

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th June, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.729

NON-PAYMENT OF DUES TO FAMILIES OF DECEASED POLICE OFFICERS

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

(a) whether he is aware of the deaths of police officers Twaha Fankumpi Mzee (P/No. 2003049184), Badi Said Mwajirani (P/No. 77012125) and Juma Yusuf Mwagatu (Reg. No. 1993047588);

(b) why the Ministry has not paid death gratuity and pensions to the families of the deceased police officers even after the relevant documents were delivered to the Ministry's Pension Department; and,

(c) when the families of the deceased police officers will be paid.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I would seek the indulgence of the Chair to allow me to answer this Question next week. We were looking for some details and, ordinarily, I do not want to come up with an answer which is not satisfactory. So, I would request that I answer it next week.

Mr. Deputy Speaker: Which day next week?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On Wednesday morning next week.

Mr. Deputy Speaker: What is your response, Mr. Yakub?

Mr. Yakubu: I agree to that Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! That is so directed.

(Question deferred)

Next Question by Mr. Kaino!

Question No.863

IMPOUNDING OF CHEBARA SECONDARY SCHOOL BUS BY POLICE

Mr. Deputy Speaker: Is Mr. Kaino not here? We shall go back to that Question at the end of Question Time.

Question No.909

ALLOCATION OF FUNDS TO FOUR DISTRICTS
OF KIRINYAGA COUNTY

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

(a) how much money the Government has allocated to each of the four districts in Kirinyaga County for the construction of district headquarters and DC's residence;

(b) whether the Government has posted OCPDs and DCIOs to serve the said districts and, if so, when they were posted to each of the districts; and,

(b) whether the Government has supplied vehicles to the DCs, including administrative vehicles, in each of the district.

Mr. Deputy Speaker, Sir, I have not received the written answer yet.

Mr. Deputy Speaker: Do you wish to proceed on with the Question despite not having received the written response?

Ms. Karua: Yes, Mr. Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, again I would seek the indulgence of the Chair to allow me to answer this Question by Tuesday or Wednesday morning or I can even answer it tomorrow!

Mr. Deputy Speaker: Is tomorrow okay?

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

Mr. Deputy Speaker: It is so directed!

(Question deferred)

Question No.841

UPGRADING OF CHULUNI DISPENSARY

Mr. K. Kilonzo asked the Minister for Medical Services whether the Ministry could consider upgrading Chuluni Dispensary in Nzambani District to a district hospital and posting a Medical Health Officer, in view of the high population in the district.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I beg the indulgence of the Chair because I have just come from Mombasa. The Minister was to answer this Question, but it can be answered in the afternoon.

Mr. Deputy Speaker: It is not possible to answer it in the afternoon because the Order Paper for the afternoon is already out!

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, hon. Members wake up very early in the morning to come and ask Questions on behalf of their constituents and when they are not around, the Questions are dropped. What happens when Ministers continue frustrating Backbenchers by not being here on time to answer to these serious issues? What measures are you able to take?

Mr. Deputy Speaker: The Speaker cannot take any measures right now other than the sanctions that he has been imposing for a while until such time that we make certain reforms or amendments to the Standing Orders. It is upon the House to do that at the appropriate time when the Committee on Standing Orders gives proposals for the amendments to the existing Standing Orders. Under the circumstances, I hope that the Minister will come in the course of the morning session as we tackle the other Questions. So, we will come back to that Question later on.

Next Question by Mr. Nyamai!

Question No.856

DELAY IN ESTABLISHMENT OF SMALL/MEDIUM
ENTERPRISES REVOLVING FUND

Mr. Deputy Speaker: Is Mr. Nyamai not here? We will come back to that Question later.

Next Question!

Question No.936

FATE OF CONTRACT TEACHERS EMPLOYED BY TSC

Mr. Deputy Speaker: Mr. Namwamba not here? We shall come back to that Question at the end of Question Time.

Next Question!

Question No.949

NON-ISSUANCE OF TITLE DEEDS IN NANDI COUNTY

Mr. Koech asked the Minister for Lands:-

(a) whether he is aware that the residents of Kamwega, Tabolwa and Kamungei in Nandi County have not been issued with title deeds.

(b) what he is doing to ensure that the residents get the documents.

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

Yes, I am aware that the residents of Kamwega, Tabolwa and Kamungei in Nandi County have not been issued with title deeds. The Ministry is finalizing pending objections to register. Registration is expected to be done by September, 2011.

Mr. Koech: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. The residents of this area have suffered for a very long time since 1918 when they actually settled there but they look like squatters in their own pieces of lands. The Assistant Minister has indicated that there are about 92 objections and the balance has already been cleared. He has also accepted that it will be done by September. Could the Assistant Minister confirm that those residents who have no objections at the moment will actually receive title deeds by that date? I also call upon the Assistant Minister to accompany me as we go to issue the same.

Mr. Rai: Mr. Deputy Speaker, Sir, it is confirmed that come September, the exercise is going to be finalized and I am ready to accompany the hon. Member to this particular area to issue those title deeds.

Mr. Deputy Speaker: Fair enough! Mr. Koech, it is the assumption of the Chair that you are satisfied with that answer.

Mr. Koech: Mr. Deputy Speaker, Sir, I really want to thank the Assistant Minister and believe that he even deserves promotion. Now that he is ready to ensure that by September the title deeds will be ready and there are only 92 remaining, could he also consider accompanying me even next week to the area to sensitize the people so that the 92 are not left out in September? I will appreciate if he could do that.

Mr. Rai: Mr. Deputy Speaker, Sir, my plan of action was that the 92 cases are finalized between now and August so that come September, registration is completed and title deeds are issued once and for all.

Mr. Deputy Speaker: It is the assumption of the Chair that you are satisfied.
Next Question by Mr. Ochieng!

Question No.986

CONSTRUCTION OF FISH PONDS UNDER ECONOMIC
STIMULUS PROGRAMME

Mr. Deputy Speaker: Mr. Ochieng not here? We will come back to the Question later.

Question No.863

IMPOUNDING OF CHEBARA SECONDARY SCHOOL BUS BY POLICE

Mr. Deputy Speaker: Mr. Kaino still not here? His Question is dropped!

(Question dropped)

Question No.841

UPGRADING OF CHULUNI DISPENSARY

Mr. Deputy Speaker: Since the Minister has not arrived and the Assistant Minister has requested for a deferment of this Question, the Chair defers it to tomorrow afternoon.

(Question deferred)

Question No.856

DELAY IN ESTABLISHMENT OF SMALL/MEDIUM
ENTERPRISES REVOLVING FUND

Mr. Deputy Speaker: Hon. Nyamai still not here? The Question is dropped.

(Question dropped)

Question No.936

STATUS OF TEACHERS EMPLOYED ON CONTRAST BY TSC

Mr. Deputy Speaker: Is hon. Namwamba still not here? The Question is dropped.

(Question dropped)

Question No.986

CONSTRUCTION OF FISH PONDS UNDER ECONOMIC
STIMULUS PROGRAMME

Mr. Deputy Speaker: Mr. Ochieng still not here? The Question is dropped!

(Question dropped)

POINT OF ORDER

DESIGNATION OF HON. MWAU AS DRUGS TRAFFICKER BY
UNITED STATES PRESIDENT

Mr. Mwau: Mr. Deputy Speaker, Sir, I would like to request for a Ministerial Statement from the Minister for Foreign Affairs regarding the sanctions and actions of the President of the United States of America (USA) of designating me as a significant foreign narcotic drug trafficker under the USA Foreign Narcotic Drugs Kingpin Act.

Mr. Deputy Speaker, Sir, in his Statement, the Minister should:-

(a) clarify the reason and circumstances that led to the decision by the President of the USA to designate me as a significant drug trafficker;

(b) clarify what due process was followed in regard of fairness, justice and respect to my fundamental rights and freedoms and the rule of law;

(c) clarify exact information, report or credible evidence that was placed before the President of USA to justify his action to designate me as a significant foreign drug trafficker;

(d) table evidence held against me by any person or authority that links me or would link me to any drug trafficking;

(e) confirm that the Government will uphold my dignity and rights under the law;

(f) confirm whether His Excellency the President and the Government of the Republic of Kenya were consulted or provided with evidence, which would implicate me in any criminal activities before such harsh action was taken;

(g) clarify why I was not consulted or informed and why I was dealt with in total disregard of the respect of the rule of natural justice;

(h) confirm whether the Government will seek the removal or reversal of the designation, based on the fact that I have never been involved in any drug trafficking or any other criminal act, whatsoever;

(i) based on information that the President of the USA has forwarded my name to the House of the Representatives and the Senate for confirmation, to clarify what urgent action the Government of Kenya will take to prevent both Houses from acting on erroneous information;

(j) what measures the Government of Kenya will take to ensure that my dignity, both as a Kenyan citizen and Member of this Parliament, is restored;

(k) based on the current predicaments and action already taken, the Government to clarify what I am supposed to do as a Kenyan citizen being punished with a foreign law, and what remedies are available and what action the Government is taking;

(l) further, clarify whether the incorrect information was placed before the President of the USA in order to obtain his Executive Authority by a rogue State officer;

(m) further, clarify whether the Government and Attorney-General are going to appoint immediately an attorney in the USA to pursue this matter in order to restore my human rights and civil liberty;

(n) further, whether it is the President who is supposed to communicate with the President of the USA in respect of this matter, or whether it is I who is supposed to do so directly;

(o) further, whether the same information or criminal complaint that was given to Prof. George Saitoti by Michael Ranneberger and laid before the House on 17th February, 2011, was the same information that was used to procure the USA President's Executive Authority;

(p) further, the Minister for Foreign Affairs being seized with the continuous matter relating to drug trafficking and the various allegations, to lay before the House all correspondences sent from the Ministry of Foreign Affairs to the USA Embassy in Nairobi, regarding drug trafficking and all replies received, including all *notipapel* which might have been issued or made by the Ministry of Foreign Affairs, regarding drug trafficking; and,

(q) confirm to this House whether in any part of the world--- That is because for a person to be designated as a significant foreign drug trafficker, possibly somebody is

alluding that there could be evidence. The Minister should inform the House and produce evidence of any place where I would have been involved in drug trafficking, whether in Kenya, America or any other part of the world.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Minister, when can that Ministerial Statement be read?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will inform the Minister. He will give the Statement on Wednesday next week.

Mr. Deputy Speaker: Fair enough! It is so directed.

There is a Statement by hon. Ojode!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have three Statements to make, but I do not know whether those who sought them are here. I have one sought by hon. Gitari. I also have another one sought by hon. Chachu and another one by hon. Karua. I will give the one of hon. Karua tomorrow because she is not here now, but---

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek your direction on what the Minister has said. I think precedence has been set here where Statements are the property of the House as opposed to individual Members of Parliament. Is the Assistant Minister in order to use his own discretion and citing hon. Member's absence not to give the Statement which the House is eagerly waiting for?

Mr. Deputy Speaker: The Assistant Minister cannot give a direction to himself on when this Ministerial Statement should be delivered. But, nonetheless, it has also been the practice of the House that Ministerial Statements are presented when hon. Members who sought them are there to prosecute them adequately. So, the Chair directs that the Statement should be delivered here when hon. Karua is in the House. Hon. Karua is now doing a very important parliamentary business. She is a Member of the Committee on Implementation Oversight Committee (CIOC) and is involved in the vetting of the judicial nominees.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I wanted to agree with your statement. Indeed, I have equally requested the Assistant Minister to deliver my Statement tomorrow because of the business that hon. Karua is engaged in.

Mr. Deputy Speaker: You are also a Member of that?

Mr. Ethuro: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Indeed, the Chair appreciates that the two are the same. Direction goes to the Statement sought by hon. Ethuro. Proceed and give the Statement sought by hon. Gitari.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I want to appreciate your ruling that certain Members are performing very important duty for this nation. I noted that Question No.936 was dropped yet hon. Namwamba is also performing that very important task for this House.

Mr. Deputy Speaker: It is my presumption that your memory cannot be that short to fail to note that hon. Namwamba was consulting with the Chair here hardly half a minute ago. Indeed, the Chair understands that.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. A while ago, you said that you were going to give direction on Question No.841. I just wanted to remind you.

Mr. Deputy Speaker: The Chair did give direction, but unfortunately you were not in the House at the time. So, a direction has been given. Consult the HANSARD. It is upon you to consult with the Clerks-at-the- Table. Proceed, hon. Assistant Minister.

NON-ARREST OF POLICE OFFICER MUEMA MUTISYA FOLLOWING
ALLEGED ASSAULT ON HIS ESTRANGED WIFE

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, on 26th May, 2011, hon. Gitari, Member of Parliament for Kirinyaga Central rose on a point of order to seek a Ministerial Statement from my Ministry with regard to the arrest of a suspect by the police. The Member wanted to know why Anthony Muema Mutisya, a suspect and a police officer has not been arrested in connection with the arson attack on his wife, Mary Nyakio Mwangi and subsequent death of their child.

Further, he wanted to know whether the Government will extend any form of assistance to cater for the medical bills of Mary Nyakio at the Kenyatta National Hospital and burial expenses for the child's body. I wish to say the following:-

On 20th May at about 4.00 p.m., APC Anthony Muteti Muema went to visit his wife APC No.2008067218, Mary Nyakio, at Mulala Administration Police Camp which is within Mulala Divisional Headquarters. The officer knocked at the door and when his wife peeped through the window and realized it was her husband, she closed it immediately. The suspect then forced the window open and splashed the house with petrol before setting it on fire and then disappeared. The resulting fire reduced the house to ashes and in the process, burnt their two year old daughter Wendo Nduku, beyond recognition. Administration Police Constable (APC) Mary Nyakio sustained serious burns and was admitted at Makindu District Hospital, but was later transferred to the Kenyatta National Hospital for specialized treatment because she got 70 to 80 per cent burns.

