

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6<sup>th</sup> April, 2011

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### STATUS OF LAMU PORT PROJECT

**(Ms. S. Abdalla)** to ask the Minister for Transport:-

(a) Were Ms Japan Port Consultants, a Japanese Company, awarded a tender to undertake a feasibility study for the development of the Lamu Port and, if so, could the Minister table the report of the study?

(b) What is the status of the project and what is the anticipated date of completion?

(c) Is the project ongoing or has it been suspended and, if so, could the Minister state the reasons for the suspension and indicate when it will resume?

**Mr. Deputy Speaker:** Is hon. S. Abdalla not here? We will come back to the Question.

Next Question, hon. Anyanga!

#### REQUIREMENTS FOR MINERAL PROSPECTING RIGHTS

**Mr. Deputy Speaker:** Hon. Anyanga is also not here. We will come back to the Question.

Next Question, hon. Mwazo!

### ORAL ANSWERS TO QUESTIONS

*Question No.697*

#### PROGRESS REPORT ON REHABILITATION OF VOI RIVER

**Mr. Mwazo** asked the Minister for Environment and Mineral Resources:-

(a) whether he could provide a progress report on the rehabilitation of Voi River; and,

(b) what became of the funds that had been set aside for the project.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There is no ongoing rehabilitation on Voi River and, therefore, I am not in a position to give any progress report on the river or its rehabilitation.

(b) No funds had been set aside for rehabilitation of Voi River. The problem, if any, has not been established.

**Mr. Mwazo:** Mr. Deputy Speaker, Sir, I am surprised. This same Assistant Minister visited Voi in June, 2008, during the celebrations of the Environment Conservation Day, when we visited the river and addressed a big *baraza*. He pleaded that his Ministry was going to allocate funds, so that Voi River could be rehabilitated, so that the overflowing that happens during the rainy season would stop and thereby stopping the resultant destruction and loss of lives. I am surprised that he is now reporting that nothing is being done. What do I go and tell the people of Voi in terms of what the Ministry is doing to rehabilitate the river?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, it is true that I visited Voi River with my experts and the people of that area. At that time, I directed the District Commissioner (DC), Voi, to convene a meeting of the District Environment Committee and forward a report on the same to the Ministry. Had we received any report on River Voi, we would have acted on it. We have received nothing. So, as far as we are concerned, nothing has been established up to now. However, now that the hon. Member has raised the issue at this level, I would request him to come to my office, so that we can sort out the problem.

**Mr. Olago:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said – and I believe that he has done so in good faith – that the Questioner may see him in his office about part of this Question. I am wondering whether that is in order, given that once a Question is on the Order Paper, it becomes the property of the House. Whatever should be discussed on this matter should be discussed here, so that we know how it ends. Is it in order for the Assistant Minister to ask the Questioner to see him in his office?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I have replied to the Question. That was just an additional statement. If the hon. Member does not want to come to my office, that is fine. Mine is just a suggestion. I have replied that the need for rehabilitation of Voi River has never been established.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, Questions relating to water bodies, including rivers; sand harvesting and pollution of our water bodies have become the daily business of this House. I am just curious. Is there no master plan by the Government to address the issue of quality of water in our rivers as well as protect those rivers, lakes and other water bodies? This is an issue which is cross-cutting. It is not necessarily an issue of the Ministry of Environment and Mineral Resources alone. It touches on the Ministry of Water and Irrigation, and other Ministries. Does the Government have a master plan – as opposed to its current approach of waiting to receive complaints from Members of Parliament or directly from the public – to address the issue of pollution in our rivers as well as the issue of sand harvesting?

**Mr. Deputy Speaker:** Hon. C. Kilonzo, you have made your point. You need not over-emphasise it.

Proceed, Assistant Minister!

