

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 11th May, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

RESETTLEMENT OF FAMILIES DISPLACED BY FLOODS

Mr. Deputy Speaker: Question No. 1 by Private Notice by hon. Kigen. We have communication to the effect that hon. Kigen is with the Select Committee on Internally Displaced Persons (IDPs) in his constituency. This Question will, therefore, be deferred until Tuesday next week.

(Question deferred)

Mr. Deputy Speaker: Question No.2 by Private Notice. Hon. Mbadi!

OCCUPATION OF MIGINGO ISLAND BY UGANDAN SECURITY FORCES

Mr. Mbadi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that Ugandan security forces still occupy Migingo Island in Lake Victoria despite an agreement between the Government of Kenya and Uganda and that the Uganda Government is continuing with its expansionist policy on Kenyan soil and waters by illegally taking occupation of Ugingo, another Kenyan island next to Migingo?

(b) Why has the Government failed to reclaim Migingo Island even after Parliament passed a Motion urging the Government to use all means possible to reclaim the island on 27th May, 2009?

(c) Could the Minister explain, giving timelines, the steps the Government will take to reclaim Migingo Island and any other Kenyan island occupied by foreign forces?

Mr. Deputy Speaker: Is the Minister of State for Provincial Administration and Internal Security not here? Fair enough! I will come back to that Question again later.

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Question by Mr.

!

Question No.628

DEMOTION OF CHIEF INSPECTOR SIMON G. MWANGI

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

(a) whether he is aware that Simon G. Mwangi (P/No. 87084988) was demoted from the rank of a Chief Inspector of Police because he questioned and chased away someone who was bribing voters at Thika Municipal Stadium Polling Station during the just-concluded Juja by-election;

(b) why the officer was also transferred from Thika West District to Gatundu South District following his demotion on 28th October, 2010; and,

(c) when the Ministry will reinstate the officer to his earlier rank.

Mr. Deputy Speaker: Is the Minister of State for Provincial Administration and Internal Security not here? Fair enough! Next Question by hon. Anyanga!

Question No.752

NUMBER OF INDUSTRIAL ESTATES IN KENYA

Mr. Anyanga asked the Minister for Industrialization:-

(a) whether he could provide a list of all industrial estates in all districts in Kenya; and,

(b) when the Government will allocate funds for the construction of Industrial estates in Nyatike District to help spur economic growth aimed at achieving the goals of National Development and *Vision 2030*?

Mr. Deputy Speaker: Is the Acting Minister for Industrialization not here? We will come back to that Question again.

QUESTION BY PRIVATE NOTICE

UNFAIR POLICE RECRUITMENT IN NAIVASHA

(Mr. Mututho) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) What statistics informed the Minister's decision to recruit three members of the same community out of 11 recruited in Naivasha in the just concluded police recruitment, allegedly for tribal balance, disregarding other communities in the district?

(b) Can the Minister clarify whether ethnic proportionality was a basis for recruitment and, if so, re-apportion recruits who qualified in Naivasha appropriately, based on tribal balance?

(c) What law was the Minister invoking in the above recruitment, and has ethnic balance been applied by Government in recent recruitment in the public service, both civilian and military?

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Question by hon. Otichilo!

Question No.850

DISTRICT CIVIL REGISTRAR FOR EMUHAYA DISTRICT

Dr. Otichilo asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that residents of Emuhaya District have to travel to either Mbale or Kakamega (over 30 kilometres away) to apply for birth certificates and that they are made to pay for application forms;

(b) whether he is further aware that it takes, at least, three months after application to get the document; and,

(c) when the Government will post a District Civil Registrar to the district and what measures the Minister will take to speed up issuance of the document.

Mr. Deputy Speaker: Is the Minister of State for Immigration and Registration of Persons not here? We will come back to it.

Next Question by Mr. K. Kilonzo!

Question No. 694

DELAY IN ISSUANCE OF TITLE DEEDS IN ZOMBE LOCATION

Mr. Deputy Speaker: Is Mr. Kiema Kilonzo not here? We will come back to that Question. Next Question by Mr. Koech!

Question No.835

CRITERIA FOR ESTABLISHMENT OF YOUTH RESOURCE CENTRES

Mr. Deputy Speaker: Is Mr. Koech not here? We will come back to that Question again. Next Question by hon. Kaino!

Question No.862

REVIVAL OF STALLED LBDA WATER PROJECTS

Mr. Deputy Speaker: Is Mr. Kaino not here? We will come back to his Question later. Next Question by Dr. Munyaka!

Question No.872

NUMBER OF ACCIDENTS AT MLOLONGO TRADING CENTRE

Dr. Munyaka asked the Minister for Transport:-

(a) whether he could state the number of road accidents which have occurred at Mlolongo Trading Centre from 2010 to date, indicating the number of injuries and fatalities; and,

b) whether he could urgently prohibit dangerous parking of lorries by the roadside at the centre, which is the major cause of accidents at the trading centre.

Mr. Deputy Speaker: Is the Minister for Transport not here? We will come back to this Question. Next Question by hon. Kiuna!

Question No.891

REHABILITATION OF ROAD LEADING TO MENENGAI CRATER

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. I would really seek your indulgence with regard to the business of the day. A number of Ministers are not in the House. Could you allow us to take leave and wait for them to come? It has become the habit of all of them to disappear from parliamentary business in the morning? Am I in order to ask you to discipline Ministers who do not want to come to work?

Mr. Deputy Speaker: Whatever disciplinary action to be taken, it has to cut both ways. There is no selective application of disciplinary provisions in the Standing Orders. There are many Backbenchers who are also not here. In fact, it is a good number of them. They are not here to execute their constitutional mandate to represent their own people, constituencies and the country at large. We will go back again one more time.

QUESTIONS BY PRIVATE NOTICE

OCCUPATION OF MIGINGO ISLAND BY UGANDAN SECURITY FORCES

Mr. Mbadi: Mr. Deputy Speaker, Sir, for the second time, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that Ugandan security forces still occupy Migingo Island in Lake Victoria despite an agreement between the Government of Kenya and Uganda and that the Uganda Government is continuing with its expansionist policy on Kenyan soil and waters by illegally taking occupation of Ugingo, another Kenyan island next to Migingo?

(b) Why has the Government failed to reclaim Migingo Island even after Parliament passed a Motion urging the Government to use all means possible to reclaim the island on 27th May, 2009?

(c) Could the Minister explain, giving timelines, the steps the Government will take to reclaim Migingo Island and any other Kenyan island occupied by foreign forces?

Mr. Deputy Speaker: The Acting Minister for Foreign Affairs is still not here? He will not transact any business in this House until such a time that he is able to adequately explain why

he has not been here in the House this morning. That is either him or his Assistant Minister. Hon. Mututho!

UNFAIR POLICE RECRUITMENT IN NAIVASHA

(**Mr. Mututho**) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) What statistics informed the Minister's decision to recruit 3 members of the same community out of 11 recruited in Naivasha in the just concluded police recruitment, allegedly for tribal balance, disregarding other communities in the district?

(b) Can the Minister clarify whether ethnic proportionality was a basis for recruitment and, if so, re-apportion recruits who qualified in Naivasha appropriately, based on tribal balance?

(c) What law was the Minister invoking in the above recruitment, and has ethnic balance been applied by Government in recent recruitment in the public service, both civilian and military?

Mr. Deputy Speaker: Is hon. Mututho still not here? Question dropped.

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.628

DEMOTION OF CHIEF INSPECTOR SIMON G. MWANGI

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

(a) whether he is aware that Simon G. Mwangi (P/No. 87084988) was demoted from the rank of a Chief Inspector of Police because he questioned and chased away someone who was bribing voters at Thika Municipal Stadium Polling Station during the just concluded Juja by election;

(b) the reason the officer was also transferred from Thika West District to Gatundu South District following his demotion on the 28th October, 2010; and,

(c) when the Ministry will reinstate the officer to his earlier rank.

Mr. Deputy Speaker, Sir, I am asking this Question for the second time.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, this Question had already been---

Mr. Deputy Speaker: Order, Assistant Minister! You cannot just walk in here---

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, let me apologize for coming late.

Mr. Deputy Speaker: I do not have to "let you"; that is what you have to do right from the beginning!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, it is heavily raining outside there and I had to come in to answer this Question despite that.

Mr. Deputy Speaker: There are umbrellas, Mr. Assistant Minister! What are umbrellas meant for? They are made, so that you can use them during rainfall.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I apologize for that.

Mr. Deputy Speaker: The Chair is aware that its price is not so prohibitive that your Ministry cannot afford it, or you cannot afford it yourself.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I can afford it, Mr. Deputy Speaker, Sir and that is why I am here.

Mr. Deputy Speaker: You had better be here on time!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have apologized for coming in late.

Mr. Deputy Speaker, Sir, you are aware that this Question had already been dealt with. I have perused the papers in this particular file, and seen that the officer was demoted on 5th October 2010 from Chief Inspector of Police to Inspector of Police after he appeared before Orderly Room proceedings at the District Commissioner's (DC) office, Thika West, on 20th September.

Procedurally, if the officer felt aggrieved by the action taken against him, he should have appealed to the Commandant of the Administration Police for reconsideration. So far, there is no correspondence at all, showing that he has appealed. However, this can be as a result of the procedure which is supposed to be followed by the officer; he is required to appeal through his seniors. So, the same seniors who demoted him would not easily recommend his appeal. In that circumstance, I would request my friend, the Questioner, to give me a copy of his appeal, so that it can be considered by the disciplinary committee, which exists.

I need to assist this young Member of Parliament from Juja.

(Laughter)

Mr. Deputy Speaker: Mr. Kabogo, I understand that this Question was dealt with another time.

Mr. Kabogo: Mr. Deputy Speaker, Sir, it is very unfortunate the way in which the Assistant Minister is approaching this matter. This is the fourth day this Question appears on the Order Paper. Last week when this Question was asked, the Assistant Minister attempted to tell Mr. Speaker that he had exhaustively answered the Question. I rose on a point of order and said that he had not even answered the Question.

He sought time to go and sort out things. This matter was deferred by Mr. Speaker, for Mr. Speaker to acquaint himself with the HANSARD and find out what it was that the Assistant Minister was saying. I have copies of the HANSARD here which I would want to table. He is telling the House that the officer was demoted on the 5th---

Mr. Deputy Speaker: Can you lay, the copies of the HANSARD on the Table, so that the Chair can acquaint himself with them?

(Mr. Kabogo laid the documents on the Table)

Mr. Kabogo: Mr. Deputy Speaker, Sir, they are three copies of the HANSARD for the 5th May, 21st April and Wednesday 13th April.

He says that the fellow was demoted on the 5th of October. The Speaker actually did caution the Assistant Minister to acquaint himself with two letters that I had tabled, one of the 27th of October, transferring the officer from Thika to Gatundu and congratulating him for being an obedient and well serving officer. On the following day, there was another letter telling him that he had appeared before a disciplinary committee, and that he had been demoted. That was 24 hours later. The Assistant Minister is not taking this matter seriously.

Mr. Deputy Speaker: The Chair is going to acquaint himself with the contents of the direction that was given by Mr. Speaker last time. This Question will be asked after the Chair has acquainted himself adequately with the contents of the HANSARD.

Under those circumstances, let us go to the next Question by Mr. Anyanga!

Question No.752

NUMBER OF INDUSTRIAL ESTATES IN KENYA

Mr. Anyanga asked the Minister for Industrialization:-

(a) whether he could provide a list of all industrial estates in all districts in Kenya; and,

(b) when the Government will allocate funds for the construction of industrial estates in Nyatike District to help spur economic growth aimed at achieving the goals of national development and *Vision 2030*.

Mr. Deputy Speaker: The Minister for Industrialization is not here?

Indeed, the Minister for Industrialization is not going to transact---

Mr. Anyanga: Mr. Deputy Speaker, Sir, the Minister has been here and I have just talked to him.

Mr. Deputy Speaker: Order! The business of the House is not a *matatu* business during which you wait for a customer! The Chair directs that the Minister is not going to transact any business here until such a time that there will be adequate explanation by the Minister as to why he has not been here.

Next Question by Dr. Otichilo!

(Question deferred)

Question No.850

DISTRICT CIVIL REGISTRAR FOR EMUHAYA DISTRICT

Dr. Otichilo asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that residents of Emuhaya District have to travel to either Mbale or Kakamega, over 30 kilometres, to apply for birth certificates and that they are made to pay for application forms;

(b) whether he is further aware that it takes at least three months after application to get the document; and,

(c) when the Government will post a District Civil Registrar to the district, and what measures he will take to speed up issuance of the document.

Mr. Deputy Speaker, Sir, I am asking this Question for the second time.

Mr. Deputy Speaker: Is the Minister of State for Immigration and Registration of Persons not here?

The Minister is not going to transact any business on the Floor of this House until such time that the Chair is satisfied that he had a good enough reason for both him and his Assistant Minister not to be here today.

Next Question by Mr. K. Kilonzo!

Question No.694

DELAY IN ISSUANCE OF TITLE DEEDS IN ZOMBE LOCATION

Mr. K. Kilonzo asked the Minister for Lands:-

(a) whether he is aware that between 1992 and 1993 some areas of Thua Sub-location in Zombe Location were surveyed and other areas left out and no title deeds have been issued to date;

(b) whether he is also aware that Ngungi and Kasunguni Sub-locations were surveyed and no title deeds were issued, and that Malatani Sub-location has not been demarcated; and,

(c) what immediate steps he is taking to ensure that title deeds for the surveyed areas are issued.

Mr. Deputy Speaker, Sir, I apologize for coming late.

Mr. Deputy Speaker: Is the Minister for Lands here?

Also the Minister for Lands is not going to transact any business in this House.

The Minister of State for Immigration and Registration of Persons will also not transact any business here until such a time that there is an adequate explanation as to his absence from here today.

(Applause)

Next Question by Mr. K. Kilonzo!

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I have just asked the Question and thought you were giving your ruling.

Mr. Deputy Speaker: I have also given the direction regarding the Minister for Lands.

Next Question by Mr. Koech!

Question No.835

CRITERIA FOR ESTABLISHMENT OF YOUTH RESOURCE CENTRES

Mr. Koech asked the Minister for Youth Affairs and Sports:-

(a) what criteria the Ministry uses to establish Youth Resource Centres all over the country; and,

(b) whether he could consider constructing one in Mosop Constituency.

Mr. Deputy Speaker, Sir, I apologize for coming late.

Mr. Deputy Speaker: The Minister for Youth Affairs and Sports is not here.

The Minister suffers the same fate as the Minister for Lands and the Minister of State for Immigration and Registration of Persons. The Minister for Youth Affairs and Sports will not transact any business on the Floor of this House until such time that there is an adequate explanation that satisfies the Chair as to why he is not here this morning.

Next Question by Mr. Kaino!

Question No.862

REVIVAL OF STALLED LBDA WATER PROJECTS

Mr. Deputy Speaker: Mr. Kaino is not in the House? The Question is dropped!

(Question dropped)

Next Question by Dr. Munyaka!

Question No.872

NUMBER OF ACCIDENTS AT MLOLONGO TRADING CENTRE

Dr. Munyaka asked the Minister for Transport:-

(a) whether he could state the number of road accidents which have occurred at Mlolongo Trading Centre from 2010 to date, indicating the number of injuries and fatalities; and,

(b) whether he could urgently prohibit the dangerous parking of lorries by the roadside at the centre, which is the major cause of accidents at the trading centre.

