

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th December, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table.

Report of the Departmental Committee on Defence and Foreign Relations on the visit to the Military Training Area in Ngong.

Report of the Departmental Committee on Defence and Foreign Relations on the visit to the British Military Training Area in parts of Samburu East.

(By Mr. Keynan)

Report of the Joint Committees on Administration and National Security, Lands and Natural Resources, Local Authorities and Transport, Public Works and Housing on Demolitions and Evictions in Syokimau, Kyang'ombe, KPA, Maasai and Mitumba Villages and Eastleigh.

(By Mr. Musyimi)

NOTICES OF MOTIONS

ADOPTION OF REPORT ON BRITISH MILITARY TRAINING AREAS IN SAMBURU EAST

Mr. Keynan: Mr. Speaker, Sir, I beg to give notice of the following Motions:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the visit to the British Military Training Area in parts of Samburu East laid on the Table on Wednesday, 7th December, 2011.

ADOPTION OF REPORT ON MILITARY TRAINING AREA IN NGONG

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the visit to the Military

Training Area in Ngong laid on the Table on Wednesday, 7th December, 2011.

ADOPTION OF REPORT ON DEMOLITIONS /EVICTIONS
AROUND AIRPORTS IN NAIROBI

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

THAT, this House adopts the Report of the Joint Committees on Administration and National Security, Lands and Natural Resources, Local Authorities and Transport, Public Works and Housing on the demolitions and evictions in Syokimau, Kyang'ombe, KPA, Maasai and Mitumba Villages and Eastleigh laid on the Table on Wednesday, 7th December, 2011.

QUESTIONS BY PRIVATE NOTICE

EVICITION OF KYANG'OMBE/MAASAI RESIDENTS

(Ms. Karua) to ask the Minister for Transport the following Question by Private Notice:

(a) Why were the residents of Kyang'ombe and Maasai villages in Embakasi area, Nairobi, evicted without notice?

(b) Why has the Government not provided the residents with alternative settlement?

(c) What measures has the Government taken to offer assistance to the evictees?

Mr. Speaker: Member for Gichugu not here? The Question is dropped.

(Question dropped)

CRITERIA FOR DETERMINING PRICES OF PETROLEUM PRODUCTS

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

(a) Could the Minister provide a breakdown on consumption of all petroleum products in the country on a monthly basis?

(b) What criteria is used by the Energy Regulatory Commission (ERC) in determining the prices of petroleum products?

(c) What measures is the Minister taking to cushion Kenyans against the spiraling prices of petroleum products?

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Speaker, Sir, I beg to reply.

(a) The consumption of petroleum products in the country from January, 2011 to October, 2011 is as follows: Super Petrol; an average of 42 million litres per month,

totaling to Kshs504,206,000 for that period; Automotive Diesel, an average of 125 million litres per month totaling to Kshs1,180,508,000 for that period; Kerosene, an average of 25 million litres per month totaling to Kshs234,896,000 for that period; Regular Petrol, an average of 3 million litres per month totaling to Kshs31,401,000 for that period.

(b) The key parameters that drive the pump prices are the international prices of petroleum products, the Kenya shilling to the US dollar exchange rates, distribution costs for road and pipeline, taxes, levies and marketing margins. The effect of some of these parameters, that is international prices of products and exchange rates lag, hence a change in either of the two may be reflected at a later price calculation.

(c) My Ministry, in collaboration with the Office of the Deputy Prime Minister and Ministry of Finance, has taken the following measures:

1. In April, 2011, the Deputy Prime Minister and Minister for Finance reduced the Excise Duty for kerosene and diesel by 30 per cent and 20 per cent respectively.

2. In June, 2011, the Minister further zero-rated the Excise Duty on kerosene.

In addition, the Ministry has ongoing and planned projects aimed at not only ensuring affordable petroleum prices but also securing supply. These include:

1. Installation of Line 4 to western Kenya by the Kenya Pipeline Company (KPC). This will reduce the distribution cost in the western Kenya region. The line is now doing test runs.

2. Planned construction of a floating jetty by National Oil Corporation of Kenya (NOCK). This will reduce freight costs as large vessels will be able to dock in Mombasa and at the same time reduce costs associated with demurrage.

3. Planned upgrading of the Kenya Petroleum Refineries Limited (KPRL). The upgrading will help KPRL to increase refining efficiency and produce petroleum products in a more cost effective manner.

4. The Ministry has also put plans in place to ensure that the country establishes and maintains 90 days strategic stocks. This will cushion Kenyans against price spikes and disrupted shortages.

Mr. Mwaita: Mr. Speaker, Sir, this is a very comprehensive answer and I wish to thank the Assistant Minister for it. In his answer, he talked about the floating jetty. When will this be put in place by the NOCK?

Eng. M.M. Mahamud: Mr. Speaker, Sir, this is at the level of a feasibility study. We want to involve the private sector in the financing of that construction; we hope this will be in place by 2014.

Mr. K. Kilonzo: Mr. Speaker, Sir, could the Assistant Minister tell this House, much as he says that they have got a way of determining consumption of petroleum, why there is always the problem of fuel shortage in this country. There is no Super Petrol in the country now. How then do they determine what will be used? What is he going to correct now that Kenyans are suffering?

Mr. Speaker: Order, Member for Mutito! Which question are you choosing among those three?

Mr. K. Kilonzo: Mr. Speaker, Sir, the Assistant Minister talked of there being a basis for determining the monthly consumption of petrol. Why is it that now we have a crisis? There is no unleaded fuel in Nairobi and other parts of the country. What is he doing about it?

Eng. M.M. Mahamud: Mr. Speaker, Sir, first of all, the oil marketing companies are required by law to remit their sales data to the Ministry of Energy every quota. That is how we know the consumption pattern in the country. The data is consolidated and shared with other stakeholders. That is how we get the details about consumption per month.

Mr. Speaker, Sir, the petroleum infrastructure in this country is very inadequate. We have constraints of pipelines, storage, jetties and so on. I talked of a jetty which we want to be enlarged because only one ship can dock at a time. Again, the storage at Kipevu is limited. Any little disruption will affect the situation. As far as the Ministry is concerned, there is enough fuel in the stocks with KPC. There is some concern that companies are not picking the fuel. There is nothing the Ministry of Energy gets by keeping the fuel in the storage. There is a problem because the off take by the KPC from the storage tanks is not adequate.

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. The question the hon. Member asked the Assistant Minister is about the current crisis of fuel. Is he not in order not to answer that particular question?

Eng. M.M. Mahamud: Mr. Speaker, Sir, in the Ministry, we are actually blaming the oil companies for not taking fuel from the storage. There is enough fuel on our side.

Mr. Chanzu: Mr. Speaker, Sir, the Assistant Minister talked of the 90 days stocks that they have now realized they should be keeping. Why does it take the Government too long to realize that they need to have these stocks to be in a position to counter the kind of situation we are facing now?

Eng. M.M. Mahamud: Mr. Speaker, Sir, to realize that stock you need to have adequate storage for the petroleum products. We also need to duplicate the pipeline from Mombasa to Nairobi. We are looking for financing for this. We expect the Line 1 – Mombasa to Nairobi – to be finalized by 2013. We are also asking the private sector to come in and build storage tanks. That is why we do not have the 90 days storage capacity.

Mr. Mureithi: Mr. Speaker, Sir, when the dollar appreciates, the price of petroleum goes up very first. Since the dollar depreciated over two weeks ago, why has the price of petroleum not gone down in order to reduce the current burden on Kenyans?

Eng. M.M. Mahamud: Mr. Speaker, Sir, that is a valid question. I mentioned earlier that petroleum products are booked in advance. The effect of the dollar drop will be realized this month.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has talked about the stocks they keep at the Coast Province. Recently, we had a fire accident in Nairobi and this almost caused the country to come to a standstill as far as the supply of fuel was concerned. Could the Ministry consider getting some stocks to the western part of this country, so that when there is an accident here then other people can get fuel?

Eng. M.M. Mahamud: Mr. Speaker, Sir, that is actually why we are commissioning Line 4 – Nairobi-Nakuru – so that fuel can be picked in Nakuru instead of lorries congesting the joint depot in Nairobi.

Mr. Mwangi: The Assistant Minister avoided answering the question on the action the Ministry is taking to address the shortage of fuel, including diesel, which

affects the ordinary farmers. What steps is the Ministry taking to address this shortage that is affecting even farmers?

Eng. M.M. Mahamud: Mr. Speaker, Sir, we have requested all the oil companies which have stocks in our storage tanks to evacuate them as soon as possible, failing which they will be penalized.

Mr. Muthama: Mr. Speaker, Sir, I would like to address part (c) of the Question. I want the Assistant Minister to accept that it is extremely difficult for the Ministry to cushion Kenyans against the rise in the prices of petroleum. According to the information that was given in this House, petroleum products are imported once a month by one company. That is the cartel that controls the price of petroleum products. Could he confess that it is extremely difficult to control the price of petroleum products, and that Kenyans will continue to be exploited by those cartels?

Eng. M.M. Mahamud: Mr. Speaker, Sir, petroleum prices were liberalized in 1994. What we are doing now is trying to put a cap on the price. We are not controlling the prices. We are saying that this is the maximum we can go. The formula we are using is an international formula, which is used everywhere. So, we cannot actually control the price of petroleum products. It is out of our hands. It depends on the international oil prices and the currency exchange rate fluctuations. If we, however, create the right environment for companies to compete properly by having proper infrastructure, that is proper pipelines and storage tanks, then we hope these prices will come down, and at some stage, the competition will become even. Right now, we only have one jetty and ships queue there. You can only discharge one ship at a time. The capacity is also limited. With improvement of infrastructure, we hope the price will actually stabilize.

Mr. Mwaita: In his answer on what the Ministry is taking to cushion Kenyans, the Assistant Minister said that in April, 2011, they reduced the Excise Duty on diesel. Between April and now, given the crisis of the exchange rate of our shilling, could the Ministry, in conjunction with the Office of the Deputy Prime Minister and Ministry of Finance, consider further reducing the Excise Duty on diesel, so that we can assist the farmers?

Eng. M. M. Mohamed: Mr. Speaker, Sir, that is a valid question. We will consult the Deputy Prime Minister and Minister for Finance and see what is possible.

ILLEGAL ALIENATION OF LAND BY NYAMBENE
COUNTY COUNCIL CLERK

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

(a) Is the Minister aware that the Clerk of the Nyambene County Council has unlawfully alienated 1,000 hectares of public land to private developers, including himself?

(b) Could the Minister provide a list of beneficiaries (including the respective acreage) of the irregularly alienated land?

(b) What steps has the Minister taken to revoke the illegal alienation?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I seek your indulgence on this matter. I have discussed this with the hon. Member. The Question as put is so general that I am not able to give it the answer that will deal with the intent of the

Question substantively. So, my office has written to him to give me particulars of where that piece of land is. He should give me more particulars to enable me to answer the Question appropriately, particularly in view of the fact that Nyambene is still trust land. Trust land is vested in the county council. Unless these allegations are particularized, I will be unable to give an appropriate answer.

Mr. Speaker: Fair enough, Mr. Minister! In your discussion with the hon. Member for Central Imenti, did you agree on how long you require to deal with the matter?

The Minister for Lands (Mr. Orengo): I understand that he has already forwarded information to my office, but I did not see it. But, next week will be appropriate.

Mr. Speaker: You are able to do it next week Thursday? Will it give you enough time?

The Minister for Lands (Mr. Orengo): Thursday or earlier so long as it is not this week.

Mr. Speaker: So long as it is not this week?

The Minister for Lands (Mr. Orengo): Yes.

Mr. Speaker: Then I will direct that you answer it on Wednesday morning.

The Minister for Lands (Mr. Orengo): Much obliged, Mr. Speaker, Sir.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Very well. Next Question by Member for Nyakach!

Question No.1235

NUMBER OF DEATHS DUE TO FAMINE SINCE 2009

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

(a) whether she could state to the House how many people have died in each district in the country due to famine since 2009;

(b) to state what the food deficit in the country is since 2009;

(c) what measures she will take to ensure that residents of Nyakach Constituency, who are adversely affected by the prolonged drought, are provided with sufficient relief food.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): Mr. Speaker, Sir, I beg to reply.

(a) I am unable to provide the number of people who have died in the country due to famine. That is because, whereas famine may give rise to life threatening diseases, it is not a disease in itself.

(b)The food deficit based on major crop production in the country has been as follows:-

(i) With regard to maize; there was a deficit of 807,178 metric tonnes in 2009. It is projected that there will be a deficit of 235,020 metric tonnes in 2011.

(ii) With regard to beans; there was a deficit of 81,598 metric tonnes in 2010.

(iii) With regard to wheat; there was a deficit of 852,699 metric tonnes in 2009 and 560,007 metric tonnes in 2010. It is projected that there will be a deficit of 823,725 metric tonnes in 2011.

(iv) With regard to rice, there was a deficit of 334,037 metric tonnes in 2009 and 334,958 metric tonnes in 2010. It is projected that there will be a deficit of 344,640 metric tonnes in 2011.

(c) Mr. Speaker, Sir, Nyakach is not one of the constituencies that are perpetually affected by prolonged droughts. However, when need arises, the Ministry provides relief food. In August this year, the Ministry provided the constituency with 300 bags of maize, 100 bags of beans, 50 cartons of cooking oil and cash amounting to Kshs75,000 to transport the allocated food. Further, the Government, in anticipation of short rains that sometimes adversely affect Nyanza and Western regions, the Government has prepositioned food and non-food items that can quickly be mobilized in the event of floods. In Nyakach Constituency, the Ministry has prepositioned 1,000 bags of maize, 300 bags of beans, 50 cartons of 6 by 3 litre cooking oil, 100 blankets, 100 jericans, 200 mosquito nets, 50 boxes of sanitary towels and 50 boxes of soap.

Mr. Ochieng: Mr. Speaker, Sir, Nyakach has been receiving relief food since time immemorial because of the drought. I wonder why the Assistant Minister has denied on the Floor of the House that this time round, they will only do it when the need arises. I can table documents from his office to indicate how we have been receiving relief food on a monthly basis for the last three years. Could he confirm that there is something that has gone wrong in his Ministry and that is why they cannot give us food?

Mr. Gabbow: Mr. Speaker, Sir, if the hon. Member tables document to show that Nyakach is one of the arid districts that receive relief food, then we will definitely reinstate it and provide it with relief food.

Mr. Pesa: Mr. Speaker, Sir, reading from the answer given by the Assistant Minister, I regret to say that it is more or less history. At the moment, the Assistant Minister should not talk about Nyakach experiencing drought. Instead, the people of Nyakach are affected by floods. That is common knowledge in Kenya today. What is the Assistant Minister doing to ensure that the water, which is running to the lake, can be captured in dams so that the people of Nyakach can benefit by growing crops during the drought?

Mr. Gabbow: Mr. Speaker, Sir, my Ministry is not concerned with harvesting of water. That is the responsibility of another Ministry and I think the question should be redirected to the right Ministry. However, regarding the floods, I have said that we have repositioned 1,000 bags of maize and other non-food items. When there are floods, we provide those items. We even visited the affected areas recently. We are available and ready to provide food and non-food items.

Mr. Olago: Mr. Speaker, Sir, the problem that we have in the Ministry of State for Special Programmes is proper record keeping in the sense that the Ministry is not able to distinguish different districts from each other. Every time food is destined to Kisumu Town West, which is Kisumu Town East District, it goes to Kisumu West District which lies in another constituency. Could he confirm to the House that the records held by the Ministry are in order and they know which district should get how much per month?

Mr. Gabbow: Mr. Speaker, Sir, the Ministry is in the process of establishing a database for all the districts and we are modernizing. We are going electronic and so, the situation will improve soon.

Mr. Njuguna: Mr. Speaker, Sir, while I thank the Assistant Minister for the answer that he has given, it is still in our mind that recently, we saw Kenyans starving to death, particularly in North Eastern Province. What clear steps has the Ministry taken to ensure that Kenyans do not die of hunger in future?

Mr. Gabbow: Mr. Speaker, Sir, it needs the efforts of the whole Government and other Ministries to make sure that this country is food sufficient. As a Ministry, we are working with other Non-Governmental Organizations (NGOs) like the Red Cross and the World Food Programme (WFP) to make sure that we are able to give food during those hard times. However, it is the responsibility of all of us, as a Government, to make sure that this country has other programmes which can sustain food supply to the people. I am sure this cannot just be done by the Ministry of State for Special Programmes alone. So, we call upon other arms of Government to come up, so that we are able to feed this country.