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I said earlier on that there is nothing like rehabilitation taking place on Voi River. So, I am not in a position to make any---

**Mr. Deputy Speaker:** Order, Assistant Minister! If I got you right, you summoned the DC and asked him to convene a meeting of the District Environment Committee to come up with a proposal for action by your office. The DC is a member of the Executive. As a matter of fact, he is your junior in the Government. Why would you expect the hon. Member to go and liaise with two different Government Departments? Maybe, the Leader of Government Business should be able to shed some light on these things, because they have become too common. It is not proper for a Minister to come here and say that another Department of the Government is not doing things right.

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I sympathise with this situation but let me make it very clear that---

*(Mr. Kabogo stood up in his place)*

**Mr. Deputy Speaker:** Order, hon. Kabogo! Allow the Assistant Minister to finish what he is saying. It is a serious matter.

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I would say that it was the failure by the DC, Voi, to convene a meeting on this subject. That is why we have been trapped in this problem.

**Mr. Deputy Speaker:** Have you liaised with your counterpart in the Government on the same matter? Is that not the natural way to do things?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I have not done that liaison.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, the Minister confirms that he is actually the one who directed the DC to do a report on this matter. Why was it necessary for him to give those directions if there was no problem at the Voi River?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I agree that there is sand harvesting going on at Voi River, amongst other problems. What I wanted at that time was for the DC to convene a meeting of the relevant district committee, so that the Environment Officer could bring us a report. That is why I am saying that I was there, and that I gave directives. However, we do not have any report to-date regarding rehabilitation of Voi River.

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. This is a very important matter, and I do not think the people of Voi need sympathy from the Assistant Minister. They need action. Since the DC, Voi, has failed to convene the meeting, and the Assistant Minister is not able to direct him on the same, would I be in order to, through the Chair, ask that the Minister to whom the DC is responsible, comes here and directs the DC, so that he can convene that meeting?

**Mr. Deputy Speaker:** I do not see the Minister of State for Provincial Administration and Internal Security here. So, maybe, the Leader of Government Business can shed some light on this disconnect amongst the various Government Departments.

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I think it would be prudent to have the whole Question put off, so that we can consult, so that Government comes here and speaks as Government. We

cannot have one arm of the same Government saying that another arm is not co-operating. That is definitely not the way to go. Since this Question is now a property of the House, as hon. Olago has rightly observed, I feel that it should be put off, so that we can have proper consultations.

**Mr. Deputy Speaker:** Do you have any suggestion as to when you would be comfortable to have the Question appear on the Order Paper?

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I think the Assistant Minister for Environment and Mineral Resources would not mind if this Question is put off to next Tuesday, so that I can also look at it.

**Mr. Deputy Speaker:** Mr. Mwazo, are you comfortable with the Question appearing on the Order Paper on Tuesday, next week? Do you have any other business on that day?

**Mr. Mwazo:** Mr. Deputy Speaker, Sir, I have no problem, only that I want to give information to the House. I have actually sat in the District Environment Committee four times, chaired by the DC, Voi---

**Mr. Deputy Speaker:** Mr. Mwazo, those are details which you should share with the Assistant Minister as they prepare a comprehensive answer to the Question.

The Chair directs that the Question appears on the Order Paper of Tuesday next week.

*(Question deferred)*

Next Question, Dr. Nuh!

*Question No.536*

#### POSTING OF DOS TO MBALAMBALA/BANGALE DIVISIONS

**Dr. Nuh** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Mbalambala and Bangale divisions in Bura District have no District Officers (DOs); and,

(b) when the Government will post DOs to the said divisions.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I wish to bring to your attention the fact that I have not been given a copy of the written answer. These are lamentations we have made in this House several times.

**Mr. Deputy Speaker:** Are you willing to proceed and prosecute the Question without the benefit of a written answer?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, this is unbecoming because then, we will let the Executive ride on us the way they wish.

**Mr. Deputy Speaker:** Would you like the Question deferred to the next earliest possible day?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I am not even seeing the Minister in charge of Provincial Administration and Internal Security. I just wanted to draw your attention to the fact that I do not have a written answer to the Question.

