Founding Father of this nation mobilized our Forces against him. It is, therefore, prudent that a strong warning is sent to our neighbours who are threatening the peace that we have enjoyed in this country for a long time. We have seen our neighbouring country, Uganda, claiming that the Migingo Island is in her territory. We are now talking of Migingo and Ugingo. From there, they will take Nyatike Constituency and even a whole province. This trend must be stopped for the tranquility of this nation. Our security Forces must wake up to the reality. We have very qualified national intelligence officers. These attacks must be prevented before they happen. All our borders must be protected. Those invading our country must be dealt with. The National Security Intelligence Service (NSIS) and the Army must take their responsibilities seriously.

It is also important that we enhance security. We must buy enough vehicles for the new districts. The District Commissioners (DCs), the OCPDs and the District Administration Police (APs) units must be given new vehicles and fuel. This is because when the officers are given vehicles without fuel, they continue messing up the wananchi. It is important, therefore, that tranquility in this nation is maintained. It is the cardinal responsibility of His Excellency the President, to make sure that the lives and properties of Kenyans, irrespective of where they are, are fully protected, so that this can be a happy and prosperous nation.

With those remarks, I beg to support.

Mr. M.H. Ali: Mr. Temporary Deputy Speaker, Sir, this is a very serious matter. When we talk about 40 Turkana being killed in 48 hours, I think this is not the only time it has happened. It has happened in the past, in the same Turkana County, Marsabit County, Mandera County and many other parts of this country, although the time could have been different. Since Independence, we have been losing a number of Kenyans to

these kind of raids from across borders, including Ethiopia, Southern Sudan, Uganda and Somalia, and yet whenever such matters are raised, our Government says; “we will make sure that no stone will be left unturned or we will make sure that this matter will be arrested soon,” but nothing happens.

We cannot be talking about our people being killed and livestock and property being taken by other people for 48 years and yet we are not able to do our part. If such an incident happened in some countries, they would have even gone to war with those countries. You can imagine 40 people being killed in one or two days. The Ministers in the Government who are in charge of this matter should have gone to the site, summoned the Ambassador of that country and even sent a delegation to that country so that this matter is resolved once and for all. If this can happen now when we boast of having the best Constitution in Africa, when will we be able to get out of it?

Turkana are Kenyans just like we are all Kenyans. They have every right to be protected and catered for. They are suffering across the border because of poverty, marginalization and injustices in the past. I think it is upon this Government to take responsibility and compensate the people who have lost their lives, because they have their relatives. The mothers and fathers who have died have children or parents and these people should be supported by this Government.

Mr. Temporary Deputy Speaker, Sir, we cannot be seated here and looking at this matter as another incident in Turkana area. I am sure that if such an incident had happened in some other parts of this country, even flags would have been flying half-mast or maybe, this House would have been adjourned for a whole day and a one-day holiday declared. But because it is happening in Turkana, nobody even seems to care. I think this is very serious. Why am I, very much concerned? It is because a similar thing happened in Mandera just a month or two ago. Three people were killed in Kenya by militia coming from Ethiopia and when we raised the matter, nothing happened because our Government was busy denying that there was no militia from either Ethiopia or Somalia. This is the case and yet, we had people who had been killed. A mother, a child and an old man were killed in their houses because of mortars being fired from Somali and Ethiopia. I think this Government must take the lives of Kenyans very seriously and take responsibility for the loss of lives.

We knew about Migingo Island and now we are being told that Ugingo is also gone. So, Mr. Mbadi, who is in the Chair right now, is in danger because he might lose his constituency. This is very serious. How can such a thing happen in a sovereign country? Those who do this are not even superpowers. They are just our neighbours, friends and members of East Africa. How can we allow this kind of thing?