The incident was reported at Sultan Hamud Police Station and booked as OB. No.30 of 20th May, 2011. Investigations commenced immediately and a police case File No.432/86/2011 was opened. The suspect was later arrested on 2nd June, and charged accordingly.

The Government will assist in the burial arrangements as stipulated in the code of regulations. Under Section K23 of the Code of Regulations, the Government will make a contribution of Kshs20,000 to the family of Mary Nyakio for purposes of burying the child. Mary Nyakio, being an employee of the Government is covered by the NHIF Scheme, the Fund will cater for the bed for a maximum of 188 days and the patient will be required to cater for the overhead medical expenses. However, Mary Nyakio can request for *ex-gratia* assistance of up to 75 per cent reimbursement of the incurred overhead expenses during the period of hospitalization.

Mr. Gitari: Mr. Deputy Speaker, Sir, while appreciating the Assistant Minister's Statement, I would like to know at what point the Kshs20,000 will be released to the family. The family comes from my constituency and they are unable to even make the burial arrangements. Now that the house was burnt to ashes and all the NHIF cards were burnt in there, will the Ministry assist the family maybe in getting other NHIF cards?

Mr. Deputy Speaker: Hon. Assistant Minister, allow a number of Members to seek clarifications first.

Mr. Kabogo: Mr. Deputy Speaker, Sir, you will realize that in the police force, whether the APs or the regular police officers, if it is not killing their seniors or themselves, they have now turned to killing their family members. What is the Ministry doing to curb this menace because day in, day out, you find that they are causing problems amongst themselves, the members of the public and now to their families? What is the Ministry going to do?

Mr. Olago: Mr. Deputy Speaker, Sir, this police officer must have had what is called malice aforethought in law. He came to see his wife and he had petrol with him. As a police officer, he cannot simply disappear from the face of the earth. What measures is the Ministry taking to ensure that he is traced, apprehended and charged with murder?

Mr. Deputy Speaker: Hon. Olago, have you been listening to the Statement by the Assistant Minister? He was very categorical that the culprit was arrested!

Mr. Olago: Mr. Deputy Speaker, Sir, I withdraw the question.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, indeed, I mentioned that this particular AP officer was arrested on 2nd June, 2011, and will be taken to court. Hon. Kabogo has asked what we are doing to the police officers who are stressed. Already, we have constituted a committee to literally counsel the employees within the police force. The stress is there because of many other things, not just within the police fraternity. It is because of the poverty levels which are now increasing. You will realize that we have drought and there are a number of---

Mr. Deputy Speaker: Hon. Assistant Minister, you are making categorical statements!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that police officers are having problems because of poverty and drought as if he is not paying them well or they come from northern Kenya? These are public servants of this Republic who are supposed to get some decent minimum wage to meet their needs.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister has always said that his police force has performed par excellence several times in this House, when we have complained of poor police service. Is he in order to deny the same facts he has alleged in this House previously?

Mr. Deputy Speaker, Sir, I was going through the chronology of---

Mr. Deputy Speaker: What is your authority on that? Is there a taskforce that was appointed to deal with this?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you know that I am a Government Minister. A Government Minister can also say why we are having a problem in the country. The problem has come as a result of drought and many other factors. However, that, notwithstanding, we have constituted a committee that is dealing with stress management within the police force and APs camps.

Hon. Gitari has asked whether there is any assistance that we can give. I said that we will give Kshs20,000 to defray burial expenses. Once a family member approaches the DC or our offices, we will give out that money.

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir. While I thank the Assistant Minister for the humanitarian assistance he has extended to this family, could the Government consider increasing the level of assistance? A whole Government giving Kshs20,000 to a family that is totally aggrieved--- The child is dead, the mother is suffering as a result of burns and the husband is being tracked. Could the Government consider enhancing that allocation to something better because things are very expensive today?

Mr. Mwaita: Mr. Deputy Speaker, Sir, I just want to hear from the Assistant Minister on what he is doing to increase the number of chaplains within the police force in an effort to enhance counseling and reduce the stress level.

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has confirmed that there is serious stress among the police officers. One obvious case is the kind of housing that those officers stay in. I have informed the Assistant Minister about the pathetic housing situation at Kabiyeet police lines. The housing is not up to date. What is he doing to ensure that police officers get good offices and good housing units so that they can discharge their duties effectively?

Dr. Nuh: Mr. Deputy Speaker, Sir, on the same line, the Assistant Minister said that, that could be because of stress factors. He has also alluded to the fact that they are trying to carry out counselling services for the police force. How many counsellors and psychiatrists have they employed to assist in that function?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have been requested to increase the assistance for burial purposes. Up to this moment, none of the family members has come to request for that. We are going to consider their request for purposes of the burial.

Hon. Mwaita has requested us to increase the chaplains. Yes, we are considering increasing the chaplains within the camps. That, I think, will help us to deal with the stress once and for all. Hon. Koech has talked about the housing situation in police stations. In this House, I am on record as having said that we are trying to improve the housing component for the police. You are aware that the Treasury gave us Kshs600 million in the last financial year. We have really tried to improve the police housing units. We have also bought some houses and we are housing our police officers. In fact, in the Budget that will be read today, we have a component that will cater for the housing needs of the police, including in areas within his constituency.

Dr. Nuh has asked how many psychiatrists we have so far. This is a new department that we have just created. With time, we will have many psychiatrists and counsellors.

Mr. Deputy Speaker: Fair enough. Under the circumstances, let us move on to the next Order.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. I have another Ministerial Statement that was requested by Mr. Chachu Ganya.

Mr. Deputy Speaker: Hon. Chachu Ganya is not here!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): So, can I do it next week?

Mr. Deputy Speaker: Yes. The remaining Statements will be delivered next week.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Thank you.

POINT OF ORDER

STATUS OF SEED MAIZE PRODUCTION

Mr. Oyongo Nyamweya: On a point of order, Mr. Deputy Speaker, Sir. I sought a Ministerial Statement from the Ministry of Agriculture on what is happening with regard to maize seeds in the country.

Mr. Deputy Speaker: Order! Was there an undertaking that it will be delivered today?

Mr. Oyongo Nyamweya: Yes!

Mr. Deputy Speaker: Mr. Deputy Leader of Government Business, the Minister for Agriculture was supposed to deliver a Ministerial Statement sought by hon. Oyongo Nyamweya.

Mr. Oyongo Nyamweya: Mr. Deputy Speaker, Sir, I had seen the Assistant Minister for Agriculture here a few minutes ago. I thought he could give the Statement but it seems he has gone away. I am not seeing him here.

Mr. Deputy Speaker: When can we have the Statement on the state of maize seeds in the country?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I will consult. We can attempt to have it tomorrow afternoon.

Deputy Speaker: Fair enough! It is so directed. It is an important issue given that the country is suffering from drought.

Next Order!

PROCEDURAL MOTION

EXTENSION OF PERIOD FOR SELECT COMMITTEE ON RESETTLEMENT OF IDPS

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

THAT, this House extends the period of the Select Committee on the Resettlement of Internally Displaced Persons (IDP's) by three (3) months in order to enable the Committee conclude its activities as per the terms of reference of its establishment.

Mr. Deputy Speaker, Sir, in moving this Motion, I would like to start by thanking my Committee for a job well done. Unfortunately, by the time we were approved by the House, the House immediately went on recess. So, we lost about three months.

Secondly, to get the Ministers coming - as you appreciate that there has been a public debate between the Ministry of State for Special Programmes and Ministry of Lands - has been a bit of a challenge. Apparently, the Government does not move as fast

as we would wish. So, it has taken more time to get them on board. I would like to report that they are now co-operating very well. We still needed more time to interrogate them. Finally, the terms of reference that this House approved were very ambitious, including the possibility of coming up with a draft Bill. We have already engaged other agencies, both local and international, that deal with refugees and matters of Internally Displaced Persons (IDPs). We would like to ensure that the programme is concluded in a very comprehensive manner. When hon. Members were debating this Motion, they added other issues which were not anticipated, including forest evictees and all the displaced persons. The deadline that the Committee had been given, that is an original period of six months, will be coming to an end in mid June. We cannot achieve that. That is why we are asking for an extension so that we can do two specific things. One, to visit forest evictees, both from Mau and Embobut forests, and ascertain what has been done.

Mr. Deputy Speaker, Sir, you will be surprised that even in some areas line Nyanza Province, where we thought this was not an issue, the kind of management and administration of IDPs that is there is completely appalling. We want also to appreciate that the Government is reacting. Our desire was that because the Government had proposed that June this year is the deadline for resettling all the IDPs---They had passed that deadline. They are proceeding to September and we do not know for how long. It seems the moment we started coming up with this Committee, the Government also started responding.

Mr. Deputy Speaker, Sir, we have achieved a lot of progress. There is not enough time to explain all that. This is a Procedural Motion and I beg all the Members of this House that this is not a matter that requires a lot of debate. The issues are the same and we just need more time.

Mr. Deputy Speaker, Sir, I beg to move, and request my good friend, a chartered member of the Committee, hon. Imanyara to second.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I rise to second this Motion.

As the Chair of the Committee says, basically, we lost three months when this Committee was formed. That is because the House went immediately on recess and formalities of starting work delayed. So, really, what we are asking is replacement of that time that we lost.

Mr. Deputy Speaker, Sir, also, the other issue that had arisen during our public hearings is that the attention of the public has been captured by the visits that we have had. We have received more requests for public hearings that have necessitated our increased travel to various parts of the country and, for that reason; it is only fair and proper that we get an extension.

I second.

(Question proposed)

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I sincerely want to beg this House to support the extension of the term of this Committee, so that they can reach Embobut Forest, where the forgotten GDPs of this country are living. I call them GDPs because they are Government Displaced Persons. They are people who decided to partner with the

Government in the conservation of the Cherangany Water Tower. They have not gone there, and I really want them to go there.

Mr. Deputy Speaker, Sir, in 2009, I spent 120 days in Emboput Forest convincing my constituents to move out of the forest so that we can conserve the Cherangany Water Tower. They have been on ten holding grounds and, up to now, they are not fed, their children do not go to school and they are hungry. They have been forgotten by the Government. I am sure Parliamentarians who serve people will not forget them. That is why I beg for the extension so that they may remember my constituents; the forgotten IDPs of this country.

I support the extension.

Mr. Mureithi: Mr. Deputy Speaker, Sir, I am a member of the Committee and I want to support this Motion. When we toured most of those areas, we started by meeting people in halls. But then, there was a demand that the Committee must go and visit the various groups in their areas.

So, we were forced to go to where they are settled. As a result, it has taken quite a bit of time. There are also some areas that we have not covered, such as North Eastern Province. We are supposed to go to Mandera and see some of the areas where people were displaced for one reason or another. When we do our final conclusion, we shall be able to cover the whole country and, probably, give the direction on how things should be done.

The Committee had also requested to visit some people who have faced what we faced in 2007/2008 and learn exactly what they have done. We have not achieved that. That is why, as a Committee, we would like to request for a three months extension, so that we can come up with something that is holistic and not only acceptable to this House, but be able to give the way forward for this country for the future. I support the Motion.

Mr. Lessonet: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion.

Mr. Deputy Speaker, Sir, as I support this Motion, I want this Committee to hear me very clearly in terms of Integrated IDPs. To the Chairman of this Committee, we have so many IDPs, specifically even in Eldama Ravine Constituency, who are integrated. Our people, for one reason or another, except the special ones in the Embobut Forest, did not go to camps. When they are chased away, they go back to their relatives or neighbours. Please, Chairman, make sure that, by the end of it, we are able to come out with a comprehensive list of those IDPs. We refer to them as integrated IDPs.

Number two, you will realize that displacement, whether by Government, politics or violence, did not start in the year 2007. The displacement started even, maybe, before I was born---

Mr. Deputy Speaker: Hon. Lessonet, how is that helping in creating a case for the extension of the Committee. This is a Procedural Motion!

Mr. Lessonet: Mr. Deputy Speaker, Sir, I want to build a case on why they need more time.

As I support this Motion, let me say that they need three more months. I hope they will work hard in those three months. There are those who are displaced, but this Committee, in the time they were allocated initially, did not even get time to know about them. In Eldama Ravine Constituency, we have a very popular place there. You will not

get lost when you are looking for it. It is called Morkisis. At Morkisis, you are going to get more than 200 people who were requested to leave the forest and, at that time, it was their land. That was more than 20 years ago and to date; there has been no attempt to resettle them. I hope you would use the available time within those three months to cover those grey areas so that, at the end of the day, we are able to live in peace.

Finally, you will realize that the move by the Government to buy land is becoming an exercise in futility. That is because of the lack of ability to consult with the communities. We have several cases in Kitale and Eldoret, where the Government has bought land, but it is not able to resettle anybody there. That is because of the obvious reasons that the neighbours were not consulted. The people living in that region were not consulted, and, basically, because of the dynamics - to be frank - of politics. So, this Committee should make sure that it addresses all those factors in this remaining three months, so that we can have a comprehensive resettlement.

With those few remarks, I beg to support.

Mr. Kiilu: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to support this Motion.