**Mr. Deputy Speaker:** Minister of State for Provincial Administration and Internal Security? Yes, Leader of Government Business.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, in my set of notes, I do not also have an answer to this Question. The hon. Member for Bura knows that I will wish those DOs to be in place in Bangale as soon as possible. However, I do not want to answer it at this stage. I will also follow it up with the Ministry of State for Provincial Administration and Internal Security, so that it could appear on the Order Paper tomorrow.

**Mr. Deputy Speaker:** Are you happy with that, hon. Nuh?

**Dr. Nuh:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Chair directs that Question No---

**Mr. Kabogo:** On a point of order, Mr. Deputy Speaker, Sir. It has become a habit of Ministers not to be in the House. When Members are not in the House to ask the Questions, the Chair drops Questions that are not asked by Members.

What is it we will do to this Government because they do not come to Parliament, and we are always here? Casually, we pass over Questions to other days. Maybe, it will be in order to see this Minister properly sanctioned by the House?

**Mr. Olago:** On a point of order, Mr. Deputy Speaker, Sir. I recall that yesterday, hon. Minister, Prof. Saitoti was here and he assured the House that he would answer the Question this morning.

**Mr. Deputy Speaker:** Was this Question on the Order Paper yesterday?

**Dr. Nuh:** No, Mr. Speaker, Sir. This is the first time I have asked it.

**Mr. Deputy Speaker:** Mr. Olago, do you wish to apologise?

**Mr. Olago:** Mr. Deputy Speaker, Sir, I wish to apologise. I am wrong. I think it is the next Question that he assured the House that he was going to answer it.

**Mr. Deputy Speaker:** Fair enough! The Chair did express frustrations on a number of occasions in the past. The Chair gets the feeling that when the Ministers are sanctioned by being barred from transacting business on the Floor of the House; the impression is that they are too happy to do so. I keep on wondering who will lose under the circumstances. However, I think something needs to be done about Standing Orders. There will be more punitive sanctions within the Standing Orders to be able to make Ministers to be thoroughly responsible for their mandates and responsibilities on the Floor.

Under the circumstances, the Chair directs that this Question appears on the Order Paper tomorrow.

*(Question deferred)*

*Question No.810*

CAUSE OF DEATHS OF  
JOHN KAMURI AND PETER IRUNGU

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

(a) whether he is aware of the disappearance and subsequent deaths of two brothers, John Kamuri and Peter Irungu of Yamugwe Village, Githagara Location, Kahuro District on 28th December, 2010 and that the two were handed over to policemen by the matatu crew of vehicle number KBK 334J at Ruiru and, if so, could he provide the names of the driver and conductor,

(b) whether he could also provide the identities of the police officers contacted by the matatu crew to pick up the brothers at Ruiru, and,

(c) who are responsible for the deaths and when he will charge them with the offence.

**Mr. Deputy Speaker:** Hon. Leader of Government Business, you have another Question that was deferred yesterday.

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, I request your guidance on this one. This is the fourth time this Question is appearing on the Order Paper.

Yesterday, the Minister sat with me here and I pleaded with the Speaker to allow him or his Assistant to answer the Question this morning.

**Mr. Deputy Speaker:** Yes, indeed, you are right. This Question has appeared on the Order Paper a number of times. We will nonetheless, give a direction on this.

**Mr. Chanzu:** On a point of order, Mr. Deputy Speaker, Sir. Last week, there was a Question by hon. Member for Emuhaya and the Vice-President and Minister for Home Affairs answered it. Why can he not answer this Question because he is the Leader of Government Business in this House?

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. The purpose of Questions is to ensure that the Executive accounts on the spot. You can see from the example of today, and what has been there before, this has failed.

Mr. Deputy Speaker, Sir, the House cannot be held at ransom. The Speaker cannot be frustrated over this matter, because he has a lot of powers, and the exemption one is under Standing Order No.1.