Mr. Deputy Speaker, Sir, I am asking this Question for the second time.

Mr. Deputy Speaker: The Minister for Transport is not here! He is equally not going to transact any business on the Floor of this House until such time that there is a satisfactory answer as to his absence from the House this morning.

Next Question by Mr. Kiuna!

Question No.891

REHABILITATION OF ROAD LEADING TO MENENGA CRATER

Mr. Kiuna asked the Minister for Roads:-

(a) whether he is aware that the road leading to Menengai Crater in Nakuru County is in a deplorable condition, forcing local and foreign tourists to walk long distances to reach the crater; and,

(b) what measures he will take to improve the road to motorable standards.

Mr. Deputy Speaker, Sir, I apologize for coming late.

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

(a) I am aware that the road leading to the Menengai Crater is in dire need of repair.

(b) The Road is classified as E1465 and, therefore, it is under the purview of the Constituency Roads Committee, which should prioritize it and include it in the annual work plan. In this case, I will advise that the CRC through the Regional Manager, to prioritize it in the respective work plans for Subukia Constituency.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I appreciate the answer given by the Assistant Minister. This road is very vital in promotion of tourism in Nakuru County. Many tourists use it to access Menengai Crater. Currently, it is in deplorable condition. Could he consider rehabilitating it, so that many tourists gain access to the crater?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is correct that the road is used by many of the tourists who visit the Menengai Crater, and the inconvenience caused has been a great burden to them. I also want to assure the hon. Member that other than the tourists, we also have many locals who actually have to visit the area, including the Menengai Crater, where we have exploration for geothermal. We have also come up with an alternative road leading to the crater. That road has been developed by the Geothermal Development Company that will be used as an alternative road.

Mr. Deputy Speaker, Sir, my Ministry has estimated the rehabilitation of that road to be about Kshs20 million which is clearly way above the Constituency Roads Committee. Therefore, we will be looking for funds to be able to rehabilitate it.

Mr. Koech: Mr. Deputy Speaker, Sir, this is a very important road. I want to appreciate the answer given by the Assistant Minister because he has confirmed the fact that this road requires about Kshs20 million for rehabilitation. This road is important in raising revenue, not only for Nakuru County, but also the country. Could he consider setting aside some money to rehabilitate the road from the Ministry instead of waiting for the donors to help us improve it, which is very important and key to our country economy, so that the road is actually improved to that level?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the alternative road that has been developed by the Geothermal Development Company, which is actually a Government corporation, is an alternative route that takes people all the way to the exploration sites, which will, indeed, in the days to come, be a major attraction for the area because Members will recall---

Mr. Gaichuhie: On a point of order, Mr. Deputy Speaker, Sir. Indeed, that road is in my constituency. The alternative route that the Assistant Minister is talking about goes down the Crater. However, that road leads people to the top of the Crater. There is a difference between the bottom of the crater and the top of the crater.

So, I do not think he is in order to mislead people that we have done a road down the crater. Here, we are talking about a road, which goes on top of the crater. Tourists are not interested with the geothermal, or whatever that is happening down there, but they are interested to see the Crater from the top.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I agreed that the road requires urgent repair. I said that we will require about Kshs20 million, which I undertake to source from the Ministry to ensure that we are able to rehabilitate this road.

I also indicated that we expect another form of tourism to develop in the area because Kenya is a leading geothermal producer in Africa. Therefore, we expect many people will want to come and see the sort of work we are doing there. So, the alternative route is not to substitute the road that is not passable, but just to supplement the work that is already going on.

Mr. Gaichuhie: Mr. Deputy Speaker, Sir, I have been asking for funds from the Ministry year in, year out, because what I allocate for this road from my Constituency Roads Committee is not enough.

I am happy the Assistant Minister has said that it requires around Kshs20 million. When will he allocate that Kshs20 million to this road? I am aware the Ministry given out a lot of money to other, maybe, not very useful roads in the country. This is a very important road. Could he consider allocating it Kshs20 million in the next financial year?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I am not aware of any roads that are not important that have been given any allocation. Nevertheless, I want to assure the hon. Member, we will, indeed, prioritize that road when funds are available. I believe, maybe, within this financial year, we should be able to get the works started.

Mr. Deputy Speaker, Sir, the challenge with this road is that the ingredient is very high and every time we put the murrum and culverts, before long, they are all washed away. It is also important to note that we are talking of a volcanic area. Therefore, the soil is basically very fine. So, every time we have downpour, then all the roads are basically washed away. So, we may have to improve the roads and also look for the appropriate technology to ensure that we do not have the wash down.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that this road is steep and that it is very difficult for him to take immediate action to improve it?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I have not mislead the House in any way. I have indicated that we have prioritized this road and, indeed, we will be able to make the allocations once we are able to get our share from the Treasury.

Mr. Deputy Speaker, Sir, as I have said, we also consider this road to be very important, because this is where we are able to showcase some of our sites within the area for local tourists and also for foreign tourists. Therefore, in no way have we attempted to down grade this section of the road.

Mr. Deputy Speaker, Sir, as to the classification, you are aware that my Ministry has been undertaking a reclassification of all the roads in Kenya. This is one of those roads that are also being considered. If found appropriate we will upgrade it.

Mr. Mwangi: Mr. Deputy Speaker, Sir, while we agree the explanation given by the Assistant Minister that the road is important, one of the problems that we encounter all over the country is the grading of the roads.

Some of these class E Roads serve highly potential areas and may require immediate classification to upgrade them. Could the Ministry consider funding these roads that serve very high potential areas?

Mr. Deputy Speaker, Sir, the Assistant Minister accepts that the road is important and serves a volcanic soil kind of area; why would he not consider tarmacking the road because it is

very crucial? We know it leads to the crater. Why should he not tarmac the road instead of putting gravel that is normally washed away during the rainy season?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is, indeed, true that we have the emergency kitty that caters for such projects that may arise on emergency basis. However, the availability of this kitty is also subject to certain conditions. The road is in a state of disrepair but is not an emergency situation and, therefore, it may not directly qualify to be under the emergency kitty. However, as I have said, we are confident that within the next few months, we will get funds that may be used to develop and upgrade that section of the road.

Mr. Deputy Speaker: Let us move on to Question No.628!

Mr. Kabogo: Mr. Deputy Speaker, Sir, I again rise to ask Question No.628.

Question No.628

DEMOTION OF CHIEF INSPECTOR SIMON G. MWANGI

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

(a) whether he is aware that Simon G. Mwangi (P/No. 87084988) was demoted from the rank of a Chief Inspector of Police because he questioned and chased away someone who was bribing voters at Thika Municipal Stadium Polling Station during the just-concluded Juja by election;

(b) why the officer was also transferred from Thika West District to Gatundu South District following his demotion on the 28th October, 2010; and,

(c) when the Ministry will reinstate the officer to his earlier rank.

Mr. Deputy Speaker: Order! Mr. Assistant Minister; the Chair heard you say that this Question had been answered. Indeed, this Question appeared first on the Order Paper on 13th April, 2011 and at that time you indicated:-

“Mr. Speaker, Sir, I seek the indulgence of the Chair that I answer this Question next week because I have just received some papers which are, more or less, related to what I was going to answer that will change the format of the answer that I have. I beg that you allow me to answer the Question by Thursday, next week.”

You were granted to answer this Question and the Chair directed that, that Question be answered on “Thursday, next week”. On “Thursday, next week”, again the same Assistant Minister who happens to be one of the more regular Ministers who is on the Floor of the House to answer Questions--- That is a credit that hardly any other Ministers share with you. But, nonetheless, at that time you also said:-

“I spoke to the Questioner and we have agreed that we defer the Question for two weeks.”

That was the same Thursday that you had asked for two weeks. You said:-

“This is because there are some new developments taking place.”

You were granted that again and then on the 5th May, as part of your answer you said:-

“Sir, this Question had already been answered exhaustively---.”

(Mr. Ojode stood up in his place)

Order! That, clearly, is not what you had said on the previous day. On the previous day, you said that you needed more time again because there was more information that would change--- You said

“---exhaustively, what was remaining was for the disciplinary committee to sit and decide on whether to reinstate that particular officer to his rank or let him remain as an inspector.”

Mr. Kabogo did make a very fervent intervention on behalf of the officer. It is the Chair's direction that you answer this Question exhaustively and in a manner that will put a finality to this Question, taking into consideration all the undertakings that you made to the Chair on the Floor of the House and the House at large.

Proceed, Mr. Assistant Minister!

Mr. Ojode: Mr. Deputy Speaker, Sir, first of all, I would like to apologise to my friend and the House. If you go through the records, you will find that I handle a number of Questions and I thought that this is one of the Questions which I had already dealt with. Unfortunately, I had not even given the official answer because I handle very many Questions.

Nevertheless, Mr. Deputy Speaker, Sir---

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. You will realise that the Assistant Minister now wants to casually run away with the problem that he created for himself.

Mr. Deputy Speaker, Sir, I want to refer you to the HANSARD that you have just read out now. On page 6---

Mr. Deputy Speaker: What is not in order now?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I just want you to see whether the conduct of the Assistant Minister is in order.

Mr. Deputy Speaker: Order! Order! That will be ruled by the Chair and you can only rule on something when there has been a sufficient submission. Could you allow the Assistant Minister to proceed and answer the Question? All that the Assistant Minister has said is that because he answered too many Questions, it might have skipped his memory. That is essentially what it means by, he had not answered exhaustively. So, allow him to go ahead and answer it as per the requirement of the Chair!

Proceed, Mr. Assistant Minister!

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

(a) I am aware that Simon G. Mwangi of Personal No.87084988 was demoted from the rank of a Chief Inspector of Police. This action was taken after the officer underwent Orderly Room Proceedings on 20th September, 2010, having been found drunk and disorderly while on duty at Thika Municipal Stadium Polling Station and at the same time, harassing two agents of candidates in the Juja by election. This is contrary to the allegations made by the hon. Member that he was demoted after he questioned and chased away someone who was bribing voters at Thika Municipal Stadium Polling Station during the by election.

(b) The officer was also transferred from Thika West District to Gatundu South District on recommendation of the presiding officer of the Orderly Room Proceedings as part of the disciplinary measures.

(c) The Ministry does not plan to reinstate the officer to his earlier rank as the charges against him were serious and a breach of good order and discipline, contrary to Administration Police Act, Section 20(1) Chapter 85 and National Assembly and Presidential Elections Act, Cap 37 Section 3 of the laws of Kenya.

Mr. Deputy Speaker, Sir, that is the official answer.

Yesterday, I called for the file of Simon and went through it because this is a very serious matter since his boss had commended him for a job well done. Later on, he was found to be drunk and transferred to another district and eventually demoted. I ordered them to check whether the guy had other cases before, which is not the case. So, ask Simon to do an appeal letter in order for the Disciplinary Committee to allow him to come and defend himself for purposes of retaining his rank. That is what we are doing now and, in fact, Mr. Kabogo should be happy with that latest development because he has not appealed. I, indeed, ask Mr. Kabogo to give me a copy of the letter of appeal in order for me to put it in the file so that the Disciplinary Committee can call Simon to come and give us his side of the story.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kabogo: Mr. Deputy Speaker, Sir, indeed, it is a sad day for me. I have on many occasions said that this Assistant Minister, Mr. Orwa Ojode takes the business of this House very casually. He now comes to the House after an attempt last week to remove this matter from the House to take it back to the Office of the President. He has now realized that 40 days as a thief are over and he starts telling this House that the answer he gave four weeks ago is the same answer he has brought now. This is the case and yet in the HANSARD, he says that there are new developments.

Mr. Deputy Speaker, Sir, may he refer himself to the issues that the Speaker raised? You commend somebody on 27th October, 2010, and you demote him the next day, 28th October, 2010. What miracle happened? Mr. Ojode wants to take this House for granted. Will I be in order to seek your ruling to find this Assistant Minister very much out of order? He actually needs to be disciplined.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, let us also be serious when we are dealing with matters of this nature. The hon. Members who also ask Questions should also be serious with what they say. I am saying this because---

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

Mr. Deputy Speaker: Order, Mr. Kabogo! You rose on a point of order. If you already know what the Assistant Minister will say, the Chair does not have that benefit. Allow the Chair to hear exactly what the Assistant Minister will say!

Mr. Ojode: Mr. Deputy Speaker, Sir, I have taken time on my own to peruse Simon's file and I found out that he has not appealed. I had agreed that we should assist this particular gentleman, but if the hon. Member is not co-operative, then it becomes very difficult for us to help somebody who comes from his constituency. The latest development is that the papers I laid on the Table are the ones I used to call for his file. I indicated to the Questioner that the officer should re-apply. He needs to re-appeal that he wants his rank to be retained. I cannot do that as an individual because there are set procedures to be followed in the Ministry. One of the procedures is that he has to go through the disciplinary committee. All of us know that if you have a problem wherever you are working, you have to go through the disciplinary committee.

The disciplinary committee will decide whether or not he was drunk and disorderly on that particular day. It can then dismiss and not only demote him. However, in this circumstance, he has not appeared before the disciplinary committee. I cannot reinstate somebody who has not appeared before the disciplinary committee! That is what I am begging. Let him re-appeal. I am saying this because up to now he has not re-appealed. Give me a copy of his letter of re-appeal and then we put it in the file so that the disciplinary committee can call him to hear him out.

Mr. Kabogo: Mr. Deputy Speaker, Sir, you heard the Assistant Minister refer to me as a person who is not serious. From the deliberations on this matter in this House I cannot be the one who is not serious. So, it is out of order for the Assistant Minister to refer to me as not being serious. It is him who is not serious about this matter. He handles matters of this nature very casually. He has not addressed himself to the fact that on 27th October, 2010 he commended the officer and on the 28th October, 2010 he demoted him. He now wants me to be the one to supply him with information that is within his domain. I tabled those documents, but I will table them again. They are the letters of appeal to the commandant. Last week, the Speaker did not admit those letters because they were not signed and they were photocopies. I have them here and they are signed.

(Mr. Kabogo laid the documents on the Table)

Mr. Deputy Speaker: Hon. Minister, whereas the Chair recognizes the fact that this is a matter for the disciplined force and that it has got to live within certain disciplinary parameters; whereas the Chair also understands that you could be commended today and then tomorrow you do an awful job; nonetheless there are issues that do not add up here. This is in the sense that you said that you would go back to get more information and this would change the format of the answer plus the fact that the appeal--- You put it yourself that the appeal has not been lodged and yet here there is an appeal which has been signed dated 30th October 2010 – remember we are in May, 2011. Here is an appeal that requests for a fair judgment.

Mr. Ojode: Mr. Deputy Speaker, Sir, I mentioned here that, that appeal letter is not in the file. That is why I was requesting him to get me a copy so that I can put it in the file in order for the procedure to start. The first procedure is to call him to be heard. That does not necessarily mean that he will be given back his rank. The disciplinary committee's outcome could as well be worse because this is a disciplined force!

Mr. Chanzu: On a point of order, Mr. Deputy Speaker. If I heard hon. Kabogo very well, he is talking about this person being promoted on 27th October and on 28th he was demoted. That is the issue that the Assistant Minister is not addressing. Is he in order?