Mr. Ochieng: Mr. Speaker, Sir, the Assistant Minister has talked about a very huge deficit in maize stocks. What does he intend to do to bridge that gap? It is very huge.

Mr. Gabbow: Mr. Speaker, Sir, kindly, I will ask the Questioner to repeat his question.

Mr. Speaker: The Questioner has said that in your answer, you have indicated that there is a big disparity between what is supposed to be in storage and what is actually there. What are you doing to close that gap?

Mr. Gabbow: Mr. Speaker, Sir, food production and other development programmes are under the Ministry of Agriculture. I hope the Ministry will give its plans as to what it is doing to make sure that the Government is able to produce enough food and cushion that deficit.

Mr. Pesa: On a point of order, Mr. Speaker, Sir. While I agree with the Assistant Minister that it is not his docket, but they can ask for more funds so that they can breach that gap. Is he in order to mislead the House?

Mr. Speaker: Order! That is not a valid point of order. You have volunteered an opinion that differs from the Assistant Minister's.

Next Question by Mrs. Odhiambo-Mabona!

Question No.969

DANGERS OF "FADED JEANS"

Mr. Chanzu, on behalf of **Mrs. Odhiambo-Mabona**, asked the Minister for Industrialization:-

(a) whether the Government is aware that most "*faded jeans*" are made using sandblasting, which can cause illness or death;

(b) whether the Government is aware that most International Clothing Companies such as Marks and Spencer, Levis and H&M stopped their usage in December 2010; and,

(c) what the Government is doing to warn Kenyans, particularly young persons, against the dangers of such clothing.

Mr. Chanzu: Mr. Speaker, Sir, however, the Minister has not provided a written answer.

Mr. Speaker: The Minister for Industrialization, what is your position?

The Minister for Fisheries Development (Mr. Kingi): Mr. Speaker, Sir, I had a word with Mrs. Odhiambo-Mabona and since she did not have a copy of the written answer, we agreed that I should answer this Question tomorrow.

Mr. Speaker: Very well. I direct that the Question appears on the Order Paper tomorrow afternoon at 2.30 p.m.

(Question deferred)

Question No.1030

ASSAULT ON LAWRENCE OYUGI BY BRITISH SOLDIER

Mr. Yakub asked the Minister of State for Defence:-

(a) whether he is aware that Mr. Lawrence Okinyi Oyugi (ID No. 25532536) was assaulted by a British Soldier, LCpl. Smith (Service No. 2522329), at the Nanyuki Barracks on 2nd April, 2009 and, if so, what disciplinary measures were taken against the soldier; and,

(b) what measures the Government is taking to ensure that Mr. Oyugi gets assistance to cater for his further medical needs.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, I beg to reply.

(a) Yes, at about 2359 hours on 2nd April, 2009, Mr. Lawrence Okinyi Oyugi reported to Nanyuki Police Station that he had been assaulted by a white man at Club Quest in Nanyuki where he sustained a severe injury on his left ear. The police advised him to seek medical assistance and report back to the police for further assistance. The matter was recorded in Occurrence Book No.2/2/4/2009 at about 0031hours. The gentleman did not return to the police station again. However, when the police inquired from the British Military Police, they were informed that the gentleman reported to them and agreed in writing to let the matter settle amicably.

(b) A copy of the letter written and signed by Mr. Oyugi himself in his own handwriting agreeing that he had been compensated and the matter settled is attached and given to the Questioner. Therefore, the Government has no obligation in provision of further medical assistance to that gentleman.

Mr. Yakub: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the reply. He has mentioned in part (b) of the answer that he has attached the agreement of compensation but I do not have it. Could he table that attachment that he has mentioned in his reply and also the written agreement? He has said that they agreed to settle the matter amicably. Those two documents should be tabled.

Maj-Gen. Nkaisserry: Mr. Speaker, Sir, there is no agreement in this issue. The gentleman wrote this letter which I will table agreeing that the matter be settled amicably

and compensation given to him. Therefore, the Government will have nothing to do in this case.

(Maj-Gen. Nkaisserry laid the document on the Table)

Mr. Letimalo: Mr. Speaker, Sir, Mr. Oyugi was assaulted by a British soldier. I am on record as saying that we have had several cases where British soldiers are actually mishandling Kenyans. What precautionary measures has the Ministry taken to ensure that these British officers do not harass Kenyans again?

Maj-Gen. Nkaissery: Mr. Speaker, Sir, the Ministry of State for Defence has got no right to limit the freedom of citizens. If they want to visit clubs and meet with British soldiers and get clobbered, it has nothing to do with the Ministry of State for Defence.

Mr. Yakub: Mr. Speaker, Sir, I was waiting for you to give a ruling on the document that has just been tabled before I ask my supplementary question

Mr. Speaker: I do not have to give any ruling on this document. It speaks for itself. You may look at it---

Mr. Yakub: So, I am allowed to go through it?

Mr. Speaker: Order, Mr. Yakub! The document will be passed to you just now and you are at liberty to go through it and ask your last question later on. We will give you a bit of time.

Next Question, Member for Karachuonyo!

Question No. 1124

REMOVAL OF WATER HYACINTH
FROM LAKE VICTORIA

Mr. Speaker: Is the Member for Karachuonyo not here? I have no indication as to where the hon. Member is. The Question is dropped

(Question dropped)

Mr. Yakub, are you ready to ask your question?

Mr. Yakub: Mr. Speaker, Sir, going through the document that has just been tabled, there is no authenticity that the person who signed this letter is the same person. I would like to have more time to consult with Mr. Lawrence Oyugi.

Mr. Speaker: Yes, I understand your position, Mr. Yakub. You may retain a copy of the document. After you hand it back to the Clerks-at-the-Table, they will make a copy for you. You can then study it, verify it, subject it to expert examination, if you wish. You can revisit the matter at any time that you indicate so to Mr. Speaker.

Mr. Yakub: Thank you, Mr. Speaker, Sir. Much obliged.

Mr. Speaker: That should settle the matter then for the moment. That brings us to the end of Order No.6.

Next order!

MINISTERIAL STATEMENTS

Mr. Speaker: Any Statements ready for delivery? We want to take those first.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I have a Statement which was requested by the hon. Member for Naivasha, Mr. Mututho. I do not see him here.

Mr. Speaker: You may issue the Statement!

INTENDED PURCHASE OF WIYUMIRIRE LAND

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, on 24th November, this year, Mr. Mututho, the Member of Parliament for Naivasha requested for a Statement with regard to the intended purchase of the piece of land generally referred to as Wiyumirire ecologically classified a cold desert and a wildlife fruit of Solio Ranch both located in Laikipia County for Internally Displaced Persons (IDPs) based in Naivasha and the adjacent IDP camps.

Mr. Speaker, Sir, he had asked me to consider the following matters and clarify:-

1. What informed the decision by the Ministry in purchasing the two pieces of land and indicate the *bona fide* owners of the Wiyumirire piece of land.

2. Explain why the IDPs were forced to settle on the said land, the unsuitability for human habitation notwithstanding and confirm whether those who were already settled there will be relocated to a suitable land.

3. To explain the action being taken, if any, against those persons who advised the Government to procure the said land.

Mr. Speaker, Sir, I now wish to respond as follows:-

LR. No. 15146/17/18 generally referred to as Wiyumirire measures approximately 4,565 and 470 acres, respectively. They are allocated in Laikipia County. They were offered for sale through expression of interest in February last year through Kahari and Kiai Advocates. The farms are co-owned by Zacharia Kimemia Gakunju, Moses Mbugua Mwangi and Samuel Mbugua Kibathi.

LR. No. 111571/6 which is the Solio Ranch was offered for sale to the Ministry of Lands for resettlement of IDPs in June this year. It is approximately 3,195 acres and is also located in Laikipia County. The farm is owned by Mr. Edward James Puppet who offered it for sale. The need to purchase the two farms was informed by the search for large farms to resettle the IDPs. The offers were made as I have indicated last year and this year.

The decision to purchase the farm is decided by the Inter-Ministerial Committee of Permanent Secretaries under the chairmanship of the Head of Public Service and Secretary to the Cabinet. The Committee is composed of Permanent Secretaries from the Ministry of State for Provincial Administration and Internal Security, the Ministry of Lands, the Ministry of Agriculture, the Ministry of Education, the Ministry of Roads, the Ministry of Water and Irrigation, the Ministry of State for Special Programmes, Ministry of Finance and Ministry of Medical Services.

This Committee works under the supervision of a Cabinet Committee on resettlement of IDPs and forest evictees comprised of Ministers from the same Ministries. The procurement is done in strict compliance with the procurement rules.

These two farms are amongst many other farms which have been targeted for purchase only upon the basis of recommendations made by experts. These experts are physical planners, valuers, surveyors, agriculturists and other experts and officials from the Ministry of Lands, Ministry of Agriculture, Ministry of Health, Ministry of Education, Ministry of Water and Irrigation, Ministry of Roads and Ministry of State for Provincial Administration and Internal Security.

The Government has not made any commitment on the purchase of these farms and, therefore, no IDPs have been settled. No one will be forced to settle there. The process of settling IDPs is a difficult and onerous task with many challenges, including non-availability of suitable land, rejection of Government offers regarding valuation and also social, political and security issues that arise now and then. However, the Government will always endeavor to settle IDPs on land found to be suitable for agriculture and human habitation if other challenges as I have mentioned above are resolved.

Finally, no action has been taken or contemplated to be taken against any officer since no decision has been reached on the purchase of the farm.

The thrust of my Statement, therefore, is that there has been no purchase of these two farms.

Mr. Speaker: Hon. Members, is there anybody interested in clarifications on this matter? If there is none, is there any other Statement ready for delivery?

In the absence of other Statements due today, I will take requests for Statements beginning with the Member for Saboti.

POINTS OF ORDER

SHOOTING/KILLING OF TEN PEOPLE IN SIRISIA CONSTITUENCY

Mr. Wamalwa: Mr. Speaker, Sir, I wish to request for a Ministerial Statement from the Ministry of State for Provincial Administration and Internal Security with regard to the shooting and killing of ten people in Sirisia Constituency at a place known as Namang'ofulo. In his Statement, I would like him to clarify under what circumstances the said people were shot and killed. In his Statement, I would like the Minister to clarify the role of the Provincial Administration in what occurred in Namang'ofulo area in Sirisia Constituency.

I would also like the Minister to clarify what action the Government will take to guarantee the security of farmers, their produce and property. What is the Government doing to avoid a repeat of the same?

Thank you, Mr. Speaker, Sir.

The Minister of State for Defence (Mr. Haji): Mr. Speaker, Sir, I will inform the Minister concerned to issue the Statement on Thursday.

Mr. Speaker: Very well.

COUNTRYWIDE STRIKE BY HEALTH PERSONNEL

Mr. K. Kilonzo: Mr. Speaker, Sir, as you can see, I have got a blue label on my coat just to show solidarity with the striking doctors.

I rise to seek a Ministerial Statement from the Minister for Medical Services on the strike which is going on. As we sit here, the doctors have blocked the entrance to Parliament.

I would like the Minister to address the following issues---

Dr. Monda: On a point of order, Mr. Speaker, Sir, last week on Thursday, 1st December, 2011, I rose in this House and tabled a Petition by doctors on their intended strike and reasons thereto. The Speaker directed the Minister for Medical Services to present a response to the petition by doctors on or before 7th December, 2011, which is today. The response is expected to be brought before this House today. Would I be in order to ask the Chair for direction on the Ministerial Statement and the pending response to the doctors' petition? We can then have direction on whether the Minister is bringing the response to address the doctors' strike which has been caused by obvious and well founded reasons. They should be addressed once and for all by the Government. They should be given what is due to them, so that they can go back to work.

Mr. Speaker: Order, Member for Nyaribari Chache! I understand you. You are, in other words, contending that the causes of the strike were covered by the petition which you tabled, and that the Minister was directed to bring a response to that Petition on or before 7th December, 2011.

Today is 7th December, 2011. Mr. Minister, what have you done with that petition before the Member for Mutito has the Floor again?

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, we have not received the petition. In fact, I am hearing about it for the first time.

Mr. Speaker: Order, Assistant Minister! I have authority to the effect that this matter is properly captured on the HANSARD that, indeed, a petition was tabled and that you undertook to make a response as directed by the Speaker on or before today. Therefore, it is a matter in public domain because our proceedings are captured live, apart from being recorded on the HANSARD. Therefore, your contention is not satisfactory.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, if it was brought to the Ministry, I would have been told and, definitely, I would have prepared a Statement---

Mr. Speaker: Order! Now you cannot say "if" because I have indicated to you that, that is what transpired. It is recorded in the HANSARD and also recorded in the public domain. Therefore, you have no excuse. It did not have to be brought to you in any other way.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, in that case, therefore, I beg the indulgence of the Chair to be given more time, so that we can articulate and answer the Petition.

Mr. Speaker: How long would you like to be given?

The Assistant Minister for Medical Services (Mr. Kambi): We can do it tomorrow, Mr. Speaker, Sir.

Mr. Speaker: You can do it tomorrow? Are you sure?

The Assistant Minister for Medical Services (Mr. Kambi): Yes, Mr. Speaker, Sir.

Mr. Speaker: This is a Petition which was tabled. Are you certain that you are able to acquaint yourself with that Petition and respond tomorrow?

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, I am on top of things and I am sure I will be able to answer the question by tomorrow!

Mr. Speaker: Very well. Then I want the Member for Mutito to supplement what may be in that petition by raising concerns that you must also respond to, as you respond to the petition tabled by Dr. Monda. Member for Mutito, you may proceed! Assistant Minister, please, be careful. Take notes.

Mr. K. Kilonzo: Mr. Speaker, Sir, I wish to thank my colleague for bringing a petition before the strike. If the Ministry would have addressed that petition at that time, maybe, we would not be here talking about the strike. However, in his Ministerial Statement, I would like the Minister, particularly to address the issue of doctor's allowances and time span. We are aware that the Ministry wants to give a prolonged time of three years or one year. We want the doctors to be paid as soon as possible. That is one of the issues that the Ministry should address.

The Ministry should also look into the issue of inadequate equipment. You must tell us, for instance, in all hospitals in Kenya, only four have dialysis machines. What happens in the rest of the country? What is the Ministry doing to ensure that dialysis machines and other equipments are available for doctors to treat and save the lives of Kenyans?

Mr. Speaker, Sir, the doctors, through us, Members of Parliament, would want the Minister to address the issue of training. Training is a must. There is no way you can be a specialist without training. We have poor training facilities. What is the Ministry doing to ensure that training facilities are equipped?

We know that the Ministry hides under the cover of the new ---

Mr. Speaker: Order, Member for Mutito! Do not use this opportunity now to debate the matter or give your own opinion as to what should happen. Just highlight areas that you want clarifications on.

Mr. K. Kilonzo: Mr. Speaker, Sir, I stand guided. The Assistant Minister should also tackle the issue of excess working hours for doctors. Doctors work for over 70 hours in a week. What is the Ministry doing to ensure that doctors do not get overworked?

I also want the Minister to comment on the creation of the Health Service Commission which should be handling doctor's issues, just the way the Judiciary Service Commission (JSC) handles issues to do with judges and Parliamentary Service Commission (PSC) handles the issues of Parliament.

Lastly, but more important, the Minister should tell us when they are going to have a conclusive dialogue with the doctors so that they can go back to work. They are willing to go back to work, but the Ministry is not doing enough.

I thank you.

Mr. Speaker: Very well. Member for Lagdera, do you want to supplement that request?

Mr. Farah: Yes, Mr. Speaker, Sir. In supplementing that request, I want the Minister to also address the issue of the agreement that was done at an African Union (AU) Conference by AU Heads of States. They were going to dedicate a minimum of 15

per cent of ordinary revenue from every government to the health sector. Currently, our dedication is only a paltry 6 per cent. If that, indeed, is also going to happen in this budget for us to get close to realizing Millennium Development Goals (MDGs) Nos.4, 5 and 6.

In addition to that, the Ministry had a system before that all the doctors who served in marginal areas or very difficult areas would only serve for three years before they qualified for specialization scholarships from the Government. The Government has since frozen all scholarships to doctors. The Assistant Minister can clarify that and also give a commitment that that will be reinstated because a nation which is not learning and more so in the health sector, is a nation that is in peril.

Finally, why is it that we are unable to execute or operationalise the National Health Insurance Scheme which is universal? Why is the Government having a parallel one which is more like a private one? He is supposed to target the upper scale civil servants, which, essentially, in our opinion, is driven by other considerations including the desire to make some money out of Kenyans. These are the three areas I would like the Assistant Minister to address. In addition to it, I also have a petition which they told me that I must take to the Speaker although it has already been taken.