*(Prof. Saitoti was applauded as he entered the Chamber)*

Mr. Speaker, Sir, we plead that you take appropriation action, against the Ministers who fail to answer Questions after they have promised like hon. Saitoti.

**Mr. Deputy Speaker:** Hon. Prof. George Saitoti, you were supposed to answer Questions this morning!

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Speaker, Sir, let me, first of all, apologise to this House for coming late.

Mr. Deputy Speaker, Sir, I have had some difficulties because the case of the first Question, the one by hon. Dr. Nuh Abdi, my Assistant Minister was to answer it today. However, he appears not to be here.

Mr. Deputy Speaker, Sir, for the case of hon. Muturi Mwangi, I am now in a position to answer it. But I am very sorry for being late.

**Mr. Deputy Speaker:** Proceed. As a matter of fact, for your information, Question No.536 has been deferred to tomorrow. That is the Question by Dr. Nuh.

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

**Mr. Deputy Speaker:** Order, Prof. Saitoti! Hon. Dr. Nuh does not have a written answer. You will have to supply him with the written answer before the Question is answered tomorrow when it appears on the Order Paper. In the meantime, proceed and answer Question No.810.

**Mr. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. Maybe, the Question was not answered yesterday because they were looking for more details. Could he furnish me with the appropriate answer now that he is in the House before he answers the Question?

**Mr. Deputy Speaker:** Fair enough. Let us proceed on with the other Questions; we will come back to this Question.

*(Several hon. Members stood up  
in their places)*

Order! Order, hon. Kabogo! Hon. Outa; Order! This Question will be answered on the second round.

Question No.539, hon. Kabogo!

**The Minister of State for Provincial Administration and Internal Security**  
(Prof. Saitoti): On a point of information, Mr. Speaker, Sir. Hon. Mwangi had an answer. It is, indeed, that I wanted to see whether there will be more information which so far, I have not been able to get.

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, I do not object to him answering the Question. But when it was---

**Mr. Deputy Speaker:** Order, this Question will be answered during the second round.

#### *Question No.539*

#### SEWERAGE FLOW INTO RIVER RUIRU

**Mr. Kabogo** asked the Minister for Public Health and Sanitation:-

(a) whether she is aware that sewerage from Ruiru Town flows into Ruiru River resulting in several deaths caused by water borne diseases, and,

(b) What immediate measures the Ministry is taking to curb the menace.

**The Minister for Transport** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to reply on behalf of my colleague, Minister for Public Health and Sanitation.

(a) Yes, I am aware that Ruiru Town currently lacks a conventional sewage system, and sewage for Ruiru Town occasionally overflows from filled up septic tanks and pit latrines; that has been finding its way into Ruiru River. However, this only happens when the Council's only sewage exhauster is overwhelmed and the situation is worse, especially during the heavy rains. I am also aware that plans to provide a conventional sewage treatment plant for Ruiru were initiated in 2009, commencing with

the appropriated site acquisition and followed by detailed feasibility study. Special mapping and detail design drawing have been completed by the Ruiru and Juja Water Sanitation Company (RUJUWASCO).

Further, I am also aware that between November, 2009 and June, 2010, Ruiru Town and its environs experienced sporadic outbreaks of diarrheal diseases including cholera where 17 cases were reported and nine deaths occurred.

(b) The Ministry has undertaken the following measures among others:-

(i) Vigorous public health inspection of the entire town and its environs.

(ii) Stepping up comprehensive health promotion campaigns in the affected regions.

(iii) Prompt treatment of all suspected cases and prophylactic treatment of contacts.

(iv) Treatment of water at household level in the affected areas using chlorine based disinfectants, otherwise referred to as aqua tabs.

(v) Continued with targeted diarrheal cases surveillance to date.

(vi) We have instituted legal measures under the Public Health Act, Cap.242 of the Laws of Kenya and 485 notices have been served and are at various levels of compliance.