Mr. Temporary Deputy Speaker, Sir, the security personnel is deployed selectively. This is because in areas where security is not of serious nature, you will find several Officers Commanding Police Divisions (OCPDs), Officers Commanding Stations (OCSs), police stations and vehicles here and there. However, Turkana County, which is close to a half of this country, may only have three vehicles, one or two OCPDs or three or four OCSs. Why, is this so and yet this is where the lives of Kenyans matter? This is a border place---

The Temporary Deputy Speaker (Mr. Mbadi): Your time is up!

Mr. M.H. Ali: Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Assistant Minister, Ministry of Co-operatives Development (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir. I thank God for enabling me to reach here on time. I really tried to drive very fast to reach here on time to contribute on this very important Motion. For once, this Motion really shows us what we have always known behind our minds; that, all people are equal, but others are more equal than others. I am saying this because I come from the Marakwet community which is near Turkana. For a long time, the Marakwet community has also been attacked but we got peace, thanks to the coming to power of His Excellency President Mwai Kibaki. However, our heart cries for the Turkanas because we do barter trade with them. Today, I am imagining the many widows and orphaned children in Turkana. They are orphaned by the gun and hunger. We are told that they were killed because they had crossed the border to look for food. My question to the Government is: Why do we have the National Cereals and Produce Board stores in Eldoret, Moi's Bridge or even in Mombasa for the imported produce, and then transport it all the way to Turkana? If there is anything I wish this Motion should achieve, is the construction of food storage facilities in Turkana so that during the harvest season, food meant for the Turkanas is taken to Turkana so that they can just line up and get it.

Mr. Temporary Deputy Speaker, Sir, we are also told that the Government intends to buy electricity from Ethiopia. If you look at the cost, you will be astonished. I would rather live in a dark room and use a lantern or firewood with a full stomach and be safe. Do we set our priorities right? Which comes first between life and light for the urbanized or those who are more equal than others?

I belong to the Pastoralist Group of Parliamentarians. Many times, we have given a memorandum to His Excellency the President and the Prime Minister on what we want done, but it has never been honoured up to today. If it was to be honoured, it could have happened when Mr. Michuki was the Minister of State for Provincial Administration and Internal Security. We told him that we wanted boreholes and so on and he even told us that they will deploy five Administration Police officers for every sub-chief and not even a chief. That means that in every sub-location, we were going to have five security personnel. They also told us that they would employ the Kenya Police Reservists (KPRs). They took our strong young men for training in the name of KPRs and up to this day, they have not been taken on board and given the responsibility to guard their people because they know their terrain. Instead, they would like the same vulnerable people to wait for security personnel from Nairobi, to be transported on a road that does not exist.

Mr. Temporary Deputy Speaker, Sir, it is high time that the Government took seriously, the issues of the communities living along our borders and their immediate neighbours. This is because when the Turkanas are attacked, definitely, some guns are left behind. They come to the Pokot and eventually find their way to the sedentary pastoralist community in the North Rift. We also want to know what became of the KPR issue. On intelligence reports, this Government never listens. It does not listen because it is a two-headed Government. I think our neighbours or people of bad will have known that there is nobody who listens.

The Temporary Deputy Speaker (Mr. Mbadi): Thank you, Madam Assistant Minister. Your time is up!

The Assistant Minister, Ministry of Co-operatives Development (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, I support and I cry for the Turkana.

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir. I cannot agree more with my sister here. However, it is a sad day when every year, we speak about the problems of Turkana. One time, it is the security situation. Another time, it is famine. This problem in the wider context of the three international boundaries that we occupy, if you extend this problem to the Migingo issue, the Mandera issue---

I expected the hon. Minister Prof. George Saitoti, a man I respect and a very good friend of mine, at least, if not for any other reason, for not his obligations, at least, for my purposes to have gone and visited this place with his able Assistant Minister.

But my good friend the hon. Minister says that the provincial security team went to Turkana on 3rd May and the meetings are continuing. Mr. Minister, your provincial security team landed there in a chopper and left the same day. Which meetings are continuing, Mr. Minister?

Mr. Minister, as I speak now, the camp you are trying to relocate from where it is to the border point, I made a suggestion in 1999, it was never heeded. The police officers were put behind the manyatta. Is that a camp to protect people or is it a camp for the people to protect the policemen?