Mr. Deputy Speaker, Sir, as I support this Procedural Motion, I wish the Committee could take note of some people who were forgotten in Makueni County. In Makueni County, people were removed from Kyulu Hills and Mikuroro Ranch to create room for a national park. Those people were promised land but, to date, they are in Mikuroro and Mikumboni area near Makindu Township. I hope that, as we increase time for this Committee, they should take note of those people who have been suffering, and who have been neglected by the Government, so that they can also be considered for resettlement.

With those few remarks, I beg to support.

Mr. Kioni: Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to support this Procedural Motion.

Many of the reasons for the extension have already been adduced. The interest of the public is enormous. There is need to allow the people to participate in this process. The issue of integrated IDPs has been overlooked. Whenever we talk about IDPs, there is the narrow definition to cover only those within the camps, but we have IDPs within the country living with other people. It is important that the long-term effects of those who have been displaced from their homes are looked into. This impacts very heavily, especially on the young and the aged. The school going capacity of the young was affected. The aged cannot start their lives again. We have been given answers by the Government over and over again. Those answers have been fairly comprehensive, but by and large, they left out quite---

(Loud consultations)

Mr. Deputy Speaker, Sir, there is a lot of noise behind me.

Mr. Deputy Speaker: Order! Order, hon. Members! Hon. Members, can you allow hon. Kioni to make his contribution? Consult in very low tones.

Proceed, hon. Kioni.

Mr. Kioni: Mr. Deputy Speaker, Sir, I was saying that it is important that we inform the process because the Government has given answers over and over again in this

House on issues of IDPs. I considered some of those answers to have been very comprehensive only to realise that they were inadequate because what they defined as “IDPs” was not exactly what other people in the country, and especially Members of Parliament, considered to be IDPs. The Government’s policy is to have these people re-settled in the course of the month of July. It is important that we give the Committee time to come up with workable ideas that can be incorporated.

It is important that the Committee visits at least 90 per cent of the IDPs’ camps in this country, so that the aspect of discrimination does not creep in. I have heard a few of the sections complaining. I know that there has been such a complaint in Ndaragwa.

Mr. Deputy Speaker, Sir, it is for those reasons that I support the request for extension. I doubt whether three months will be adequate, but I support the Motion.

Mr. Ochieng: Mr. Deputy Speaker, Sir, I rise to support this Procedural Motion. I am happy that for once, the Committee has recognised the fact that there are IDPs in Nyanza Region, especially those who are referred to as “integrated IDPs” or returnees.

I just want to plead with the Committee that even if we allow them an additional three months, if they can speed up their work and finish it before the end of three months, it can be good. Right now, the cold season is setting in. There are so many IDPs in camps, who are going to face the harsh weather conditions. If the Committee speeds up its work, it will be good for this nation. Once the Committee comes up with its Report, I want to believe that this House will adopt it. The Government should then take up the Report and move with speed to make sure that all the issues of IDPs in the country are dealt with once and for all.

With those remarks, I beg to support.

Dr. Kones: Mr. Deputy Speaker, Sir, I also stand to support this Procedural Motion.

I would like to request the Select Committee to use less than three months, if possible, because of the urgency of the matter at hand. I hope that, as the Chairman has said, the Committee is going to visit the IDPs camps that have not been visited. I want to be very specific because I have two IDPs Camps in my constituency, at Kusumek and Chebugen. I want this Committee to make sure that it visits those camps.

Mr. Deputy Speaker, Sir, now that the new financial year is coming, I wonder whether this Committee has a draft Report informing the budget for this purpose, because at the end of the day, it involves finances. That way, we will ensure that there is enough budgetary allocation.

With those remarks, I beg to support.

Mr. Gaichuhie: Mr. Deputy Speaker, Sir, the issue of IDPs is very important. With a very heavy heart, I support the three months extension. I am supporting the Motion with a very heavy heart, because of three reasons. First, we do not even have an interim Report from the Committee to show us what they have been doing. Secondly, I would urge the Committee to take its work seriously. I have been on the ground. I have seen them with a fleet of five Pajero vehicles carrying only three Members of the Committee. I wondered what they were doing with a fleet of five Pajero vehicles and only three Members on the ground.

Thirdly, I want to ask the Chairman that we re-constitute that Committee, so that they can do their work seriously. They could even split into several groups, so that they can visit the whole country. We know that the issue of IDPs is very important. If they

continue working that way, even after three months, we will not have any concrete Report from this Committee. I am, therefore, only supporting the Motion because the IDPs issue is very weighty. I wish that the Committee takes its work very seriously, and not just joyride.

Thank you.

Mr. Oyongo Nyamweya: Mr. Deputy Speaker, Sir, I thank you for giving me the chance to support this Procedural Motion. The issue of IDPs is twofold: There has been emphasis on the IDPs who are in the camps. There are IDPs who have been integrated into their extended family members.

In South Mugirango, where I come from, I have more than 2,000 people. The first challenge that was there was that they put a timeline for submission of names. The Provincial Administration (PA) was responsible for submitting the names. However, the PA did not submit the names within the given deadline. Therefore, the 2,000 IDPs who are in my constituency were not included in the list of those who benefited from the Kshs10,000 per family that was paid out.

This is in Kisii and other areas where the PA messed up the whole exercise of identifying the IDPs. They cut the timeline and failed to submit the names. So, I believe that the Committee will take this issue seriously. The Committee should investigate these issues to establish the fact that there are IDPs who have not been included in the settlement programme, not because of their mistake but because of mistakes committed by the PA. There are many people who have been left out of the re-settlement programme. They are suffering. Nobody bothers about them. Right now, there is famine. People have no food or water.

Mr. Deputy Speaker, Sir, as we are all aware, there is no land in Kisii. We are much squeezed. So, this is a big challenge which needs to be addressed, so that people can be taken care of. Therefore, I hope that the additional time we are going to give this Committee will enable it to ensure that they visit all the places where there are IDPs, and include them in the re-settlement programme.

With those few remarks, I beg to support.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I rise to support the request for extension of the period for the Select Committee by three months, basically because it seems that the Committee has not finalised its work. We know of so many IDPs who have not been visited by this Committee. Those IDPs require profiling and being listened to. A number of them, particularly the over 12,000 IDPs in Turkana, have received very minimal support from the Government.

Mr. Deputy Speaker, Sir, you realise that the IDPs we have in this country are of various categories. They are not only post-election violence IDPs. We have several thousand cattle rustling IDPs, who have never been factored into the re-settlement programme. Their displacement has been caused by internal conflicts. I would like this Committee to look at the cattle rustling IDPs, whom individual Members of Parliament, and their kin, are struggling to resettle, but in respect of whom the Government and this House have not cared.

Just like many other reports that have been tabled and adopted by this House by Select Committees, let me hope after the three months the Report by this Committee will not be put on the shelves to gather dust.

What happened to the Committee on Implementation? This is because we passed and adopted a Report for Cattle Rustling here but nothing has been done by the Executive. The Committee on Implementation has not taken the Executive and many other committees to task. We will need to re-look into the Committee on Implementation to see that it does its job and make sure that we in the Executive actually implement the resolutions of this House.

With those few remarks, I support.

Mr. Kiptanui: Thank you, Mr. Deputy Speaker, Sir. I rise to support the extension for this Committee. As said by the Chairman, within the next three months, I believe they should be able to visit all the constituencies and regions that they are yet to visit including Elgeyo Marakwet County where we have a number of integrated IDPs and GDPs.

Mr. Deputy Speaker, Sir, as you are aware, there are a number of IDPs who have been resettled by the Government. I want to tell this Committee that within the three months they should be able to visit Rongai and Trans Nzoia to ascertain whether the people who have been resettled are genuine IDPs or whether we have brokers in those farms.

Secondly, as you are aware, there is another Committee here, that is the Parliamentary Caucus on the Resettlement of IDPs which is being chaired by Mr. Lessonet. I want to urge the Chairman of this Committee that within those three months they should be able to harmonize their findings with the ones for the Parliamentary Caucus on the Resettlement of IDPs because I believe they are doing almost the same task.

My concern is that the Budget is being presented today and three months from now will be August this year. I wonder whether the issues or the findings that this Committee will raise will be taken care of by the Treasury. This is because at the end of the day, whatever their findings, we need money to settle the IDPs.

Finally, we have a number of schools in camps. We have schools in Mau and Embobut forests. I ask this Committee to push the Government to support these schools which lack staff and food and a number of students are suffering. I urge this Committee to push the Government to support the schools within these camps.

Thank you, Mr. Deputy Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I also rise to support the extension of the Committee. It is a matter we discussed in the House Business Committee and agreed that there is need to extend the life of this Committee, at least, to ensure that they give us a report and hopefully, we can come up with a generally acceptable definition of who an IDP is.

The debate on the IDPs is almost becoming a joke where every Kenyan has a reason to call himself an IDP if there are some benefits to be achieved by being associated with that definition. You have heard even in the course of this discussion that we have had cattle rustling IDPs, GDPs and everyone who has been removed from one street to the next is an IDP. However, we must concentrate on who is the genuine IDP; the person who is actually suffering because of having been displaced by factors beyond their control.

I believe that this Committee should come up with that for purposes of coming up with a law that will regulate any future operation of IDPs. So, it is not just a matter of

looking at them as the people who should be resettled in my area or in the other area. Can we even work out that that part of the Report of the Committee would be a draft legislation on the whole issue of resolution of internal displacements by whatever means they occur?

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

The Assistant Minister for Housing (Bishop Wanjiru): Mr. Deputy Speaker, Sir, I rise to support this Procedural Motion. I would request the Committee, as we support their extension by three months, that whatever report they come up with, this time let it be conclusive.

We have been going round in circles discussing about IDPs. Let their recommendations this time bring us to a closure on the subject of IDPs. The IDPs are increasing day by day. Every day there is a new group that comes up and joins the list of IDPs from one corner of the country to the other and now we have IDPs all over the country. To avoid this and to stop this from continuing, they must make recommendations that will close the subject.

With those remarks, I beg to support.

Mr. Koech: Mr. Deputy Speaker, Sir, I rise to support this Procedural Motion moved by our very able Chairman of the Committee. I want to confirm to the House that this is a very serious Committee with a very able Chairman. I want to confirm further that we have put ourselves in sub-committees of four. So, when you see three hon. Members out of four, it is a full house.

Mr. Deputy Speaker, Sir, I also want to urge my colleague Members of Parliament that when we are coming to your areas please try to be available because your input is very key; the participation of hon. Members is very important.

As a Committee we would like to ensure that we give this House the best recommendations ever on the way forward especially on ensuring that there will be no more displacements in this country again.

I want to state here that the Committee would wish to visit as many parts of this country as much as possible so that we have a very comprehensive report and that is why we are asking for the extension.

I urge the Government that this extension of three months does not mean that we want the IDPs to still continue staying in the camps. We want the Government to continue with its effort of resettling IDPs and closing the IDP camps. The Government should buy land or give them money so that these people do not continue suffering in IDP camps. This House must have a lasting solution to the problem of IDPs, whether they are victims of post election violence, forest evictees, displace by floods or they are integrated IDPs displaced by cattle rustling, among other factors.

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

Mr. Njuguna: Mr. Deputy Speaker, Sir, I also rise to support the extension of time by three months. Let me indicate that recently we have seen some deaths of IDPs in the camps and this should not happen.

The IDPs, either integrated or otherwise are today not enjoying the fruits of freedom and independence of this country. Therefore, the resettlement of the IDPs is tantamount to ending their alienation. The sooner we do it the better for this segment of our society.

In conclusion, we have seen that these people are staying in very dilapidated and worn out tents. They are not able to reach health centres and education for their children is not adequate. Even their security is not guaranteed. Therefore, it is important that the commitment by the Government is realized. By extending time to this Committee, we will facilitate these people to continue enjoying their human rights.

With those few remarks, I support.

Mr. Kiuna: Thank you, Mr. Deputy Speaker, Sir. I am a member of this Select Committee and I stand to oppose this Motion. I think you will agree with me that my constituency is one of the most affected by post-election violence. As I oppose this Motion, I have some facts to prove that this Select Committee is late; we have tried as much as we can but I am really disappointed because some of us are not serious. Maybe some of us were enlisted into this Select Committee with another motive, and not that of resettling the Internally Displaced Persons (IDPs). We agreed to visit various places in this Republic but very few of the members did so. I remember that we were booked and we were supposed to travel to Turkana County. We had been given air tickets for almost seven members, but none of them turned up apart from me. It is so disappointing. I went alone all the way from Nairobi to Turkana and on reaching there, I could not get any member of this Select Committee. I stayed there for two days. I had no choice but to come back as a disappointed person. I feel that we should not extend the time of this Select Committee, because even if we extend it---

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. The extension being sought was decided on by the Select Committee; it was proposed by the chair and seconded by a member of the Select Committee. Two, I get worried when my good friend talks about only one incident in Turkana, and we know the situation in Turkana. I am aware the hon. Member has not visited other parts which we did visit. Is he in order to try to create a perception that he is the most committed member, yet some of us have visited more stations than the ones that he has visited? Is he in order to oppose a Motion brought by the Select Committee?

Mr. Deputy Speaker: Proceed, hon. Kiuna. He is in order. Any Member can oppose any Motion on the floor of the House.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I am in order to oppose it and I do not intend to renege on what I have said.

Now, to finish, if these hon. Members, led by our Chairman, are really serious to complete their job, and have a timeframe or a programme, then we can traverse many parts of the country. I feel that this is not the time to bring politics into this issue. There are those Kenyans who are suffering and we should really concentrate on helping them, so that they can leave IDP camps.