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is quite in order. I want to share with my colleagues some of the procedures in a disciplined force. This is not like in Constituencies Development Fund (CDF) management where one comes today and fires his accounting manager. This is a bit different!

(Mr. Kabogo consulted loudly)

You listen to Assistant Minister! This is a disciplined force where regulations and requirements must be followed to the letter. I have accepted that I am going to take the appeal letter which has been tabled here in order to generate the procedures now for the guy to come and appear before the committee. That is the only thing I can do.

Mr. Deputy Speaker: Hon. Minister you do confirm, indeed, that the incident happened when a by-election was going on. The Questioner asserts very firmly that on that by-election day, this diligent officer arrested some people who were bribing others.

(Mr. Kabogo consulted loudly)

Hon. Kabogo, can you listen to this so that you could also confirm it. Indeed, the officer arrested people who were bribing others, which is an offence on an election day. The reason why he commended him and on the next day demoted him has little to do with his own performance, but more to do with political expediency of the day. The Chair is able to understand the political climate that we occasionally find ourselves in. It is for those reasons that the Chair is also satisfied that every Kenyan, be it an hon. Member, a Minister, or otherwise is entitled to his or her own rights.

Indeed, this officer, as his letter indicates here and which is his appeal and which is very exhaustive--- The letter actually says that in the polling stations, especially the stadium, there were observers from the National Security Intelligence Service (NSIS), Criminal Investigation Department (CID), Interim Independent Electoral Commission (IIEC), reporters, contenders, voters and so on. None of these people said that this officer was drunk. Then it begs why it is only one officer who saw him drunk. Under those circumstances, the Chair is not going to entertain any further ping pong on this Question and the rights of Kenyans and at the same time on the dignity and integrity of the disciplined force.

If, indeed, the officer committed the alleged offence, then he deserved to be disciplined. If, however, he did not commit the offence and this is just an excuse to punish him for having done his job diligently--- We are politicians. You are an Assistant Minister and you come from one divide of the political spectrum. An officer is a civil servant who is supposed to do his duties in accordance with the Constitution and the laws of the land and not because certain politicians in senior places want him to do this or that.

The Chair will now direct the relevant Departmental Committee to investigate this matter with speed and in a maximum of two weeks, to table that report.

(Mrs. Kones walked into the Chamber)

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

Mr. Deputy Speaker: On the same?

Mr. Olago: No.

Mr. Deputy Speaker: It is on something else. What is your point of order?

Mr. Olago: Mr. Deputy Speaker, Sir, did you notice that Mrs. Kones walked in as you were standing?

Mr. Deputy Speaker: Who, the hon. Madam Kones?

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. There is a matter I had referred to you on the issue that the Speaker had cautioned the Assistant Minister for not telling the truth. It is in the HANSARD. I was expecting that you would say a word about it.

Mr. Deputy Speaker: Order! Order! The very fact that the Chair has given a very firm direction demanding and directing the relevant Departmental Committee to come up with that report here just tells you that the Chair is not satisfied with the Assistant Minister's answer. Hon. Kabogo, this is your second term although you have not served two full terms because you missed out during the first couple of years of this term. Nonetheless, when the Chair gives a ruling, that matter is finalized.

Mr. Kabogo: Much obliged, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your point of order, Mr. Koech?

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I truly appreciate your ruling. Two weeks ago, I raised a Question regarding the way the disciplined force is disciplining its

own officers to the extent that some are now back at home, courtesy of flimsy reasons. Could I request that as they address this issue, they can go back and look at other questions that have been raised on the same, so that a conclusive report is brought to this House?

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The traditions and precedence of this House must be followed. It is very clear that when the Chair makes a ruling, the matter cannot be revisited. Would I be in order to request you to give direction on that matter?

Mr. Deputy Speaker: Indeed, that is right. Hon. Koech, you are out of order! This is not a balance sheet where you keep on adding other figures to it. The House has its own procedures and practices.

(Dr. Munyaka stood up in his place)

Before hon. Munyaka rises on a point of order, indeed, Madam Mrs. Kones walked in when the Chair was on his feet. That is out of order! When the Chair stands, you are supposed to freeze. I am confident that Madam Kones did not do it deliberately. Nonetheless, let us observe and respect our own rules.

Dr. Munyaka: Mr. Deputy Speaker, Sir, I would like to seek your direction regarding the Questions that have not been answered. When will they appear on the Order Paper?

Mr. Deputy Speaker: It is a pity that our Standing Orders do not have sufficient sanctions good enough to make sure that the Government takes up its responsibility seriously. If I was the Chief Executive Officer (CEO) of the Government - and which I am not - I would see that my Government is not functioning. We cannot have Questions being asked by hon. Members of the Back Bench and they cannot be answered on Wednesday morning, yet we have the biggest Cabinet we have ever had in the history of this country, with 42 Ministers with every Ministry having the very least one Assistant Minister and one Minister. That is very serious and I am sure now that we are trying to revise our Standing Orders, they will give sufficient punitive sanctions against such Ministers. They will know that such kind of behavior might cost them their jobs in the future. That is the only direction we can take, otherwise, the Chair cannot give a ruling outside the Standing Orders. The Chair is limited. The only ruling I can give right now is to deny the Ministers an opportunity to transact business on the Floor of the House until such a time they will have explained themselves adequately.

Unfortunately, we do not have the Leader of Government Business in the House today. The Deputy Leader of the Government Business is also affected in the sense that he runs a Ministry. He has also been barred from transacting business on the Floor of the House. At least, the Chair noticed that one Deputy Leader of Government Business was around a short while ago. However, this is a shame. We need to take the business of this House very seriously.

The Assistant Minister for Industrialization (Mr. Muriithi): On a point of order, Mr. Deputy Speaker, Sir. First of all, let me apologize because I had gone to attend to a call of nature at the back of the Chamber at 9.08 a.m. when you called out my Question. However, since the Deputy Speaker also needed time to acquaint himself with the documents that had been laid on the Table when we were handling the previous Question---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The Chair said that the business of this House will not be conducted in the same way *matatu* business is conducted. When you say that you are waiting for a passenger, you might end up waiting for five minutes. When the Question is called, the Questioner had better be there to ask it. When the Minister is also called

upon, he had better be there. We cannot have an intervention that says that when someone is on a short or long call, we should wait for him until he or she comes out. You better prepare yourself early. Go for your calls before you come to transact the business of the House here.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Deputy Speaker, Sir, much obliged. However, I had---

Mr. Deputy Speaker: Order! Mr. Assistant Minister, there are no “buts” and “whys”. In any case, you are not allowed to transact business on the Floor of the House. You have been sanctioned from transacting business on the Floor of the House. That was an oversight on the part of the Chair. You cannot also rise on a point of order, since that is part of business. You better be mum until the sanction is lifted.

Next Order!

(Mr. Ojode stood up in his place)

Mr. Deputy Speaker: Mr. Assistant Minister, you cannot transact any business on the Floor of the House as a direction from the Chair, including rising on a point of order. A point of order is a business in the House. If you rise once again on a point of order, I will impose more and bigger sanctions on you. The Chair will take a lot of pleasure in doing that.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. I would not want to go against your ruling. However, some of the Ministers you have sanctioned are new. They will not know where to go to. I am just requesting that if there is---

Mr. Deputy Speaker: Order! Mr. Assistant Minister, you are out of order. Ignorance is no defence. In any case, when you become a Minister, you should spend some time to acquaint yourself with the rules of the House. I know that any Minister, new or not new, fresh or not fresh---

(Mr. Ojode stood up in his place)

Order, hon. Ojode! If you rise again on a frivolous point of order, I will throw you out. Next Order?

MOTION

ESTABLISHMENT OF PARLIAMENTARY SELECT COMMITTEE ON COST OF LIVING

THAT, noting with deep concern the sharp rise in inflation and the cost of living that is devastating the livelihoods of millions of Kenyans and posing a threat to national stability; realizing that this challenge, indeed, is broad and cuts across a multiplicity of sectors and, therefore, requires multi-pronged remedial measures; appreciating the stated willingness of Government to consider proposals for lasting solutions to this challenge; cognizant of the urgency to have a solution to these economic challenges; this House resolves to establish a Select Committee to be known as “The Parliamentary Select Committee on Cost of living” to enquire into the factors fueling the sharp rise in inflation and the cost of living in the country and table in Parliament, within thirty days, a comprehensive

report with substantive recommendations on both immediate and long-term remedial measures; and that the said Committee comprise the following:-

1. Hon. Ababu Namwamba, MP.
2. Hon. Martha Karua, MP.
3. Hon. Elias Mbau, MP.
4. Hon. Rachel Shebesh, MP.
5. Hon. Shakila Abdalla, MP.
6. Hon. Charles Kilonzo, MP.
7. Hon. John Mbadi, MP.
8. Hon. (Dr.) Eseli Simiyu, MP.
9. Hon. (Dr.) Joyce Laboso, MP.
10. Hon. Nkoidilla ole Lankas, MP.
11. Hon. Mohamed Gabow, MP.

(Mr. Namwamba on 4.5.2011)
(Resumption of Debate interrupted on 4.5.2011)

Mr. Deputy Speaker: Hon. Namwamba, you have 16 more minutes to conclude moving your Motion.

Mr. Namwamba: Thank you, Mr. Deputy Speaker. When this Motion was interrupted last Wednesday, I was stressing the point that, at the moment, the most critical issue on the minds of Kenyans is the cost of living that has run out of control. This House has the responsibility to work jointly with the Government to find both short and long term measures to redress this concern. Many applaud the Government for some measures that it has already put in place, which include zero-rating taxes on kerosene; 10 per cent reduction Excise Duty charged on diesel; zero rating on Import Duty on maize and wheat; the promise of fees waivers in secondary schools in famine stricken areas; the promise of cash transfer as a social support programme for the most vulnerable; and, the 12.5 per cent increase in minimum wages.

Mr. Deputy Speaker, Sir, even as I applaud those measures, it is clear that those measures are not translating into any tangible benefit to the people. Over the last couple of weeks, it has become manifest that inflation continues to spiral skywards. Over the last three months, inflation has been rising at an average of 3 per cent per month. It stood at 6.5 per cent in the month of March, 9.19 per cent in the month of April, and is now just above 12 per cent. Considering the April inflation rate of 12 per cent alone, it means that the 12.5 per cent rise in the minimum wage that the Government announced recently essentially amounts to zero gain for the intended beneficiaries, because the value of the pay rise was wiped out by the increase in inflation.

It is also clear that the working nation that we have come to pride ourselves in is increasingly becoming a walking nation. What has been a working nation for the last several years is now a walking nation. More and more Kenyans now resort to using their feet rather than their vehicles because of the very high cost of fuel. Of course, this is a matter which has been repeatedly talked about. The cost of basic and essential goods like maize meal, sugar and rice also remain inexcusably high.

Mr. Deputy Speaker, Sir, it is, therefore, obvious that we have to move further than the distance that the Government has gone. I believe that this House has the capacity and, certainly, the will and desire to do so. Galileo once quipped:-

“I do not feel obliged to believe that the same God who has endowed us with sense, reason and intellect has intended to forego their use. “

I believe that the good Lord has endowed this House with sufficient sense, reason and intellect to inquire into this challenge and find solutions that can move this country out of the problems we have found ourselves in today. We need to ask why the cost of fuel moves in only one direction – upwards – even when the international cost of crude oil drops. How come that the cost of fuel can only increase, and never decrease, despite downward motion in the international cost of crude oil?

Mr. Deputy Speaker, Sir, we need to re-visit a certain measure that the Government had attempted to take in the past. I am especially thinking about an inter-Ministerial task force that was put in place by Amb. Francis Muthaura in the year 2005, which released a report titled “Report of the Inter-Ministerial Task Force to Investigate Cartel-like Behaviour of Major Oil Companies in Kenya”. This report was submitted to the Government in the year 2006. It had proposals on how to resolve some of the issues within the oil sector. We need to know why this report and its recommendations have never seen the light of day.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mrs. Odhiambo-Mabona) took the Chair]*

We need to identify ways of diversifying our sources of energy, and especially making more robust investment in wind and solar energy as an alternative to fossil fuel energy. We need to seek innovative ways of cushioning the most vulnerable in our midst from the vagaries of inflation and related economic uncertainties. We need to find an answer to the vexing question of bridging the gap between the rich and the poor, and especially the almost immoral disparities in salaries within the Public Service. We need to answer the question as to why we cannot meet the minimum salary demands of some of the most poorly remunerated public officers in this country. This also has to extend to people serving in the private sector, including those who work as guards in the myriad security firms in this country.

Madam Temporary Deputy Speaker, economist David Ricardo, in the 18th Century advised that there can be no rise in the value of labour without a fall in profits. We must, indeed, inquire into how we can strike a delicate balance between the rise in the value of labour and the level of profits that the private sector makes even as we grapple with the question of income for our least remunerated Kenyans. We must move away from the scenario that the late J.M. Kariuki described in the 1970s, of a country made of 10 millionaires and 10 million paupers. You can easily say that today Kenya is a country of 40 millionaires and 40 million paupers, struggling at the very base of the food chain.

We must wonder whether the society that Julius Nyerere described as “a man-eat-man society” continues to be the Kenya of today. We need to re-trace our steps to Sessional Paper No.10 of 1965, which had given hope to this country, in terms of reaching out and supporting the most vulnerable in our midst, and ensuring that Kenya is a more equitable society. We need to take a long hard look at the cost of running this Government and agree to share in the burden of ordinary Kenyans. Isenhour once warned that people who value their privileges above their principles soon lose both.

Madam Temporary Deputy Speaker, we must ask ourselves whether it is beneficial to this country to continue having a Cabinet of 42 Ministers, with all the bureaucracy that supports it, and whether it is not time for this country to consider reducing the size of the Cabinet. We need to find ways of cushioning the poor through pro-poor budgeting – budgeting that takes time to prioritise interests of the most vulnerable.

We have had instances where huge sums of money are allocated to particular segments of Government operations, like national security. While I appreciate that national security is significant, and that we must spend on securing this country, we also need to balance between security and the welfare of the poor amongst us. If you look at the Supplementary Budget that this House approved last month, you will notice that the NSIS was allocated Kshs5 billion. We must ask whether it would not be prudent to recall part of that money and apply it to cushioning the vulnerable at this time.

Madam Temporary Deputy Speaker, it is time to move from rhetoric to the practical. We need to stop talking and start acting. It is time to translate motion into action because we have been moving too much and acting too little. It is time to walk the talk and share in the pain and burden of ordinary Kenyans that are looking up to us from the outside of this hallowed Chamber for answers.

Madam Temporary Deputy Speaker, it is important to appreciate that hunger knows no boundaries of party, tribe or county. This Motion is not about the ODM, the PNU or Ababu Namwamba. It is about the people of Kenya and their divine entitlement to a dignified life as ordained by God and guaranteed by the Constitution of the Republic. So, as we debate this Motion, may we debate it, aware that the people of this country are looking up to this House and the leaders of this country to find a way out. This is a time that we must also be bold enough to consider options that may even appear or seem to be unorthodox. This reminds me of the words of Ralph Waldo Emerson when he says: “Do not go where the path leads. Go instead where there is no path and leave a trail”. We have an opportunity to investigate and consider options that may never have been considered before; options that may seem completely unheard of, but which, nonetheless, would have the capacity and the potential to move us forward.