Mr. Speaker: Order, the Member for Lagdera! A petition has already been filed. You are just supplementing that petition. Mr. Assistant Minister, you have kept notes of all of those issues. Will you, please, ensure that you acquaint yourself with the petition as was tabled by Dr. Monda? In addition to the issues raised by the petition, cover the issues raised by the Member for Mutito and the Member for Lagdera. You have said that you are on top of things. I want to, indeed, believe that you are. Note that the House has taken you very seriously. So, you must ensure that you prepare well. Burn the midnight oil and come properly equipped to respond to all those issues.

You will do that tomorrow afternoon!

The Assistant Minister for Medical Services (Mr. Kambi): Most obliged, Mr. Speaker, Sir.

Mr. Speaker: Is there any other requests? That then brings us to the end of Order No.7.

Hon. Members, you will notice that we are well into Prime Minister's Time now. However, the Right hon. Prime Minister wrote a letter to the National Assembly to state that he is away, today at short notice, on official Government business. So, we have to be accommodative and defer any business that would have arisen under the Prime Minister's Time to Wednesday, next week. It is so directed.

Mr. C. Kilonzo: Mr. Speaker, Sir, so that we are comfortable, I know that it was kind for him to write the letter. However, the practice has been that his two Deputies can come and conduct the Prime Minister's Time. Is he confirming from now onwards, that when he is not there, there will be no representation by the two Deputies which is something that will be against the Standing Orders?

Mr. Speaker: Very well! Hon. Members, with respect to the matter raised by the Member for Yatta, I confirm that there is substance in that except that I have given directions on the matter previously. I have interpreted Standing Order No.40 in a previous direction, from the Chair, that the Right hon. Prime Minister does not have to issue a Statement every Wednesday because it is not mandatory. The word used in

Standing Order No.40 is “may”. I have interpreted that before to the satisfaction of the House. So, that disposes of Order No.7.

Next order!

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO SELECT COMMITTEES

Mr. Muthama: Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, pursuant to provisions of Standing Order No.159 and 176, the following Members be appointed to serve in the Select Committees stated here below:-

(i) Transport, Public Works and Housing Committee - hon. Walter Nyambati, MP.

(ii) Speaker’s Committee - hon. Yusuf Hassan Abdi, MP, to replace Hon. Manson Nyamweya, MP, who has since been appointed an Assistant Minister.

Hon. Nyambati served in this Committee previously and he has been given back that position. I want to assure hon. Yusuf and hon. Nyambati that additional positions will be on the way coming. I have already started negotiations with Members who hold more than five Committees. I have written letters to them and they have, willingly, accepted to give up some of the positions.

I beg to move.

Mr. Speaker: Who is seconding?

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

(Question proposed)

Mr. Imanyara: Mr. Speaker, Sir, like those who have spoken before me, you will also see that I am wearing a blue ribbon in solidarity with the doctors. Having said that, let me, in supporting this Motion, point out that the Joint Chief Whips should not say that hon. Manson Nyamweya is being replaced because he has been appointed an Assistant Minister because the Standing Orders permit Ministers to sit in the Speaker’s Panel. I think it is important that, that clarification is made so that we know the real reasons but I am not opposed to it. This is because Ministers, indeed, do sit in the Speaker’s Committee.

Mr. Speaker: Very well, hon. Members. Indeed, that is so except that the Member for Central Imenti, you caught the Speaker’s eye to contribute. You did not catch my eye on a point of order.

Mr. Imanyara: Mr. Speaker, Sir, I did say that I am supporting the Motion. I just wanted to point that out.

Mr. Speaker: Then you should proceed. Is anybody else interested?

Yes, the Member for Nyando!

Mr. Outa: Mr. Speaker, Sir, in supporting this Motion, I also want to bring to your attention that the Speaker's Committee was established under the Standing Orders. Standing Order No.169 requires that any Select Committee meets, at least, once a month. The Speaker's Committee, of which I am a Member, only met once since its establishment. This is once in four years. I stand here to seek the guidance on the Procedural Motion. Would I be in order to ask; what are the mandates or the duties of the Speaker's Committee while appointing new Members who will not even have a chance to meet and deliberate on the matters that are given to them by this House?

Mr. Njuguna: Mr. Speaker, Sir, I would like to congratulate hon. Walter Nyambati for winning the recently held by-election in Kitutu Masaba. Secondly, I would like to very strongly support appointment of both Members to the two Committee mentioned respectively. I believe both Members are effective and they will be able to deliver the required service.

With those few remarks, I beg to support.

Dr. Khalwale: Mr. Speaker, Sir, I also stand to support, but before I do so, allow me to express my solidarity with doctors, who are currently on strike, and wonder aloud who is treating our patients in the country.

Hon. Members: Declare your interest!

Dr. Khalwale: My interest is that I am a leader of both normal and sick people.

Mr. Speaker, Sir, as I support this, I notice that within a very short time, we have been debating this kind of Motion about Members joining Committees. I just wanted to bring to the attention of the Chair that with the little experience we have had as Chairs of Committees, it is becoming apparently clear, that if one is an effective Chair of a Committee, that man can possibly be a Member of any other Committee. So, there maybe room to change the rules, so that we provide that once you become a Chairman of a Committee, you are kept off other Committees for you to be effective in terms of being there to cause quorum to come to your Committee.

With those few remarks, I beg to support.

Mr. Speaker: Very well! Member for Kisumu Town West!

Mr. Olago: Mr. Speaker, Sir, I rise to support the Motion. In doing so, I wish to draw the attention of the nominees to Standing Order No.194(2) which states:-

“The Speaker's Committee shall consider, advise, and report on all matters connected with the welfare of members of the National Assembly and its staff.”

Mr. Speaker, Sir, that is a very serious responsibility placed on the shoulders of this Committee. It is a pity that hon. Outa has had to say here, and correctly so, that for the last four years, that this Parliament has been in session, it has met only once.

Mr. Speaker, Sir, if this Committee is to discharge its function effectively, it is important that these two Members, who are being nominated, once accepted by the House, should take their responsibility very seriously and ensure that this Committee discharges its mandate and helps the Parliamentary Service Commission to look at the welfare of Members and staff.

With those few remarks, I beg to support.

Mr. C. Kilonzo: Mr. Speaker, Sir, I support. But a Member of the Speakers Committee has said they have only met once.

If you look at the Standing Order No. 169, it says if a member fails to attend four consecutive sittings of a Committee, and it goes on and says the consequences are that he ceases to be a Member of that Committee.

So, what happens is that there are actually no sittings. If in four years, they have sat once, then there are no sittings. I am not a lawyer, but I can imagine a lawyer would argue that in the sense this Committee has ceased being a Committee.

Mr. Speaker, Sir, we all know the CV of hon. Yussuf Hassan Abdi. We can do much more with hon. Yussuf in other very vibrant Committees. So, I would plead with the whips who have the powers that be, to get hon. Yussuf a Committee, where this Parliament can enjoy the wealth of his experience.

I beg to support.

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I stand to support this Motion. In supporting, I want to congratulate hon. Walter Nyambati on winning the Kitutu Masaba by-election.

Mr. Speaker, Sir, during the by-election, I was on the opposite side of the divide. However, I want to say here that Kitutu Masaba people pronounced their verdict which we respect.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House that he is congratulating hon. Nyambati, when we know that today there was a full paid advertisement by his party, ODM, complaining that Mr. Nyambati did not win the election? Is he in order to mislead the House?

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I am not aware of any position taken by the party opposing the victory of hon. Walter Nyambati.

I want to stand here to congratulate hon. Walter Nyambati on his victory of this by-election. I know I was on the opposite side of the divide. However, this was all in the cause of advancing democracy. I believe that I had a right to stand there, oppose Nyambati in an effort to ensure the candidate of my party wins. This is all in the cause of democracy.

Mr. Speaker, Sir, I want to say that the people of Kitutu Masaba have spoken. We look forward to working closely with hon. Nyambati coming from the same region with him. We hope that his election will enhance the welfare of, not only the people of Kitutu Masaba, but also the entire region, and indeed, the country as a whole. I support this Motion.

Mr. Shakeel: Mr. Speaker, Sir, I support the Motion. I also support the doctor's cause

I also want to congratulate hon. Walter Nyambati for being elected as a Member of Parliament. I would also like to congratulate councilor Ondere, who won the Kisumu Kajulu East Ward seat on ODM ticket.

Thank you.

Mr. Yinda: Mr. Speaker, Sir, I would also like to join my colleagues in congratulating hon. Walter Nyambati for his re-election as Member of Parliament, and two, as a Committee Member for Departmental Committee on Transport, Public Works. I also want to congratulate hon. Yussuf Hassan Abdi.

Mr. Speaker, Sir, it is my humble opinion that Transport, Public Works and Housing Committee is departmental and not a select Committee. So, maybe that correction should be made.

Mr. Speaker: Order, hon. Members! Hon. Members, we have got the mood of the House now on this matter.

(Question put and agreed to)

Hon. Members, please, note those of you who are acquainted with the provisions of the Constitution, both former and current, would know that the functions that are conferred on the Speakers Committee as provided for under Standing Order No.194 are largely, if not exactly in the same terms, vested in the Parliamentary Service Commission under the Constitution. So, there is a body that has constitutional powers to exercise this mandate. Now, there is a body that has that mandate under the Standing Orders. So, I think your guess is as good as mine, which one takes precedence over the other.

Hon. Members, let us proceed.

Next order!

MOTION

DEPLOYMENT OF KENYA DEFENCE FORCES UNDER AMISOM

The Minister of State for Defence (Mr. Haji): Mr. Speaker, Sir, this august House will recall that there have been numerous cases of *Al Shabaab* impunity and cross border incursions that have been propagated by the militants such as the attack on Dajabula Police Post in 2009, General Service Unit (GSU) camp in Liboi in 2010, laying of mines and improvised explosive devices in Mandera Town targeting the police and military---

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. We are at a loss. We are on Order No.9. Is the Minister moving the Motion or debating it?

The Minister of State for Defence (Mr. Haji): Mr. Speaker, Sir, I thought that I moved the Motion in the morning but I will move it again.

Mr. Speaker: Order! Hon. Haji, you are moving this Motion. It is coming for the first time this afternoon. So, you should move it because you gave a notice this morning. Notice is not the same as moving.

The Minister of State for Defence (Mr. Haji): I am sorry, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, aware that the Intergovernmental Authority on Development (IGAD) and African Union (AU) Extraordinary Session attended by the Heads of State, called upon Kenya to consider the integration of its forces in Somalia into the African Union Mission in Somalia (AMISOM), a regional peacekeeping mission operated by the African Union with the approval of the United Nations and which is mandated to conduct Peace Support Operations in Somalia; noting that the African Union plans to engage the United Nations Security Council on this matter on or about 19th December, 2011; this House approves the deployment of the National Security Forces in Somalia to serve under the auspices of AMISOM, pursuant to provisions of Article 240 (8) (a)(i) and (ii) of the Constitution.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.33 which says:-

“The Speaker may direct any matter which, in the Speaker’s opinion, is secret or purely personal to be excluded from the Journals of the House and from the verbatim report of proceedings of the House, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.”

Mr. Speaker, Sir, the matter which we are about to discuss touches on our national security and Armed Forces, aware that our country is at war. Therefore, I would request that you invoke this Standing Order so that the matter can be heard in camera.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. The Constitution requires that all proceedings of the House and Committees of the House be in public. In order to go into a private session, a basis needs to be really made. No such basis has been made. The Kenyan people are entitled to know. It is not a secret that our forces are in Somalia.

Mr. Speaker, Sir, thirdly, they are not in Somalia as a result of a declaration of war. We sought that earlier on and we were informed by the Government that the Kenya Government was not at war. So, there is no basis at all to go into secret to discuss matters that Kenyans want to hear about and know what is happening.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Speaker, Sir. I totally agree with the position that hon. Imanyara has taken. It is the Government side which would request that we are provided the exclusivity of these discussions taking place in camera. However, the Government does not intend to have that being discussed in camera for the simple reason that we are just informing the Kenyan public that it is a request which has been tabled even at the United Nations (UN) so that we can make a request and move on with it.

Mr. Mungatana: Mr. Speaker, Sir, I could not agree more with the Assistant Minister for Foreign Affairs and hon. Imanyara. One thing that the new Constitution has given to this country is freedom of information. Unless someone can come and tell us here that this Motion will now expose all the military secrets, we can go into camera, but the reasons advanced by hon. K. Kilonzo are not convincing and there is no justification to hide what is happening. After all, it is common knowledge that the Cabinet has already dealt with this matter. Indeed, this is a matter of public knowledge now. Why can the Kenyan people not be given this information?

Mr. Speaker: Order! Let me hear the Minister and I will give directions.

The Minister of State for Defence (Mr. Haji): Mr. Speaker, Sir, in view of the expressions of the majority, I do not have any objections to discussing this Motion openly.

Mr. Speaker: Order! Hon. Members, the Member for Mutito has stood on a point of order pursuant to Standing Order No.33 asking the Speaker to exercise his discretion and order that the proceedings in this Sitting be held in secret because they pertain to matters that are sensitive. But given that the Minister in charge of Defence has no objection to these proceedings being heard in public, I exercise my discretion as vested upon me by Standing Order No.33 and direct that the converse be the case. So, we will proceed in public.

The Minister of State for Defence (Mr. Haji): Thank you very much, Mr. Speaker, Sir. As I said earlier, this august House will remember that there have been numerous cases of *Al Shabaab* impunity and cross border incursions that have been propagated by the militants such as the attack on Dadajabula Police Post in 2009, the General Service Unit (GSU) camp in Liboi in 2010, laying of mines and improvised

explosive devices in Mandera Town targeting the police and the military in July, 2011 and the increase in bandit attacks along the border in September, 2011. Other border violations have also been documented during initial operations in Bula Hawa in March 2011, Bula Haji operation in September, 2011 and the recent operation in Doble also in September, 2011.

Mr. Speaker, Sir, the *Al Shabaab* has also been responsible for several kidnappings and hijackings within the country. Some of the documented cases include abduction of two Catholic nuns in Elwak and Non-Governmental Organization (NGO) workers in Mandera in 2009 and the capture of two soldiers at Diff in July, 2011.

Mr. Speaker, Sir, on 16th October, 2011, the Kenya Defence Forces (KDF) in exercise of the right to self determination under Article 51 of the Charter to the UN, engaged the *Al Shabaab*. This was done in defense of the sovereignty and the territorial integrity of the Republic. Consequently, the Kenya Defence Forces (KDF) launched the *Operation Linda Nchi* and in hot pursuit of *Al Shabaab*, crossed into Somalia. The ongoing operation is now being carried out jointly with the Transitional Federal Government (TFG) forces of Somalia. So far, the operation has been successful to the extent that over 50 per cent of southern Somalia has been liberated. This has brought the process of change to the lives of the people of southern Somalia.

Mr. Speaker, Sir, I thank this august House and all Members of Parliament, the people of Kenya and the international community for their understanding and support. So far, the operation has been conducted without any financial support from any country. To sustain this operation will be very costly. It is with this background that I beg to move the Motion.

Mr. Speaker, Sir, the Commission of the African Union (AU) has requested the Government of the Republic of Kenya to consider the integration of KDF into AMISOM, currently engaged in Somalia.

(Applause)

The Ministers of Defence of the AU nations in Somalia, AMISOM, two contributing countries and other interested countries like Burundi, Djibouti, Ethiopia, Kenya, Uganda and Somalia met in Addis Ababa at the African Union on 14th November, 2011 to discuss the option for consolidation, co-ordination and expansion of AMISOM operations in Somalia. The meeting noted that the Kenyan military operation in Somalia was a game-changer and provided a unique opportunity to accelerate the stabilization of Somalia. As a follow up, a meeting of experts was convened in Addis Ababa on 24th to 26th of November, 2011, to develop a strategy concept for the way forward. In the meantime, the 19th Extraordinary Session of IGAD Assembly of Heads of State and Governments which was held in Addis Ababa on 25th November, 2011, called upon Kenya to consider the prospect of integrating its forces to AMISOM. The IGAD Summit also requested the IGAD Chiefs of Defence Staff to consider the way forward.

Mr. Speaker, Sir, the Chiefs of Defence of Burundi, Djibouti, Ethiopia, Kenya and Uganda met on 2nd December, 2011, to consider the draft strategy concept paper which took into account the decision of the IGAD Summit. Following the meeting of the Chiefs of Defence Staff, the AU Peace and Security Council met in Addis Ababa on 2nd December, 2011, and endorsed the outcome of the 19th Extraordinary Session of the

IGAD Assembly of Heads of State and Governments, welcomed the joint security operations by the KDF and called upon Kenya to favourably consider the integration of its forces to AMISOM.