Thank you, Mr. Deputy Speaker, Sir, and I oppose the Motion.

Mr. Kaino: Thank you, Mr. Deputy Speaker, Sir. Let me take this time to support this Motion, and say that I am a member of this Select Committee. We are working very hard despite what my colleague has just said.

Mr. Deputy Speaker, Sir, let me also agree with what the Acting Leader of Government Business, Mr. Kimunya, said. He said that some legislation be put in place so that in future, when we get a problem like this it will guide us on how to deal with it. This Select Committee is very important in very many ways. We have victims of post-election violence, who are still on the streets. We have people who have been evicted

from their homes by the Government; they are actually government evictees, who are on the streets today. We have them in Molo, Marakwet, Nandi, Mount Elgon and in other forests. I am saying this because there is no seriousness in restoring water towers of this country. We want this Select Committee to tackle this issue seriously.

Mr. Deputy Speaker, Sir, Mr. Kiuna mentioned Turkana alone, but we have all gone to North Rift, Central Rift, South Rift and even Nyanza. The information that we found in Kisumu will surprise you when a report is brought here. You will be surprised and know how people have suffered in this country. We are only talking of post-election violence, but let us also get into the forests. When I want to move to a better place to settle and leave my present place, I have to prepare that place first before I destroy the house where I currently live. I do not destroy my house first; I prepare where I am going first. But the Government destroys houses and evicts people without getting an alternative place for these people to live in. They are human beings. They have got children who go to school; they also have very small children. How many children have died of pneumonia in many places like Mau and others?

Mr. Deputy Speaker, Sir, this Select Committee has done very many good things. Let us give it a chance and in three months, you will be surprised by the report it will bring.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): On a point of order, Mr. Deputy Speaker, Sir. Listening to the contributions from the Members, I would like to table a report that I did in 2009 with a task force that was appointed by hon. Noah Wekesa, so that the Committee can use it to enrich their report. May I table it?

Mr. Deputy Speaker: Fair enough. That is for the benefit of the Select Committee. You can table it to be handed over to the Select Committee. This is a Procedural Motion basically, but it is going to enrich the Select Committee's final report. The chair has no problem with that.

(Mrs. Kilimo laid the document on the Table)

Mr. Letimalo: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Procedural Motion.

Mr. Deputy Speaker, Sir, I want to agree with hon. Nanok that the Government has been concentrating on resettling the IDPs as a result of the 2007 post-election violence, forgetting that there are also people who have been displaced as a result of insecurity. I am aware of people from Samburu East and Samburu West who had farms in Laikipia West, and because of tribal conflicts, many of them have actually been displaced. So, I would like to appeal to this Select Committee that they should not only concentrate on resettlement of IDPs of the 2007 post-election violence; they should also consider those who have been displaced as a result of insecurity.

I support.

Mr. Deputy Speaker: Does the hon. Nominated Member of Parliament from Samburu West want to contribute? The Chair will give you an opportunity to do that.

Mrs. Leshomo: Asante Bw. Naibu Spika. Mimi pia ningesema juu ya mambo ya wakimbizi wa ndani kwa ndani. Watu wanakimbizwa, na ninaamini kwamba kweli wako kila maahali. Hii ni kwa sababu tukisema ni wale tu walipigana kwa sababu ya siasa,

kuna wale wamenyang'anywa ng'ombe na kila kitu, na hawana pahali pa kuishi; hakuna mtu anayewachukua kama wakimbizi wa ndani kwa ndani.

Mimi pia ningependa Kamati hii iwafikirie watu ambao wametoroka makwao katika Kenya nzima. Ukienda kila pahali utakuta wakimbizi. Ningependa Kamati hii itembelee kila pahali kwa sababu kuna wakimbizi wa ndani kwa ndanii.

Asante Bw, Naibu Spika wa kunipatia nafasi hii.

(Question put and agreed to)

MOTIONS

BAN ON INDIGENOUS LANGUAGES IN PUBLIC OFFICES

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

THAT, noting that Article 7(2) of the Constitution recognizes Kiswahili and English as the official languages of the Republic of Kenya; aware that this provision will adequately address ethnic disharmony in public offices if implemented to the letter; appreciating that Article 7(3) of the Constitution requires the State to promote and protect the diversity of language of the people of Kenya; concerned that the use of indigenous languages in public offices and national institutions is a major contributor to disharmony, suspicion and discomfort in public offices in the country, this House urges the Government to ban the use of indigenous languages in all public offices, except by Government Field Officers at the level of locations and sub-locations in public *barazas*, where it is expected that nearly all of the audience understand the local language used.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I bring this Motion to attempt to entrench the value of nationhood as is well contained in our Constitution. I would like to begin by quoting Section 7(1) of our Constitution which reads clearly that the national language of the Republic of Kenya is Kiswahili. Section 7(2) of the Constitution states that the official languages of the Republic of Kenya are Kiswahili and English. It further goes on to require that the State shall promote and protect the diversity of language of the people of Kenya. I must underline that. Section 10 (2)(b) of our Constitution further requires that human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized shall be engendered to be achieved by the State and its agents.

Without having to belabour, language plays a very vital role in society and occupies a very important place as a tool of communication. Beyond that, language if

well nurtured can become an icon of identity and culture as is the case in Kenya. I know Kenya is rich in cultural diversity with over 42 ethnic communities which speak different dialects and languages. The vernacular languages spoken in Kenya play an important role in maintaining a certain kind of national unity and workable co-existence among the different tribes in the same location, sub-location and communities. They also display the uniqueness of a particular ethnic community within their own localized settings.

It is, however, unfortunate, I must say, that many nations of the world today face different degrees of ethnic hatred and related conflicts, Kenya included. Unfortunately, we have been a victim as was attested to during the post-election violence of 2008. It, therefore, goes to show that ethnic diversity may have negative consequences if not well managed and regulated.

The National Cohesion and Integration Act, 2008 cites discrimination on the basis of ethnic and racial background as a criminal offence and bars comparison of persons of different ethnic groups and makes it illegal to harass another person based on his race or ethnicity. This Commission is mandated to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of different ethnic and racial backgrounds in Kenya.

I know that the Commission has been doing its bit trying to crack the whip on hate speech. However, I must say that even though the Commission has been doing its bit, a lot still remains to be done. It is my conviction that a resolution of this House will go towards reinforcing the efforts of the Commission to the extent that I appeal to the Government to ensure that what goes on and what is communicated in public offices and national institutions are the aspects that I want considered.

Mr. Temporary Deputy Speaker, Sir, following the hostilities that occurred and cognizant of the fact that our Constitution now recognizes Kiswahili and English as the official languages, including here on the Floor--- Previously, public officers were barred from communicating in Kiswahili in Government offices, but our Constitution now requires and recognizes both English and Kiswahili as languages that people can use to communicate in any office. This Motion, therefore, aims to ban the use of vernacular languages in public offices as it causes disharmony and discomfort to those who may not understand a particular vernacular language and might stir ethnic hatred.

The Motion, however, allows the use of vernacular language by Government field officers at the level of locations, sub-locations and public *barazas*. As you know, even the extension officers deployed by the Government, more often than not, are those that are also able to converse in the local languages. The rationale for banning vernacular language use in public offices, include, endeavour to connect various officers and persons of diverse ethnic groups of people in a way that they feel part and parcel of each other; respect and regard one another as brother and sister and in a manner that does not smirk of a “me-versus-those-others” attitude. I must give an example here. I have had an occasion to be in a country outside this country and met a group of people who were speaking in Kiswahili.

I just met a group of people who were speaking in Kiswahili and straight away I thought that they are from either Kenya or Tanzania because I believe that people who speak Kiswahili must be persons from this region. So, I approached them and greeted them in Kiswahili. I asked them whether they are from Kenya and they told me that they are from Tanzania. I felt challenged that the people from Tanzania are able to identify

themselves and to be identified by others as Tanzanians, irrespective of where they are and they are also proud of their language.

I must also note that ethnic and vernacular language may be necessary in uniting Kenyans from one community but may have a negative impact if continually used in a cosmopolitan environment. I need to note that even though currently we claim that our towns and urban centres are occupied by about 20 per cent of the population of Kenya, I also know that the projects of Vision 2030 show that 70 to 75 per cent of the Kenyan population will be residing in urban centres. It is in these urban centres where you find that majority of the people especially the young do not care about where you were born or come from. They care about the ability to communicate in a language that connects and in a language that makes them understand one another.

Mr. Temporary Deputy Speaker, Sir, I must continue to say that ethnicity has a negative aspect because of some tribal individuals - we have a good proportion of ethnic chauvinists both in this House and outside this House - who are inclined to see only the members of their tribe as people and also denigrate all others as something less. I believe that with the new Constitution, we must stand tall. Kenyans and especially the leaders must endeavor to stand tall. Today is a day where I want to call upon all those people who would like to claim a level of statesmanship, nationalism and patriotism, to stand up and support a Motion that seeks to ensure that when Kenyans talk, they talk as one and that they only remember that they come from some certain small localities when they go back to be with their families and small communities.

As I said earlier, our Constitution clearly recognizes that English may be a little bit difficult for all but we also know that since the NARC administration took power, this Government has gone a long way in ensuring that literacy levels are enhanced through the sponsorship of the free primary education and subsidized secondary schools. This means that the Government clearly seeks to ensure that as many people as possible understand the English language. I am happy to note that the Constitution also seeks to support and encourage Kenyans in the promotion and usage of Kiswahili.

Mr. Temporary Deputy Speaker, Sir, as we move forward, I wish to note that to further enhance national cohesion among the people, we need to ensure that there is a policy. We should follow the example of other countries that have done it and done it well. I can quote even the so called "not too developed" countries like China where Mandarin is the language that is used across the board; France uses French even though they have various sub-tribes; I also mentioned Bahasa which is used in Indonesia; Thai is used in Thailand and Kiswahili in Tanzania. I do not know where we lost the hold after 20 years after Independence but we must get back on track and begin to go the way of using a language that will unite all of us.

Let me further say that vernacular language usage in public offices sometimes turns out to be a source of conflict among different tribes, jeopardizing the unity that the new Constitution so much endeavors to achieve. With English and Kiswahili as a common language to all ethnic groups in Government offices, the collective sentiments of belonging together despite our own individual or ethnic differences, would be forged, engendered and would be endeared to all who care for this country. Usage of these two languages would go a long way in ensuring the cultivation of patriotism and ensuring that organizations and institutions that are usually manned by persons through their merit or qualifications of diverse backgrounds and ethnic backgrounds---. It would ensure that

there is a feeling of love for that organization, oneness and inspiration to care for each other as there would be a common bond. Use of vernacular languages kills patriotism and instead nurtures localization and a feeling of belonging to one's community. This surely must come to an end.

Mr. Temporary Deputy Speaker, Sir, I have had occasion to visit offices outside where I come from and sometimes it is so nagging and disparaging because when you are in an office and you request to be served, you discover that officers in a public office first converse in their mother tongue before they can serve you. At that point, you do not know what they are saying or whether they are asking how they are going to corner you or whether you should give a bribe. So, you actually do not know whether the service you receive is what you deserved.

I earnestly wish to urge Members of this august House to ensure that they stand with me and also with this Motion which is now their property, in order to ensure that we are able to promote human and national development across our ethnic boundaries and across our country boundaries. Discrimination has never been good value for anybody. I know that in this Parliament we have a Committee on Equal Opportunities which is chaired by Mr. Affey. This Committee endeavors to ensure that everybody in this country, wherever they come from, is given an equal opportunity without being discriminated against, provided they also extol qualifications, competence and merit.

I think we are not asking for too much. What I am asking for will not have any monetary component and it is within the constitutional provisions. I think it is right for us to demand that. The Government has an obligation to ensure that the public moves towards achieving its human rights, as enshrined in the Bill of Rights in the Constitution.

Mr. Temporary Deputy Speaker, Sir, I must say that vernacular languages, even though they are meant to unite communities and promote issues of culture, language and heritage, when used in public offices, tend to promote disharmony. I keep on saying that public offices are occupied by persons who are qualified, and who are posted or deployed in those offices irrespective of their ethnic backgrounds. It is good for Kenyans to begin to learn that the employer of the civil servants is none other than the Public Service Commission. When you sign the forms for employment, you usually indicate that you can be posted to any part or corner of the Republic. It should be possible within our new Constitutional dispensation to ensure that we achieve a level of maturity and sanity where, when I am posted to Turkana or Lodwar, I go there happily knowing that I shall be received, embraced, appreciated, valued and viewed as one of those persons who deserve to be there.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Your time is up! Who is seconding you?

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and call upon hon. Affey to second.

Mr. Affey: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this very important Motion.

Mr. Temporary Deputy Speaker, Sir, first of all, I want to really thank my friend, hon. Mbau, for bring this Motion before this House. This is a very important Motion that goes to the core of our national unity and stability. At one time, I brought before this House a Motion that requested the House to sit in other parts of Kenya, other than Nairobi, so that we could have a rotational sitting of Parliament in Garissa, North Horr,

Turkana or the Coast. This House has an opportunity to be associated directly with the Kenyan people. I am glad that, that matter has been taken up by the Constitution and now it is possible that the House can sit in any part that it deems fit, under Section 126.