This House today has also the opportunity to look at itself and decide whether we want to be part of the solution or part of the problem. Among the measures that this House must consider, as we discuss this Motion, is sharing in the pain of ordinary Kenyans, as leaders. We have talked about the Government considering reducing the size of the Cabinet and cutting costs wherever and whenever possible. But this hon. House must also be a player in that cost cutting game. This House must consider whether it would not be prudent to cut on the number of foreign travel that this House engages in, right from the Speaker to the Committees of this House. This might just be the time for us to resolve to freeze all non-essential foreign travel and save whatever penny and direct it to support the people who are suffering in this country. I invite this House to consider objectively the necessity of establishing this Committee, so that it can investigate all these options, aware that if we had an Official Opposition in this House, then it would have been its business to offer alternative policy options and solutions for consideration by the people of this country and the Government. But because this is a unique House, a queer arrangement under special circumstances that have put all of us in the Coalition Government, the Back Bench has the responsibility to work with the Government to respond to the most pressing needs of the people of this country.

In conclusion, I invite this House that let us think together. Let us walk together. Together, let us find a solution to this challenge. Let us not be afraid to consider even those that

we have never thought about. Mr. George Bernard Shaw has written saying “some people see things that are and ask why, but I dream of things that never were and ask, why not”. This is the time for us to ask, why not, in terms of all the options that must be considered to find a solution to this problem.

It is now my humble pleasure to Move. The Member for Mutito, hon. K. Kilonzo, will kindly second the Motion.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, I rise to second this Motion. Before I get to the depth of it, I want to take this opportunity to congratulate hon. Namwamba for having thought it prudent to bring this Motion to the House. This is not hon. Namwamba’s Motion. It touches on the lives of millions of Kenyans who go for days without a meal.

Last year, we promulgated a new Constitution which guarantees all Kenyans the right to food. As we debate this very important Motion, if you look at the Front Bench, namely, the Executive Bench, you will notice that there are only four Assistant Ministers who are listening to this very important Motion which touches on the lives of millions of ordinary Kenyans who have nothing to eat today. The Executive has turned this nation into a walking nation as stated by the Mover. In our neighbouring country, Uganda, there is a walk to work movement just to demonstrate how the ordinary folks are suffering. Today, it looks like the Executive wants Kenyans to start walking and stop going to work for it to identify with the problems they are facing.

The Maslow hierarchy of needs talks of food, shelter and clothing. These are the very basic essentials that any human being needs. The dignity of humanity also talks about food, shelter and clothing. Kenyans are hurting because they cannot afford these basic needs and the Executive is not doing anything. That is why, we, as Parliamentarians, as the other arm of the Government, are urging the House to resolve to establish a special Committee to look into the issues that can help Kenyans to put food on the table. The President, the Prime Minister and even the Vice-President skipped Labour Day this year. This is the most important day for the workers of this country where they would want to connect with the Executive. The Executive only sent the Minister for Labour who announced a 12 per cent increment for the workers. I commend the CEO of the Central Organization of Trade Unions (COTU) because he said that to make sure that Kenyans can cushion these high rising costs, they need to get, at least, 60 per cent salary increment. What the Government talked about was 12 per cent which was low and could not help anybody in this country.

Madam Temporary Deputy Speaker, because of the high cost of fuel, the cost of transport has gone up. The Prime Minister told us that the cost of kerosene, which is used for cooking in most of the houses in Kenya today will go down. However, I want to assure this House that the cost remains constant; that is where it was before the pronouncement by the Prime Minister.

If you look at the case of Tunisia which started the now popular uprisings in Arab countries, you will find that one of the reasons for this was the high cost of living. I want all of us to support this Motion because when the ordinary Kenyan out there gets fed up, we are also not safe. You will see uprisings and those are what we want to stop by asking for the formation of this Committee, so that it can interact with *wananchi* and the Executive, and do the work which the Executive has decided to ignore. We have asked for 30 days for this Committee to table its report in Parliament. I request that the Chair considers, as we approved this Motion, to increase the term of this Committee to, at least, a minimum of two months. I am saying this because we want to get to the bottom of this problem.

Madam Temporary Deputy Speaker, the other issue I want to talk about is the “big” Government. This is a historical Government because since the first Republic, we have never had a Government which is as large as this one. The Government is composed of 42 Ministers and two Principals. When we have these kinds of problems it is about time we started thinking of trimming the Government and merging the Ministries, so that even *wananchi* out there can see that, as a Government, something is happening to identify with the problems which they are going through.

There are some vices which are going on out there. We are always talking about child prostitution and many other problems. If this Committee is formed, it will start looking at the other issues such as the high crime rate, which are being brought about by the high cost of living.

Madam Temporary Deputy Speaker, the other issue we need to start looking at is school fees. If the ordinary *wananchi* cannot afford food and medicines, how can they afford to pay school fees? We ask the Executive and more so, the Ministry of Education, to make sure that teachers do not send away students who have not paid school fees. We request that we cut some of these costs to ensure that money is channeled to schools so that students are not sent home. In primary schools, we want a situation where we go back to the school feeding programme. This will ensure that children are fed in rural constituencies which we represent, where parents cannot afford food and children do not go to school. If we allow the school feeding programme children will go to school because they are fed there.

As I conclude, I would like to touch on this issue whereby Kenya is regarded as the big brother in the region. In the East African Community, it is Kenya which has the lowest salaries. Uganda, Tanzania and the other East African countries look upon us, as a big brother, to set the standards. I just want to plead with this honourable House that we take it upon ourselves, as the other arm of Government, to ensure that we form this Committee.

Lastly, on the membership of this Committee, I request that it be expanded to 15 Members. I am told that the names which had been proposed were 21, but they were reduced by the office. We ask them to allow the Members to stand at 15.

Madam Temporary Deputy Speaker, I second this Motion.

(Question proposed)

Mr. C. Kilonzo: Thank you, Madam Temporary Deputy Speaker. This Motion that resolves to establish this Committee has come at the right time.

Madam Temporary Deputy Speaker, if our Government was efficient and committed, we would not have gone this way. However, this Government has proved on very many occasions that it lacks the commitment to do anything. This Government lacks the Commitment to even settle the IDPs, fight crime, defend its borders and reduce the cost of fuel and living. To show that this Government lacks commitment, let us see what the Government has done today. The leader of the Opposition, Dr. Besigye, from the neighbouring country, Uganda, who is our good brother, after having fought for his citizens to try and address the same problem we face in this country, and that is, the cost of living--- Dr. Besigye decided that as a protest, they would walk to work, but the Government of Uganda told him: “You cannot walk to work. You will need a permit from the police to walk to work.” However, what has shocked us today is that the Kenyan Government has denied Dr. Besigye his right to go home. I want to understand under what law our Government can detain Dr. Besigye and tell him that he cannot go back to Uganda. I am very well connected. I am told that this Government is returning a favour to Museveni, so that Dr.

Besigye does not continue with demonstrations tomorrow on the cost of living in Uganda. So, he requested this Government to continue detaining this brother here a little bit. I am trying to figure out under what law they can detain Dr. Besigye. This is lack of commitment.

If this Government has joined President Museveni to fight the Opposition there, which is fighting to reduce the cost of living, then is the same Kenyan Government expected to deliver to its own people when it comes to issues of cost of living?

Madam Temporary Deputy Speaker, that is only one area that shows the Government's lack of commitment. When this House tried to introduce price controls, you know which way the Government went. When this Parliament raised the issue of cost of fuel and why there is a shortage of fuel in this country, we were given a very interesting answer. We were told that, in fact, there is no shortage of fuel. We were told that there is a lot of fuel in the terminals or depots. But the Government has no idea how to get that fuel into the petrol stations.

This is the same story we have been told about maize. Every time there is famine in Ukambani where I come from, the Government tells us there is a lot of maize in Kitale. However, they do not know how to transport that maize to Ukambani.

All these factors are the ones which are making the cost of living in this country to become unbearable. Basically, it is the inability to plan. If there is a Government which is huge in size, it is this Government. It has over 90 Ministers and Assistant Ministers. The expenditure by the Executive to run the Government is unbearable.

Madam Temporary Deputy Speaker, do you know that when a Kenyan Minister or Permanent Secretary is flying from Nairobi to Mombasa, he travels in First Class? That costs Kshs18,000. But you can fly using Fly 540 which costs Kshs4,500. The Prime Minister and the Vice-President are always flying. If you are going to address the cost of living, we need to get the Prime Minister and the Vice-President to remain in those offices for three months. We should do so with all the Ministries.

Looking at the composition of this Committee and with the support of this House, I felt that we need to do the nitty gritty; address the factors that have brought us to this level. The biggest problem we have is lack of commitment by the Government. To show you that there is no commitment, you can see that apart from the Assistant Ministers, there is no single Minister present in the House now. This is because there is no commitment by the Government. This was very clear on Labour Day. They could not face the public, so they sent the poor Minister, Munyes. I am sure if there was a reshuffle, Mr. Munyes would be requesting to be moved away from that Ministry. They sent Munyes and are you aware that he went there with a 20 page speech? However, because of the environment and hostility in Uhuru Park, he could only read the last paragraph, which contained the figures. I am just curious; what would have happened if the Prime Minister, Vice-President or the President himself had gone there? People would know that the two Principals and the Government have commitment to address the issue of salaries of the workers of this country. But because there is no commitment, they did it in the style of the ostrich; they put their heads in the sand and said "come what may".

Madam Temporary Deputy Speaker, to show you that there is lack of commitment in this Government and that we do not expect much from it, what we are doing is what a hyena did. The hyena went and spoke to the stone and told the stone: "Even if you do not reply, you have heard." That is what this Parliament will do; we know we are talking to the stone and we know very well that they will not respond. But at least we have a duty to do that as a Parliament.

To show you how this Government is determined, last week when this Motion was brought here, both Whips; the ODM Whip and PNU Whip whipped people out because the

Government has no commitment. So, as I said, let us talk to the stone. Even if the stone does not act, we do it the hyena style, but, at least, we have told it.

With those few remarks, I support.

Mrs. Shebesh: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion on setting up of a Parliamentary Select Committee on the Cost of Living.

I want to be very brief while stating why I feel that this is a very important committee to set up. It is because of the kinds of questions that Kenyans continue to ask us. These are questions that beg answers that the Government gives in spurts. Once in a while we get answers when we ask these questions. But most of the time the Government is not in agreement. Sometimes we hear contradictions from the Government. Therefore, I think it is about time that the people's representatives who are seated in this House went out to really find out the answers to these very important questions that we are being asked.

One of the questions that we have been asked is why there is food crisis. One of the answers we have been given is that it is because of the cost of fuel. When we ask why the cost of fuel has risen, we are given two or three answers. One, we are told about the world fuel prices and the issue of insecurity in the northern regions of this world. We have also been told about corruption and cartels. We have even been told about the issue of the pipeline. So, really it becomes a bit confusing for us to be able to answer critically why the cost of fuel has risen the way it has. That is why we want this Committee to get down to business and find out why this is the case.

Madam Temporary Deputy Speaker, another question we are asked is whether we have enough food reserves in this country. Again, we are told by this very Government that there are over 24 million bags of maize with farmers, which have not been bought by this Government. When we ask why the Government would not be buying maize from its own people, we are told that the people are demanding prices that are higher than those that are used to import maize. Therefore, we think that there needs to be a go-between between the people who are selling the maize and the Government. We believe that this Committee can do that work.

We also asked this question: Why is there a shortage of seed? Today I read in the newspapers that the Minister for Agriculture clearly said that it is not her problem that there is seed shortage and that we should find out who was the Minister before her. Again, since this Government is very good at Ministers stepping aside, others being given two portfolios to hold and then there will be a reshuffle, we wonder when this Government will take collective responsibility on issues that are affecting this country because if there is a seed shortage in this country, it is the Government to answer, irrespective of which Minister is there at that time.

Madam Temporary Deputy Speaker, I am told by my good colleagues from Turkana that there is food in the stores where food relief is taken. The problem is that there is no money to fuel vehicles to take food from those particular stores to the people of Turkana.

We see people in Turkana dying, not only of drought but also because of insecurity. The reason being that we cannot transport that food to the people. In a short while, that food will go bad. Again, people will die of starvation yet food was available. I think there is a disconnect within the Government.

Another question we are being asked is: Where does the buck stop? Is it at the Ministry of State for Special Programmes or the Ministry of Agriculture? Is it at the Ministry of Finance or the Prime Minister's office? Is it the Office of the President? This Government, thanks to its beautiful coalition Government that never seems to work, does not do much. The buck keeps being moved from one area to another, according to convenience. It is about time we said:

“Listen, this is where the buck stops”. This is because, at the end of the day, if a Government agency has been given a responsibility, it must deliver. It cannot keep passing the buck. So, we want to know, what is the role of the Ministry of State for Special Programmes, the Ministry of Agriculture, the Ministry of Finance and the Prime Minister’s Office in this issue of food insecurity and food crisis that is facing this country?

Madam Temporary Deputy Speaker, we keep on being told by this Government that it is planning ahead on the issues of climate change and disaster mitigation. That is because climate change is here to stay. But when we go to the ground, we do not see how they are planning to do this. One of the reasons that we know that there is drought is because of climate change. We have known this for years. It is not new to our country and yet, we do not plan for that very drought that will come again. It will be followed by flooding; which will again cause a food crisis. We do not see any planning.

In short, I am saying that this Select Committee is timely. I believe it will answer those questions so that, once and for all, we can have a good food plan for this country. It will not have to suffer a food crisis anymore. We do not have to see a man killing a cat to feed his family like we saw yesterday in a camp. A man killed cats to feed his family and he is in a Government camp because he is an Internally Displaced Person (IDP). It is a shame.

Madam Temporary Deputy Speaker, today, again, I read that a mother of seven children has been arrested because of aborting. I am sure that, that woman was not aborting because she is a prostitute. It is because she got pregnant again and she could not see how she is going to bring forth another eighth mouth to feed. That is the country that we are living in. Are we proud of it as we continue to play politics and not taking care of the livelihoods of our citizens? Very soon Kenya will go the way the other countries are going. It is not a secret. Young people are not employed. There is no food on the table. A revolution is about to happen. Before it does, we better get our act together and forestall such a crisis from happening in this country.

I support.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker, for giving me the chance to contribute to this very timely Motion. Let me indicate that the content and the intention of this Motion is very good, indeed. The Motion reflects on the basic needs of Kenyans today.

Madam Temporary Deputy Speaker, you will realize that, today, many communities and families are unable to put even a small plate of food on the table and, therefore, this Motion will really address that concern. You also realize that water has also become a very rare commodity and where water is available, the bills have become very high. The common mwananchi will not be able to meet the bill, meaning that water will be disconnected and the lives of Kenyans will be affected. You also realize that the cost of medicine in our private and Government hospitals is very high and rare and, therefore, the common man has resulted to herbs for treatment. That is an issue that should not be allowed in modern Kenya.

We passed a Motion the other day indicating that people are not able to collect bodies of relatives from hospitals because of the economic hardships affecting our communities. We note with a lot of dissatisfaction that IDPs have not been settled up to now. That is a serious concern to the people who are affected. They are concerned about the education of their children. Their future is badly affected.