(vii) The Ruiru and Juja Water and Sanitation Company was taken to court on 9<sup>th</sup> August, 2010, for failing to provide sewerage services under Case No.3311 of 2010.

The above measures will continue until the Ministry is satisfied that the Ruiru Town sanitary status is up to date and to prevent further deaths.

**Mr. Kabogo:** Mr. Deputy Speaker, Sir, I wish to seek the indulgence of the Chair. When I forwarded this Question to the office responsible here in Parliament, I requested that it be given to---

*(Loud consultations)*

Mr. Deputy Speaker, Sir, I need your protection from the noise from the Member for Nakuru Town.

**Mr. Deputy Speaker:** Order! What is your point of order?

**Mr. Kabogo:** Mr. Deputy Speaker, Sir, I requested that this Question be forwarded to the Office of the Prime Minister because as you are aware, it touches on several Ministries. It touches on the Ministry of Environment and Mineral Resources because of water pollution, the Ministry of Water and Irrigation because it is responsible for water and sewerage services. As you have seen, part "a" states that a conventional sewerage system is lacking. I am not sure how you want us to proceed because in my mind, this Question is not properly addressed in as far as the issue of the sewerage is concerned. I think that it should be dealt with as we did with the other matter on Voi. I am sure what the Chair will rule.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, this House has been, on very many occasions, talking about pollution of our rivers and water bodies. We have been dealing with the issue of Lake Naivasha, Athi River, now Ruiru and many other water bodies. This Question would be best addressed by the Prime Minister's office, so that we can get a comprehensive response by the Government in as far as Government commitment is to protect our water bodies.



**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir. The Question seems to be cross-cutting. Water issues and the provision of water fall under the Ministry of Water and Irrigation. Pollution falls under the Ministry of Environment and Mineral Resources and now, we have the health aspect of it. As my colleagues have said, this Question would best be addressed by the Prime Minister's Office, so that, at least, the House can have a comprehensive answer and a clear direction.

**Mr. Deputy Speaker:** Deputy Leader of Government Business, indeed, it is the Chair's view that the Question is quite cross-cutting. So, what do you have to say on behalf of the Government?

**The Minister for Transport** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I agree with the sentiments by the Members. There is a component of public health but obviously, there is some information that is to be of benefit to the rest of the House. I agree that we should reroute the Question and have it covered comprehensively under the Prime Minister's Time.

**Mr. Kabogo:** On a point of order, Mr. Deputy Speaker, Sir. As a matter of fact, yesterday we discussed with the Deputy Leader of Government Business and the Minister for Water and Irrigation, Madam Ngilu, and she said that this matter should be forwarded to her because she has money to do sewer systems. So, it is in order to send it to the Prime Minister.

**Mr. Deputy Speaker:** Order! When the Deputy Leader of Business himself is convinced that this Question should be rerouted and the Chair is, you need not emphasize. The emphasis has absolutely been made. The Chair directs that this Question be directed to the Prime Minister's Office. It would be answered on one of the Wednesdays during the Prime Minister's Time. The Chair directs that this be given priority and be directed to the Prime Minister's Office.

*Question No.629*

ENFORCEMENT OF ARTICLE (65) ON LAND OWNERSHIP BY NON-CITIZENS

**Mr. Deputy Speaker:** Hon. Kioni! Is he out of Parliament today on non-Government Business? Any parliamentary business!

**The Minister for Lands** (Mr. Orengo): Mr. Deputy Speaker, Sir, I saw him at the airport.

**Mr. Deputy Speaker:** Going to where?

**The Minister for Lands** (Mr. Orengo): Mr. Deputy Speaker, I cannot be vague, it must be Hague!

**Mr. Deputy Speaker:** To the best of the recollection of the Chair and as the Chair of the Liaison Committee, the Chair has never sent any Parliamentary Committee to the Hague. But under the circumstances, if he is not there during the second round, then the Question will definitely suffer the fate of similar Questions.