Mr. Temporary Deputy Speaker, Sir, this Motion encourages national unity. Kenya is not a homogenous State. It is not like countries, particularly in the Arab world or even countries within the region like Somalia, where the language is one. Kenya has 48 or so ethnic communities and all those communities have got their own unique cultural affiliation and languages. If all us stood up on the Floor of this House and spoke in our mother tongue in terms of contributing to a debate, you can imagine the kind of chaos we will have in this very National Assembly. Therefore, that is why by choice, we have taken Kiswahili as the unifying language in this country and the Constitution has recognized Kiswahili and English as the two national languages that require to be used. Where does the problem come? We, in the Committee on Equal Opportunities, are now confronted with a report by Mr. Kibunjia from the Commission on National Cohesion and Integration. That Commission has conducted an ethnic audit in the Republic of Kenya, particularly in the Civil Service. It is very shocking that out of the entire work force in this country; out of the 48 ethnic communities, there are only about six communities in Kenya which occupy 80 per cent of the office establishment in this country. That means nearly two-thirds of the Kenyan communities are absolutely excluded from the Civil Service. How then do you expect those communities to come and seek for services in the national offices, whereas the Mover of this Motion has raised concern that mother tongue has replaced the national language? They gossip and speak in mother tongue. They discuss even love affairs in mother tongue in the offices. So, there is absolute exclusion of a certain group in this country. Therefore, there is no possibility that we can ask for national unity and cohesion, when we have this kind of scenario present as we speak.

Mr. Temporary Deputy Speaker, Sir, there are departments today - and the honourable Mover has mentioned - in Government where people can transact official business in mother tongue; from the Managing Director all the way to the sweeper, without any problem. They discuss official business matters in their own mother tongue. This is dangerous and one of the reasons why this country lost after the last general election. This is one of the underlying critical reasons why, as Parliament, we need to confront this menace. We are going to bring this report before Parliament. The report does not target any one ethnic group. It is a cancer that we have and we need to confront it. There is a law, today as we speak, which bars any Government department to have more than a third of its composition from one ethnic group. But we have violated that law. More than ten Government Ministries have violated the law. In fact, it is worse when you go to parastatals; where the chief executive is the "chief executive" of his tribe and clan, instead of being the chief executive of the nation. We end up having people from one ethnic group occupying all the positions. We have seen Ministers appointing relatives as chief executive officers. They say: "This is our time to eat." Therefore, the only time to eat is to appoint my next of kin to become the CEO of a certain parastatal where there is money. That is a very dangerous trend and we must confront it. The problem of language needs affirmative action in terms of national unity.

Mr. Temporary Deputy Speaker, Sir, the culprits are, of course, the Office of the President, the Central Posting Unit and the Directorate of Personnel Management. Those

are units which post Government officers to departments. They are violating the law and we must confront it.

Mr. Temporary Deputy Speaker, Sir, as politicians, we can also play a big role positively in national reconciliation. Right now, we have a by-election in Kamukunji. It was not expected that somebody from a small ethnic group could be supported by the majority of Kenyans or the so-called large communities. That is very positive and that is the way we should go. If that by-election goes right, it is then apparent that an El Molo can become the President of Kenya. It will not matter where you come from in this country, so long as you are a material to represent either a constituency or a country. I want to very profusely thank both PNU and ODM for nominating persons from minority groups to contest in Kamukunji Constituency. I, particularly, thank PNU because that was a PNU seat. They have decided that now it belongs to a small community that has never seen any representation in Nairobi City.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Affey to impute that one of the candidates that was nominated by PNU comes from a small community, when we know that the community that he comes from is the fifth largest community in Kenya?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I want to thank the Member for confirming that it is the fifth largest community by virtue of the presence in Nairobi with all the facts with the PNU. I thank him for showing leadership and I am sure he will continue to do this even in future.

I want to challenge our vernacular radio stations. They must be radio stations that encourage national unity. In Rwanda, the genocide was caused by vernacular radio stations. In Kenya, towards the last general election, vernacular radio stations played a divisive role. They are the ones that were spreading hate messages against communities and constituencies. I want to plead that we must regulate these radio stations, so that the messages that go out are not hate messages about a community. If anything, they should be messages that unite our people.

Mr. Temporary Deputy Speaker, Sir, this issue of ethnicity is very rampant in our universities. It is very strange that universities which are supposed to be centres of excellence; to train Kenyans to feel patriotic, are the same ones that encourage ethnicity. There are certain universities in Kenya where the entire management from the Vice-Chancellor all the way to the lecturers comes from the region where the Vice-Chancellor comes from. Therefore, unless we make a deliberate move to mix the leadership of our universities, so that these universities truly become national institutions and not community institutions, there is no way that this cancer of ethnicity will end. We use our vernacular as though if I use my mother tongue, I become more Kenyan than the other one who has not used his. We cannot reverse this unless we begin from the institutions of higher learning.

I want to thank my colleague, hon. Mbau, for thinking about this and even going ahead to exempt the field officers who are training communities from the Motion. That is important because we must realize that this country is divided into 47 counties and there are certain counties where Kiswahili and English are still alien and foreign. Therefore, we must appreciate that these communities require to be educated and given information and the only way in which they can be given information is through the language and the

medium that they understand. We want those officers who are communicating to do so with a level of patriotism and truthfulness, so that they do not end up misleading the communities they are supposed to educate. This Motion is ripe and I truly support it.

With those remarks, I beg to support.

(Question proposed)

The Assistant Minister for Housing (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. It is a very well thought out Motion. Language plays a major role in our daily lives. The way we communicate and relate to each other depends on the language that we use.

Once we pass this Motion, it will help us, as a country, to slowly curb and phase out the problem of tribalism in this country. Tribalism is a cancer eating our nation day by day. If we do not do something as leaders to stop tribalism, it will destroy our country. As we debate this Motion, I would like to challenge some of our leaders and ask them how they relate to others. Even some who are seated in this House, you will find that their drivers, security officers, secretaries, the people who walk with them and those who surround them are all from their ethnic groups. Even when they go for political rallies, the team is from one ethnic group. That is unacceptable. This demonstrates that as we relate to each other, if we do not destroy this cancer of tribalism, we are going to destroy the country that we love so much. The post-election violence in 2007 was mainly fueled by vernacular FM radio stations. This has now gone to the offices and people speak and even instruct each other in their vernaculars. This is destroying our nation.

Mr. Temporary Deputy Speaker, Sir, as I support this Motion, I represent the Starehe Constituency which is a cosmopolitan constituency. In Starehe, we have no tribalism. You cannot even stand in a *baraza* and address the people in one ethnic language. It does not work. You address the people of Starehe in Kiswahili or English and they will understand, but you cannot pick one ethnic language because we are mixed up and we have learnt how to destroy tribalism. When you go to schools in the villages which operate from the grassroots, you will not find the students interacting with each other in their ethnic languages. If you go to the base where the youth meet and interact with each other, even at the village level, you will not find them in one ethnic group.

The problem of tribalism is not with the younger generation. It is with the older and the middle generations. These are the people who fuel tribalism in this country. Knowing that the working class is mainly the middle aged, it will do us a lot of good to adopt this Motion and ban the use of indigenous languages in our offices, our daily functions and operations. I also urge that in our working relationships, we should all promote the national languages, namely, English and Kiswahili. That will promote nationalism.

Mr. Temporary Deputy Speaker, Sir, I have heard Amb. Affey mention Kamukunji Constituency. The reason why we would have ended up with an MP, of course, from the ODM, who is not from the big tribes of this country was because I was the team leader for the ODM and I spoke to the people and told them that we must shun tribalism. The people of Kamukunji were not voting on the basis of tribalism. This is because as a leader, I showed the way; that we should not go the tribal way. That means that if all the leaders can stand up, shun tribalism and tell our people every time we meet

them to stop tribalism - believe you me - tribalism will end in this country. Otherwise, if we do not stop tribalism, it will destroy us.

I support this Motion and urge my colleagues to do the same. I know some of them are intending to oppose it, but I pray that they change their minds before they stand up because this is a Motion that we should support and not oppose at all. Let us ban the use vernacular languages in our public offices and national institutions.

With those few remarks, I beg to support.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I would like to thank my friend and colleague, Elias Mbau for this Motion. However, I want to pose a few questions to this hon. House. Which language in the world is not rooted to a particular ethnic group? Which one? The language that is spoken by the highest number of people in the world is called Mandarin and it is Chinese. The second language is Spanish and it is spoken by the Spanish people. The third language is English and it is spoken by the English people. In fact, what this House is saying is: How can we cure the problem that caused Mbau to think about this Motion?

(Applause)

Mr. Mbau is driven, not because of the language spoken, but by the fact that there is tribalism in our offices. If we just pass this Motion without realizing that we are supposed to cure tribalism, we will end up passing a legislation that goes against the new Constitution. This Constitution in Article 7(3) tells us that the Constitution must promote all Kenyan languages, having recognized that English and Kiswahili are official. So, if we pass it, we will be saying that we want to regulate the very promotion of the ethnic languages that we speak in this country. Number two, this Constitution says in Article 11 that the cultures of the Kenyan people will be promoted. The backbone of all the cultures of the world is language.

The moment you start regulating the language, it means that you have started acting contrary to Article 11 of the Constitution of Kenya. Before I go on and show Members why we have to rethink about this Motion, may I point out why people have an opportunity to speak a particular language in an office? If you go to the Office of the President, according to the reports of the media, and which we have no reason to doubt, we were told that the highest proportion of people working in the Office of the President are from Central Province; a community where the Head of State comes from. We were told, similarly, that in the Office of the Prime Minister, the highest number of people come from a community from the former Nyanza Province, the community that the current Prime Minister comes from. So, if we, the politicians, are the ones who are making sure that we employ enough people from our tribes to allow them the luxury of speaking in their vernacular language, then we are the problem. The problem is not our language. We want the President, Prime Minister and the politicians in this country to exercise affirmative action when they are giving out opportunities of employment so that, when people are in that office, they find it difficult to talk in their vernacular because they will realize that the next person is not a Luhya or Kamba.

Why do you want to criminalize our languages? This House must go out of its way to ensure that we discourage politicians from allowing their institutions to have a tribal face. If we pass this Motion, hon. Mbau, what will we do about Article 27 of the

Constitution of Kenya? Hon. Mbau, Article 27(1) tells you that every person is equal before the law and has the right to equal protection and benefit of the law. Fine! Suppose this Motion passes and somebody is in an office--- For example, a Luo and quite a big proportion of Luos are not very fluent in Kiswahili. That is a fact! We deny him an opportunity to express himself simply because he is not fluent in Kiswahili. That person will refer to Section 27 and say that you have denied him his Constitutional rights.

What will you do about Section 27(4) which says that the State shall not discriminate directly or indirectly against any person on any ground - including very many things among them - including ethnicity? How will you harmonize this law, if we pass it, with Article 27(4)? Hon. Mbau, how will you harmonize this with Article 28 which talks about human dignity? It says that every person has the inherent dignity and the right to have that dignity respected and protected. So, if you harass somebody in an office because you found him speaking in Luhya, surely, you will not be preserving his dignity. The person will have every reason to believe that he should seek redress from the courts. If we pass this law, what will you do with Article 33(1)(a) which says that every person has the freedom of expression which includes: Freedom to seek, receive or impart information or ideas to others? How will you harmonize that law?

Finally but not least, what will we do with Article 33(3) of the Constitution which says that, in the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others? How will you do it?

All I am saying is that, noble as this Motion is, we must oppose it because it is contrary to those many provisions of the Constitution that I have cited. We should acknowledge that this Motion has come up because of tribalism and, therefore, go out of our way--- I am glad that Mr. Temporary Deputy Speaker is one of the well-known debaters in this House and a good lawyer. We challenge good lawyers like you to go out of your way to help non-lawyers like us to come up with legislation that will give effect to this Constitution to the extent that we fight tribalism. We should not fight our culture and our languages.

With those few remarks, I oppose.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion. In supporting the Motion, I want us to look at the levels of communication in our mother tongue. I support the Motion by looking at Government institutions and institutions of learning. If you look at the Motion and relate it to the new Constitution, you will see that if Articles 53 and 55 are implemented properly, then some of the problems we have on tribal issues will end.

Education is compulsory for everyone. Our schools teach English and Kiswahili. Our children are taught to speak in English and Kiswahili, but not in their mother tongues. If we look at what happened after the last General Elections, you will see that everybody went back to their cocoons. Even in Government offices, people used to speak their languages in support of their own persons. That brought out the tribalism in the Kenyan people. As Dr. Khalwale has said, if we fight--- I am looking at it from two points of view. We can fight tribalism and decide to use one language as the official language of communication for the Kenyan people.

Mr. Temporary Deputy Speaker, Sir, I have seen it in many offices.

Officers are being transferred to one area. I am just giving an example. Number one, the head is a Mkamba. So, I say number one is a Mkamba. The Deputy is a

Mkamba. Number three is a Mkamba. When you go to that office, they are all speaking Kikamba. If there are people who are not from that ethnic group and they hear them speaking the same language, that causes a lot of discomfort. The Government must be careful when it is sending officers to work in other areas. We have to mix them. It is becoming a very big problem in Kenya. It is also, in a way, causing security threats. I have seen people in the constituencies and districts regrouping according to their own tribes.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, could you, please, ask them to consult quietly? They are distracting me!

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Khalwale, please, allow the hon. Member to make her contribution.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, if I go back to the offices, again, if an officer is transferred to an office, where there is, maybe, a Kamba, Kikuyu or any other Director, they feel uncomfortable if that person does not come from their tribe. If they find people of other tribes there, they start, maybe, keeping to themselves. In the Government offices, if we can mix the tribes, some of those problems will end.