Mr. Speaker, Sir, the AU has been consulting with the United Nations (UN) system and plans to engage the UN Security Council on the matter on or about 19th December in view of the fact that the Christmas holidays are approaching, hence the urgency of the matter. Arising from the given urgent information, I am requesting Parliament to approve the request by the Commission of the AU to integrate the KDF currently operating in Somalia to AMISOM. This request is made pursuant to Article 240 (8)(a)(i) and (ii) of the Constitution of Kenya, which requires parliamentary approval for any regional or international deployment.

Thank you very much, Mr. Speaker, Sir.

I will ask *Mheshimiwa* Kalonzo to second the Motion.

Hon. Members: Kalonzo!

(Laughter)

Mr. K. Kilonzo: Mr. Speaker, Sir, I stand to second this Motion. From the outset, I want to join the rest of Kenyans, first, to congratulate our armed forces for the good work they have been able to do and stand firm for this country. I remember that sometime back, they were being referred to as a career army, but now they have proved that they are actually an operational army and the best we have in the region.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): In Africa!

Mr. K. Kilonzo: In the region!

Mr. Speaker, Sir, having said that, I want also to commend our diplomats for the way they have also managed to handle this war by bringing in the IGAD and the neighbouring countries. The issue of Somalia and the *Al Shabaab* is not a Kenyan problem. It is more of an African problem and a world problem. So, when Kenya is going through hard times economically and also in other fields, it is only fair and proper that other governments come in to shoulder the costs of this war. Therefore, the Motion put forward by the Minister that, as Parliament, we approve the request for our forces to join the AMISOM is something I support. I think that, as a House, we should support it, so that it can stop to be a war perceived to be between us and *Al Shabaab* and be known as a global problem.

Mr. Speaker, Sir, the other issue I would want the Minister to come and tell Kenyans clearly is what the exit strategy is. The issue of how, as a country, we are going to get out of this war is important because we do not want to be caught in a perennial war as other countries have done and their economies have been negatively affected. We would want the Minister and Government to show us a systematic process by which Kenya is going to exit from the war in which it is in. I believe that this is a step forward, because it means that our responsibility is becoming lesser and lesser. Now, under the auspices of the AU, this war is going to be managed; we are going to have other soldiers from other countries coming in. Therefore, it will no longer be a Kenyan problem.

With those few remarks, Mr. Speaker, Sir, I beg to second.

(Question proposed)

Mr. Speaker: The hon. Member for Lagdera!

Mr. Farah: Mr. Speaker, Sir, I want to support this Motion with a very powerful rider. The operation is timely. This operation was initially *Operation Linda Nchi*. We went in to protect both our strategic economic interests---

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Speaker, Sir. I am just curious. The Deputy Speaker is wearing some torn piece of paper on his coat. I do not know whether it is part of the new dress for this House. Can he explain what this torn piece of cloth on his suit is for?

Mr. Speaker: Member for Lagdera, perhaps you want to respond to that one.

Mr. Farah: Yes, Mr. Speaker, Sir. I know that hon. Munya can get insensitive at times, but I did not think that he would get insensitive to the extent of failing to notice the solidarity I have today with the striking doctors of this country, who treat him and his family. For those of you who do not know, this ribbon is the symbol for being in solidarity with the protesting doctors. We want them to be engaged and engaged properly, because they save lives. They are there to protect Kenyans but they have not been adequately rewarded. Nonetheless, it is only a ribbon. In any case, it is not a shirt or a coat. So, when you say that it is linen that is torn---

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Speaker, Sir. The Deputy Speaker seems to be in a combative mood for nothing. I never accused him of anything. I just wanted a clarification. I am very sensitive to the needs of the doctors and any other Kenyans who may be having a problem, and who may need addressing by the Government. He needs to withdraw the remark that I am insensitive. I am not insensitive at all. I just wanted to know what that piece of cloth is for. Now that I understand---

Mr. Farah: Mr. Speaker, Sir, he should have had one. There are so many of them right at the entry. Nonetheless---

Mr. Speaker: Order! Order! Member for Lagdera, it is not such a big deal.

Mr. Farah: Mr. Speaker, Sir, I now accept that hon. Munya is fairly sensitive to the doctors' plight. He will have one ribbon by the time he leaves this House and carry it for the next one week or until the doctors' issue is sorted out.

The operation mounted by our national defence forces is *Operation Linda Nchi*. The purpose of the operation was to defend the security of our people, the security of the refugees who live amongst us, and who have been a target of the *Al Shabaab*; our economy was going to be badly affected given the rate at which *Al Shabaab* were carrying out their incursions into Kenya. I will also join other hon. Members in lauding our national defence forces. It is universally accepted that if you face a threat, you have the right of pursuit of the enemy. You can follow your enemy to another country that is sovereign.

Mr. Speaker, Sir, we have gone beyond that now and I think the name of the operation should now be changed to "*Operation Okoa Somalia*" because our defence forces right now are liberating the Somalis, who are under the yoke and the problems of the *Al Shabaab*. This is a fatalistic organisation that is clearly a criminal gang. We need to learn from history, so that we do not make the mistakes that were made in history by people who went into other people's countries. Whether it was the Americans going into Vietnam to save democracy and the Vietnamese people; whether it was the Americans

going into Somalia under Operation Restore Hope to try and save the hundreds of thousands of starving Somalis who had been held hostage by Somalia warlords at that time; whether it was any other incursion, including the AMISOM project that is going on in Somalia, we want to learn from history and make sure that we do not make the mistakes that were made by those who were there before us, and who got the best out of their operations.

Mr. Speaker, Sir, we want to support our National Defence Forces. We want to do everything possible to get the right materials, the right resources and the support of the international community through AMISOM and the United Nations. However, we have to have three things very fast. We have to have an entry strategy, which I believe we already have, a scope strategy, limiting our forces as to how far they can go into Somalia, and an exit strategy. If we do not have those three strategies, we will be in trouble.

It is my prayer that our forces do not go beyond a certain place because the moment this combat gets into big places like Kismayu and other major cities there, it is going to become a hand-to-hand battle, and there are buildings. Kismayu has 300,000 residents. This is likely to become an urban warfare. Any guerrilla outfit is very comfortable in an urban warfare, because if you try to flush them out, you do not escape causing collateral damage, and collateral damage will give the *Al Shabaab* more adherents. More people will be recruited by the *Al Shabaab* and the war will be seen in a different light.

Mr. Speaker, Sir, the other thing I want to say is that we have been doing very well. We did much better than when Ethiopia went into Somali the last time. The reason as to why we are doing better is that the Somalis have nothing to fear from Kenya. They trust Kenya's intentions. They know that Kenya does not have an empire-building kind of strategy. They know that Kenyans are their brothers, who have given them refuge for the last 20 years. Hundreds and thousands of them live amongst us.

However, the concurrent entry of the Ethiopian military forces into Somalia on the other side is a problem we will have to begin living with, because we know that we have had, since Independence, what is called the "Mutual Defence Pact" between the two countries. That mutual defence pact was basically designed for use in the event of Somalia attacking anyone of them. This now can be interpreted by the Somalis to mean that this is a joint effort by people from different faiths to take their country and share it between themselves. We have to discourage any further movement, other than just within the proximity, for the Ethiopian military forces because that will not help us.

Mr. Speaker, Sir, I want to very much applaud the Minister for Foreign Affairs and his defence counterpart for having gone out to cities in the Muslim world to explain and sell this operation, and say that we are also looking for military forces from the Muslim countries to come and participate in this operation. I want to tell you that there are countries in West Africa and North Africa which must be brought into this operation in order for it to have the kind of legitimacy that we need, and for it not to be abused by the *Al Shabaab*.

We must be careful when it comes to collateral damage. There was an attack on a contingent of policemen in Dadaab, during which an officer was killed and a number of officers injured. That was as a result of bomb that was planted on the roadside. Following that attack, the police went to the refugee camp and beat up the refugees, leaving so many of them injured. If we go on that way, we will change the situation. This is a society

which is able to take decisions very fast. We have to endear ourselves to the civilian population. We have to win the Somali people to come to our side and show them this project or programme for what it is.

Mr. Speaker, Sir, there must be a civilian component. Every time we liberate an area, we must have a strategy for that area to be handed over to civilian administration in order for us to put in place the services that need to be provided, including health, education, water and sanitation. All these services need to be put in place, so that we are seen as true liberators.

(Mr. Onyonka consulted loudly)

Mr. Speaker, Sir, hon. Onyonka is making it difficult for hon. Members to hear my voice.

Mr. Speaker: Order! Order! Member for Lagdera, we are hearing you. We are following you.

Mr. Farah: Mr. Speaker, Sir, we need to have a civilian component. We also need to engage the civilian administration of both the Transitional Federal Government and the local administration in the regions that are next to us, so that we can have elders and politicians on our side. We need to win the Members of Parliament in that area. The Members of Parliament from the region that is closest to Kenya have no business being in Mogadishu today. They must be there with us. They must be moving inside the liberated areas to mitigate between the military force, which is achieving a military objective, and the fact that the civilians need to be won over.

Mr. Speaker, Sir, I was told that the Israeli Prime Minister is coming on a visit of this area. Any move to try and bring Israel into this conflict will defeat our own purpose of going into Somalia. The *Al Shabaab* and the other groups will instantly get what they need. I must say that any effort to try and reach out to Israel on this matter was, in my opinion, wrong.

Mr. Speaker, Sir, I want to applaud the work of the AMISON forces in Mogadishu, particularly the Burundian forces. They have lost many lives, they have gone out there and they have liberated the bulk of Mogadishu from *Al Shabaab*. I wish I could say the same for the Ugandan forces. They move in, they get out. Right now, the Somalis are saying Ugandans have gone there as business people. They have not gone there to liberate them. It is time we told the Ugandan forces to change. That is the situation on the ground.

Mr. George Nyamweya: On a point of order, Mr. Speaker, Sir. Is it really in order when we want to engage our neighbours, IGAD, AU and others, to also at the same time appear to be rebuking and belittling them? Perhaps, we should moderate our own language.

Mr. Farah: Mr. Speaker, Sir, that point of order would have been raised by the Minister for Foreign Affairs or the Minister of State for Defence. They know what I am talking about. But nonetheless, I know what goes on there. For many of our people here, this is the story. I want us to engage the Somali people because, at the end of the day, if we do not train their own forces, it is only they themselves who will liberate their cities from *Al Shabaab*. We must train the forces of the Somali---

Mr. Speaker: Order, Member for Lagdera.

Mr. Farah: Mr. Speaker, Sir, I thought because the Deputy Speaker, does not always contribute I would get a small leeway. I only contribute when you are there. I plead with you to give me three more minutes because I do not always get this opportunity.

Mr. Speaker: Order, hon. Members! I will exercise my discretion and allow the Member for Lagdera another three minutes.

Mr. Farah: Mr. Speaker, Sir, I want to thank you very much.

I also want to really congratulate the professionalism of our forces and the Ministry of State for Defence even in dealing with the forces that they have trained in offering them leadership in terms of command. We now need to train the Somali army, so that they are able to perform; they are able to be the force before us. That is the only way that they will own the process themselves. They will not see this thing as an invasion and they will see us as brothers who have gone there to liberate them.

Mr. Speaker, Sir, we have close to 600,000 refugees in our country. At this rate, if we do not do something about Somalia, in another five years, we will have 5 million Somalis in here. It is imperative that we go into Somalia the way we did it.

My constituency now hosts 560,000 Somali refugees. They are using the vegetation there for energy. Just imagine 560,000 people going every day out there to cut trees from that arid and semi arid area for their own energy. The place will turn into a desert. There is no sufficient education for their children there. They cannot access universities outside. The children who were born in the refugee camps have married in the same camps.

Mr. Speaker, Sir, we need to do something for the sake of the African fraternity and brotherhood. We are not an imperial country that intends to build. We have to come straight on the issue of the continental shelf. There has never been a dispute between us and Somalia in the past. I think the Ministry of Foreign Affairs needs to come out into the open to say that there is no way Kenya---

(Several hon. Members stood in their places)

Mr. Farah: Order, hon. Members!

(Laughter)

There is no way that we are interested in either the sea land or mainland of the Somali people because we do not want to create another problem for ourselves while we are trying to solve problems in this country.

Mr. Speaker, Sir, with those few remarks, I want to thank you and I support the Motion.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Mr. Speaker, Sir. I want to support this Motion and also congratulate the Deputy Speaker. I just stood in my place because I thought he was abusing the privilege the Chair had given him. He thought he was in the Chair when he was actually contributing.

Mr. Speaker, Sir, in supporting this Motion, we must thank God because, so far, this operation has gone very well. I want to take this opportunity to echo my Minister's sentiments and thank Kenyans from all walks of life who have given the defence forces

of this country the morale that they badly require. The Members of this House have continued to support our defence forces and that is why they have been able to perform as they have.

Thirdly, may I take this opportunity to congratulate the civil defence forces and its men and women in uniform for the manner in which they have so far conducted themselves.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

They have conducted themselves with a lot of courage and professionalism. There is no doubt that ours is a very disciplined force.

Mr. Deputy Speaker, Sir, our forces have in the course of their duties given humanitarian support and assistance to the people of Somalia in areas that they have liberated and even the injured members of the bandit group that is called *Al Shabaab*. Therefore, these members of the defence forces of Kenya have done us proud. We must, therefore, continue to support them.

I have just said that they have conducted themselves in a professional manner. It is only yesterday that in a very professional manner, our defence forces disarmed some *Al Shabaab* bandits who surrendered. In other countries, probably, that would not have been the case. But they conducted themselves in a very professional manner.

This Motion before the House seeks to allow the House to give approval for the Kenya defence forces to be deployed in Somalia in accordance with the Constitution as peace keepers, but not fighters. Therefore, I think it is a very straightforward Motion and I believe the hon. Members of this House will do what is necessary and accord the defence forces of Kenya the approval that the Minister is seeking.

This is not something new for our forces. Our defence forces are very experienced in matters of keeping peace. They have kept peace in Bosnia, Sierra Leone, DRC, Namibia and many countries. Wherever they have gone on this mission, we have received nothing, but praise for the work that they have been able to do.

I want to add a point that even as we prepare to deploy or to seek permission for our defence forces to be deployed in Somalia as peace keeping forces, we must not lose sight of the fact that the *Operation Linda Nchi* is in progress. It is the desire of Kenyans that this operation must be continued and concluded, so that the boundaries of Kenya and Somalia remain safe. The sovereignty of this nation is clearly honoured by everyone, including *Al Shabaab*. It will be a grave mistake for the defence forces to leave the operation halfway and then expose our country into danger.

Therefore, that matter is very clear in our minds that the border between Kenya and Somalia must be secured. The sovereignty of this nation must be clearly understood by everyone even before we move to the next phase of peace-keeping.

Let me also say something about the Daadab Refugee Camp. The fact that there are hostile elements in Daadab Refugee Camp is not a secret. The Spanish doctors were taken out of this country from that refugee camp. We have had many explosions within the camp. So, it is clear that we have some elements within that refugee camp who are actually *Al Shaabab* or their sympathizers. Therefore, for the interest of this nation, I

believe when some parts of Somalia are secured, we will have to remove and relocate those refugees within Somalia, to a place that is secure. I say this because only yesterday, we lost an Administration Police (AP) officer from within the camp. Therefore, that is not a camp that is solely for people who are seeking refuge. It must be viewed as a camp that also---

(Several hon. Members stood up in their places)

Mr. Deputy Speaker, Sir, I still have time. I do not know what hon. Members have. I still have five minutes. Can you protect me?

Mr. Deputy Speaker: The Chair will protect you, although you stood up when the Chair had seen that light.

Please, proceed!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Deputy Speaker, Sir, I do appreciate that Members want to contribute and, therefore, I will not take a lot of time. I just want to say one point finally.

I want to appeal to this House to continue supporting the KDF as they have already started doing. I say this because it is now very clear to everyone that a defence force that is properly trained; a defence force that is properly equipped is a deterrent to any aggression. A force that is properly trained and equipped is an insurance for any external aggression. Therefore, I do hope that from now on, this House will look at their defence force with pride and will be able to support them in their training and equipping.