Madam Temporary Deputy Speaker, we also note that there are Kenyans living in the slums where water is scarce and there is no electricity and security. That is also affecting their lives. Habitation of those people must also be addressed. We also realize that there are squatters who were affected as a result of the emergency villages in 1952. They are still living on the road

sides and something must be done about them. Today, in some regions in this country, children are not going to primary or even secondary schools because of hunger. They are not able to stand or even walk and, at times, they are forced to go and look for food for their parents.

Madam Temporary Deputy Speaker, the cost of transport has also skyrocketed. Buses and matatu fares have gone up. They are not sympathetic to the commuters and, therefore, the industry is badly affected. The nation is almost coming to a halt. If some of these basic requirements are not addressed, that will happen. It is high time our Grand Coalition Government rises to the occasion to give real commitments to some of these concerns. The leadership should also give dedicated service to Kenyans as expected.

Madam Temporary Deputy Speaker, the cost of electricity has also gone up, even though the Ministry of Energy is doing well. Unless the tariffs are reduced, it will be almost impossible to make the nation “breathe” well. Agricultural productivity cannot be realized because the cost of fertilizer has remained very high. Subsidized fertilizer is not available. Seeds are also not available and this nation cannot, therefore, afford to feed itself.

The poaching of elephants has continued because there are some people who feel that they cannot get employment and their livelihood will only be realized from poaching. Zebras have been poached, slaughtered and their meat flooded in Nairobi. This is a very serious development. Some people have started eating cats and dogs. That has never happened in this country and that is a very serious development. That is betrayal to dedicated service to our people. Therefore, I will be urging the Government to set up a special committee to address these very serious issues affecting the common man.

Madam Temporary Deputy Speaker, the rate of crime in this nation has gone up. We have never seen fathers raping their daughters. This is very serious and we need to condemn it. The churches and well-intentioned Kenyans must eliminate that crime that is directed to young girls and, thus, ruining their future. Even families have started committing suicide, and that must be stemmed completely. Banks have started losing a lot of money through our sons and daughters who have gone through the university and have turned themselves into thieves. This is a new trend and it must be addressed if this nation is to grow in the best way economically and socially.

With those few remarks, I fully support the desire of this Motion. Thank you.

Mr. Mututho: Thank you Madam Speaker. I rise to support this Motion and congratulate the Mover for coming out boldly to say what many Kenyans would like to hear, and what the Government would not like even to imagine that it is being said. We heard the Prime Minister the other day here and he spoke very candidly. For those of you who might have escaped to note one of his remarks, he said that 60 per cent of the current inflation is food driven. It means literally that if we had adequate food, we would bring down that inflation by 60 per cent. Why do we not have adequate food? It is because Kenyan’s staple food is maize meal and about 80 per cent of the food we eat generally would have one form of maize meal or another. Maize meal has had its share of scams.

I want to talk about 2007 when we had a bumper harvest, but bring you closer to where you can remember, 2010, when we had another bumper harvest, following a series of rainfall. Both years have one thing in common; in both years, maize was not available. Why was it not available? It is because primarily, the farmers or producers did not sell to the right bodies when that maize was available. The cartels that come with maize production again swept through the whole supply chain and we ended up having a situation where we do not have maize again.

Madam Temporary Deputy Speaker, those people are thinking ahead of this Government. I think it would be a shame if you look at what is happening and the Government is in deep slumber. Now, the cartel is shifting towards next year and that is why we do not have seeds. That is because if the farmers do not plant, it will be very easy again to have nothing to harvest and the maize cartels will come. I want to say, at the outset, that my Departmental Committee on Agriculture will be tabling a report here this week on what happened to the seeds. It is a report worth reading. It is something that you will see the cheap and scandalous trends that people invent every new day and create new scandals. We covered in-depth what happened and we are going to tell you that in black and white.

Madam Temporary Deputy Speaker, the rules of this House do not allow somebody to anticipate debate. It is for that reason that I will not be able to elaborate on seeds. But when I rise here again to move that report, I will say what would make people go to court not only for serious economic crimes, but also for total sabotage of this Government and whatever it is trying to do.

I would want to talk about wheat. This Government last year, or the last two years, subsidized duty and effected Value Added Tax (VAT) exemption of Kshs17.3 billion. But where is that food now? It spent Kshs17.3 billion and it was tabled in this House; where is this wheat? Where is this maize? The fact is that we still do not have that food. Somebody must be keeping it in stores. If you look at the National Cereals and Produce Board (NCPB) stores, they are full. Who has filled them? Again, because of its carelessness, this Government has itself misused and abused resources to an extent that the people who steal from the same Government end up storing grain and continue playing ping pong with people's stomach.

Madam Temporary Deputy Speaker, food is therapeutic, and people who are not well fed are vulnerable to all manner of diseases and conditions. I want to say here that the food problem we have in Kenya now is as artificial as the energy sector shortages. What the Prime Minister did not say is that the 40 per cent itself--- This inflation is also cartel driven. This is because we have heard the Minister for Energy admit that the energy sector and the problems we are having in it are cartel driven. Therefore, 60 per cent of the inflation is driven by food shortages and 40 per cent by cartels.

I want to talk about sugar. There is a report pending here for discussion; again we cannot go to the specifics. We only appeal to those people who sit in the House Business Committee (HBC) that for the sake of those people in Nyanza and Western provinces, the many Kenyans who are going to suffer, the millions who are going to miss school fees, please, allow this report to be discussed. It is clear there is something not just right. Even when we are being blamed for not being busy, we want to know what goes on with all the business. Why can we not have people have economic gain from their hard labour in the sugar subsector?

Madam Temporary Deputy Speaker, it is frustrating. My Committee took over one year to prepare that report and produced over 3,300 pages of the HANSARD. It is factual; let it be debated here. Let it be defeated on the Floor of the House; give people a chance. Those are Kenyans.

I was just chatting with an hon. Member here and told him that when you sit here as Members of Parliament and start calling yourself PNU or KANU, as I do, or ODM, please, remember your payslip does not say it is 10 per cent Luo, 5 percent Kalenjin or 20 per cent whatever. You owe those people what you are supposed to be doing here. What we are supposed to be doing here is what is in this particular select committee report. We are supposed to tell Kenyans the truth; we have people here - I quote from Ngugi Wa Thiong'o's book, Ngugi

Detained. He was describing this wonderful officer in charge at Kamiti Prison. He was comparing him and the conditionality he set before he could go for treatment. This is what he had to say, that he believed that officer at Kamiti Prison could not go to hell because he had committed more sins than Lucifer. Therefore, Lucifer would have difficulties admitting him there because he would claim leadership in hell. I believe those people who are allowing others to eat rats, those who have allowed people to eat cats, those people who have allowed very hard working Kenyans to starve in IDP camps are themselves supported by politicians and other power brokers and must face justice here before they face hell. We leave to God the issue of admissibility in hell.

Madam Temporary Deputy Speaker, a few months ago, you saw Kenyans pouring down milk because there were no consumers. Now we have another report that Kenyans are trying to eat rats. You cannot balance the emotions, the economics of this country called Kenya, and the politics of it. Why do we have people pouring down milk at one time, and within a few months, you hear of people eating rats? Why do you have a six-kilometer queue of people willing to sell maize to this Government, and the Government not being able to buy the maize, and then you hear of shortages of maize? What economics? How do they calculate the price of maize meal? It is a fact that when you have a bag of maize sold at about Kshs2,300, the maximum price for maize meal should be Kshs76. How do they come up with Kshs100? Who allows these people? Price controls or no price controls, is cheating not a crime in this country? Is cheating not evil in this country? Why do we not have the civil society rise because of the millions of children who are going to sleep hungry tonight just because people made Kshs20 billion last year? Out of this whole mess, this year, they want to make shs50 billion and so on.

We need this Select Committee. We need this Committee headed by none other than Mr. Namwamba to come in and identify these people by name irrespective of their tribe, party and I just miss--- I am not supposed to campaign but I am just forgetting that I was in that list. I, however, support it as it is, because I believe that each and every hon. Member here has the capacity, and we need to be told the truth.

Madam Temporary Deputy Speaker, on vegetables, there is something called cow peas or *kunde*. If this Government was serious, it would have distributed cowpeas by now, and with the flash rains, people would be having vegetables. Again, this Government is in deep slumber. What do I say? Even in Kiambu, they produced fish the other day under the Economic Stimulus Programme (ESP), but now we hear that no one wants to buy the fish. This Government cannot streamline the market. People are starving on one side and eating cats. God knows that there are no more snakes to eat. They would be eating them too.

I support this, and look forward to a very good report.

Thank you.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Madam Temporary Deputy Speaker, thank you for giving me this opportunity. I want to congratulate Mr. Namwamba for coming up with this Motion to appoint a Select Committee to deal with this very complex and urgent issue, for which none of us has answers now but collectively, we can contribute to it.

Madam Temporary Deputy Speaker, I also want to congratulate the immediate speaker, Mr. Mututho. He has raised crucial issues. I hope that he will be able to give the Committee the insight into some of the issues touching on corruption, and that affects the prices of food in this country.

I would like to say that although we are talking about the long-term and short-term issues and proposals to be made by this Committee, of immediate concern as of now is the cost of fuel. We are told that the cost of fuel can come down if inefficiency in the supply chain is addressed. This is the song we have been hearing over the last one or two months. I would urge this Committee to look into that, because we are told that very soon the prices of fuel will go up again.

Hon. Members have also talked about downsizing of the Cabinet. I think this is in order, and in line with the current constitutional dispensation that we are in. I do not see any reason why we cannot downsize the Grand Coalition Government to conform to the Constitution. We need to look into reduction of the Budget and deal with the fiscal and monetary issues. We should reduce the Budget to deal with some of these issues. Look at our wages, including our own allowances, if we are to depoliticize this issue, we ourselves also need to set an example by sitting without allowances. I am just giving one of the examples. The other one is to reduce salaries. This has happened in countries like Korea. When they had serious issues like this, very drastic measures were taken, including reduction of salaries.

We also need to assess those in this country who earn what the Archbishop of Canterbury once called the wages of sin, the ridiculous salaries that are earned by a number of people in various sectors, particularly in parastatals.

Madam Temporary Deputy Speaker, this Committee should look into the whole issue of famine relief. I am aware that famine relief is also another cash cow. Famine relief is a business; famine relief is ridden in corruption in Samburu County. We receive food worth Kshs40 million monthly, but there is very little to show on the ground. I, personally, believe, and a number of people have also reported to me that 50 per cent of the so called famine relief does not reach their destination. This does not only happen in my constituency, but in various parts of Kenya where famine relief is distributed. So, if it is Kshs40 million monthly, we want the Committee to look at the possibility of translating that famine relief into cash, and then we do what is called cash transfer. Let the *mwananchi* receive cash. Let him buy his own food which sometimes is more healthy than famine relief which its origin is doubtful.

Madam Temporary Deputy Speaker, hon. Mututho referred to short term crops that can be grown within a very short time. Sometimes they are referred to us as orphan crops. The seeds of such crops should be supplied at this time, so that these orphan crops can be harvested within the shortest time possible.

This Committee should also look into the question of food banks. The whole question of management of food in Kenya is centralized. I cannot see the reason why we cannot harvest food in the villages and have food banks there. All the food does not need to come to the Cereals and National Produce Board (NCPB) and managed by the Central Government. So, these food banks can also help in terms of bumper harvest, the communities can keep that food in the food banks. During the hard times, the same food can be purchased by the same communities.

Madam Temporary Deputy Speaker, with regard to livestock off take for the pastoralist areas, we need to encourage them to slaughter animals that may not survive the current drought.

There is also a problem of school fees. Parents in many parts of this country cannot afford to pay school fees any more. When we re-organize the budget, we need to address the question of school fees.

We are also told that the Ministry of Planning, National Development and Vision 2030 has resources. There are CDF savings, which if it was released each constituency can benefit from Kshs15 million to Kshs20 million. This is the time that those resources should be released.

We also need to look at the poor state of roads. The poor state of rural roads contributes to the increased cost of living.

Finally, I want to quote Shakespeare who said “there is a tide in the affairs of men, which, taken at the flood, leads on to fortunate; omitted, all the voyages of their life is bound in shallows and in miseries”. Such time is now. The tide is high. Let us ride before we face the kind of uprising we are seeing in other parts of the Arab world.

Thank you.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Madam Temporary Deputy Speaker, I want to take this opportunity to thank you for granting me the chance to participate in this very important Motion; and also given the time at which it has come, when many Kenyans are looking for solutions from Parliament. I think it would not have come at a better time.

I also want to take this opportunity to thank the Mover of the Motion, hon. Namwamba and the Secunder of the Motion. If there is anything that is important to Kenyans at this particular moment, it is the issue of the rising cost of fuel.

I want to agree that all the issues that have been raised here before me are, indeed, true and correct. I also want to take this opportunity to ask Members to address some of the issues that have been raised as causing the increase in petroleum products. I quickly want to start with the issue of the weakening Kenyan shilling. As we are all aware, all the petroleum products are bought in dollars. In the recent months, our Kenya shilling has actually been on very serious weakening trends. As you may be aware, currently, the exchange rate is about Kshs85 per dollar. Not long ago, our shilling was actually exchanging at Kshs70 to the dollar. That increase in itself is also contributing largely to the increase in the cost of living.

It would be important to note that when the politics of the country are not very well managed, it also contributes to the inflation that we have currently seen. Therefore, it is also a call to the Members of this House and the leaders in the country to tone down the political rhetoric which has been attributed to the weakening of the Kenya shilling to the dollar. I think this is an area that we can all contribute to.

Madam Temporary Deputy Speaker, secondly, it is important to note that the international prices have been on the increase in the recent times. As a non-oil producing country, Kenya needs to clearly look for ways and means of lobbying the oil producing countries. As it is right now, the countries that are actually suffering are poor third world countries that do not have oil reserves. Big economies such as the United States of America and many of the Europeans countries have reserves that can take them through such difficult times. Therefore, their cost of living within the short-term will not be affected. However, our country does not have any oil reserves. Therefore, when the price of fuel goes up, we will immediately feel the impact in the same month. Therefore, that has continuously been a big problem for the country. It has also been said that if this trend is not checked, then you are likely to have a second global recession that would adversely affect many of the third world countries.

Madam Temporary Deputy Speaker, I am also trying to advocate for a situation whereby players, especially within the Third World countries, and within the recognized bodies can lobby for the big powers, and especially the countries that are also involved in some of the conflicts in the Middle East, can look at the impact of the conflict in the middle east, especially on the poor of the poorest because some of the countries will be forced to stop some of their programmes, including health, education and sanitation and put some of their funds to subsidizing food.

Therefore, much as it is an international issue; we believe we can take local initiative that can support the problems that we have.