The other day in this House, the hon. Member Fred Outa was asking a Question about one of your administration police officers, who instead of guarding our people, decided to butcher one of them, coming from Kisumu.

Mr. Temporary Deputy Speaker, Sir, they are incompetent, inadequate and useless. In this Motion today, I want the Minister to come out of his comfort zone. I know he is able to come and visit with me so that he can see for himself, not relying on biased reports by the provincial security team who think they must always praise the Minister that we are doing everything within our power. Which power do you have?

We are asking for the security forces to be deployed at the borders. We are not looking for people who go there to assess the damage as if they are working for the insurance companies. We are asking for the security of this country to be placed where it matters most. We want the military, the GSU, the police the administration police along the border.

The colonial government did better than this independent Government. In fact, there are people in my community who think the *Mzungu* should come back because he made sure there was a police post at Todonyang, Kemosia, Lokirama and Lorongimi. My good Government has reduced those police posts to a shell of two when they should be 20 men at the very minimum, according to the establishment. As if that is not enough, we have offered to support the Government for free through what we call the Kenya Police Reservists. They came last October, they registered our people, but up to date, not a single person has been recruited.

The Minister is busy telling us that they have deployed people. There are only four policemen in Todonyang. There are only four administration police in Todonyang. Two of them usually are away looking for a salary because even the helicopters that used to bring their salaries every month were withdrawn for purposes of doing other things. We are talking about Kenyans. We are talking about the conflict over resources. We are talking about conflict over Lake Turkana. We are talking about conflict of damming of River Omo. We are talking about Kenyans because of lack of food security, they are risking their lives to go to a foreign country whose commodities are cheaper than the

commodities in our own country. In the process of looking for a *Kasuku* of sorghum at Kshs10 in Ethiopia compared to about Kshs50 in Kenya, they get murdered.

Hon. Members: Shame!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, this is not the first time. I can produce the HANSARD to show that I have spoken in this House. This is just one year. Every year, we speak of this issue. What is the standard answer from the Government? The bully Assistant Minister comes and says: "I am going to improve security". Which security, as we continue dying?

Finally, I want to assure the Ministers of Government present; Mr. Obama, I am mourning. The President of America said: "Change will not come if we wait for some other person or time. We are the ones we have been waiting for."

I want to assure the Minister and this country that I am here to change the course of Turkana. I cannot sit here to allow a Government legitimately elected - and I gave this Government a lot of votes, for them to sit in their comfort zones; for them to purport to be doing work and they are not going on the ground to find out exactly what they are doing.

I was called by a resident when he heard your Assistant Minister make that pronouncement of deploying personnel. He called me and said - and I was there on Saturday - not a single head of personnel has been taken there. Why are we lying to the country? Why are we making promises that we cannot honour? Why do we want to create a sense of security that is not there? Mr. Minister, one day, this Government will account for the lives of our people. We cannot continue supporting this. We will have to pay for it.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Midiwo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance. I stand to support this Motion and I want to thank Mr. Eugene Wamalwa for bringing it as a matter of national importance.

We are sitting on a time bomb. Along the Kenya-Uganda border, from Turkana to Busia, it has been militarized for the last two or three years. Our Government, on the other hand, is using ordinary policemen to face soldiers from Uganda, Ethiopia and Sudan.

What is the work of the military in this country? Is the work of the military not to protect our borders? Our soldiers are training in Ngong next to Nairobi while Turkana people are being killed by Ethiopian soldiers. Why can our soldiers not be at our borders? Why would they need to train a few kilometers from town? I hope the Minister of State for Provincial Administration and Internal Security who is also the acting Minister for Foreign Affairs is here today in his capacity as Minister for Foreign Affairs and not Minister for Internal Security because this matter rests with the Kenyan military. Why is the military not doing its job to protect Kenyans?