I support.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I too do rise to support the Motion, even though I am not quite happy with the manner in which it is framed. That is because the forces are already in Somalia. They are not there as peace keepers. The military spokespersons who have been giving reports on the *Operation Linda Nchi* have been talking about liberated areas. Therefore, those forces are not really there as peace keepers. This ought to have come to this House as a report under Article 241 (3) (b) which requires that the Kenya Defence Forces shall assist and co-operate with other authorities in situations of emergency or disaster and report to the National Assembly. Because those forces are already there, what the Minister should have done is make a report to the National Assembly as required under the Constitution. That is because the provisions under which the Minister relies on now really relate to peace keeping. Nevertheless, the principle of approval of the National Assembly is important because those are our KDF. To that extent, I do support this Motion.

Mr. Deputy Speaker, Sir, I would have expected the Minister, in moving the Motion - because they are there now as part of AMISOM - to tell us a little bit more about AMISOM. He should have told us how it is constituted, under what law, the financing, the duration and who will be working with the Kenyan Defence Forces, the levels of command and under whose command our forces in Somalia will be. Those are details that we are entitled to know because we are no longer there as a country, but as part of the AU Mission. I hope that the Minister, in responding, will attend to those matters. For example, we know the call from the UN has been that AMISOM forces are not enough. They need to raise the levels from the current 8,000 to a particular number. Therefore, our forces are going to enter the agreement under AMISON under what terms?

How many of our soldiers are going there? What are the cost implications? What is the Minister doing in terms of the health of the soldiers in Somalia today? These are issues which the Government is required, under the Constitution, to report to the House, at least, once every year. In responding to this Motion, I do hope the Minister will be able to respond to these specific issues.

Even as we send our forces to Somalia, we need to maintain the integrity and sovereignty of our own borders. For too long, we have been ridiculed by some of our neighbours with regard to certain islands on Lake Victoria and certain areas in northern Kenya. This has given our forces the opportunity to prove their worth.

Mr. Deputy Speaker, Sir, as a son of a soldier, I am very proud of our forces out there because they have proved our detractors wrong. They have shown they can defend our country.

I, therefore, do support this Motion and I hope that those who will speak after me will, likewise, support it.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I also stand here to support this Motion. I want to say a few things.

Indeed, our KDF are heroes of this country. They have done us proud by working tirelessly to eliminate one of the militia groups that has given this country and its people a lot of problems. However, I want my colleagues who are here today; the Minister of State for Defence, the Minister of State for Provincial Administration and Internal Security and the Minister for Foreign Affairs, to realize that the same solutions we have applied to the militia group in Somalia and to the militia group that was building up in Mt. Elgon, should be the same solution that should be applied to all other militia groups.

Mr. Deputy Speaker, Sir, within our borders, we have militia groups that have become so chronic in the form of cattle rustlers. I want both the Minister of State for Defence and the Minister of State for Provincial Administration and Internal Security to listen to this. The same vigor that the Cabinet, which unfortunately I do not sit in, has taken to enter into Somalia and take a decision to use taxpayers' funds to eliminate that militia and stabilize the neighbour so that Kenya can remain in peace, let them put that same effort to those militia groups; particularly the cattle rustlers in the north. That is because they have been a major pain to all of us. I know the Minister of State for Provincial Administration and Internal Security will tell you that they, themselves alone, have been unable to tackle that problem.

About 15 years ago, when our Armed Forces got involved and engaged the cattle rustlers, the northern parts of Kenya rested for almost 17 years to 18 years without any incidents. However, after they quit and let the police take over, that problem has remained with us. I would really encourage the Minister of State for Provincial Administration and Internal Security to take up this matter in the Cabinet so that, after Somalia, let us deal with the local cattle rustlers who are militia groups and have become a power unto themselves. That should be the next phase.

Secondly, I will really urge that the famous Suguta Valley, where we have lost so many senior officers of this Government and is notorious for cattle rustling--- We have told the KDF, through the Minister of State for Defence, to open up a training school inside there. Let us harden our boys and girls in the forces so that, in future, they will be hardened to tackle all kinds of problems that will come up.

Mr. Deputy Speaker, Sir, I also want to notify the same Ministries of the following: We had a problem of incursions from Ethiopia the other day in Todonyang. We have a problem that might come up again in the Ilemi Triangle. Of course, we have the famous problem of Migingo, I want the same Ministries, together with the Ministry of Foreign Affairs, to tackle these issues before they become a much bigger problem. Let these matters be resolved diplomatically. If they are issues to do with the borders, let them be resolved much earlier. Let us not leave them to deteriorate to a point where we will be forced to engage our young men and women in something that we should have resolved much earlier.

Lastly, I am also learning that the deployments in Somalia; majority of our men and women who are in Somalia are mostly the ones they recruited from northern Kenya. Can we balance this because when we were doing recruitment in the country, we did it in every county?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaissey): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister---

Mr. Deputy Speaker: He is not an Assistant Minister. For purposes of Parliament, he is a Minister.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaissey): Is the hon. Assistant Minister in order to impute improper motive on the security and the establishment of Defence Forces? Can he substantiate or withdraw his remarks and apologise to the House?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister in order to purport that it is only particular members of this country, from northern Kenya, who have been taken to fight in Somalia while it is only the other day we buried one of the first casualties of the war who crushed in a military helicopter from Kitui? When the father heard about the death of that First Officer, who was basically a pilot and was his son, he collapsed and died. So, is the Assistant Minister in order to purport that there is discrimination on who goes to fight?

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Deputy Speaker, Sir. A soldier from my constituency also died in that plane. My constituency is not located in northern Kenya. It is very unfair for people to come to this august House to peddle untruths especially on very serious matters like the ones we are dealing with.

Mr. Konchella: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to ask the hon. Assistant Minister to withdraw because that is a very serious allegation? All the deployment of our forces in the barracks whether in the Air Force or the Navy are posted regardless of where one comes from. It is all based on making sure the integrity of our forces is clear. That is a very serious allegation that must be withdrawn.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, although I said it, I am convinced that I should withdraw and apologise. I will only ask my colleague, the Minister of State for Defence to look at balancing when they are redeploying.

With those few remarks, I support the Motion.

The Minister for State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this

opportunity to contribute to this very important Motion. From the outset, I want to make an appeal to Members of Parliament that at this moment, it is important for us to support more the Kenyan troops who are in Somalia today.

As a matter of fact, just very briefly, touching on a historical account, it may be recalled that since President Siad Barre left Somalia in 1991, that country, which is a neighbouring country has never had a functioning Government. The institutions of the state have not existed because of the warring factions and activities. We have a country that needs the sympathy not only from us, Kenyans, but also from the international community. A whole generation has been lost. Young people have been born during this time; more than 20 years ago, and have not had the benefit of education despite the United Nation's Charter that says every child has a right to education. The people of Somalia have not had the benefit of access to health, clean water and employment. They have suffered tremendously.

We have always considered the neighbouring countries as our brothers although they lack functional institutions. I think we have to be very clear. They are our brothers because they live next to us. When they live in a situation of instability, it invariably affects our own security, economy and stability. We should begin from that.

Kenya has fulfilled its international obligations. We have played host to the people of Somalia and others who have found it impossible and intolerable to live under difficult circumstances of insecurity and, of course, poverty and hunger. In 1991, we took over half a million refugees from Somalia. We all complained but we felt, as a country, we must fulfill our international obligations. These are people who are living in a neighbouring country and a problem in Somalia translates itself immediately, into a problem in this country. True, this has happened.

The Americans immediately withdrew their troops from Somalia in 1992. Until recently, Somalia has been abandoned by the international community. The only country that has made an attempt to assist Somalia is this country. Our country has done that at a high cost. Of course, others will argue and say that those are the problems of Somalia. The Americans left, why should we be there? It would have been the biggest selfish mistake to abandon them. We have embarked on a very strong international advocacy that Somalia needs to be assisted. Why did the international community, for example, the European Union and America contribute troops that cost billions of dollars to go to Iraq and Afghanistan? Why not Somalia?

(Applause)

That has been a clarion cry. Is it because it is in Africa?

I begin to understand that this thing, however painful it has been, is because we felt that Africa must also address its own problems. Days are gone when Africa had to depend on an outsider to solve our problems. For this reason, I would like to applaud the African Union. Through its Peace and Security Council, it has done a first class job.

Our troops went to Somalia to safeguard the territorial integrity of that country. We have no any territorial ambition for Somalia. Our people live there. It is important that the troops come under the umbrella of the AMISOM. That way, we will broaden the international preoccupation in that country. This is because the problem of Somalia is not

the not the problem of Kenya or Africa alone. It is a problem of the international community.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you very much, Mr. Deputy Speaker, Sir.

I will be very brief in support of this very important Motion. First of all, let me take this opportunity to commend and congratulate the Kenya Defence Forces for a work well done. Our defence forces, as you know, are unmatched in this region. This is both in terms of discipline and professionalism. We have shown the world that training pays. The request by the Ministry through the Cabinet that we convert the defence forces to be part of AMISOM is very important. How can we convert our troops to be part of AMISOM to keep peace in Somalia?

Mr. Deputy Speaker, Sir, the Member for Lagdera when he was contributing said we will convert “*Linda Nchi*” to “*Okoa Somalia*”. That is really the message of peace.

Mr. Deputy Speaker, Sir, for Kenya to convert its armed forces to be part of AMISOM, we will take professionalism there. We are now in Somalia because of national security interest. That is why we are there. That is why the Cabinet approved the Kenya Defence Forces to operate there. They have not let us down. They have shown bravery.

Mr. Deputy Speaker, Sir, the strategy, and I happen to be one of the developers of that strategy, is to prevent, deter and defeat. This is what we are doing. The *Al shabaab* has been playing around with the Kenyan people. We moved in and now we are defeating them. Now we will convert, if this Parliament approves, to be part of the peace support operation in Somalia under the umbrella of AMISOM. We moved into Somalia under the UN Article 51 in self-defence. That is why we are there. That is why we have done a good job.

Mr. Deputy Speaker, Sir, I just want to bring very fundamental issues here. One, as we convert to be part of AMISOM, we want to know command and control aspect. Will our soldiers be under the command of AMISOM, or are we going to operate as a sector, so that we maintain respect and professionalism? That is one thing which will be decided at the AU.

Mr. Deputy Speaker, Sir, “command” is very technical aspect in operations. If it is not integrated, it can bring risk and casualties even to the troops. So, we want to know who will be in charge of our troops. The other issue which is very important and I do thank the hon. Member for Imenti---

Mr. Chachu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister for Defence in order to ask those questions about our forces in Somalia when those decisions are made by his Ministry?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to poke his own Ministry’s Motion by casting doubts? When the Minister was coming to look for the support of the House, we thought you had all the facts, and knew what you are doing. If you do not have enough facts, then you have no business supporting this Motion.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You want to inform who? The Assistant Minister, do you want to be informed?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Yes.

Mr. Deputy Speaker: Proceed.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, I just want to inform my colleague and the House in general the logistical arrangements on who will handle the forces when they are on the ground under the AMISOM. Strategic planning and organizing of the exercise will be determined by the force according to internationally acceptable law, where Kenya is a signatory.

Secondly, the other point of information, I want to give is that Kenya has been a member of peace keeping mission for over a period of 30 years. We have performed extremely well. So, there will be no need to worry about who is actually going to be in control, or in charge.

Mr. Deputy Speaker: Hon. Members, because of the interest that is generated here, every Member will only have five minutes.

Proceed, hon. Nkaisserry.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Deputy Speaker, Sir, I will be the last one to contribute for ten minutes.

Mr. Deputy Speaker, Sir, I was actually coming to that so that we know as we approve this Motion that our troops will be there. I have to talk quite frankly so that when we approve this Motion we know what will happen to our troops. I am not opposing the Motion.

Our equipment will be there. Of course, hon. Onyonka says this issue will be dealt with. Our Parliament, as you approve the Motion, you need to know all the facts, so that when we come back to you for support, you will be there for us. When we deploy, we use our equipment and resources. When we convert to AMISOM, it will be AMISOM equipment. Therefore, we will definitely require the support of the international community.

The other important issue is consistent political goodwill in this operation of AMISOM. It is important to know this. In every peace keeping, there is mission grip. Mission grip is going to be issues of violations of human rights. We want our forces as we join AMISOM to be specifically under specific command of our own troops. That is very important, so that when mission grip come in, we shall not be blamed as an overall aspect.

With those very many remarks, I support.

Mr. Hassan: Mr. Deputy Speaker, Sir, I would like to contribute by saying the Somali tragedy has been with us for a very long time. For 20 years now, Somalia has no functioning and effective Government. It is a country whose problem has been neglected by the international community. As a result, Somalia has produced the largest number of refugees and internally displaced people in the world at one point.

Millions of Somalis have lost their lives as a direct result of war or consequences. Somalia has become haven for negative forces from all over the world. It has now become a threat to international peace and security in the region as well as in the world. However, unfortunately, the world has not done what it should have done. The international community has not done its work. For example, the world went to the rescue

of Sierra Leone, Liberia, Burundi, the Democratic Republic of Congo (DRC), and Sudan. All these countries have either an African Peace keeping force or an international peace keeping force.

I am asking myself: Are Somalis not members of the human race? Why are we letting the children of Somalia die needlessly? In the case of Kenya, we share not only a common border, but also common characteristics. Therefore, I think Somalia needs the security to be able to have the peace and deal with its problems politically; after all, the problem in Somalia is political. However, you cannot have a political settlement unless you secure the security. Therefore, it is in the interest of Kenya and her people for us to play a supportive role in resolving the Somalia crisis. We can play that role by being part of the internationally recognized and accepted process which is AMISOM. By being part of AMISOM we can protect our interests as a country and let the people of Somalia have the opportunity to resolve their problems and find the political solution that, that country needs in order to be once again part of the regional process, Africa and the World.

Mr. Deputy Speaker, Sir, I think the best way we can contribute to that, having played a role in putting up the Somalia Government here in Nairobi, is by putting our Armed Forces at the disposal of the AMISOM and be able to play that role which will let Somalis have a functioning and legitimate government. This will also enable us to have a secure border in which we can once again trade, travel and enjoy what Somalia has to offer both politically and economically.

Thank you, Mr. Deputy Speaker, Sir.

Eng. Maina: Mr. Deputy Speaker, Sir, I rise to support this Motion and congratulate our forces for doing a good job. No country can sit back when its sovereignty is being threatened by some gangsters here and there.

Mr. Deputy Speaker, Sir, having said that, I think we must start taking the security of this country seriously. Before our forces moved into Somalia, there were various insurgents entering this country in the north. Apart from that an English tourist was killed in Lamu. Barely two weeks later, a French lady was captured by the same gang. One asks himself: Where were the Kenyan security forces? I am not talking about the Army. We knew and have always known that we have a neighbour who is harbouring some terrorist groups. What has the security agents in this country done to ensure that these people do not cross the border and do what they did? Therefore, the Army is doing a good job, but our security must ensure that our borders are safe. We should not have allowed the terrorist groups do what they did in Lamu.

Mr. Deputy Speaker, Sir, Kenya and Somalia are two neighbouring countries that are friends. Truly, a problem with your neighbour is your problem. But we must be careful when handling the Somalia problem. We need to understand that the interest of this country comes first. Why am I saying this? It is because we do not want ever again to have our youth dying in Somalia because somehow we were not as prudent as it is happening now. This war is definitely a very expensive affair for this country. No country looks forward to going into any war with anybody.

Mr. Deputy Speaker, Sir, the other issue is that whether we like it or not, the terrorist gangs in Somalia truly cannot be in isolation. This country must be careful never to get embroiled in a situation where the international terrorists all the way in Afghanistan; *Al Qaeda* and *Al Shabaab*, take Kenya as an enemy. This is because that is a war that we may not be able to win. America, the western world and Europe have not

won it and we are not in any way better equipped to deal with that kind of a situation. In this regard, therefore, we must have a very clear timeline and agenda on what we are achieving. We must be very clear that we are going to Somalia and our agenda is one, two and three. Once that agenda is achieved, our children must come back to this country and ensure that we protect our borders such that the insurgents never come in again.

We are talking of Lamu Port, but one wonders what port we are talking about if truly these terrorists can slip into the country. Can this Government assure Kenyans that the so-called *Al Shabaab* is not within our midst? I am asking this question because there have been stories or information that there was a threat on the last national holiday. We have seen some terrorist explorations. Can this Government assure Kenyans that whatever we are doing in Somalia-- We are fighting using jets and bombs, but what have we done about the likely insurgents that may be within us? I want to say that our forces have done a good job and we should make this war very short.

Mr. Deputy Speaker, Sir, let others in this world who believe in the peace of this world truly come in through the proposal given here.