Apart from the law, it is also from a management point of view. How are we managing our staff? The bottom line is that we should be able to mix them. We should not just have one tribe working in one office. To finish on that, I find it a bit rude when I go to your office, you do not know where I come and you start talking to me in your mother tongue. That is very rude. As Kenyans, we know the languages that we should use in this country - Kiswahili and English. We should practice those languages in the offices.

Mr. Temporary Deputy Speaker, Sir, I support this Motion on the line that we allow Kiswahili and English in Government offices and learning institutions. In constituencies, sub-locations and locations, it would be a bit difficult because not all our people are learned. But as we go along and after we have implemented the new Constitution, some of these problems will come to an end. So, if we love our country, I think we should unite with one language. We are not telling anyone to throw away their language. I am a Mkamba woman and I am very proud of being a Kamba lady and I speak Kikamba. But when I come out from Ukambani, I come to Kenya. When I come to Kenya, I should be able to speak a language that every Kenyan understands. That language is Kiswahili and English. In the home scenario, talk what is yours. When you come out here, let us speak in one language. Some of these small problems would come to an end. Ethnicity must be eradicated once and for all.

Mr. Temporary Deputy Speaker, Sir, if we love our country, we must look for a way to end that.

Thank you.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion.

Mr. Temporary Deputy Speaker, Sir, the vernacular language and, most specifically, the Somali language, is an important heritage. Even in my house, after a long

day of work in Parliament, I speak Somali language to my wife, children and the people who live with me.

Mr. Temporary Deputy Speaker, Sir, hon. Mbau and my other colleagues must understand the fact that Kenya is a multi-lingual State. As a country, we need to build all the necessary mechanisms for effective management of languages. If you look at the Constitution, it talks of “We, the people of Kenya”. The word “We” means all the tribes of Kenya. I totally agree with hon. Khalwale that this Motion, in its essence, contradicts the Constitution. Languages all over the world are a heritage that people are proud of. I am a Muslim and Islamic scriptures are in Arabic. But at no time would I leave my own language. The world that the Almighty God created has so many languages, cultures and tribes. Who are we to come here today and put a ban on a particular vernacular language or languages in public offices?

Mr. Temporary Deputy Speaker, Sir, the two languages today that as a country, we are proud of – that is English and Kiswahili - are both colonial languages. That is why we are saying that this Constitution must be upheld at all times. Today, in this House, we are creating the Supreme Court, the highest court that is going to interpret the Constitution. If you look at Section 7 of the Constitution, it talks about national, official and other languages. It says in Section 7(3):-

“The State shall promote and protect the diversity of language”.

(Hon. Khalwale consulted loudly)

Mr. Temporary Deputy Speaker, Sir, hon. Khalwale is still consulting loudly!

The Temporary Deputy Speaker (Mr. Imanyara): Consult in low tones!

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Deputy Speaker, Sir, Part 3 of Section 7 of this Constitution says that the State shall promote and protect the diversity of languages of the Republic and the people of Kenya. This Motion contradicts that Section of this Constitution. It is unconstitutional. It is the State to protect our languages. We cannot allow a Motion in this House that contravenes that. We cannot allow a Motion that wants to ban our people from speaking.

Secondly, under that Section, it says that the State shall promote the development and the use of indigenous languages. Somali, Kikuyu, Kamba, El Molo and Turkana are indigenous languages. It is in this Constitution that the State must promote languages. This Motion negates the Constitution.

Mr. Temporary Deputy Speaker, Sir, if you look at Article 27(4) under the Bill of Rights, it says that the State shall not discriminate--- It should not discriminate on ethnic grounds. The hallmark of any ethnic group is the language and culture. Let us go to Article 44, under the sub-heading, Languages and Culture under the Constitution. If you look at Article 7, it is the responsibility of this Constitution and the State to promote my language as hon. Duale. Article 44 says every person has the right to use the language and participate in the cultural life of the person’s choice.

It is my choice, as a Kenyan, that of my family and members of my tribe to practise and participate in our culture. The Constitution has allowed me to do so. Legislation through a Private Member’s Motion cannot negate the Constitution. So, this Motion is unconstitutional. I request hon. Mbau to refer this Motion to the Supreme Court once it is established.

Mr. Kioni: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Duale to mislead this House and the nation by reading portions of the Constitution for purposes of serving his own argument? Is it in order for him to misquote Article 44 of the Constitution? Unless he is reading another one, Article 44(2) of the Constitution reads:

“44(2) a person belonging to a cultural or linguistic community has the right, with other members of that community to enjoy the person’s---“

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Kioni! He read the first part. So, do not read part (2) if you are raising a point of order. Your point of order relates to the section he quoted, which is Article 44(1).

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, you cannot just read Article 44 selectively. The whole Article deals with languages and culture. If you really want to inform this House and the nation, it is important to bring out the facts clearly as contained in Article 44. I think he is out of order.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I want to give a free advice to my friend, hon. Kioni, that interpretation of the Constitution is the work of the court. We are about to form the Supreme Court. He can take this Motion there in two weeks’ time. I said that under Article 44(1), every person has the right to use a language and to participate in the cultural life of the person’s choice. For instance, it is my constitutional right to use the Somali language in both public and private. Doing so is not a favour. It is the Constitution which has given me that right. Therefore, nobody can deny me that right by legislating through a Private Member’s Motion. We must uphold the Constitution.

Mr. Temporary Deputy Speaker, Sir, Article 56 of the Constitution on minorities and marginal groups, of which I am a member, says that it is the role of the state to develop their cultural values, languages and practices. As a member of a minority group from the northern part of this country, for the first time, I am enjoying such rights, which are provided for in this Constitution. That is why 98 percent of the voters in Dujis supported this Constitution. Under this Constitution, the state is given the power to promote my cultural values, including my language.

The Assistant Minister for Housing (Bishop Wanjiru): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is misleading the House and the nation. He is even misquoting the Motion itself. He wants to imply that we are stopping everybody from speaking their languages. We are not banning Kenyans from speaking their languages. I am a Kikuyu. I will continue being a Kikuyu and I will speak my mother tongue. We are only limiting ourselves to public offices and institutions. Let us debate within those parameters.

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order?

The Assistant Minister for Housing (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, my point of order is that this Motion is not about what the hon. Member does in his village, but rather about what he does in his office.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, if my memory serves me right, Bishop Wanjiru opposed this Constitution during the referendum. So, she did not have time to read it. Therefore, I am in the process of helping her to understand the Constitution that she opposed at the referendum. I am not reading the Quran or the Bible. I am reading the Constitution of the

Republic of Kenya. Bishop Wanjiru should get the benefits and the fruits of this Constitution.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Housing (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, this particular hon. Member is being rude in his language!

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, hon. Wavinya Ndeti?

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, this particular Member of Parliament is being very rude in his comments. It is not about whether Bishop Wanjiru was in the “Yes” or “No” camps during the referendum campaigns. We are talking about the tribalism that has adversely affected this country and the languages that he should be using in Government offices and institutions of learning. We are not stopping him from speaking the Somali language in his village or on the streets of Nairobi.

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

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I am in the National Assembly of the Republic of Kenya, and I oppose this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbau, you were on a point of order.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I was wondering whether hon. Duale was in order to drag us back to the days when we campaigned for or against the Constitution and tell us who supported and who negated the Constitution when he knows very well that all of us now embrace the new Constitution as one people. Where we came from does not matter. Is he in order? Could he substantiate?

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Duale is no longer on his feet. So, I will allow hon. Chanzu to contribute to the Motion.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I could read that the hon. Member had good intentions. The problem is the way the Motion has been drafted but its spirit is good given the way things have been going on in this country since 1963. If you consider the implementation of this Motion, you will realise that it will be very difficult to implement it. If you go to a place, like in Western Province, where we have got the Luhya and other communities, they share the same platform. Sometimes they share the same platform. Even when they go to a *baraza*, you cannot say that they are going to use their own languages. So, even though the intention is good, the drafting of the Motion is wrong. For that reason, I would not like us to support this Motion.

Discrimination is not based on language alone. There is discrimination by classes, where people discriminate against others because of the class to which they belong. We have seen stories in the newspapers – I do not know whether it is true or not – about people who were corrupting this country. You find Luhyas and Kambas getting together and going into these kinds of deals. So, it is not the issue of language that is a problem in this country. The problem with us, as Kenyans. We need to raise our level of association and whatever we do, so that we can discipline ourselves. We cannot put barriers in things like languages only and assume that, that is the only thing that is going to help us fight corruption.

Mr. Temporary Deputy Speaker, Sir, even here in Parliament, there can be two Members of Parliament talking about something in Nyeri. They will discriminate against me, because I cannot participate in that discussion. It does not involve me.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no language like “Nyeri” in this country.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, that is just a way of wasting my time. I am referring to Nyeri because it is in Central Province. I made reference to people from Nyeri because we know what tribe is in Nyeri. It could be the Members of Parliament for Nyeri Town and Tetu talking about an issue in that place. They would isolate me even when we are seated together here. So, we should discipline ourselves. Diversity of culture and tribes in this country has been a plus. Even when it comes to competition, people identify themselves as being from a certain community and take pride in the fact that they are runners. We know that even the young people who do so well for this country come from a certain community, but that is not discrimination. Look at the people who play soccer in this country, they are the Luhya and Luos.

So, what I am saying is that our diversity, even in terms of tribes, has also helped. Therefore, we should be civil when we do whatever we do. We should not stop people from speaking their languages, because they can still speak English and isolate you in terms of association. What is causing problems in this country is corruption. People are corrupt. That is the reason as to why you find that there is that kind of isolation. I do not even think that rich Kikuyu care about a poor Kikuyu in Kiambu, because they have values emanating from what they have in their pockets and in their bank accounts. So, this Motion is good but it is not properly drafted.

Mr. Kioni: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Chanzu to continue giving examples of a community he sounds to be very ignorant about? He is talking about a rich Kikuyu and a poor Kikuyu and from the look of things--- Is he in order to continue giving such examples, calling tribes Nyeri? I think it is only appropriate that he does a bit of research and gets to understand people better.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, the hon. Member will get his chance to support the Motion but I am not supporting it.

Let me tell him one thing. I am talking a lot of sense. Even in Luhyia land, it is the same. The same applies to Luoland. They have value systems where people value their pockets more than their own languages.

So, this Motion is not properly drafted, but it is well-intended. My two colleagues; Dr. Khalwale and Mr. Duale, have quoted widely from the Constitution. The Motion is unconstitutional.

For that reason, I oppose the Motion.

Thank you.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Mr. Temporary Deputy Speaker, Sir, for granting me this opportunity to participate in this Motion. Once again, I also wish to take this opportunity to pay tribute to the Mover of this Motion, Mr. Elias Mbau, a man I respect and a man with whom we went to school together.

However, today, I do request that he grants me the opportunity to oppose his Motion because I know it is not about him; it is about the nation. It is about national issues.

I rise to oppose this Motion and I would like to give a quick preview of why I oppose it. It will be remembered that during the colonial era the African languages were demonized and almost criminalized. Therefore, to that extent, Africans were made to feel that unless they spoke in English or maybe in Kiswahili, they were probably committing a serious crime.

Mr. Temporary Deputy Speaker, Sir, we have seen it even today because it has continued. It is best exemplified in a book written by Ngugi wa Thiong'o called *Decolonizing the Mind*. In the book, Ngugi argues that during the colonization process, it was not just a question of taking the land but it was also about taking our culture. You know that language is a critical component of our culture. Therefore, when we make our children or our young people feel like knowing Luhya or Kikuyu is something very criminal, I beg to say that this is the wrong way to go.

Mr. Temporary Deputy Speaker, Sir, as we talk now, you will remember that for a long time if you wanted to call any African country, you had to call through the exchange in Britain or some other place and then they would connect you maybe to Uganda or the other country. The bottom line was that we could not be able to communicate to our fellow brothers be they Luhyas, Kalenjins or whoever they were. We required the white man to talk to our brothers next door. The greatest impact of colonization is the death of African languages.

As we stand here today, I am happy because we have international scholars of Ngugi wa Thiongo's stature who have said:

" I will write in Kikuyu. Anybody who wants to translate it to whatever other language, be it in Russian or German, they can do it."

He has done that and we have a book that is currently being translated into hundreds of languages.

It has been said here that for us to promote love and harmony across the country, we must speak one language. Which language is that? That language must be English or Kiswahili. Love exists or resides in the hearts of men and not in the language they communicate in. You can hate a man even when you speak the same language, the same dialect and you come from the same village and the language will not stop you.

So, language is a mere expression of what is in the heart. Therefore, as I stand here today, I do agree with the hon. Member that tribalism is, indeed, a cancer in this country. To that extent, I agree with the diagnosis. However, the treatment that you are prescribing for this diagnosis is completely different. A man has come, you have diagnosed him with malaria and you are giving him drugs for other conditions. We agree that it must be on record that we support the diagnosis that we must end tribalism. However, how do we do it? It cannot be through language. If we agree to kill our languages, then we will have gone.

Secondly, I want to say that Somalia is one country that might be of importance to some of us. We know they have not had a government and they have fought each other every other day for the last almost 20 years. However, if hon. Members want to remember, they have one language. That one language has not stopped them from hating, killing and maiming one another. So, language cannot make you love your brother if it is not in the heart. Therefore, I also say that we must address issues that are in the hearts of men and women.