Last week, we had an argument here over how to scrutinize the military budget. I think this House needs to do more. We need to know what the military is doing to protect Kenyans. Why are we using taxpayers' money to finance and support the Kenyan military which has never been at war since independence and is not trying to go to war? If the Government cannot use army men and women to protect the borders, we need, therefore, to use diplomacy to engage our neighbours. I want to say that Idi Amin tried it. Idi Amin claimed Kenya up to Naivasha and Limuru. The Government of Uganda today

is just testing. They have taken Migingo. They are going after Ugingo. I can tell you they will go after Gwasi; they will come after Gem; they will go after Kericho because nobody is trying to stop them. They are just trying. What is the bone of contention between us and Ethiopia? Our people are dying in the north. Ethiopia is busy damming River Omo. Which Government goes for a whole year without a substantive Minister for Foreign Affairs? Which Government on earth? You cannot tell me that a Minister for internal security, that huge docket can give the Ministry of Foreign Affairs enough attention to protect our country.

Mr. Temporary Deputy Speaker, Sir, I do not think we are living well as a country. We cannot keep pretending. The first step is: We need a substantive Minister for Foreign Affairs. We have to have one because our neighbours are aggressing and killing us. They are killing us for what? Our people are only going to look for food. The price of food has gone up. So, people have to cross the borders to look for food. We have to wake up.

In countries like America and Israel, if you even touch one Israeli, the whole world will go to war. Those people killed 50 Kenyans in one day and there is not even a Government Statement. This is a shame! We do not want to live like that. I think we need to create a buffer zone controlled by Kenyan military and not the police. The police have their work internally. We need to create a buffer zone. In fact, that is what is causing the strain in the Police Force. The Police Force is doing work which is not theirs.

Mr. Temporary Deputy Speaker, Sir, I want to say that we need to create a militarized zone between our aggressive neighbours and our country. That is because we are financing it.

I beg to support.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir. I will begin by thanking the Mover of the Motion. I came all the way from school to participate in this worthy Motion.

I want to agree with hon. Ethuro that the killings along the Turkana/Ethiopia border are cyclic. We are, therefore, looking for lasting solutions. We do not want to be coming here to mourn every year. It has already been said by hon. Midiwo. Mr. Minister, we are saying: Create a buffer zone and then station the military there. Let them do their exercises because aggression from outside the border belongs to the military and not to the police. Let the police look after the internal affairs.

Mr. Temporary Deputy Speaker, Sir, let us also have police posts at all the border posts. I am talking of buffer zones in all hot spots, including the Mandera-Ethiopia-Somali border. We cannot have warring parties in Somalia and Ethiopia coming to bring their fights to Mandera Town, as it happened recently. A government's main sovereignty is appreciated when such government is able to provide security for its citizens within its borders and also along the border posts. We are offering you solutions, Mr. Minister, which you must implement. We passed for you, in the Supplementary Budget, a whooping Kshs5 billion, which you told us it will enhance security. You now have money. We, therefore, want you to immediately deploy sufficient personnel at those hot spots and, especially, Turkana.

I want to empathise with the families of the deceased and the injured and to say that, this is an incident which, in countries that take pride over their sovereignty, no less than the President and Prime Minister would have visited Todenyang. What shocks a

nation if the murder of 50 innocent Kenyans does not? This is not even for the Minister. This is where the entire Government visits the spot. We want to see the Government empathising with Kenyans when such issues come up. We want a settlement of the issue of resources of Lake Turkana – the fish and the water. We have no quarrel with Ethiopia for trying to dam River Omo for the benefits of its people. But it must sit down with the Kenyan counterparts, so that the use of the resources of River Omo, are shared in accordance with the international principles. Why are we asleep? Why are we allowing Uganda to take Migingo and Ugingo?

We are not saying that we use aggression against our neighbours? Why is the Ministry of Foreign Affairs failing? What is the matter with us? This is something that the Government must wake up to. We need to take care of foreign relations and the issue of security at the border, internally. Who is killing Kenyans and dumping the bodies in a manner reminiscent of the *Kwekwe* squad? Is the *Kwekwe* squad still around doing its dirty job? These are the questions we are asking. Who is allowing politicians to commit political thuggery in Kirinyaga against my supporters? What is happening? If the Government is unable to handle security, then it does not deserve to be in office.