Mr. Deputy Speaker: You have run out of time, Eng. Maina!

Eng. Maina: Mr. Deputy Speaker, Sir, let me conclude my statement.

Mr. Deputy Speaker: Conclude in half a minute!

Eng. Maina: Thank you very much, Mr. Deputy Speaker, Sir. I know that you are a religious man and I knew that you would oblige.

Mr. Deputy Speaker, Sir, I congratulate our forces and wish that this war ends quickly. We also wish that in future our borders are safe.

Thank you very much, Mr. Deputy Speaker.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I rise to oppose this Motion with very solid reasons.

Mr. Deputy Speaker, Sir, if you read this Motion, you will find that it goes against what the Government initially told this Parliament. The Government told this Parliament that they were going to have a short mission. They said that they were going into Somalia in respect of hot pursuit, come back and we finish this mission.

We have filed a Question asking how much money has been spent. That Question was never approved; it has never come to the Floor of the House for us to know the extent of this Government's involvement in this war. I am speaking like this because right now, we have a lot of internal problems in the family and the soil called Kenya. We have doctors striking, we have just ended the problems with teachers but they are threatening on other things; we have a deluge of rain that will require that people be supplied with food, but from where? After that, we have to repair the infrastructure that has been washed away. We are talking about the same money; a shrinking economy, and here we are saying that we want to support the conversion of our initial mission in Somalia from a normal, temporary, self protection mission to an engagement under AMISOM.

Mr. Deputy Speaker, Sir, what is AMISOM? Members of Parliament should know. Just for the sake of us knowing, AMISOM is the African Union mission that went to Somalia on 19th January, 2007 to replace the Ethiopian troops that had been called in to support the weak TFG Government. Ethiopia initially intervened at the request of the TFG. This mission was approved by the AU, and had a mandate; I wish to read that mandate.

- (i) to provide support to the TFG in their efforts towards the stabilization of the situation in the country and the furtherance of dialogue and reconciliation;
- (ii) to facilitate the provision of humanitarian assistance, and
- (iii) to create conducive conditions for long-term stabilization, reconstruction and development in Somalia.

To fulfill this mandate, AMISOM was given a range of tasks by the United Nations Security Council (UNSC) which included:-

- i. to support a voluntary disarmament process;
- ii. to protect the TFG and its infrastructure.

Mr. Deputy Speaker, Sir, what am I saying? I am saying that the AMISOM is on a long-term engagement. Who is going to pay for this? I want to add that there have been two models of intervention whenever AU has gone to maintain peace or to try and stabilize a region. The model under which Kenya is being asked--- In fact the model in which AMISOM is engaged in Somalia is the Burundian Model," which is the TCC – Troop Contributing Countries - in which each country which contributes troops is supposed to take primary responsibility for those troops.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of order, Mr. Deputy Speaker, Sir.

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

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, is the hon. Member in order to misinform this House that when the troop contributing nations came together and contributed troops to AMISOM, the agreement was that each country would take responsibility for them, including paying them? AMISOM was decided on by the AU countries. The AU decided that there was a need to take troops to Somalia, whose agenda was specifically what he mentioned. Is he in order to misinform the House? Who pays? Right now the USA and Italy governments are paying the money for the maintenance of the AMISOM troops. Kenya, as a troop contributing country under this mission would seek the recommendation of the AU as to how our troops would be funded. The Kenya Government will not participate in raising money.

(Applause)

Mr. Mungatana: Good point, Mr. Deputy Speaker, Sir. I could not agree more with the Assistant Minister that they are going to now seek some funding from somewhere. But in the meantime, we are being told by his Minister that the initial engagement is going to be for the Kenyan Government to pay!

Mr. Deputy Speaker, Sir, what I am asking is a very simple question. Is it right when we are having so many internal problems? Are we being sensitive when we are having so many internal problems right now in the country? Having decided to just defend ourselves from *Al Shabaab*, are we right in going into a long-term engagement which we do not know how long it will last? When AMISOM was formed the Minister of State for Defense and the Minister for Foreign Affairs knows know that it was initially mandated to stay for only six months. After that, the UNSC was supposed to take over, but up to now, they keep on extending that mandate because the UN has not accepted to

take the responsibility. What the Minister has said is that individual governments have been saying “Let us help; let us help.” The UN has not taken over the mandate!

(The red light turned on)

Mr. Deputy Speaker, Sir, I wish to have more time because I am the only opposing voice.

Mr. Deputy Speaker: You have one minute!

Mr. Mungatana: Mr. Deputy Speaker, Sir, I wish to say this as I wind up, I wish I could say more. You will see that the only country that will be having to share a border-

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Mr. Ethuro: Si umalize!

Mr. Mungatana: Mr. Deputy Speaker, Sir, please, protect me from hon. Ethuro!

Mr. Deputy Speaker: Order, hon. Ethuro! Order!

Mr. Mungatana: Mr. Deputy Speaker, Sir, I am pleading with hon. Members of Parliament, and a few months later, you will come to agree with me. The only country that will be sending troops, if we approve this Motion to Somalia, and shares a border with Somalia, will be Kenya. Right now, it is Burundi and Uganda, which do not share a border with Somalia. The only country that shares a border with Somalia and will be asked to contribute troops to Somalia is Kenya.

Mr. Deputy Speaker, Sir, there was a reason why Ethiopia, which shares a border with Somalia, was asked to withdraw. Why are we putting our country into this situation? I urge this House that, let us go to the---

Mr. Deputy Speaker: Conclude!

Mr. Mungatana: Let us stick to the original reason for which we sent the KDF to Somalia. If we have money for engagement, let us use this money to solve the doctors' problems. We just passed a Motion in the morning to pay loans for tea farmers; let us solve the internal problems – I plead – instead of going into a long-term, or indefinite engagement in Somalia----.

Mr. Deputy Speaker: Order, your time is up!

Mr. Mungatana: I beg to strongly oppose.

Thank you, Mr. Deputy Speaker, Sir.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I support. I saw my good friend in Church the other day, and as Christians, we are told to love our neighbours. The argument that “in my house, I do not have enough food for two meals” does not mean that I should not sacrifice for my neighbour to have one meal.

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

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

Mr. Mungatana: Mr. Deputy Speaker, Sir, I am surprised at hon. C. Kilonzo. We have been here for two terms now. It is wrong for him to simplify the issues I have raised here to having two meals and others not having a meal. The doctors' strike is about death in our hospitals. That is not one meal or two meals! It is not a simple issue. Please, go to your arguments and do not try to make this a simple matter.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I am sure he is not the Speaker and that is not a point of order.

Mr. Deputy Speaker, Sir, the fact that you do not have enough water in your house does not mean you do not rush with the little water you have to help at a neighbour's house, which is on fire. Africa lived under an organization which was called the Organization of African Unity (OAU), which observed the principle of non-interference in the internal affairs of another country. In a sense they said "hear no evil, see no evil, speak no evil." If AU had come into being much earlier, the problem of Somalia would have been solved some years ago.

Mr. Deputy Speaker, Sir, when we have smaller nations with limited or meagre resources like Burundi and Uganda saying "We cannot sit back; let us do something about it," it will be selfish of us, as Kenyans, to say we must solve all our problems before we think about a neighbour. In any case, we are already in Southern Sudan; why is it that nobody is complaining that we are funding the Southern Sudan Government and giving technical assistance? Why is it that when it comes to Somalia, we say "No, no, no; Somalis are not human beings. We should not fund them?"

(Applause)

If we are funding Southern Sudan, then we have a duty to fund Somalia. We are not only talking about military intervention, we are talking about Kenya lobbying the international community to fund the problem in Somalia.

Mr. Speaker, Sir, in supporting this Motion, I have three reasons as to why we need to convert our operation there into an African Union affair. Firstly, we must give assurance to the Transitional Federal Government in Mogadishu that we do not have any hidden agenda like trying to create Azania or Juba Land state. Secondly, we must not talk about creating a buffer zone. The idea of creating a buffer zone is another way of talking about creating another state within Somalia.

Thirdly, we must be a team player. We must not go into Somalia alone. Before 19th December, 2011, the African Union (AU) is going to petition the United Nations (UN). I am sure that they will be going to look for funds. We cannot afford to remain in Somalia as Kenya. We must bring on board other team players as well. If we achieve peace in the Somalia, we will easily move the 500,000 refugees who are in Kenya into Somalia. The Somali people would rather be Internally Displaced Persons (IDPs) rather than refugees.

Mr. Deputy Speaker, Sir, somebody said that you do not have to fight to be a man but when you are a man, sometimes you must fight. A time has come for Kenya to rise to the occasion and to the challenges and show leadership in Africa. We cannot be a leader but when it comes to assisting people solve their problem, we say: "No, we cannot assist you. Let us, first, complete solving our problems." When we had the post-election violence in 2007/2008, everybody in the world stopped what they were doing and came to assist us. This is pay-back time for Kenya. We must pay back by going into Somalia---

Mr. Mungatana:---(off record)

Mr. Deputy Speaker: Order, hon. Mungatana! There is only one person who is supposed to speak for now.

Proceed, hon. C. Kilonzo!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it is said "I may not like what you are saying but I will defend your right to say that which I do not like".

Mr. Deputy Speaker, Sir, in conclusion, it is better late than never. We should have gone into Somalia ten years ago, on a humanitarian basis, in the first place. Humanitarian aid from Kenya should have been in Somalia for the last ten years; it has not been there. We have gone there militarily. Let us now back our military operation with humanitarian aid.

With those remarks, I beg to support.

Mr. Yinda: Mr. Deputy Speaker, Sir, I would also like to join my colleagues in supporting this Motion.

I would say straightaway that our National Defence Forces are already doing a very good job in Somalia. We are now asking our security forces to join the AMISOM, so that they can become a peace-keeping force in Somalia. As hon. C. Kilonzo said, this is something which we should have done more than 10 years ago. Somalia is a natural neighbour to Kenya. Any problem in Somalia affects Kenya. We cannot take lightly the support or the contribution that Somalia has made to the Kenyan economy. Most of the economy in Eastleigh comes from Somalia, and, as a country, we cannot ignore that fact. Therefore, the Minister's request to this House is very noble and we should wholeheartedly support the Motion.

Mr. Deputy Speaker, Sir, if piracy in the Indian Ocean continues, shipping will be affected badly. Even our Port of Mombasa and the proposed Port of Lamu will be nothing. As we talk now, the cost of shipping is already too high because of the insecurity in Somalia. The only way we can contribute in a small way is to send our soldiers, who are very capable and disciplined, to join the other African men and women who are keeping peace in Somalia.

At the moment, we are busy talking about just our military forces going to Somalia but military forces without equipment are not forces at all. At the moment, our military forces need a lot more equipment than what they have. Our navy, for example, is not as well equipped as they should be to be able to discharge the responsibility of monitoring law and order in the Indian Ocean or in the coastal waters near our country. It would, therefore, be prudent for this House to look into the future, especially when our Minister in charge of defence brings his Budget to this House. It is up to this House to ensure that our military have the resources they need to build up the equipment that will enable them to defend this country.

Mr. Deputy Speaker, Sir, when you move forces into a foreign country, as we will be moving our forces into Somalia, you need to transport them. The Minister will agree with me that at the moment we do not have sufficient transport aeroplanes to even take our forces to the war front. Why am I saying this? It is costly to do these things, but in normal circumstances, if, for example, the United Nations will be involved in this mission, they will reimburse the country for the expenditures we will incur on movement of military personnel. Therefore, even as we build up our equipment, it is also an investment worth supporting.

For now, I would like to join my other colleagues in supporting this Motion wholeheartedly to enable our security forces to go into Somalia.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Samoei: Mr. Deputy Speaker, Sir, I thank you very much for giving me an opportunity to contribute to this Motion.

From the start, I want to support this Motion and make it very clear that it is, indeed, in the strategic interests of the Republic of Kenya to have a peaceful and stable Somalia. As they say, it is better late than never. We should have engaged Somalia way back. You will remember that when Siyad Barre was forced out of office more than 20 years ago, the whole world tried to do something. The failure of that effort to save Somalia was because it was fronted by countries and interests that were not regional.

Mr. Deputy Speaker, Sir, today, we have Somalia in the hands of a regional force, under the African Union mandate. The only chance of success in Somalia is when we have a regional force backed by neighbours of Somalia. We have a chance of success because it is in the interests of all the countries surrounding Somalia to sort out the security issues in Somalia. We must engage our security forces in Somalia because, as a country, we are already suffering the effects of terrorism in Somalia.

The cost of bringing goods to our country has gone up by 40-50 per cent merely because of insurance; shipping lines have upped their stakes. It is, therefore, absolutely necessary for us, as a country, to sort out the issues in Somalia by contributing in every way, including financially, if the need arises, because we are suffering from the effects of what is going on in Somalia.

Mr. Deputy Speaker, Sir, tourism which is actually the sector in which Kenya has a competitive advantage with beaches, wildlife, wildebeest migration and all, is suffering. We have not managed to go beyond 1.5 million tourists in our country. This is majorly contributed to by insecurity. It is obvious that we cannot grow our economy as fast as we want without a sector like tourism in which we have competitive advantage, growing.

There is absolutely no reason why Kenya cannot attract 5 million tourists every year. A City like London which has nothing but very old buildings gets 30 million tourists every year. A country like France gets up to 86 million tourists every year. Why can Kenya not get 5 million tourists every year? In any case, scientific evidence indicates that for every extra tourist that we get, three Kenyans get a job.

Mr. Deputy Speaker, Sir, I want to persuade this House that it is in the strategic and economic interest of Kenya to have a peaceful region. It is not possible to have a peaceful region if we do not sort out Somalia. Therefore, the request by the Minister of State for Defence for this House to approve that our national defence forces be joined into Somalia under the AMISOM, so that we can effectively deal with the menace that *Al Shabaab* and other terrorist groups have brought to this region, is a very welcome development.

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

Mr. Konchella: Mr. Deputy Speaker, Sir, this Motion requests this Parliament to approve a Motion for our security forces to serve in Somalia under AMISOM.

(Loud consultations)

Mr. Deputy Speaker, Sir, protect me from the loud consultations because I want to speak.

Mr. Deputy Speaker: Hon. Members, consult in low tones.
Proceed, Mr. Konchella.

Mr. Konchella: Mr. Deputy Speaker, Sir, I want to support this Motion with reservations---

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. We want the Mover to be called to respond.

Mr. Deputy Speaker: Order! The Chair is convinced that the Members who are present want to be heard. The matter itself is a matter that comes once in a generation.

Mr. Konchella: Mr. Deputy Speaker, Sir, I want to support this Motion with reservation. I am glad the two Ministers are here. My reservation is that the broad mission of AMISOM in Somalia has been there for the last four years. Could we have an audit of what they have done to stabilize that country and protect the people of Somalia? By joining AMISOM, we are subjecting our troops to go back to an entity that has no proof of having done anything. I do not think I will agree with that.

At the moment, we have our troops trying to stabilize that country. We should not go to keep peace in Somalia. We should go there and create peace. That is what we are doing as far as I am concerned. We have between 500,000 and million Somali refugees in Kenya. We must create a buffer zone for these people to go back home and live in peace and start developing their country. They need to go there and build schools for their children. For us to tell our troops to go there and live in barracks, we will be exposing them to attacks by *Al Shabaab* militias. Our troops are not lame ducks to go and sit in barracks. If that is the arrangement under AMISOM, I will support this Motion with reservation.

I am asking the Ministers that when they discuss the terms of reference for our troops that they agree on the following:

1. We must be in our own zone. If we are occupying the AMISOM zone, it will be in a section for Kenya troops. We have to create peace there. We have to go for *Al Shabaab*. We have to clean the towns and provide security. We have to build schools, so that Somalis can send their children there.

2. We, as a country, must also be supported to get the people of Somalia back to their country. They are tired of being here.

They are intelligent people. They are businessmen. Let us create a zone for them to go and develop their country. That is the only way we can win the hearts of the people of Somalia. That is the only way they can go, develop and stabilize their own country. That should be our mission; not to go under AMISOM, under the command of somebody else who has to wait for orders from the United Nation. All our troops must get orders from Nairobi if they convert to be part of the AMISOM troops. That is why we need our own sector, so that our troops can get orders from Nairobi and be able to carry out operations to stabilize that country.

The other issue which I would like to ask the Ministers to do is that as we create our zone, let us develop plans to take the Somali people back home. We can do this by creating a peaceful environment for them to go back. Our intelligence forces should be able to identify the elements who are among the refugees.