Secondly, as you may be aware many of our children today are growing up in urban areas because of the increased rural-urban migration. However, as they grow, you are aware that they learn from primary school, secondary school and all the way to the university and they do not know their mother tongue. Tomorrow, in this law that we propose to set up we are not saying that we urge the Government to encourage the use of ethnic languages, but we are asking the Government to ban the use of ethnic languages. This will send a very wrong signal that the Government does not encourage local languages. If you look at Chapter 2 Article 3(a) we are saying:-

“(a)The State shall promote and protect the diversity of language of the people of Kenya.

(b) The State shall promote the development and use of indigenous languages, Kenyan sign language, Braille and other communication format technologies accessible to persons with disabilities.”

Therefore, the Constitution acknowledges that we have various languages that require to be promoted.

As I come to an end I wish to remind the hon. Members that we can use the cultural diversity we have to enrich our country. I think this is what we have been saying. We have seen the Maasai community and we believe what they are doing. The way they dress and the way they have held on to their culture is an asset for this country.

We have seen what is happening in western Kenya where we have bull fighting headed by my very good friend here. When I go to watch bull fighting, I do not want to watch it in English. I want to watch it in the mother tongue; that is in the first language in which it was spoken.

Mr. Temporary Deputy Speaker, Sir, I encourage our people and our country to respect our languages. Our languages are an expression of who we are and the Government must be in the forefront to encourage this.

If this Motion is passed, it would, therefore, mean that even in my constituency, if somebody comes and I understand their language, say Kalenjin, I will be compelled not to speak to them in the language that they understand. If they come and they know Kikuyu and I can understand it, it will be wrong for me to communicate in that language.

Therefore, what we are trying to say is that we are actually criminalizing the very same language that we have sought to protect in this Constitution. Therefore, I want to encourage the hon. Member that there are various ways in which we can address the different concerns about tribalism but language cannot be one of them. We have been able to look at it and we have said it in many ways. However, I believe we cannot by any chance agree that we can kill our languages.

With those few comments, I also wish to remind our very good colleagues that even people who do not have the gift of speaking can still express love. We have deaf people who cannot speak but they can express love. Therefore, language is not the only mode of expression.

Thank you.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Motion. As I support this Motion, I am almost amused by the level to which we have now taken it upon ourselves to misinterpret the Constitution for purposes of supporting our opinion without appreciating the spirit of the Constitution.

I must also say that many of us have missed the spirit of the Motion. This Motion does not seek to regulate the mode of conversation within your Nakuru area or in your backyard but it seeks to regulate the mode of communication within the national offices. It is the mode of communication within national offices. It is the nation that we are talking about. It is not regulating how you relate with the people when you are back home and when you are dealing with your communities. I even want to thank hon. Mbau for it. He is very clear that when you are addressing your local *barazas* and when you are handling your constituency matters, where there is some bit of homogeneity, then you can proceed and use one language because in so doing, you are not discriminating against the other person who is next to you.

(Mr. Munya consulted with other Members)

Mr. Temporary Deputy Speaker, Sir, hon. Munya is now back in the House, and I think that it will be good that he gives us some space to speak!

I was saying that even as we continue contributing to this law, why is it that Members have not chosen to use their mother tongue? Why is it that they have chosen to use English or Kiswahili? If they really believe that we cannot regulate use of language within the public service, why is it that they did not come to give us idioms in their mother tongues? We do not want to turn this House into a house of Babel, nor do we want to turn the public office into a house of Babel.

Mr. Temporary Deputy Speaker, Sir, let me own up to this because I think it is there in parliamentary committees. Hon. Duale made his contribution and he is just--- Even within departmental committees in this Parliament, this is already a disease. We have colleagues who communicate to one another using their mother tongue, even when the committees are going on. At that time, you really do not know whether this person is talking about you. What is it that you want to communicate using mother tongue in the presence of others, who are still part of the process because we are in the committee? So, I think it is something that we need to address more soberly than what I have seen. It is important that when we are reading this Constitution, we understand that when we talk about the promotion of the cultural rights of the person and the language is within a community.

Mr. Temporary Deputy Speaker, Sir, I want to read Article 44, which was also read by hon. Duale, and he chose to read just a portion of what would have helped in his argument, which I do not agree with. Article 44(1) states: "Every person has a right to use the language and participate in the cultural life of the person's choice." Not in a public office but it is the person's choice. When you read Article 44(2), it even helps elaborate this. It states: "A person belonging to a cultural or linguistic community has the right and with other members of that community to enjoy the person's culture and the use of the person's language." This is not when you are in a public office. This Motion deals with the issues in a public office, and not when you are within your community or people whom you are able to communicate with, and you can transact using your mother tongue.

Mr. Temporary Deputy Speaker, Sir, hon. Khalwale said that we do not need to have one language for us to be able to move. I agree and that is why we need to make sure that if we have to foster economic growth in this country, we need to communicate more. You cannot communicate faster if every other time you need an interpreter because

a person comes and wants to insist on speaking in his own mother tongue. If the person is not able to communicate in Kiswahili or English, then perhaps we need an interpreter. We know that there are offices you walk into these days and all that you find are people communicating in their mother tongue. If you are not part of it, then you have to wait on the queue before you are served because they would want to serve those whom they are happy, or are comfortable with, because they want to use their mother tongue more than anything else.

However, also this Parliament passed the National Cohesion and Integration Act in 2008. The work of the Commission is to try and foster national unity by getting people to accommodate one another more. We cannot become cohesive if in public places you talk in a language that cannot be understood by others. We passed the National Commission on Human Rights in this House, and it is only fair that we also respect statutes that we have passed in this House.

Mr. Temporary Deputy Speaker, Sir, when you want to impart your ideas on others, or if I want to impart my ideas on hon. Duale, and I start doing it in Kikuyu, what is it that I will be doing? Hon. Khalwale said that you do not have to impart ideas on others using Kiswahili or English language. Agreed, Kiswahili and English languages are foreign languages, but we need something that can help us communicate and move on. If we had identified Luhya, for example, then we would be saying using the Luhya language in all our national and public offices; we would all agree to practise this language. It is unfortunate that we are zeroing in on colonial languages, but that is the best that we have.

Mr. Temporary Deputy Speaker, Sir, this Constitution actually recognizes what hon. Kinyanjui was talking about. Before, you would have been slighted if you wrote books in vernacular, but we are now encouraging people to do it for the benefit of those who can read it and for the benefit for those within your community. It is not for you to take it and make it the national language, or the Bible that must be read in the public office.

Mr. Temporary Deputy Speaker, Sir, I think it is important that even when you look at Article 10(2) of the national values, it states:

“The national values and principles of governance include patriotism and national unity.”

You cannot get national unity when we are all talking in our 42 languages in matters of public offices. It states:

“The national values and principles of governance include patriotism, national unity, sharing and devolution of power, the rule of law, democracy, participation of the people.”

Again, how do people participate if they all talk in their own mother tongues? Again, the whole of Article 10 allows us to appreciate what was the spirit of the drafters of this Constitution. The spirit was to ensure that while respecting the diversity of the nature of our country, we still have to build the nation. You cannot build the nation when we are in such a fragmented situation.

I will also to invite people to read Article 234 about the Public Service Commission and how they are supposed to promote the values and principles of this nation. Again, you cannot do that if we are not able to communicate within public offices. It is also important that as we continue - I do not want to say much - to acknowledge that

while vernacular languages have been used to communicate faster among communities, it is now clear to us that they have also been used for doublespeak. You say one thing when you are talking in Kiswahili and English and you say another when you go to speak in your mother tongue. These are issues that we must remain awake to. If we do not, then we will have ourselves to blame.

Mr. Temporary Deputy Speaker, Sir, I must say that I did not know that people really use their mother tongues much because I went to schools that had people from all communities. I think those people who are opposing this Motion have a lot to do with even where they went to school. They may have been to schools which were just within their own neighbourhoods. They went to universities within the same neighbourhood and married within the same neighbourhood. This in-breeding is not going to help us as a nation. We need to accommodate others and be able to move on as a nation.

With those few remarks, I beg to support.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand under Standing Order No.47(3) which says:

“If the Speaker is of the opinion that (a) that the proposed Motion is contrary to the Constitution without expressly proposing appropriate amendments of the Constitution; or is too long; or is framed in terms which are inconsistent with the dignity of the House; or contains or implies allegation which the Speaker is not satisfied that the Mover can substantiate; or calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the National Assembly, the Speaker may direct either that the Motion is inadmissible, or that notice of it cannot be given without such alternation as the Speaker may approve.”

Mr. Temporary Deputy Speaker, Sir, I say this because I have cited a number of articles in this Constitution that this Motion negates and violates. I think it is high time that this House should not for now and even in the future pass a Motion, or any piece of legislation that is contrary to the Constitution. If you look at Article 7(1)(2)(3), and I will read out (3); it states:

“The state shall promote and protect the diversity of languages of the people of Kenya. The state shall also promote the development and use of indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities.”

Article 11(2) states that the State shall promote all forms of national and cultural expression through literature, art, language and communication. This is the basis of the heritage under language. Article 27(4), which is on equality and the freedom from discrimination says; “The State shall not discriminate directly or indirectly against any person based on a number of issues”. I will pick on ethnicity and we know that the basis and hallmark of an ethnic community is the language. Article 28 of the Constitution on human dignity says that every person has inherent dignity and the right to have that dignity respected and protected. The language of any community is a dignity that must be protected.

The Temporary Deputy Speaker (Mr. Imanyara): Raise your point of order!

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I am raising this point of order under Standing Order No.47 that this Motion by Mr. Mbau is in contradiction to the Constitution and that we

cannot, as leaders of this country, sit and pass a legislation or Motion that will have far reaching impacts on the cultural heritage and languages of the 47 tribes of this country.

I request Dr. Khalwale to second my point of order.

The Temporary Deputy Speaker (Mr. Imanyara): Order! You cannot do that! You do not second a point of order. You can raise a point of order as you have rightly done, but you cannot request a Member to second a point of order.

The Assistant Minister for Livestock Development (Mr. Duale): Most obliged, Mr. Deputy Temporary Deputy Speaker, Sir.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. I know you will make a ruling on the point of order raised by Mr. Duale. May I urge you that besides the points the hon. Assistant Minister has raised, there is also the issue of Articles 33 and 44 of the Constitution which this Motion negates. As you wait to give that ruling, I urge that Members of this House try and anticipate the kind of newspaper headlines tomorrow that “Parliament Votes Against the Constitution of Kenya and Bans all Indigenous Languages in this Country.” Is that the kind of parliament we want to portray to the public?

The Assistant Minister for Sports and Youth Affairs (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Ms. Wavinya Ndeti. He is on a point of order.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, it is important that we remember that it is not only Members of Parliament and lawyers who read the Constitution and law. There are many Kenyans who read law and will wonder whether people in this House are literate at all.

I beg that you find this Motion is unconstitutional and we suspend it.

Ms. S. Abdalla: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Dr. Khalwale to mislead the House and Kenyans that we are here to ban vernacular languages and yet the Motion clearly talks about the use of those languages in public offices and in parastatals?

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I support Mr. Duale’s Motion that this Motion is unconstitutional. Since I know you will make a ruling, I wanted to express my opinion on it. Article 44 of the Constitution says that every person has the right to use a language and participate in the cultural life of the person’s choice. A person belonging to a cultural or linguistic community has the right with other members of that community to enjoy the person’s culture and to use the person’s language or to form, join and maintain cultural and legitimate associations and other organs of civil society.

Mr. Temporary Deputy Speaker, Sir, if you say that you will ban in meetings and baraza people speaking in their own language, it means that you cannot form associations where you meet in public to use your own language. This Motion is unconstitutional because it goes against the spirit of the Constitution. Therefore, it should not be debated but withdrawn.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Order! I thought you were on a point of order. There is a point of order we have to determine before we reach there.

The Assistant Minister for Water and Irrigation (Mr. Waititu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Having been a civil servant for about seven years working as an accountant at Treasury and the Ministry of Home Affairs, I know that in offices, there are documents that are handled collectively by officers---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Are you on a point of order?

The Assistant Minister for Water and Irrigation (Mr. Waititu): Yes, I am on a point of order, but I wanted to expound it by telling you that some of the documents handled in public offices have an impact on collective responsibility. People speaking the same language in offices somehow pass some information that others in the same office do not understand. Personally, I feel that---

The Temporary Deputy Speaker (Mr. Imanyara): Order! You are now not on a point of order. You rose on the guise of a point of order to contribute to the Motion.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Temporary Deputy Speaker, Sir, it is true the Constitution states that we should promote our languages. However, this Motion talks about our public offices and the official languages to be spoken in those offices.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! If you rise on a point of order and proceed to address the Motion rather than raise the point of order, I will not allow it. However, if it is a point of order related to the point of order that was raised by Mr. Duale, I will allow it.

Mr. M'Mithiaru: On a point of order, Mr. Temporary Deputy Speaker, Sir. Already, this Motion is superfluous because we know that in Government offices today, the official languages are English and Kiswahili.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. M'Mithiaru! What is your point of order?

Mr. M'Mithiaru: My point of order is that this Motion is superfluous because this is already catered for. It is about something that is already in public domain. In our offices, we use Kiswahili and English.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, my point of order is that before any Motion is approved and brought to the Floor, it has to go through the Speaker who must have come to terms with its content. It is for that reason that even the House Business Committee (HBC) allotted it time.