We are, therefore, telling you Minister--- I once again repeat that in the Supplementary Budget, you had Kshs5 billion for salaries and we approved Kshs5 billion for enhanced security. We want to see you take up these actions immediately.

Mr. Temporary Deputy Speaker, Sir, finally, police reforms will go along way into solving these issues. We want accelerated police reforms. As a Parliament, we are not helpless. Let us wake up to our duty, rather than wrangle over committees; let us speed up implementation.

I support.

The Temporary Deputy Speaker (Mr. Mbadi): Basically, we are supposed to give a chance to the Minister. However, because the Member of Parliament whose constituency is affected is here, I am giving him two minutes then the Minister will take over.

The Minister for Labour (Mr. Munyes): Thank you, Mr. Temporary Deputy Speaker, Sir. I came late because I had been to Todonyang', Nadapal and all the areas which are affected. For sure, I am pained by what happened; from the 2nd May to date, lives are being lost in those areas. It is not 20 people who have been killed. Over 50 people, including my cousin, lost their lives. So many are still missing and we do not know where they are.

The Ethiopian Government has tried to get us 50 but as we speak, every chief is trying to record the numbers of those who are missing. I encourage them to do that, because the lives of those people--- What I know about the Merile is that they kill you and hide your body. They kill you and drop your body into water. This was a massacre you would not want to see again. I went to some of the policemen there, who had never seen lives lost like that. We had to carry the bodies ourselves. On the Ugandan border, we lost lives. Two days ago, I was nearly in the battle field in Lokichoggio. We lost lives. This Government must do an operation. The Ethiopian Government has moved tanks---

The Temporary Deputy Speaker (Mr. Mbadi): Thank you Mr. Munyes, you time is up!

The Minister for Labour (Mr. Munyes): There are two tanks. There are soldiers along the border. Our side has not moved. Surely, we cannot live in a situation where a country is seeing another country mobilizing its forces to the borders---

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

The Minister for Labour (Mr. Munyes): Yes, my time is up but let me say a word, please.

The Temporary Deputy Speaker (Mr. Mbadi): We understand and sympathize; unfortunately, you could not make it on time!

Prof. Saitoti, please, proceed.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I hope that the ten minutes that I have will be taken into account.

At the very outset, I wish to say that it is a matter of great regret that Kenya has lost the people in the hands of Ethiopians. The Government is very much concerned about this matter. It is a matter of great regret. I want to say the following.

First of all, a figure of 50 people dead in Turkana has been given; they lost their lives in this incident. I hope that I will be able to get the enumerated names of these people; what I have here are names of 20 Turkana people who have died. At the same time, there are also four Ethiopians who died. If there are some people who died but were not recorded, I would be very grateful to get a list of their names.

Mr. Temporary Deputy Speaker, Sir, suffice it to say this Government, now and since we got Independence, has always lived up to its obligation to ensure that it does not allow an inch of this country to be taken by force by any other country. I do not think it is right to impute improper motive on the Government; that, it is willing to allow the territorial integrity of Kenya to be interfered with, in however small way, by another country. I believe that this Government, since Independence, has demonstrated its total resolve to repulse those intentions. Idi Amin tried and the Kenya Army was mobilized to the full. He never went beyond what he uttered. The situation in Mandera has been stated here. It is true that the Al Shabab from Somalia attempted to violate our own border and the sovereignty of this country. It is a well known matter and I am sure it is still fresh in the mind that we took very strong action. We repulsed those people and pushed them out of the country.