We want to tell the Somali people who are in Kenya, for goodness sake, that their children are tired of being refugees in other parts of the world. They want to go home. They want to develop their own country. I urge them to identify the people who have been causing problems in this country. Already we have had so many bomb attacks in Garissa and even here in Nairobi. So, what we are asking them is; they should work with our security forces and our own Somali community in Kenya, so that they identify those

elements which are causing problems among them, so that they can be dealt with in accordance with the Kenyan law.

With those remarks, I want to support.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I stand to support very whole heartedly this Motion.

Somalia, as all my colleagues who have spoken said, remains a major destabilizing factor in this region. If we are to develop, we must have peace. Right from the word go, when Siyad Barre was overthrown, external forces came into Somalia without strategy or understanding what they came to do.

The East African region under IGAD has midwived peace in Sudan. The East African region under IGAD has midwived the creation of the TFG in Somalia. This is the only entity that is recognized internationally as a government in Somalia, although it controls very little of the Somali territory.

Mr. Deputy Speaker, Sir, the AMISOM forces in Somalia today have an authorized strength of 12,000. Burundi and Uganda have put together 9,500. All those troops are in Mogadishu. With the combined effort of the AMISOM forces in Mogadishu and the 8,000 TFG forces they have been able to defeat Al Shabaab and route them out of Mogadishu completely. Now they can consolidate the peace and security of Mogadishu.

But Somalia is not Mogadishu and Mogadishu is not Somalia. We must do much more than that. We have as a region asked the United Nations to expand the AMISOM strength from 12,000 to 20,000. That request has been received very positively. The UN has indicated that once we reach the 12,000 strength they have no difficulty in expanding the numbers to 20,000.

We, as a region, have indicated to the UN Security Council and they are in agreement that once we get the extra troops beyond what is in Mogadishu today, they should not be deployed to Mogadishu where we have enough troops already doing a good job.

Kenya, for example, has liberated up to 130 kilometres of our frontier into Somalia. That area is free of *Al Shaabab*. It needs a stabilizing force. It needs a peace keeping force. We cannot keep peace where there is no peace. We can only keep peace where there is peace.

Mr. Deputy Speaker, Sir, that is why the UN that started off with what I thought to be a parochial policy of saying that neighbours of Somalia cannot contribute troops to AMISOM, on our representation and advocacy, changed that resolution. The UN has now allowed any neighbour to deploy troops to AMISOM. Djibouti has given a battalion. They are ready and will be deployed on the 16th of this month. Kenya has requested - and it has been agreed by the AU Peace and Security Council - that those troops should not go to Mogadishu. They should come to the liberated areas in southern Somalia. Kenya has offered to contribute - and the Minister of State for Defence, myself and others are discussing to see how strong our force will be in terms of numbers, logistical support required and the area of deployment and command structure--- I agree with those who have contributed, asking that we look for a structure where our troops can enjoy some degree of autonomy in command. That is something that we are going to negotiate and it is not difficult to achieve.

Mr. Deputy Speaker, Sir, over and above Kenya's contribution, it should also be recorded that Uganda has an extra two battalions ready to move into Somalia. Burundi

has an extra two battalions ready to move into Somalia. Nigeria has three battalions ready to move into Somalia. Guinea has two battalions ready to move into Somalia. Sierra Leone has a contingent of 500 policemen to come into Somalia to help in civil duties.

It should not be lost that Kenya trained policemen for Somalia who are doing a wonderful job today. As I support this Motion, I wish I had time to say more---

Mr. Deputy Speaker: The Chair uses his own discretion to give you three more minutes. Proceed!

The Minister for Foreign Affairs (Mr. Wetangula): Thank you Mr. Deputy Speaker, Sir. So, when you look at the profile that we have and we already have a commitment from the international community; the EU, the USA, they have money in the basket. Last September, Turkey, a very close friend of this region, on the floor of the UN, put in the Somalia basket US\$300 million that is waiting to come into Somalia to stabilize those structures.

Azerbaijan, a Muslim State, that is awash with oil – it is one of the major oil producers - put on the floor of the UN, in the basket of Somalia US\$350 million available to come and help stabilize the State of Somalia. It is now up to us. Like we have said over and over again, Kenya is the superpower of this region. Kenya is the economic powerhouse of this region. We must also take the lead. We must also participate in what is happening to stabilize our region because we have a vested interest. With peace, Kenya will prosper even more. Without peace, Kenya will suffer like we have been suffering.

Mr. Deputy Speaker, Sir, in this new dispensation, I laud the Minister of State for Defence. In the past, one could sit in an executive office and declare that troops are going to Somalia. It is now important that this House made up of the representatives of the people of Kenya must have a say, must know and must approve what we are doing with our boys and girls in the Army. I believe that what we are doing today will go a long way in helping Somalia.

Lastly, I want to inform Parliament that tomorrow, the Secretary-General of the UN is coming to Kenya. He will be in Kenya for two days. He is also going to visit your constituency, Mr. Deputy Speaker, Sir. He will go there, on Friday to visit the Daadab camp. I want to urge you to be there so that you can also be able to agitate for the interest of the host community. We have told the UN that it is not good enough to bring money and facilities to refugees when the host communities are yawning outside the camps. They must also be given food. They must be given security. They must be given facilities. They must be given education.

Mr. Deputy Speaker, Sir, this is something that I am going to invite you and other Members of Parliament from the area, when we have a meeting with the Secretary-General of the UN, Ban Ki Moon, to join me in agitating and requesting for issues that also support our people. As a host country, we have done so much. It is only important that everybody else joins in, first to help our people but, more importantly, to liberate the areas and move in peacekeepers so that our brother and sisters from Somalia can move back home.

Mr. Deputy Speaker, Sir, and hon. Members, imagine there are Somalis who are now 20 years old who were born in those camps, who do not know what a home is or what peace is or how to sleep in peace is. It is our duty as human beings, neighbours and leaders to assist our brothers to go and live like all other nationals of other countries. Nothing lasts forever. I have no doubt that Somalia problems will not last forever. If we

have the will, the way will be there. If the way will be there, we will achieve success in normalizing Somalia.

Thank you so much. I support.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I support this Motion very strongly. Allow me to use this time to pay my tribute to those soldiers who have so far paid the highest price, and those who have had all manner of casualties. Allow me to remember that in my family, Maj. Ong'ayo lost his life in a peace keeping force in Yugoslavia. Also allow me to remember that Pvt. Evans Mutoro was the first soldier to be declared missing in action.

Mr. Minister, we still hope that you will one day tell us that you have found him in captivity and if, by haven stance, he lost his life, you give us his body to bring him back home. We care.

Mr. Deputy Speaker, Sir, when I look at this Motion, it reminds me of the proverbial story of the acres of diamonds where a man sold his land because he could not grow anything on it. The other man who came in quickly discovered that he had bought land which could not geminate crops, but had acres of diamond. That our soldiers have demonstrated this high degree of discipline--- There has been no rape and harassment of Somalia women and girls. It means that in our own soldiers, we have been sitting on acres of diamonds. Why did we not use them in 2008 to stop and prevent the Post-Election Violence (PEV)? Whoever should have given that command but did not, it should prick his conscience.

Allow me to assure the Minister that even if he had come today with an improved version of this Motion, we would not only have given him our okay, but if he had also asked us to vote him more money, we would definitely have done it for him because security is expensive. Allow me also to congratulate Mr. Wetangula and Mr. Haji for the exemplary role they have played during this engagement. I should go ahead and tell my brother Wetangula that he has done so well, but he should not be blowing hot and sometimes cold.

You know, if it was a question of a report card when you are coming back home to Kakamega in the capital, you would have been given an excellent for what you have done in Somalia. But, definitely, for what you have done in Sudan, you would have been given a very poor score.

Mr. Deputy Speaker: Order, Dr. Khalwale!

Dr. Khalwale: I am keeping order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed!

Dr. Khalwale: Mr. Deputy Speaker, Sir, I want to say and say it here that the Chair was worried about what is our exit strategy? Indeed, to my mind, this is the exit strategy. We are exiting now, but exiting in an organized manner. Obviously, we are going to deploy fewer troops now that the international community has come in. Obviously, in our exit strategy, we are going to use less money that we would have used if the other people had not come in.

Mr. Deputy Speaker, Sir, it is my hope that the cost of doing that engagement will not be shrouded in secrecy. The Minister will have the courage to quietly - not in public - come before the Public Accounts Committee (PAC) and account for every cent that he is spending in that particular engagement.

I want to end by thanking my colleagues with whom, one and a half months ago, we held a huge national rally in Nakuru. We told the people that the problem we were facing was not a Kenyan problem. It was, first and foremost, an American problem. That is because *Al Shaabab*, we are told, is a branch of the *Al Qaeda*. Therefore, hon. Minister for Foreign Affairs, you must tell the American Government that they have a responsibility to contribute more than they might be doing in that particular engagement, because we are doing their dirty work.

This is not a laughing matter because as we can remember, as the Rwandese killed each other in the infamous genocide, America and the UN just sat there and did nothing. In fact, they pulled out and the few international forces, which were in Kigali, were told not to engage. Thank God that Kenya has the same shared DNA with Somalia because of the Somalis we have in Kenya and those that are in Somalia. This is has been the DNA that has given us leadership. We support the Government and support it strongly.

I support this Motion.

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Motion. Let me start by thanking the doctors who are now on strike because their call needs to be answered by the Government because our people are suffering. Their call needs to be heeded by the Government.

With regard to this Motion, let me start by saying that the two Ministers have done Kenya proud. They have visited the critical centres to present our case. They have visited the Headquarters of the Inter-Governmental Authority for Development (IGAD). The IGAD has already endorsed our commitment to bring liberation to Somalia. You also remember the commitment given to the Kenyan Government by the African Union (AU). They even conducted an extra ordinary meeting to approve this engagement, not forgetting that the UN has also given an approval to this very important engagement. This is a critical assignment that has been taken by our Armed Forces. Our memories are fresh, considering what happened in Kenya when the *Al Qaeda* criminal group massacred our people in Nairobi. About 210 Kenyans lost their lives. If we had known that the *Al Qaeda* elements were going to attack the country, our Armed Forces would have been called to defend it.

Now that the *Al Shabaab* has also come out clearly with the intention of interfering with the territorial integrity of this nation, the Kenyan forces were legitimate in coming out to defend the territorial integrity of this country. Kidnappings were the order of the day in this country. Now, they have been stemmed. Piracy was common in the Indian Ocean and even at the Port of Mombasa where pirates were picking our ships. With the mobilization of our Navy and the other forces, ships are now docking at our Port without any threat. It is, therefore, important that those liberated areas in Somalia, their fate be known so that the innocent people who are liberated are given social facilities to continue with their lives in that country.

We must also thank the men and women of this country who have moved to Somalia militarily to liberate that country. It is important that as our forces continue to fight in Somalia, a national day for prayer is set so that our military forces are given motivation, more spiritual and physical strength. As Kenyans continue to support this effort, it is important that the Government plans to invest more in our weaponry, particularly on the Navy. We must invest more and increase Navy ships and buy new

weapons for our military. We should not wait for foreign countries to come and defend Kenya or even the East African countries. We have seen how the US is rushing to Egypt and how it has responded to Yemen and Tunisia. Therefore, this is an African and a Kenyan responsibility to defend the territories of this country. It is important that we move behind our Armed Forces to give them motivation so that they can bring back sanity and stability in Somalia.

With those few remarks I fully support the engagement.

Mr. Kaino: Mr. Deputy Speaker, Sir, let me start by thanking the Mover of this Motion. I will try very much to avoid repetition. Most of my colleagues have spoken and have done so very well. The messages that have come here tell you how long ago we should have gone to Somalia. The cries in Somalia especially from the children have not only been for Somalia but also for Kenya to help them. They cried to Ethiopia and Eritrea to help them. However, we have turned a blind eye to these children. We felt the pain when we were hit by the massacres in this country. We did not realise how many children had died in those areas.

Kenya cannot be stable with the problems in Somalia today. It will be correct and positive for this country if we support this Motion because of one thing. The problems that we have today are caused by the influx of refugees from Somalia. If that country stabilizes, you will see these refugees going away, naturally. You will not even ask them to go. You will see them going back to their country because it is very beautiful, fertile and has many natural resources. The international community should go to Somalia and help. It is good that many countries in the world have realized that it is important to have peace. You cannot enjoy peace when your neighbours are suffering. They will create the same problems for you and that is what we have in Kenya today. Let me put it this way. It is important that Kenya joins the other forces of the AU because when we are there, we will not go as Kenya but as Africans. We shall be sharing whatever burden we have with other countries. So, the burden we have been having there as a country will lessen. Once that is done, we should come back home because we also have small fires burning here.

We have industrial strikes like the one of the doctors that the Government should address because patients are dying in the hospitals. We must also address the destruction in Syokimau and Embakasi. Children who lived in very good houses now live in shanties. The problem has been brought by the Government. These are small fires. As we take a lot of water to put out the fires in Somalia, we must also remain with some water to put out the small fires that we have here at home. Teachers met today and they are strategizing for another strike. The doctors are demonstrating, going round Parliament Buildings. People are sleeping outside or in shanties in Embakasi. These are also small fires that we must put out. However, the first priority is to watch over Somalia and make that country stable.

With those few remarks I support wholeheartedly this Motion.

Mr. Mututho: Mr. Deputy Speaker, Sir, I stand to support this Motion wholeheartedly.

I want to congratulate our military forces for what they have done. I think they have a lot of lessons to teach to their colleagues in the regular police, administration police and others. They have shown us how a force can go, assemble itself, and do what they were meant to do, without causing unnecessary hassle. I want to say this military strategy which was primarily meant to make or reduce *Al Shabaab's* military capability

to nil is a success. Therefore, we are likely to have that lacuna. If we have a lacuna, and you do not have people there who are going to manage, then we will have another format of *Al Shabab* or something similar. Therefore, this Motion is timely. Our intention was never to go there and occupy the land of Somalia. We have never been at war with our neighbour. Our target was and is to eliminate *Al Shabaab*.

Having said that, we, as a nation, need to help the Somali people, who are our brothers. They need a political solution to their problems. A political solution is not a military intervention. That now should be focal point of our next move. We should assist them to solve their problems. Whatever they are quarrelling about, there must be a political solution in Somalia. We should be able to help. Now that the guns are silent, we should be able now to help the Somali people form their own Government.

Mr. Deputy Speaker, Sir, if we achieve that, we should have our think-tanks up with economic strategy. Kenya should not squander this chance. In my view, we should be thinking of putting a railway line from Nairobi to Kismayu or Mogadishu. If we do so, the private sector will take over. They will discover Somalia is a good country to do business and tour. They can use the Port of Kismayu or Mogadishu to import their goods. I am sure we will discover many things about our neighbour and the issue of *Al Shabaab* will come to an end. Let us not only focus on military intervention, but let us think of what we can do in Somali.

While welcoming the Secretary General of the UN to our country, let him first and foremost, when he lands at Dadaab, shed tears when he sees the plight of those refugees. What mistakes have they done on earth? Nothing! What is it that we could not solve there in Dadaab Camp? Among other things, the environment around this camp has been in a total mess. The decision to have people in Dadaab for whatever reason was not correct, in environmental thinking.

Since I will not have a chance to meet him, I would urge that in future when they are putting up refugee camps, they should provide them with water, energy and food. They should not only provide for tents. Energy is a very important component that they should provide. Otherwise, they will be forced to look for firewood. In the process, they will destroy the environment. That has led to the destruction of Dadaab. We must persuade them to help in reconstruction and rehabilitation of this delicate ecosystem around Dadaab.

We cannot wish Somali people away. They are business minded people. They are good investors. We have lived with them for a very long time. We have intermarried with them. They are our neighbours. It is the high time we stopped engaging them with suspicion. We do not want to witness a similar situation like what is happening in the Middle East. Let us live peacefully with our neighbours. Let us create peace with ourselves. That is why I support the Member who said this Government must learn very quickly to respect its own citizens. This Government is fighting its own people. Let us refrain from destroying people's houses. Let us not evict IDPs because we think they have settled where they are not supposed to be. That is war in itself; war with your own people. Do not encourage the killing of *Mungiki* adherents without trial. Let them be tried. Let them say their problem. They have a similar background with *Al Shabaab*.

Mr. Temporary Deputy Speaker, Sir, finally, this Parliament should find it honourable to invite their colleagues from Somalia, Eriteria and other neighbours. Let us

all sit together and solve our problems amicably. Let us meet in Naivasha; it is a very good place.

With that, I beg to support.

Mr. Chachu: Mr. Deputy Speaker, Sir, I support this Motion which is very timely and strategic for our national interest.