Madam Temporary Deputy Speaker, last year, we had the Bill on price controls that was rejected by His Excellency and returned with a memorandum. The issues that have been raised by His Excellency are, indeed, pertinent. One of the issues that have been raised is the issue of the East African Community. We have entered the regional bloc. If we ended up controlling prices, what would happen to some of the commodities that are actually emanating from the larger East Africa? This is an area that we might want to look at and revisit the Bill, so that we can get a solution. The factors of production such as oil, land, water and all the other resources must also be looked into. As you realize, the factors of production, especially power in Kenya, is one of the most expensive in the region. Therefore, for manufacturers and producers, once the cost of power is high, then it also means that the cost of the final products will, obviously, be high. Subsequently, we will not be able to sell competitively in the regional markets. This House passed a Motion to set up a fertilizer factory in Kenya. As we know, the cost of fertilizer is a major input in the production of maize and food generally. We hope that, that Motion will be translated into action and that we will be able to come up with a fertilizer factory and, therefore, reduce the cost of production for our farmers and ensure that we have enough to move forward.

Madam Temporary Deputy Speaker, allow me also to comment that there has been concern that, may be, the trips made by the Prime Minister and the Vice-President and Minister for Home Affairs could be many. I want to say that, that may well be true. But also this House is notorious because every Committee, even the smallest of Committees, will be making trips to all manner of countries sometimes to ask irrelevant questions or questions that can be answered through the internet and through visiting some of the missions in this country. So, even as we point at the Executive, I want to also---

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker. You have just heard the Assistant Minister insinuate that Committees of this House have been making frivolous trips to ask questions which are already on the internet. Could he substantiate, because that has a bearing on the integrity of this House?

(Applause)

The Assistant Minister for Roads (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I cannot withdraw the truth. It will be remembered that earlier on, this Tenth Parliament actually had a workshop and, indeed, invited Mr. Kaparo, who was the former Speaker. It was agreed that even the Tenth Parliament, the problem of hon. Members always wanting to visit countries even when it is not absolutely necessary was a matter that we all agreed on. I think it is not fair to point at the Prime Minister and the Vice-President and Minister for Home Affairs when you know that at any one time, a quarter of hon. Members of Parliament are out.

(Applause)

I think it is good to be honest. It is not time to point fingers because we want to look for solutions. I think the day when our---

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Order, Mr. Assistant Minister! I think you need to address yourself to the issue of whether their trips are relevant. The rest is a matter of your opinion. However, when you talk about asking irrelevant questions, you

are bringing the name of the House into disrepute. So, I order that as far as the issue of irrelevance goes, you need to withdraw!

The Assistant Minister for Roads (Mr. Kinyanjui): Madam Temporary Deputy Speaker, to the extent of the questions, I do want to withdraw. But as to whether we may be able to address some of the issues locally and, therefore, reduce the cost for the country and the taxpayer, it is an area we may all want to look forward.

Secondly, I also want to say that we also have a big problem that we must address as a nation. As we may be aware, we have over 20,000 Internally Displaced Persons (IDPs) who are currently in camps. Most of these people were farmers, and if you look at the population of 20,000 farmers who were probably producing 100 bags per year each, you will find that we are losing over two million bags per year and we end up feeding people who should actually feed the nation. Subsequently, we lose about 2.5 million bags that would have, otherwise, come had these people been in their farms and had they been working as should be the case.

Madam Temporary Deputy Speaker, as we all know, this is, indeed, a very important matter, and as we have said time and again, hon. Members must make concerted efforts to ensure that we have positive and conscious measures that will address the cost of living for Kenyans and business people.

As I said, I also want to agree that there are certain areas where this country and this Government in particular, has made significant progress. Recently, when I was out of the country, I realized that it is much cheaper for people to call from Kenya to other countries than it is for people to call from there to this country. The cost of calling or the cost of telephony has drastically gone down and I think this is also one area where Kenyans have benefitted. We believe that the benefits will translate and move to the lowest levels possible.

Madam Temporary Deputy Speaker, on the issue of the county governments that has come, we will ensure that all decisions are made at the level of the county governments. Therefore, hon. Members and leaders, for that particular matter, will be able to have an input, take responsibility and avoid the issue of every time hon. Members blaming the Government, because the decisions will be brought at a level where they can make their input.

Lastly, Madam Temporary Deputy Speaker, it will be remembered that in the last three years, we have had a famine situation every now and then. As has been said by my colleague, Mr. Lesrima, it is true that the famine relief business is, indeed, a multibillion business. We also know that even at the slightest, when we have rains delaying for two weeks, immediately we have food shortage. This does not seem to be natural, and we know that the beneficiaries of famine in this country may not want this situation to be brought to an end. We are aware that in the last budget, the Ministry of Water and Irrigation, the Ministry of Development of Northern Kenya and other Arid Lands and the Ministry of Agriculture came up with measures that were meant to ensure that we do not return to the same situation of food deficiency every now and then. After the money has been voted into these Ministries, we have no indication on whether the money has been able to achieve what it was meant for or whether, by any chance, we are out of the problem that we were meant to solve.

There must be transparency when we vote serious and significant amounts of money to the Ministry of Water and Irrigation and other Ministries.

Madam Temporary Deputy Speaker, I beg to support.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Members, I notice that there is a lot of interest in this matter. So, I encourage hon. Members if you could reduce the time taken to contribute to this Motion. Really, that is up to you.

Proceed, Mr. Yinda!

Mr. Yinda: Thank you, Madam Temporary Deputy Speaker, for giving me an opportunity to contribute to this very important Motion by Mr. Ababu Namwamba.

Madam Temporary Deputy Speaker, I think the biggest problem we have in this country is that we have a Government which is in a crisis. We have a Government which is pulling from different directions because of the coalition. We have a situation where the left hand does not know what the right hand is doing and, most of the time, we spend a lot of time in political fights instead of governing this country.

The cost of electricity is too high. Even as we are suffering; even as the country and the people are suffering because of lack of essential commodities, we are being told that, shortly, the price of electricity will go up. There are ways of which we could lower the cost of electricity in this country. We could allocate more money and carry out research into geothermal energy, solar power and even wind power. However, you realise that most of the time, the cartels are more interested in diesel-driven power generation because that is where they make a lot of money. These are areas where this Government can definitely lower costs and the money saved used to cover those who are vulnerable and are not able to make ends meet.

Madam Temporary Deputy Speaker, on the low wages, we know that most Kenyans who earn low wages are not able to even survive. Within the first five days of the month, many Kenyans have no way of even affording maize meal for their families and yet, there are also very few Kenyans who are very rich and have no idea of what they can do with their money. This is the case and yet if you look at the essential commodities like *unga*, sugar, salt and even shelter, you will find that it does not matter how poor or rich you are; the costs are the same. It is up to the Government and, more so, up to us, as leaders, in this country to ensure that our people and especially the vulnerable are cushioned so that they can live as human beings.

If we do not check it, Kenya can easily go the Egypt way or the Syria way because all the problems in this country are as a result of the high cost of living. The poor people in this country have been reduced to beggars. This is what happens in this country. There is a lot of wastage in this Government. When you look at procurement, those officers who are charged with carrying out procurement go out of their way to ensure that the cost of items they procure are inflated to high levels, but they cover that under the procurement rules. There are instances where up to Kshs1 billion or Kshs2 billion could be saved in procurement, but this goes uncovered simply because of the cartels which must be beaten. I want to go give the military as an example. The expenditure within the military could easily be reduced and especially if priorities are looked into. However, most times, we go into procurement depending on personal interests and not the national interest. This is an area where we could save money.

The cartel in the energy sector, especially with regard to petroleum, most of the oil marketers when they have fuel--- Right now, we know that there is enough fuel in the country and yet they are not releasing the fuel simply because they are hoping that within the next few days, the prices will go up and so they can make a killing. These kind of people are actually economic saboteurs. I know a lot of countries where people like this are lined up and shot dead. This is because they are killing people! I do not see why we should stand here and look beautiful and leave a lot of people to kill Kenyans. Everyday people are dying because of hunger and diseases. When a family feeds on a cat, you do not even know what that cat ate. Maybe within

the next few weeks we will be hearing families dying in these camps as a result of strange diseases. All this is because of the food that they are eating.

Mr. Joho: Hoja ya nidhamu, Bi. Naibu Spika wa Muda. Jambo linalozungumziwa Bungeni leo ni muhimu kwa sababu linahusu maisha ya Wakenya. Nakuomba uulize ikiwa hotuba zetu zifupishwe ili badala ya mzungumzaji kupewa dakika kumi, apewe dakika tano ili nasi tupate nafasi ya kuongea kuhusu matakwa ya Wakenya.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): I would like an indication from hon. Members if that is supported.

(Applause)

Okay. So, hon. Members will be contributing for five minutes each.

Mr. Yinda: Madam Temporary Deputy Speaker, as I was saying, there is too much wastage and greed in this country. If we could deal with the greed and wastage, maybe, we would be able to sort out a lot of problems affecting this country.

The Government is too large. I would like to see a situation where the size of the Government is reduced by 50 per cent. I do not see what we are achieving by having a big Government. At the moment, what we are achieving is too much controversies and in-fighting which are not helping anybody in this country.

With those few remarks, I beg to support.

Ms. S. Abdalla: Thank you, Madam Temporary Deputy Speaker. I first want to thank hon. Namwamba for bringing this Motion which is very timely.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Shakila you have only two minutes before the Government Responder responds.

Ms. S. Abdalla: I understand, Madam Temporary Deputy Speaker. Thank you.

The fact which has contributed to the crisis of high prices of food and other things is the Coalition Government. This is because in the Coalition Government we have it is like we running two governments in one. Each side of this Government is trying to get a maximum share of the powers, resources and everything. At the end of the day, it is the common *mwananchi* who suffers. It is the taxpayer who carries the whole of that burden.

About the food shortage, I do not see why the Government should not be able to feed its own people. If a government is not able to feed its people then it is a government in crisis. We should accept that Kenya is a Government in crisis as it is now because it is not able to feed its people. Here, we are talking about two categories of people. We are talking of people who are employed and they have somebody to fight for them for their wages to be increased. We are also talking of people who are unemployed or who are doing small scale businesses. Who is there to fight for them? That is why we need this Committee in place to articulate the issues of all Kenyans in general which touch on their lives.

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

Mr. Joho: Ahsante, Bi. Naibu wa Spika wa Muda kwa nafasi hii muhimu ya kutenda kazi iliyonileta katika Bunge hili.

Kwanza, ningependa kumshukuru mhe. Ababu na kumwambia kwamba ushujaa wa kiongozi ni kutenda matakwa ya uwakilishi wa watu waliomleta hapa. Maisha yanayopotea mikononi mwa askari; maisha yanayopotea mikononi mwa magaidi; na maisha yanayopotea kwa njaa hayana tofauti. Kila Mkenya ana haki ya kulindwa na Serikali. Kama ulinzi unaotaka wewe

ni wa kuhakikishiwa maisha mema ni lazima hilo lifanyike. Hii ni kwa sababu hiyo ni haki ya kikatiba ambayo Mkenya amewekewa.

Niko tayari kunukuliwa. Ukiangalia bajeti za nchi hii, vitengo vya Serikali, kwa mfano, vitengo vya kupigana na ugaidi, jeshi, na *intelligence* vina bajeti kubwa sana kwa kusudi la kulinda maisha ya Wakenya. Janga la ukame si jambo jipya hapa Kenya. Janga hili huja kila mwaka. Sisi wengine tunahakika kwamba mwakani ikiwa tungali Bunge hili tutayazungumzia mambo haya kuhusu janga la ukame na njaa. Serikali iliyoko kweli ina pande mbili lakini siyo Serikali ya mkoloni ama mtu ambaye si Mkenya. Waziri Mkuu ni Mkenya na Rais Kibaki ni Mkenya. Wamechaguliwa na Wakenya kulinda na kuangalia matakwa ya Wakenya.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Member, I am sorry your time is up. I now call upon the Government Responder to respond. Minister, I would request that if you are magnanimous, you, please, donate your time to some hon. Members. You could donate to hon. Wavinya, hon. Jakoyo, and any other hon. Member from this other side.

The Minister for Medical Services (Prof. Anyang-Nyong'o): Thank you, Madam Temporary Deputy Speaker. I would like to commend hon. Ababu Namwamba for bringing this Motion which is both timely and important. I would also like to thank hon. Members for paying attention to this very important Motion. However, before I reply, I would like to request hon. Wavinya to speak for three minutes and hon. Jakoyo Midiwo to follow her with three minutes and then I can complete my reply.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Madam Temporary Deputy Speaker, I would like to thank the hon. Minister for donating time to me and also hon. Ababu Namwamba for bringing this Motion.

I have said time and again that people do not plan to fail, but they fail to plan. Some of the issues that are coming up now such as the high cost of living are because of lack of planning or proper implementation. If the Government planned and implemented whatever it planned, then some of these issues like the price of things being very high would not arise. Look at the situation at the moment, the rains have failed. It is only raining in Nairobi. I just came from Ukambani the other day. People are almost dying of hunger. I saw on television the other day women in Turkana holding guns while they should be taking care of their children. They were trying to go out there to fend for food.

Madam Temporary Deputy Speaker, is that what we want for our people? Is that what we want for our women in this country? At the end of the day, when the cost of living goes up, women and children suffer the most. Men also get stressed because they have to go out and look for money to buy food. Most homes end up breaking as a result of that. We, as a Government, need to look into these issues. First things first, we must invest in agriculture - irrigation and farming. If we do that, we will be able to feed our people. Most of the problems will not be there. The other factor is to look for alternative sources of energy. If we did that, we would not mind whether fuel prices go up or down. It will still affect us, but not that much. We should also liberalize the importation of fuel. Why do we have a few people importing fuel? Anybody should be allowed to import fuel and sell it in this country. That would end some of the problems that we have. We need to liberalize the importation of fuel in this country.

Madam Temporary Deputy Speaker, we have been talking about the control of prices. If we invested in the agricultural sector, we would not have to control prices because we would have enough food for everyone in this country. Some of the problems we have would not arise. Let us get our facts right.

Thank you very much.

Mr. Midiwo: Thank you Madam Temporary Deputy Speaker for remembering me at this late hour. Let me say a few things. I have been told, reliably, by three millers that, within the next three to four days, the country will run out of maize to mill. The Government is holding its reserves. I want to urge the Government, since it has authorized importation of maize, to release maize that is in storage to the market. I had gone home last weekend and found out that a two kilogramme tin of maize was selling at Kshs120 at Akala Market. I wonder where my people are supposed to get money to buy it and yet, the Government is holding reserves. I think it is the responsibility of the Government, and the Ministry of Agriculture, in particular, to control the price of grains. That is easy. You do not have to talk about it. Just release the grains into the market. When you import grains, you replenish what you have released. I also want to say that the cartels - the people who have been minting money selling fuel, paraffin and gas to our people - have done it for so long. They have gone, for very many years, in the wrong direction and we must now put our foot down.

The Deputy Prime Minister and Minister for Finance came here and announced that he had taken some measures which would have reduced the price of paraffin by Kshs2. Even the measly Kshs2 reduction has never been realized. The Minister for Energy has been talking about it and yet, the oil cartels are talking back at him as if they own the country. Something has to be done. The cartels must be reined in. The National Oil Company of Kenya (NOCK) must release the oil reserves that it is holding and flood the market. Let us sell fuel at every street corner. That way, they will begin to talk to us and we shall control prices on behalf of our people. Thank you.