Mr. Temporary Deputy Speaker, Sir, with regard to the death of people in Turkana, I do not think it should be misinterpreted as an attempt by the Ethiopian Government to violate the territorial integrity of this country. We have no evidence and nobody can produce any evidence that it is the Ethiopian Army, under the command or direction of the Ethiopian Government, which crossed over to shoot Kenyans. Let us also take one thing into account. Kenya shares its borders with a number of countries. We share a border with Tanzania which has been stable all through. We have hardly had any major problem. The other countries are Uganda, Sudan, Ethiopia, and Somalia. Each of these countries has gone through a process of instability and, as a result of that, there has been proliferation of small arms and weapons. Those arms have found their way into the hands of the militia who are fighting those Governments. Therefore, I want us to debate this matter with very sober minds.

It is not the Ethiopian Government which attacked Kenyans – it is the militia groups. We are bound to deal with them! However, there is also another thing that should

be taken into account. In all those countries I have talked about, we have similar or the same communities living on both sides of the border. Those people intermarry. Historically, those communities have continued to fight for resources. My good friend hon. Ethuro knows that there is the culture of cattle rustling amongst the pastoralists and it is the one we have been fighting. It is not only common amongst the communities living on the other side of the border, but even within our borders. That is the issue and the Government will do its best. It is going to beef up security. As we are talking today, our army has mobilized a major security---

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are not going to argue on who is where. The Minister has just confirmed that he has moved the camp 14 kilometres towards the border. That means those 14 kilometres were previously being occupied by foreigners. However, more importantly, because I do not really want to challenge the Minister, I want him to give us the concrete measures he is going to take.

The Temporary Deputy Speaker (Mr. Mbadi): Hon. Members, for the convenience of the House, we will allow the Minister to wind up by 6.33 p.m.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to inform this House that the Government has taken the matter of Turkana very seriously. It is not only in the area of Todonyang. Yes, we have issues along our borders; not only with Ethiopia. We have a problem, for instance, with Sudan. That is a fact which is well known. As things stand today, we are in very serious negotiations with the Government of Southern Sudan, especially at the border point. That is a fact the Minister for Labour will agree with me. He knows that, at one time, we did not have a border point. We said that we will move there. He knows that I met them in a tank and we secured that position. Therefore, it is wrong for a hon. Member to say here that we should be accused of cowardice. We have secured that. We still have got to define our border with Southern Sudan. We still have to sort out the issue of our border with Ethiopia.

Mr. Temporary Deputy Speaker, Sir, so as not to be misunderstood, I attended an important function on Sunday in Djibouti and I met the Prime Minister of Ethiopia. I raised this matter with him and the Minister Foreign of Affairs. I want to inform this House that, while we are dealing with this particular incident by beefing up security personnel on both sides of administration, it has been agreed that they must meet to sort out this problem. There is going to be a joint bilateral commission between our two countries in Addis Ababa on 30th May, 2011. We will be discussing the matter of security. The Government of Ethiopia has agreed to discuss this matter with us. It is also having problems with OLF. There is a problem there. Those people normally come to Kenya to attack our own people. So, you cannot say that, that is the Ethiopian Government. So, let us work together with the Ethiopian Government to deal with the criminals who are trying to create problems on both sides. The same will apply in the case of Somalia. That is why we are working on that today.

I want to tell this honorable House that the issue of security is not as simple as we are trying to put it here today. Let us also take into account that we are surrounded by extremely unstable regimes. We have terrorists along our borders who are threatening our country, including our own strategic installations. We will deal with this matter effectively. We are going to do everything possible to ensure that we provide security to

every Kenyan, whether big or small. Secondly, we are going to protect our own strategic interests. There is terrorism around. There are terrorists all over the continent. These are matters we must say - as the Americans have said: "We work as a people". Now that Osama bin Laden has been killed, the Americans have united to say; "yes, we have lost our people, but let us not worry." However, if we try to allocate blame to people, we will not get anywhere. However, we are going to protect our people.

ADJOURNEMENT

The Temporary Deputy Speaker (Mr. Mbadi): Hon. Members, it is now time to interrupt the business of the House. The House stands adjourned until tomorrow, Wednesday 11th May, 2011 at 9.00 a.m.

The House rose at 6.38 p.m.