Secondly, the Motion as it is talks about public offices and exempts *barazas* and Government field officers. So, it is specific and not in its wider perspective. It actually deals with national institutions.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, the points that have been raised are valid, but they have come a little bit too late. This is because you ought to have raised these issues at the beginning of the Motion. You do not allow the Motion to come to the stage where I am about to call the Government responder and then you raise an issue you ought to have raised. It is valid in the sense that the Motion went through the stages that Motions go through before they come to the Floor of the House. However, it was quite proper, at the beginning, when the Motion was being moved for any Member to rise and challenge it under Standing Order No.47. Waiting until the Mover's time to respond is, I think, coming too late and I rule that despite the objections raised, they have

been raised at the very end when it is too late to raise them. This is the time for the Government response which I understand will be given by Maj. Sugow.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Mr. Temporary Deputy Speaker, Sir, I stand here to oppose this Motion as the Assistant Minister in charge of the Public Service. It is very difficult for the Ministry to infringe on the rights of civil servants on the basis that they should not speak their language in the offices. It is very difficult to implement that and it is very difficult to discriminate against a public servant who refuses to abide.

Mr. Temporary Deputy Speaker, Sir, I understand the spirit of this Motion but the problem is about the way we want to achieve it. It is not possible. Discrimination in employment or tribalism cannot be ended by banning vernacular languages in public offices. If I want to employ Somalis in my Ministry, banning of the Somali language in those offices will not stop me from bringing more Somalis in that Ministry.

Therefore, I urge hon. Members to look for ways and means of coming up with issues to deal with tribalism in public offices. I know it is a problem but the Constitution has addressed the issue of ethnicity and discrimination in employment in the public sector. What we need is to implement the Constitution. The Constitution has catered for fairness in public service employment. When I heard the Mover and the Seconder, their concern was the issue of employment in public offices where there is serious discrimination. Mr. Affey indicated that 80 percent of the Civil Service positions are held by six communities out of the 47 communities in this country. We cannot address that problem by banning languages. Therefore, provisions are there in the Constitution now to address that problem. What we need is to enforce and to utilize legislation that will be coming to this House with regard to Public Service employment so that we put the right statutes in place to guard against discrimination and to guard against officers favouring people from their ethnic communities.

With those few remarks, I oppose this Motion.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Members who have stood up to contribute to this all important Motion. I believe in the exercise of democracy and I believe that an issue is better discussed, debated, resolved and a way forward found rather than get a solution without discussing. I want to donate two minutes to Mr. Kaino and to Eng. Gumbo.

The Temporary Deputy Speaker (Mr. Imanyara): The proper procedure is that you do that before and not in the middle. Now you cannot do that!

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Members who have supported this Motion and the record should remain intact. They are Bishop Wanjiru, hon. Affey, hon. Ndeti, hon. Kioni, hon. Kajembe and hon. Waititu. I also want to express my gratitude to hon. S. Abdalla and hon. Kaino for expressing their desire to support this Motion.

Mr. Temporary Deputy Speaker, Sir, today, on the national stage, we have seen the real faces of incurable ethnic chauvinists who preach water and drink wine. When a whole Minister of Government who is in charge of Public Service that is supposed to be the one spearheading the many Questions that have been raised in this House concerning people from single communities occupying positions at the exclusion and utter discrimination of smaller communities that are not able to be part and parcel of what goes on in offices---. When such a Minister, who also happens to come from such a

community, because of very personalized and emotional short-term gains, stands on the Floor of the House to oppose this Motion, how on earth can we continue---?

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want you to protect me from harassment of the Bishop and the other gracious lady. But my point of order is: The hon. Member has said that the Minister of State for Public Service, in the view of short-term gains--- The hon. Member must substantiate or apologize and tell us who is giving the gains and what are the gains. That is because this new Constitution protects the minorities, like the Minister of State for Public Service.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I cannot substantiate the obvious. Indeed, the obvious is this: When hon. Members were here discussing this very honourable Motion, one hon. Dr. Khalwale moved from his normal sitting position---

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

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I want to say that it is time for this country to move forward and implement this Constitution fully and smoothly. We should read, appreciate and understand the letter and spirit in which Kenyans overwhelmingly passed this Constitution. It is for us, as a nation, to organize our politics in a way that takes the lives and welfare of Kenyans forwards without having to derail it through short-term gains. When I talk about short-term gains, I mean people who make contributions to national debates because of what is likely to happen in 2012, and what they want to be perceived by the public out there without looking far into the future, when we shall have retired as politicians and we shall no longer be leaders. But there will be a community, Kenya---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I must be protected, with your indulgence.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Please, allow the hon. Member to make his contribution. Consult in low tones.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, let us ensure that every Kenyan or Member of Parliament is given an opportunity to mobilize and organize would be supporters not from the lens of tribal perspectives or ethnic prisms, but from the perspective of issues.

Mr. Temporary Deputy Speaker, Sir, as you know, I come from Central Province and I am a Kikuyu by birth. I hate to go to an office, including in my own district or county, and meet people discussing in local languages in Government offices. Therein happens to be only one other officer who comes from another part of the Republic who does not understand what is going on. How am I supposed to feel?

(Loud consultations)

Mr. Kaino: On a point of order, Mr. Temporary Deputy Speaker, Sir. While we are listening very carefully to this very important Motion that I really want to support, there are a lot of noise makers in the House. They want to divert the attention of the Members from the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Please, do allow hon. Mbau to conclude his remarks.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, the Members have quoted the Constitution, but I think they came into the Chamber long after I had quoted the same sections of the Constitution, namely, Articles 7, 10 and 44. I had quoted all those Articles. I had moved on to say that it is in due recognition of the provisions of those articles that this Motion is calling us to discard the usage of indigenous languages only in public offices and national institutions and leave them to be freely used and practiced at the local level in the locations, sub-locations and villages in an endeavour to preserve the diversity of all the communities without undue interference with national issues. I cannot understand how some Members read the language that we talk here in Parliament. I can only imagine that some Members here are suffering from shortage of ideas. Instead of bringing Motions that can move this country forward and looking at issues from the perspective of a national leader, they are looking at issues from where they come from.

There is one writer, namely, the late Wahome Mutahi, who used to say that you get a person from the village sometimes, but sometimes it is difficult to get the village out of that person. I heard hon. Wavinya say that: "I am proud to be a Kamba, but when I move out of my Kamba enclave and come out here, I am proud to operate as a Kenyan", and I love that. We are told that good leaders plan for the next generation, but bad leaders want to plan for today and tomorrow when they think they have something to gain. I wish to urge Members to support this Motion, so that we can pass it.

(Question put and agreed to)

Hon. Members: Division! Division!

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): If you want a division, please, remain standing. You do not have to shout. Just remain standing so that I can see whether you meet the required threshold. I understand that you do not meet the threshold.

Next Order!

Hon. Members: Division! Division!

(Mr. Ruto stood up in his place)

Mr. Ruto, I have already ruled that you do not meet the required threshold.

ABOLITION OF KENYA CERTIFICATE OF PRIMARY EDUCATION

Mr. Kioni: Thank you Mr. Temporary Deputy Speaker, Sir. I would like to move the following Motion, but with an amendment. However, I would like to get your guidance. I do not know whether I should highlight the amendment at the beginning or read the Motion first and then highlight the amendment later.

The Temporary Deputy Speaker (Mr. Imanyara): That depends on what kind of amendment you have.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, my amendment is an insertion of the word “examinations” immediately after the word primary.

The Temporary Deputy Speaker (Mr. Imanyara): I think that is in order. If it is just an insertion of one word, you can read out the Motion together with that word so that it can appear as amended.

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

THAT, considering that education is a fundamental human rights and every child is entitled to it; mindful that when we ensure that children have access to a rights-based, quality education that is rooted in gender equality, we create a ripple effect of opportunity that impacts generations to come; acknowledging that education enhances lives and ends generational cycles of poverty and disease and provides a foundation for sustainable development; aware that quality basic education better equips girls and boys with the knowledge and skills necessary to adapt to socio-economic challenges and enable them take an active role in social, economic and political---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kioni! There is a point of order being raised.

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House!

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Munya, I think there is a pending decision by the Speaker on that. Let me get that from the Clerk-at-the-Table on whether a Member of the Front Bench can raise an issue of quorum.

*[The Temporary Deputy Speaker (Mr. Imanyara)
consulted with the Clerk-at-the-Table]*

You cannot do that, Mr. Munya.

Mr. Kioni: Thank you, Mr. Speaker, Sir. The Front Bench should look for better ideas. I do not even know where I had reached.

The Temporary Deputy Speaker (Mr. Imanyara): Just start afresh.

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

THAT, considering that education is a fundamental human rights and every child is entitled to it; mindful that when we ensure that children have access to a rights-based, quality education that is rooted in gender equality, we create a ripple effect of opportunity that impacts generations to come; acknowledging that education enhances lives and ends generational cycles of poverty and disease and provides a foundation for sustainable development; aware that quality basic education better equips girls and boys with the knowledge and skills necessary to adapt to socio-economic challenges and enable them take an active role in social, economic and political decision-making as they transit to adolescence and adulthood; further aware that educated adults are more likely to have fewer children, to be informed about appropriate child-rearing practices and to ensure that their children start school on time and are ready to learn; this House resolves that the Government abolishes the Kenya Certificate

of Primary Education Examinations and provide for a continuous, uninterrupted education system from level one to Form Four in order to accord all Kenyan students universal basic education.

Mr. Temporary Deputy Sir, if I could just give a little background on the education perspective in Kenya, the first step toward implementation of the Universal Primary Education (UPE) in Kenya was the abolition of a racial school system which had existed under the colonial government. That was followed by the scrapping of Standard IV examination that made it difficult for Africans to progress beyond four years of schooling during the colonial time. That step came in the year 1974, when, again, school fees was eliminated within the Arid and Semi Arid areas of this country. In the same year, there was a policy for free primary education for the first four years, from January, 1974.

Mr. Temporary Deputy Speaker, Sir, in 1978, a national policy of seven years free education was announced. The changes, up to that date of 1978, had made it possible for the enrolment of the school going kids to jump from a 23.3 percent; that is, from 98,849 pupils in 1964 - to slightly over a million by the year 1968. By 1983, the total enrolment in school had gone up to 4.3 million kids. But the usefulness of that primary education was put into focus, or was put to question in 1975/1977, with the issue of school fees between Standard V and VII. Again, there was need to relook into the policy and looking at the records in 1979, again, free education was provided between Standard V and VII and that brought in an increase in enrolment again.

Following the death of the first President of this Republic, Mzee Jomo Kenyatta, the governance under the second President of the Republic, President Moi, full free primary education was again declared. That was to continue until 1988, when cost-sharing was introduced. That had the effect of dealing a blow to the impressive primary enrolment rate. We ended up with reduced number of pupils in primary schools. That, again, was reversed in 2003, when the NARC Government came into power, and introduced the Free Primary Education in all grades of primary learning.

Mr. Temporary Deputy Speaker, Sir, let me just highlight one or two things that should be obvious to Members of this House. One is that education is really a fundamental human right and it is enshrined in many numerous instruments that have been signed by our Government with other international partners.

Just to highlight a few examples, there is the Universal Declaration of Human Rights of 1948, which talks about the need for free and compulsory basic education, and the International Conference on Economic, Social and Cultural Rights of 1976, which talks about the need for child protection and the right to education. The Covenant on Rights of the Child of 1989 also deals with the same issues. There is the Covenant on the Elimination of All forms of Discrimination against Women, which also deals with the need for education for all. We have the African Charter on the Rights and Welfare of the Child of 1998, which also calls for access to quality education for all children. We have the Beijing Platform for Action of 1995, which was a conference of women which recognised education as a fundamental human right and an essential tool for achieving the goals of equality, development and peace.

Mr. Temporary Deputy Speaker, Sir, in our own Constitution, we have Articles 53 and 55 which also address these issues. Article 53(1)(b) talks about the rights of every child to access free basic and universal education. Article 55 talks about access to quality

education for the youth. I need not over-emphasize the good things that come with an educated society. With education, you get economic empowerment of all the people. Even the level of national development is impacted upon by the level of education of a country's citizenry. People who have access to education have the advantage of taking advantage of available opportunities to improve their wellbeing. Members of an educated community are more able to effectively participate in community activities and even in economic transactions at the market places.

The attainment of education increases the capacity of a person to access basic services and means of production. They are also able to generate wealth. They can participate in governance, especially now that our Constitution calls for public governance. People will only be able to participate properly if we improve the level of education within our populace. Education reduces inequality, which has also been a subject of big debate in this country. Even our Constitution has addressed this issue in a big way. The health standards of our country will also improve when more of our own people access basic education. Generally, access to education leads to having people who can have sustainable livelihoods as opposed to the case at the moment.

Mr. Temporary Deputy Speaker, Sir, access to quality education is a priority, if the long-term strategy for poverty alleviation and wealth creation are to be sustainably realised. In this country, we have very many projects and programmes which are funded by the Government and our development partners, which aim at alleviating poverty. Other projects aim at creation of wealth. It is not possible for us to achieve these objectives. We will continue making very small things if we do not address the issue of access to basic education and the need to ensure that our populace has a higher number of years in school than it is the case today.

I should have mentioned that education will make the society more literate and provide us with an opportunity to identify talents amongst our people. Access to education will enable our people to acquire technical, managerial, marketing and entrepreneurial skills---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kioni! You will have another five minutes to continue next Wednesday.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time for interruption of business. Therefore, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.