The Minister for Medical Services (Prof. Anyang-Nyong'o): Thank you very much, Madam Temporary Deputy Speaker. Let me commend my colleague, hon. Wavinya Ndeti and Mr. Midiwo, for the very constructive contributions that they have made to this Motion. First, it is true that our people are suffering. It is true that we have a long way to go to ensure that we have an economy that looks after both those who are able and those who are not able. For quite some time, we will need social protection programmes and policies for the vulnerable. It was reported in the *East African* newspaper recently that 45 per cent of Kenyans are middle class. The rest, 65 per cent, are poor or just working class. Therefore, when we have an economic crisis like we have now; it is the vulnerable that first suffer most.

The State must, therefore, have social protection programs to cushion the poor against such crisis. I know that we have Ministries like the Ministry of State for Special Programmes, the Ministry of Gender, Children and Social Development, the Ministry of Youth Affairs and Sports and the two Ministries of health which have social protection programmes. However, those social protection programmes are under-funded and inadequate. They have not been properly institutionalized to look after the vulnerable. For example, I have, for some time, since the year 2005 when I was the Minister for Planning and National Development, together with my colleague, Mrs. Charity Ngilu, fought very hard to have a national social health insurance fund in this country. It would have ensured that the poor do not use the meager money they have in their pockets to buy health. At such times, the poor should use that money to buy two kilograms of maize to feed their families and ensure that their children go to school.

The reason why we have a high school dropout rate in rural areas is because of poverty. Poor children go to school but if that school does not have a school feeding programme, by 11.00 a.m., they cannot learn due to hunger. Therefore, this House should demand from the Government and ourselves that we have proper social protection programmes to cushion the poor against economic crises which are bound to hit this nation from time to time in the future.

Having said that, we cannot excuse ourselves, as a Government, for not coming up with measures which will create efficiency and productivity in our economy. Without efficiency and high productivity, we will not look after the welfare of our people, whether they are poor or well to do. Hon. Members in this House have said that we should deal with corruption and inefficiency in the Government. We should deal with cartels and make sure that Government institutions that provide services like energy are properly run. I agree with that. Indeed, this is the spirit of the new Constitution that aims to put in place, processes and institutional initiatives that will make sure that the Government runs efficiently and that corruption is put at bay. We must, therefore, support with all our might, the implementation of this Constitution so that, from now on, the Government will be more efficient and the economy will be more productive.

The third point is that, notwithstanding the problems that we have, certain initiatives have been or are being taken to help productivity in this country. Let me mention, for example, the fact that we have a much better public/private partnership law to make sure that both sectors work together in improving the economy. That law should be taken advantage of by the private sector to invest together with the Government to improve the economy. The Government should also go out of its way to invite the private sector to invest in areas in which productivity and better growth of the economy can be realized.

Let me give some examples in the agricultural sector. At the moment, the Ministry of Agriculture, through the Agricultural Finance Corporation (AFC), has initiated a very good programme of having green houses throughout the nation. Members of Parliament should take advantage of that and approach AFC to establish green houses. That is because they will cushion farmers from the vagaries of weather. So long as the AFC can partner with hon. Members and their constituents to establish green houses to improve agricultural production, it will be very good in future so that food production can improve.

Secondly, in the Ministry of Fisheries Development, there is an initiative to have fish ponds. I know that certain hon. Members have taken good advantage of this. I urge hon. Members to work closely with the Ministry of Fisheries Development so that we can have many fish ponds in all parts of the country.

Madam Temporary Deputy Speaker, by its very nature, fish is very good food. It is very nutritious. Among other things, eating fish helps you to defend your body against certain ailments, including cancers. So, I would encourage hon. Members to improve their fish-eating habits. I am quite sure that my colleague, hon. David Ngugi, is now a very good fish eater. In his constituency, he is a crusader of fish production and fish eating.

Thirdly, employment opportunities, both in Government and in the private sector, are important in dealing with the issue of unemployment. Let us commend the Government, at least, in this area. The important and wide ranging infrastructure programmes currently being initiated by the Government, especially in the roads sector, have helped to improve employment opportunities for our people, particularly employment of non-skilled individuals, who can be hired as non-skilled labour in the construction of roads. However, we should go further.

Madam Temporary Deputy Speaker, if we could implement the programme that we proposed in the year 2003, of building the Mombasa-Busia railway line to a standard gauge, it would employ a lot of people and help boost this economy. If we build the proposed railway line from Lamu to Southern Sudan, which has already been approved by the Cabinet and in respect of which there is an agreement signed between the Government of Kenya and the Chinese Government, it will help to improve employment in this nation. It will open up the northern part of Kenya to more economic activities. Indeed, that region itself will experience economic boom.

It has always been my opinion, especially when we worked on the Economic Recovery Strategy for Wealth and Employment Creation in the initial stages of Vision 2030, that the road from Mombasa to Malaba, through to Kigali, should be a dual carriage way. If that project is itself implemented, it will give jobs to many Kenyans. It will have a multiplier effect in the economy. Just imagine the number of women who will be selling porridge, *ugali* and *githeri* along the way from Mombasa to Masaba and to Busia. That, in itself, will improve agricultural production and employ a lot of people.

Madam Temporary Deputy Speaker, therefore, there are things which are within the reach of Government, which just await implementation, to deal with the current issues that we are facing. One of the reasons as to why the economic slow-down has hit us very hard, particularly in urban centres, is the amount of unemployment in urban areas; the people living in urban areas are unemployed, are at the same time very trainable and very knowledgeable.

We must understand that the achievement of our education system since Independence has been that we have had a very high literate society; quite a number of them do not have opportunities in the economy to employ themselves productively. Therefore, we must look at this segment of society and provide them with jobs. The last three years that have seen an increase in the use of ICT in both the private sector and Government, have provided a lot of opportunities for some of our youths who are educated but are not productively employed; they are able to use their skills in the ICT sector.

Madam Temporary Deputy Speaker, Safaricom Limited, as an ICT company, and other mobile telephone service providers, have created tremendous jobs for this segment of our society. These people are now being productively used. If we could go ahead and use ICT in the management of our services and systems in Government, we would create many more jobs for our people and this will contribute very productively to our economy.

I would encourage, as indeed the Ministry of Information and Communications is doing, that ICT education and the use of ICT in management, be expanded in both the private and public sector. If we do this, we will tremendously reduce unemployment in our economy, and when economic crises like this one come, they will find people who are productively employed, and not people who essentially look for social protection from the Government.

I would like to commend hon. Namwamba for this Motion, and the Government supports it.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Members, we have a balance of one minute, which I will give to hon. Mwadeghu.

Mr. Mwadeghu: Bi. Naibu Spika wa Muda, nakushukuru kwa muda huu ulionipatia. Ninaomba nichangie kwa kumpongeza mhe. Namwamba kwa kuileta Hoja hii Bungeni. Yangu ni machache.

Tumeona Serikali ikilaumiana huku na kule. Ninaiomba Kamati hii inayoundwa iangalie kwa undani na iweze kujua ni nani anayeiba mafuta, na ni kwa sababu gani hatuna mafuta ya kutosha. Kamati hii inabuniwa wakati unaofaa, ili tupate kujua chanzo cha matatizo yanayoikumba nchi hii. Kuna mambo mengi yanayotokea katika nchi hii, ambayo hatuelewi. Hatuelezwi. Kuna ufisadi. Mambo yamefichwa. Tungependa yafafanuliwe. Kamati hii itakuwa na jukumu la kuja Bungeni na kuelezea nchi, kwa jumla, juu ya ufisadi unaoendelea. Watu wanaleta mafuta halafu wanayaficha. Watu wanashindwa kusafiri. Gharama za usafiri zimekuwa za juu, na watu hawawezi kufanya shughuli zao.

Jambo hili limechangia sana kupanda kwa bei za chakula. Hakuna chakula nchini. Imekuwa shida kwa mtu kusafirisha mboga zake kutoka sehemu moja hadi nyingine, kwa sababu

ya gharama za juu za usafiri. Tunaiomba Kamati hii pia iangalie kwa undani ni vipi tunaweza kuzipunguza gharama hizi ili wananchi wapate nafasi ya kufanya shughuli zao.

Bi. Naibu Spika wa Muda, pia, ninaomba nigusie suala la wazee.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): I am sorry, hon. Mwadeghu, your time is up. I now call upon the Mover to respond.

Hon. Mover, hon. Members will appreciate if you could be gracious enough to donate at least a minute to each of a few hon. Members. You have ten minutes.

Mr. Namwamba: Madam Temporary Deputy Speaker, of course you know that I am quite magnanimous. Of my ten minutes, I will donate a minute each to hon. David Ngugi, hon. Sofia Abdi, hon. Charles Onyancha, hon. Elijah Lagat and hon. Sheikh Yakub, so that I will have five minutes within which to respond.

Mr. Ngugi: Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Mover. A motion like this is not a party Motion. It is not for ODM or for PNU or for Sisi Kwa Sisi. It is for the people of Kenya. It is the people of Kenya who are suffering. That is why when a Motion like this one comes to the House, you see that all the hon. Members support it. Therefore, I support this Motion and commend the Mover.

I also want to say that we are a very wasteful country. Even this Parliament is very wasteful. Parliamentarians the world over, including those of economically stable countries like the United States of America, travel in economy class. In this country, everybody in Government, including Members of Parliament, travel business class. That is really being wasteful.

Thirdly, we already have the National Hospital Insurance Fund (NHIF) but we now want to set up another medical insurance fund to duplicate this function; this will lead to further wastage of public resources.

With those few remarks, I beg to support the Motion.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Members, please, let us keep to our timing, so that we do not eat into the time of the respondent.

Mrs. Noor: Madam Temporary Deputy Speaker, I want to also support the formation of this Committee, and urge this House that the recommendations that are going to be made by the Committee should be taken very seriously. I say so because previously, there have been so many recommendations that came to this House, which were supposed to benefit innocent and vulnerable Kenyans, but this House slept on those recommendations.

So, I have requested this one minute to just say that the report of the Committee we are forming must be taken very seriously, because the problem we have now is affecting the vulnerable groups in this country, who include women and children. We cannot allow this situation, where everybody is crying, to continue. We cannot have a country where the child, the mother and the father of each household is crying. We cannot be a crying country.

With those remarks, I beg to support.

Mr. C. Onyancha: Madam Temporary Deputy Speaker, Sir, I rise in support of this Motion. I would like to start by saying that the Government is not doing enough. We have seen the Ministry of Agriculture mishandle issues of fertilizers, seeds, maize distribution, aflatoxin, *et cetera*. Therefore, I call upon the Committee we are forming to be very firm, so that we do not have the same problems recurring next year.

I would like this Committee to be able to identify failures in Government, and the people who are unable to deliver to *mwananchi*. Part of the problem we have is cartels, and corruption in the Ministry of Energy. How much does this contribute to the cost of living?

Madam Temporary Deputy Speaker, I would also urge that this Committee---

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Your time is up, hon. Charles Onyancha!

Yes, hon. Lagat!

Mr. Lagat: Thank you, Madam Temporary Deputy Speaker, for giving me a chance to contribute to this very important Motion. What is happening reminds me of what happened in history. In the American history, in the 1930s, there was an economic depression and the then President, Franklin Delano Roosevelt did something to solve the problem and that is what is required in Kenya at the moment.

The poverty rate is increasing and the country is not prepared to face the challenges that are brought about by the rising population. The unemployment rate is also increasing. Right now, we are working towards the Vision 2030, but it will be difficult for us to achieve this because of the problems that we are facing.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Member, your time is up.

Mr. Yakub: Asante sana, Bi. Naibu Spika wa Muda. Ninaunga mkono Hoja hii ambayo imeletwa na mhe. Namwamba.

Ningetaka Serikali ichukue jukumu la kupunguza kodi inayotozwa umeme na mafuta. Ningeomba pia iwaruhusu wanabiashara wote ambao waonaweza kuleta mafuta wafanye hivyo ili bei ya mafuta iwe nafuu kwa mwananchi wa kawaida. Ningeomba Kamati hiyo ishughulikie wafanyikazi ambao wamepewa nyongeza ya asilimia 12 ambapo gharama zimepanda kwa asilimia 25. Pia, ningeomba Serikali iwasaidie wakulima, wavuvi na wafugaji. Ningeomba pia Serikali iwasaidie vijana kwa kubuni nafasi za kazi.

Bi. Naibu Spika wa Muda, ikiwa Serikali itajishughulisha na maswala haya, gharama ya maisha itapungua maradufu.

Swala la afya ni muhimu sana kwa wananchi wetu. Ninaomba Serikali iimarisha afya ya wananchi wake.

Kwa hayo machache, ninaunga mkono Hoja hii.

Mr. Namwamba: Madam Temporary Deputy Speaker, I want to applaud this House for standing up tall today to actualize Article 28 of the Constitution on human dignity that guarantees every Kenyan dignity and Article 43 that guarantees the people of this country a raft of social economic rights to make their existence better.

We are just about to establish a platform that can enable this country to critically look at this challenge and offer tangible solutions. I also thank the ODM for sponsoring this Motion and the Members for rallying around this Motion notwithstanding our political affiliations. As I close this Motion, I want to ask the Government that even as we prepare to go into the business of interrogating these issues, to take immediate measures to make sure that the projected increase in fuel of Kshs6 in the next few days does not happen. Let the Government do whatever it takes to ensure that the cost of petrol, diesel and kerosene does not inch any higher than it already has.

Secondly, I want to urge the Government that out of the 2.8 million bags currently held in the strategic grain reserve, to release, at least, one million bags, to relieve the mounting pressure where millers are already warning of increase in the cost of maize meal and then use the money from that to import another one million bags to replace that in the strategic grain reserve. Thirdly, there are four hundred bags of maize that the Government is holding for famine relief. I urge the Government to release 200 bags to those families that are feeding on cats and other unimaginable delicacies, so that we can forestall the crisis that is building up across the country.

We are about to establish a Committee that hopefully will look into issues of cost cutting, social safety nets like the meal vouchers that we have in France, affordable energy and a better minimum wage that will enable us to move from rhetoric to action. I have every belief that with this Committee in place, together with the Government, this House will become part of the solution and not part of the problem. I am confident that this House will not hesitate to share in the pain of Kenyans when it comes to reducing the number of foreign travel and any expenditure that this House can cut. I want to believe that this House will stand tall to be counted and to share in carrying the burden of the people in this matter.

With that, I wish to move.

(Question put and agreed to)

ESTABLISHMENT OF OPINION POLLS CONTROL BOARD

Mr. Jamleck Irungu Kamau: Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, appreciating that the freedom of speech and information is a fundamental right for all Kenyans as enshrined in our constitution; realizing that this right ought to be exercised with utmost care and responsibility so as not to send false alarm and thus cause social disharmony; noting that recently there have been a proliferation of polls conducted by private entities and results which may not reflect the realities of the moment; aware that the country is geared towards a General Election next year; cognizant of the fact that propaganda and misinformation are potent tools for destabilization of peace and stability especially during electioneering period; this House urges the Government to develop a framework that includes an Opinion Polls Control Board for the regulation and conduct of opinion polls that are factual and adhere to the rule of law.

Madam Temporary Deputy Speaker, I want to start by stating what exactly an opinion poll is. In this case, a public opinion poll, as we all know, refers to a survey of public opinion gathered from a particular sample.