Mr. Temporary Deputy Speaker, Sir, first and foremost, I want to salute the courage and sacrifice of our men and women in uniform. They are there to defend our freedom and the sovereignty of this nation. Some of them might pay the ultimate price by defending this nation with their own blood. This is something that we should really be proud of as a nation. We should support our men in uniform with all the support they need so that they can perform their duties effectively and ensure success in whatever they are doing.

Mr. Deputy Speaker, Sir, it is critical and strategic for Kenya to support security in Somalia. Security in Somalia is very important for own freedom, prosperity and stability politically. More than that, out of our own African brotherhood, being an immediate neighbour of Somalia and out of humanity and care of our brothers, we must address the Somali crisis. The world at large is guilty of having let Somalia go to the dogs all these years. It is really high time, the world and, most of all, the African nations, through, IGAD and AU, did what they have to do to ensure that we have peace, and security in Somalia. The human race should have done more in Somalia. This problem has persisted for over a decade.

I was a young student back in 1994 in the United States of America, when American forces were in Somalia and they were killed, and they were being dragged in the streets of Mogadishu. It made news for a whole week. That was the day the whole world, turned their back on Somalia. Yes, a few American forces were killed and they were dragged on the streets of Mogadishu. However, thousands of Somalis were killed during that war.

Mr. Deputy Speaker, Sir, our conscience should have been perturbed so that when we look at the crisis in Somalia, we should not just turn our backs simply because a few white American soldiers were killed and dragged in the streets of Mogadishu. Even African nations, including the immediate neighbours like Kenya, Ethiopia, Eritrea and Djibouti did not do enough to ensure the safety and security of the Somali people. It is now time, if nothing else, out of guilt, for the whole world to come and rescue Somalia as they have rescued other parts of this world, which have fallen, or which have been in a very chaotic situation, from Sierra Leone to DRC. There are many such countries in the world.

Mr. Deputy Speaker, Sir, as they engage under AMISOM, I wish our forces all the best, so that they will do what they have to do, to secure Somalia and our borders. I hope they will come home peacefully to join their families and join us in building this nation.

Thank you, I support the Motion.

Mr. Deputy Speaker: I think under the circumstances, there being no other Member who wants to contribute, I will ask the Minister to respond.

The Minister of State for Defence (Mr. Haji): Thank you very much, Mr. Deputy Speaker, Sir.

I wish to respond, first of all, to the questions that were raised by hon. Members, who were contributing. Sir, you will recall during your contribution, you raised the question of an exit plan. Hon. K. Kilonzo who also spoke before you raised the same issue.

Mr. Deputy Speaker, Sir, in the first place, Kenya has never had any appetite really to enter Somali territory. It is as a result of the unprovoked disturbances that the *Al Shabaab* militants were creating that at the spur of the moment, Kenya decided to push *Al Shabaab* away from our border. The Minister for Foreign Affairs and I went to Djibouti, Somalia, Burundi, Uganda and Ethiopia to sell the idea that we want to come out of Somalia and it will, therefore, require the African troop contributing countries to contribute soldiers who can go and replace Kenya. This is because if Kenya had moved out, that would have given a lot of strength to *Al Shabaab*. They would have felt that the Kenyan forces had been expelled from Somalia. They would have been more popular and stronger in Somalia. Therefore, when we could not get more than 9,500 soldiers from the contributing countries, we decided to revert to the AMISOM so that we do not come out of Somalia right now.

Mr. Deputy Speaker, Sir, I do agree with your sentiments that Kenya should not stay longer than it is necessary. Even tomorrow if we achieve the objective which has taken us there, Kenyan forces will come out of Somalia. You also talked about collateral damage. We agree and are very sensitive to that. During our operation we have made sure that nothing like that happens in Somalia. That is why the liberated areas are embracing our soldiers and receiving them with both hands. They are very happy to receive all the assistance that our soldiers are able to give in terms of medicine, food, mosquito nets and even the Quran.

As the Minister of State for Defence I want to make it very clear that in this operation we do not have any other Government assisting us. We shall not also allow the Prime Minister of Israel to come and fight with us in Somalia. We will not allow even an office messenger from Israel to come and embrace us in this war against the *Al Shabaab*.

Mr. Deputy Speaker, Sir, hon. Imanyara talked about the contingent of AMISOM. Very rightly so, the contingent of AMISOM is 9,500 as at now. The requirement was that they should be 20,000, but now that the *Al Shabaab* have been expelled from Mogadishu – 98 per cent of Mogadishu is now in the hands of AMISOM – it has been found prudent that the second phase which was to liberate Mogadishu and other parts of Somalia should now start immediately. Therefore, there are 9,500 of Burundi and Ugandan troops in Mogadishu. These countries have also pledged to contribute a total of 4,000. They can also go to Mogadishu if they want. Djibouti has contributed 1,000 soldiers and we are persuading them to be brought to our side, plus the soldiers that we will contribute to AMISOM. With that we think that liberation of Somalia is in the pipeline right now.

Mr. Deputy Speaker, Sir, my brother, hon. Imanyara also raised the question of the cost element of this operation. This Motion intends that when the UN takes over the cost element and enabling, that is, giving soldiers arms, vehicles, salaries and everything, it will save the country a colossal amount of money.

Hon. Mungatana raised the question of us, as members, being engaged in Somalia. We are very proud, as a country, to have managed to convince the UN Security Council that we, as neighbours, have originally refused to contribute soldiers because we were conscious of our neighbourhood with Somalia, but the situation has now changed.

Therefore, it has been agreed in principle that any neighbour can contribute peacekeeping troops and that is why we are now going to be in Somalia.

Mr. Deputy Speaker, Sir, hon. Konchella raised the question of zones and that was very rightly so. We said that there should be some sectors of AMISOM. There should be the sector of Mogadishu, another one neighbouring Ethiopia and a third sector which neighbours Kenya. Therefore, the control will be done by us, as the contributing country and this will take care of our interest.

For the benefit of this House, I also want to report that our soldiers have performed wonderfully with a minimum loss of life. The damage that has been caused to *Al Shabaab* right now is over 144 dead militants and five training camps with armament have been destroyed by our troops. This is against the loss of 11 Transitional Federal Government (TFG) soldiers who have been killed and 25 have been injured. Four members of the Kenya Defence Forces (KDF) have been killed and 11 have been injured. There are also five who died in the helicopter crash. Those who surrendered are seven.

Mr. Deputy Speaker, Sir, having said that, I would like to thank all the hon. Members for the overwhelming support that they have given this Motion. This will make our soldiers to know that they have brothers and sisters who are mindful of their welfare. Therefore, they will be fighting harder than they have already done.

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

(Question put and agreed to)

BILLS

Second Reading

THE LABOUR INSTITUTIONS (AMENDMENT) BILL

(Mr. Mututho on 6.12.2011)

(Resumption of debate interrupted on 6.12. 2011)

Mr. Deputy Speaker: Hon. Mututho was on the Floor; you have 30 minutes.

Mr. Mututho: Thank you, Mr. Deputy Speaker, Sir. I realized yesterday that most people did not really seem to capture what we were saying, that the existing laws, the existing statutes are very generous – they allow the Minister, under Section 43, to appoint a Wages Council. This Wages Council is categorized into two wings, one is general workers wages council and then the agricultural workers council. There is a provision that you can form any other council as you wish. That has not happened for the last many years and the workers in the flower industry – not Naivasha people – have been short changed throughout. I have explained and expressed the concerns that what they go through is really worse than what we call “neo-colonialism” or, at the very best, slavery. I want to be proved wrong and I am glad that some hon. Members of the Labour Committee are around. Let them tour the farms; tonight, as I said yesterday, some people who earn only Kshs3,500 or Kshs3,700 before recovery of loans, are going to have just ugali, water and salt. They cannot afford *Sukuma wiki*, forget about anything else!

Mr. Deputy Speaker, Sir, we have been having a policy, as a Government, to plant a lot of trees, and there are a lot of trees being planted all over. Most of the flower farms are in fragile eco-systems, where trees themselves are a challenge. Now, you have a situation where 100,000 workers plus, who are in this industry, are condemned and will never use gas, because one gas cylinder costs more than their entire salary. So, they will never use gas. The 100,000 plus workers will have, in one way or another, have to find their own way of getting energy. The only option open to them is cut down trees or to burn charcoal.

I explained and said that even if, in the unlikely event that this House cannot be persuaded otherwise, I would like you to revisit the case of one Wanjiru. This Wanjiru was charged last week because according to the neighbours, she was neglecting her four children. Little did they know that Wanjiru is actually a casual labourer in one of the flower farms and the kids kept crying because of lack of food. Neighbours thought otherwise; so the police took action; the lady was arrested and the local social workers had to intervene. She has lost her children to a children's home, not because she committed any crime. With a wage of Kshs170 per day, if you consider how much you can pay--- Kshs170 per day! You have now to pay the rent; you have to consider everything else, including school fees. You will understand that it is impossible. The lady now is tortured mentally; she is harassed by the police because they feel that the children should not be crying for food; one child is seven years old.

Mr. Deputy Speaker, Sir, I would challenge the committee on security – the Chair is right here – to go and visit the police station and see it. There was nothing; there was no beating of the children. In a situation where you have workers having to walk for tens of kilometers daily; in a situation where you have workers, particularly female workers--- I really feel bad about it. For you to get extra hours, you have to sleep with the supervisor. To sleep is not just to sleep; many things happen. This is a place---

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

Mr. Mututho: These things that happen are not very juicy, but because we are required by regulations here to be decent---

Mr. Outa: Thank you, Mr. Deputy Speaker, Sir. While I appreciate the hon. Member on this Bill, there are some terminologies he is using that we do not really understand like “many things happen at night.” Could he elaborate on that?

(Laughter)

Mr. Mututho: There are very many things that happen at night, and I know what the hon. Member would like to hear; it is what they do with their wives when they sleep. So, when you sleep with your wife, you first of all greet them – but this is not your wife you are sleeping with – and then you have sex, and this is full sex; that is what they do at night. This time, you are doing it with a lady who is dehydrated, who is hungry, who does not have food and you pay her Kshs20 to Kshs50.

(Laughter)

If that does not convince this House that we need to pay these people a living salary--- A living salary is defined by international statutes. Living wage is that very,

very minimum that will enable somebody to avoid going to sleep with a supervisor. I want to narrate a situation where at one time we were coming from luxurious hotels where hon. Members of Parliament go. On one night we met with one man who was naked and had very neat socks. I asked somebody what was happening. He did not look like a mad man. He looked very clean. He happened to be a supervisor in one of the farms, but the husband, who was a watchman, came back because instead of grading flowers, he was grading other goods.

Let me say this, Mr. Deputy Speaker, Sir, we can have this, but I want again to go through a pay slip from one of the flower farms; I want to table it. The flower farm is owned by an Israeli, and we welcome them; they are wonderful investors. They do drip irrigation like never before; they grow very high quality varieties of flowers; they do good business. The Israeli investor is really welcome in Kenya. I went to their farms in Israel with some two hon. Members from my Committee. In Israel, they pay US\$1,300 to the unskilled worker. Then, you have to give them a house, you have to give them an air conditioned room, a laundry machine and so many other things except food and water. That is what they have to do. Then the product which they have there is called a rose flower. I saw that there were about 250 varieties of rose flowers. They go to compete with Kenyan producers out there in the European market. The product from Israel and the one produced in Kenya end up at the same market. The Israeli workers are paid approximately – from my calculation – Kshs120,000 plus all other benefits. But what is he paying the Kenya worker, whom we represent? We are in this House to do just three things, to represent the people, do legislative work and undertake oversight. This is how it goes: days Present - 30; basic pay – Kshs110 per day. That works out to be Kshs3,300. House allowance, Kshs600, overtime at Kshs23.80 per hour works out to Kshs249.90. Leave amount, nil; transport allowance, nil; gross pay, Kshs4,149.90. NSSF, Kshs200; NHIF, Kshs120; welfare, nil; extra advance, nil; total deduction, Kshs320. Net pay, Kshs3,829.90. The farm is called Sinbad and this is the pay slip. We visited there with the local administration the other day – you saw it on the television. They also do not have uniforms; so they are exposed to very heavy chemicals.

Mr. Deputy Speaker, Sir, as I said yesterday, the best we got in terms of corporate social responsibility at one time in Naivasha was a mortuary, because people there die in big numbers. People have refused to take bodies of their loved ones there because it is a contentious mortuary. We have welfare organisations. The people have not built homes but they have to transport bodies every weekend, including this weekend, to western Kenya, Nyanza, *et cetera*. We are in a country where people thrive on rumours and because of my strong argument on this basis, certain people have said that I have joined the party of my sister, ODM. If helping the workers in the flower farms means joining the ODM, let it be.

You cannot sit here, enjoy the privileges that we have here and have these people go through all that torture, yet they contribute 10 per cent of the national GDP. They are the ones who sit in cold rooms and spray them, and everywhere else. They are there all the time. Tonight, they will be there. They are on time, so that you can enjoy the roses. Naivasha produces 50 per cent of the world's red roses, with one farm producing 8 per cent. That is about a million stems per day, worth the equivalent of Kshs50 million per day. They give us manual figures and say that they are making losses. They like misleading us. It is painful.

Mr. Deputy Speaker, Sir, when there was volcanic ash sprouting into the air in Europe, they spoke the truth. They said that they were losing Sterling Pounds 1.9 million per day, and this was published by all the media houses. So, if you want to know how big this industry is, multiply Sterling Pounds 1.9 million by the number of days in a year, and there you will be. The flower farm management said that they would relocate to Ethiopia.

I went to Ethiopia, and I thank Mr. Speaker for approving my trip to Ethiopia. I went to the flower farms in that country. Ethiopia have just found out that these guys cheat. These guys just mislead everybody. So, Ethiopia has put in place a very strong law, barring anybody from running a foreign account outside Ethiopia because they ship out 97 per cent of the revenue. The poor Ethiopians are left with 3 per cent, and even with the 3 per cent left behind, they still do better than we do in Kenya. I learnt that they pay workers a minimum equivalent of Kshs60 per day and we still compete with them.

Mr. Deputy Speaker, Sir, the smallest of the flower firms in Naivasha, for instance, is called Groove Limited. The owner is a very annoyed man that we are talking about increasing the salary of an unskilled labourer to Kshs10,000 per month. He admits, in a letter he wrote, that he pays Kshs10,419 but he was very annoyed that we are coming up with a statute to compel flower farms to be paying workers a certain minimum wage. The big companies we know of there, including some where some Members of Parliament have interests, pay more than Kshs7,8000, and where one has benefits, he is paid up to Kshs12,000.

We are asking for a minimum pay wage of Kshs10,000, enough to make a human being live and enjoy his work. If the Minister for Labour would be kind enough and look at Section 46 of the existing law, it partly says that upon gazettelement, he has to table it before this House. I have sat in this House for four years. Some hon. Members have been in this House for a very long time. We have never seen them table that document. They do it in secrecy. So, all the Gazette Notices that have come---

Mr. Deputy Speaker: Hon. Mututho, can you table the letter that you have referred to?

Mr. Mututho: Yes, I will, Mr. Deputy Speaker, Sir.

The Minister has published a Gazette Notice for a 15 per cent wage increment but based on Kshs110 per day, this would work out to Kshs147. So, we do not have any other alternative but come to this House and fix the minimum wage. We do not want to go to riots. Tonight, all workers in 100 flower farms can go on a riot and the Government will be sorting out crises as it is doing with the doctors. We can have sobriety. We can still market ourselves. It will be honourable to have those roses all over the world, but only when they are not grown on slave labour. We are talking about the flower industry.

Even if a general worker earns Kshs3,300 at Lari, for instance, you give him water and housing. When you add it up, it is about Kshs8,000. However, a flower worker has to pay rent, buy food and do all other things. This is not acceptable. I have a list, which I would like to table. I would like to sign it because I am the one who typed it; I stand by it. It shows the breakdown of all the flower farms and how much the workers earn. In most of these farms, the workers earn Kshs3,600 or Kshs4,700. There is one farm which pays Kshs8,700. These are big names. They even stage flower shows and other activities.

(Mr. Mututho laid the documents on the Table)

Mr. Deputy Speaker, Sir, I do not know how to put it to Members of Parliament---
Mr. Deputy Speaker: Hon. Mututho, you will have 26 minutes when debate on this Motion resumes.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time to interrupt the proceedings of the House. Therefore, the House stands adjourned until tomorrow, Thursday, 8th December, 2011, at 2.30 p.m.

The House rose at 6.30 p.m.