*[The Temporary Deputy Speaker
(Mrs. Odhiambo-Mabona) left the Chair]*

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

These opinion polls are designed to represent the opinions of a population by conduction of a series of questions and then extrapolating generalities in relation or within intervals. There has been a history of failures of opinion polls the world over. The best known failure today was in the United States where there was a prediction that Thomas Dewey would defeat Harry Truman in the 1948 US presidential elections. That never came to pass.

In the United Kingdom (UK), most polls failed to predict the Conservative victories of the 1970 and 1992 and Labour victories in 1974. In this country, we may not be very different. The effects of a public opinion poll on two competing interests must be looked at very seriously.

Mr. Temporary Deputy Speaker, Sir, I want to take you some years back, and not necessarily 2007, where you could have two competing interests. For example, we may have person A and person B going for the same seat, and the opinion polls continuously predict that Person A would win the polls by a landslide or wider margin. Later on when the elections are done, you find that the person who was being seen as the loser ends up being the winner. The first reaction that would come from the public is that the election has been rigged. These are the kinds of things that we want to remove and make sure that all polls conducted in Kenya adhere strictly to the rule of law and are conducted in a scientific manner that can stand the test of time.

In political competition, the main method of expressing support is casting a vote. In a democratic political market, citizens must make decisions that best serve their interests and the quality of available information critically relating to the quality of the decisions that they take. You are well aware that poor decisions sometimes would result from poor information and the opposite is also true. So, better information produces better decisions, as long as all other factors remain constant.

There are quite a number of things that came to my mind when I came up with this Motion. Sometimes when there are glaring imperfections in production and dissemination of political information, there will be need for Government intervention in form of regulation. The Government clearly has a role to play in regulating political information in the political market place to serve individuals' private interests as well as the public interests. In other jurisdictions, a study which was conducted in 1997 and commissioned in the international polling organizations found that 30 out of 78 countries had some kind of embargo concerning publication prior to elections day. The Council of Europe, for example, with its member states has discussed the need to harmonize national legislation about election polls. In 1999, the Council of Europe issued some recommendations concerning media coverage of opinion polls. This included that any opinion polls conducted must name the political party, other organization or person who commissioned and paid for that poll. There was also need to identify the organization conducting the polls and especially, the methodology used to conduct these polls. There was importance in indicating the sample size as well as the margin of error. Also, the dates and the period when the poll was conducted were important, so that they could be clear to everybody.

Mr. Temporary Deputy Speaker, Sir, on that law that was founded in 1999 in Europe, the provision under Section 326 was to address concerns that without the presence of specific regulations, citizens do not receive adequate methodological information for evaluating opinion poll results. That law's aim was to standardize the methodological information that is transmitted to citizens as new polls appear and ensure that consumers are able to retrieve more comprehensive information if they so desire. Much of that law's intent is contained in subsection 1 which regulates the communication of polling organizations as well as the print, electronic and broadcast media. The enforcement provisions of that Act are not incidental or frivolous. The valuation of the sections concerning opinion polls in that law are summary offences for which maximum penalties of up to US\$1,000 fine or even three months imprisonment or both is indicated.

As we move forward, we know for sure that opinion polls which are credible must be conducted in a scientific manner. In our case in this country, I do not want to entirely say that these opinions are not conducted in a scientific manner. However, there is need for us to satisfy ourselves and the country at large, that any opinion poll conducted in this country is, indeed, carried out in a scientific manner. I would not like to say that we should not have opinion polls. We need to have opinion polls, but they must be very clear. They should be able to, at any one

given time, show us the methodology that was used to get the sample and questions which were used. I do not doubt that all the polls conducted in this country may not necessarily be credible. It is important, for example, to know the population size. Where exactly are you conducting that poll? You may not be able to go to the whole population and, therefore, you must use a sample. That is where the key thing is. This sample must be as representative as possible to the population. That is where problems come in. Let me give a scientific example; if you have a population A and another population B somewhere, and population A is double the size of population B, meaning clearly that the size of population A is twice of B, when you get a sample in each of these two populations which are equal, then clearly it means that, that particular sample is not representative enough. Those are the issues that we are talking about. If you look at a political opinion poll, we might put questions to some people, but how sure are we that the people we are asking questions at the end of the day, are the people who will even vote? How sure are we that these people are even registered as voters? How sure are we that these people are even Kenyans? These are some of the things that we need to make sure that we have proper laws in this country that will regulate the opinion polls.

Mr. Temporary Deputy Speaker, Sir, the issue of methods used in data collection is also of utmost importance. Do we use a questionnaire or simply make telephone calls and find out what people are thinking and say that we have conducted a poll? Do we go to the supermarket, wait outside for people and ask them questions as they go in? At the end of the day, the question will be: Is this sample representative enough? To me, that answer must be given by people who are qualified, understand statistics and know how polls are supposed to be conducted so that we can have a fair poll at the end of the day.

Mr. Temporary Deputy Speaker, Sir, there are others who have no basis whatsoever with regard to scientific methods that are used in opinion polls. I will give you a very good example. If you look at the opinion polls sometimes conducted by the media, you will note that these polls normally have closed-ended questions meaning that the answer is either expected to be a “yes” or a “no”. Yet, it is said this is an opinion poll. We do not know exactly where the people who are texting these answers are from. For example, you may have one person sending about 100 text messages on the same question. You do not even know whether these people who are responding to these questions are even Kenyans.

So, these are some of the reasons why we want to make sure that we use proper scientific methods when these polls are being conducted.

Mr. Temporary Deputy Speaker, Sir, we are aware that the results of an electoral opinion poll influence voters to vote one way or another. That is the reason why credibility is of utmost importance as we move towards making sure that we have proper laws in this country to regulate the opinion polls conducted in Kenya.

That is the reason why it is my strong opinion that in order to avoid any Tom, Dick and Harry as well as foreign masters, who may be keen to influence the political agenda in this country for their selfish needs, this House needs to come up with a framework to establish an Opinion Polls Control Board that will regulate the conduct of opinion polls in this country.

Mr. Temporary Deputy Speaker, Sir, I move the Motion and call upon Mr. Mututho to second it.

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to, first and foremost, thank Mr. Jamleck Kamau for his well thought out Motion. I want at the onset, to say that opinion polls in all countries that we consider western, civilized or first world, are an integral part of the election laws of that country. It is so important that they thought it necessary

to put it into the statutes of that particular country. I will be going to that shortly and referring to Canada, Singapore, Russia, the United Kingdom and other countries that we consider generally to be fair, in the way they promote democratization through opinions.

Mr. Temporary Deputy Speaker, Sir, what is common in our opinion polls is not the inherent error of stating who is likely to win. They lack one very critical and crucial ingredient; that is the sponsor of that particular opinion poll. In all the laws that I have studied, they all insist that we must state the methodology and the sponsor. Unless we do so, then we have a problem.

I may, for instance, because I am vying for Naivasha, decide to sponsor an opinion poll which is geared towards favouring me because of my politics. In such a case, that opinion poll should not be published.

I want to look at Section 3.7 of the Canadian Electoral Laws, and with your indulgence, hon. Members, I will read for you so that you understand what they really feel about opinion polls. Section 326(1) States as follows:-

“The first person who transmits the results of an election survey other than a survey that is described in Section 327 to the public during the election period and any person who transmits them to the public within 24 hours after they are first transmitted to the public must provide the following together with the results:-

- (a) The name of the sponsor of the survey.
- (b) The name of the person or organization that conducted the survey.
- (d) The date at which the period during which the survey was conducted.
- (d) The population from which the sample of respondents was drawn.
- (e) The number of people who were contacted to participate in the survey and, if applicable, the margin of error in respect to the data obtained.”

Mr. Temporary Deputy Speaker, Sir, what we are saying in essence is that whoever plans to have an opinion poll must also be bold enough to identify himself/herself or the organization where he comes from. When releasing such results, he should also be able to tell us in a language we can understand whether his “Kenya” means “central Kenya.”

We have in the past seen politicians whom, when you talk of Kenya they only see their area. If their area is not affected, then that is not their country. If such people conducted any opinion poll, such opinion polls will be domiciled there because they are likely to give very misleading results.

That, perhaps, might explain why, in the Wikileaks which everybody was talking about, they said that opinion polls and whatever they projected was not accurate. This inaccuracy has been reported severally all over the world. That is why there is need to have regulation. Perhaps, we need to note that some of the people who are very respected broadcasters like BBC have gone a step ahead and improved on already existing British laws on how you conduct a survey.

Mr. Temporary Deputy Speaker, Sir, I want to say that the BBC observed in their editorial policy and had this to say:-

“The absence of legislative prohibition has been explained by the British media commitment to self regulation and impartiality. The British Broadcasting Corporation (BBC) for example, has internal guidelines on reporting opinion polls that have reportedly been effective for a number of years.”

What I am trying to say here is that the thing is so sensitive that such respectable organizations like CNN, BBC and other organizations in Singapore and Russia, have found it necessary to have very candid regulations on how they handle the opinion polls. If you look at the case for the BBC, they prohibit online opinion polls. We have never heard the BBC call upon

people to come and give their opinion. We know in Kenya that only four families own the media here. The four families can meet over a cup of tea and decide that the most popular candidate is not popular anymore and tomorrow they start giving it another way. So, generally, they will not allow opinion polls through online transmission or otherwise.

They also say that a large sample does not necessarily mean accuracy. It cannot be a remedy for inaccuracy. I may wish, and please you will excuse me, I am not being tribal, but I will talk about the Kikuyus in this country. You may wish to take a population of 2 million people across Kenya and you are asking them who is the likely presidential candidate. You conveniently go to pockets where there are Kikuyu populations and you get a very big sample. What result do you get? About 90 per cent will say a Kikuyu president. That is not the opinion of Kenyans. The methodology so selected must be scientific. It must be non-biased. It must have a legal framework for regulating that kind of thing.

The other point is that the people who sit and give the results of that opinion poll should not be limited to just two people like we normally see in the television every now and then. There is an elderly gentleman and a young lady who speak and they will describe Kenya more than the Kenyans themselves. But I guess he is a Kenyan. Maybe he has been here for 40 years. When you look at that kind of thing, it sways people's thinking and this can be a recipe for disaster.

Mr. Temporary Deputy Speaker, Sir, you saw one of the presidential candidates before the other general elections drop from 34 per cent to almost nothing. Such things create great disharmony. We need to know how the sample that was reflecting 34 per cent was collected. How come it changed all of a sudden? Now, we have our popular candidates and if you do not show clearly what methodology you are using and it continues rising or falling, then you are cultivating very strong emotions among the people involved and it is again a recipe for disaster.

Mr. Temporary Deputy Speaker, Sir, the timing of the polls is also regulated. You must calculate the people's emotions. If people are already involved in the International Criminal Court (ICC) case, please do not come and call for polls which are related to that particular nature. I quote from hon. Namwamba this morning. He said: "We should be able to rise above party lines." We should be able to come up and draw sense from nonsense and instill logic as our call in this august House so that, people who give opinion polls on John Mututho, let it be an expression of the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, while seconding this Motion, I want to caution Members that a lie repeated so many times becomes the truth. It will be important that opinion polls are accurate in nature. For future harmony of all communities, we need a legal mechanism that will regulate that.

I beg to second.

(Question proposed)

Mr. Namwamba: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, let me express my disappointment that a Motion of this significance – and which is really critical - is being debated in a near empty Chamber. When you look at the public gallery, you will see young Kenyans eagerly here to witness the leaders of this country thrash out issues of this significance. One can only stare down at a very poorly attended session. This is disappointing. It is indeed shameful and I think hon. Members need to take the business of the House more seriously.

Mr. Temporary Deputy Speaker, Sir, let me start by saying that what we are doing by discussing this Motion especially, is that we are now starting to grow and effect the Constitution. We are starting to grapple with issues which will determine which direction the constitutionalism in this country takes root. This Motion touches very directly on certain fundamental rights and freedoms enshrined in the Constitution which, for the record, I wish to bring to the attention of the House.

I wish to bring to the attention of the House Article 33 of the Constitution that guarantees freedom of expression. That freedom includes the freedom to seek, receive or impart information or ideas, freedom of artistic creativity and, especially, Article 33(1)(c) that guarantees academic freedom and freedom of scientific research. It is under this scientific research that the science of opinion polling falls.

Mr. Temporary Deputy Speaker, Sir, I also want to draw the attention of the House to Article 34 of the Constitution that guarantees freedom of the media and, especially, Article 34(2)(a) and (b) that guarantees the following:-

“The State shall not exercise control over or interfere with any person engaged in broadcasting the production or circulation of any publication or the dissemination of information by any medium. That is a guaranteed freedom in the Constitution. The same Constitution, at Article 27, guarantees equality and freedom from discrimination; essentially, that the State must not take any measure that amounts to discrimination.

Mr. Temporary Deputy Speaker, Sir, having said that, the same Constitution also celebrates the principle that those of us from the legal profession know. There can be no right without responsibility. Those who enjoy these freedoms and liberties must also be responsible. That is why Article 24 of the same Constitution provides a framework for limitation of rights and fundamental freedoms. Indeed, there is a framework within which we can limit the rights that have been guaranteed in this Constitution. For the record, Article 24 (1) states that:-

“A right of fundamental freedom in the Bill of Rights shall not be limited except by law and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors including:-

- (a) the nature of the right of fundamental freedom;
- (b) the importance of the purpose of the limitation;
- (c) the nature and extent of the limitation;
- (d) the need to ensure that the enjoyment of the rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others; and,
- (e) the relation between the limitation and its purpose and whether there are less restricted means to achieve the purpose.

Mr. Temporary Deputy Speaker, Sir, the reason why I draw our attention to these constitutional clauses is that what this Motion attempts to achieve is not just any other matter. This Motion attempts to put in place a framework to limit a constitutional right, the right and freedom guaranteed by the Bill of Rights. The only avenue the Constitution provides for achieving that is through legislation. Therefore, my fear and concern is that whereas the intentions of this Motion are very noble--- None of us wants to witness rogue opinion polls. None of us wants to see reckless information published in the name of opinion polls that can cause disaffection that can tear this country asunder. However, at the same time, in seeking to attain that noble goal, let us not also violate the same Constitution. Therefore, I want to plead with the Mover of this Motion that looking at all the examples that have been shared here--- The

example of the UK, Canada and Russia; all those are examples of legislation, and not subsidiary measures taken by the State. They are measures through legislation.

I want to urge the Mover of this Motion - I am reliably informed that he is on the road to bringing a Bill to this House - that we instead use a legislative path to attain the same end, and not send the wrong message that we are attempting to introduce censure of media, and censure of information through the window. That will be a wrong message; it will be a message which, especially at this time when we are fast tracking implementation of the Constitution, might just send the wrong signal that this house is not committed to implementing the Constitution fully.

Therefore, I reluctantly oppose this Motion and urge the Mover of this Motion to bring a Bill that can attain the same end.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, first of all, I want to support this Motion. Of course, I will support it with amendments. It must really be in tandem, or in line, with the new Constitution. It must never undermine our Constitution, which we fought for so dearly.

In supporting this Motion, I want to say that in this country a politician can actually form a company of his choice to do opinion polls for himself or herself. This is extremely dangerous. If this situation is not addressed---

The Temporary Deputy Speaker (Mr. Mbadi): Order! Mr. Kamama, you will have a balance of nine minutes next time, if you will wish to continue.

ADJOURNEMENT

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

The House rose at 12.30 p.m.