*Question No.659*

RENOVATION OF KITUI GK PRISON

**Mr. Deputy Speaker:** Hon. K. Kilonzo! He is not here.

*Question No.706*

STATUS OF NAIROBI BEAUTIFICATION PROGRAMME

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

(a) whether he could apprise the House on the status of the Nairobi beautification programme; and,

(b) whether he could also consider rolling out a similar programme in other towns and cities in the country.

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

*Question No.727*

NUMBER OF IDPS IN CAMPS

**Mr. ole Lankas** asked the Minister of State for Special Programmes:-

(a) whether she could indicate the number and particulars of Internally Displaced Persons (IDPs) who are still in camps and also state their current locations; and,

(b) whether she could also provide details of the IDPs that the Government is planning to resettle in Mau-Narok area of Nakuru District and also provide an inventory and details of the parcels of land the IDPs were occupying prior to the Post Election Violence (PEV)?

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

(a) The number of IDPS who are still in camps is 16,179 households, out of which 8,600 are post-election violence victims and 7,527 are forest evictees. Their particulars and current locations are indicated in the schedule given to the hon. Member.

(b) I cannot provide the details of the IDPs that will be settled in Mau Narok since we have not yet identified them. The IDPs will be identified after the land has been planned and surveyed and after the issues that are arising out of the land have also been resolved. We are in the process of resolving those issues. So, once they are resolved, we will be able to say who will be settled there. The IDPs being settled in various places were the landless who depended on hawking and small-scale businesses for livelihood prior to the post-election violence. The violence seriously affected their source of livelihood and that is why the Government decided to resettle them after it bought small holdings of land.

The process of settling the IDPs is fully consultative. The Government seeks for expressions of interest from individuals or private groups within the Republic who wish to sell their land to the Government through open advertisement in the local newspapers. After receipt of the proposals, an Inter-Ministerial Technical Committee makes site visits

to assess the parcels of land that meet the minimum requirements. If the parcel of land is found suitable for settlement of the IDPs, the Government contacts the sellers and negotiates directly with them since the process is through a willing buyer and willing seller. Once the sale is concluded balloting is a public exercise where members of the public including local leaders and any other stakeholders are invited to participate. The balloting exercise is co-ordinated by the Provincial Administration, the Ministry of Lands and my Ministry.

**Mr. ole Lankas:** Mr. Deputy Speaker, Sir, I want to thank the Minister for that answer. However, there has been talk out there that the Government, instead of settling displaced persons, is settling landless people especially from one community. Could she confirm this position? If that is the case, the issue of landlessness in Kenya runs through the whole country and not in one section. Is it the Government position to settle landless people and not those who were displaced?

**Ms. Mathenge:** These persons were displaced from their homes where they were doing businesses as hawkers. They were in various places. It is not just one community; rather it is anybody who was displaced from the areas, that is, Eldoret, parts of Kisumu, parts of Kitale and so on. I have the list of names which I can give to the hon. Member. The people we are settling are the ones who went and bought land in 20 camps. Those are the ones we are dealing with.

**Mr. Mwakulegwa:** Mr. Deputy Speaker, Sir, the Minister has said that she is settling hawkers. Hawkers do not have parcels of land. I believe that if you are to be settled, you must produce a title deed to show where you had land. When you are being given a new piece of land, you must have proof of ownership of the land you owned. Is this a resettlement programme or an IDP settlement programme?

**Ms. Mathenge:** I think I would call it a livelihood resettlement as opposed to a resettlement of land.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, the displaced people must have owned land somewhere. Could the Minister provide title deeds of the land that was occupied by the displaced persons before the post-election violence so that the Government will be able to determine whether it gave out this land to other deserving Kenyans?

**Ms. Mathenge:** I think I have already said that they were displaced from their livelihoods.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I have an issue with regard to Mau Narok where there are issues remaining. Given the confirmation that these people were evicted from their homes; and conceding that there are homes where they were removed, why is it necessary to force them on another community and, therefore, create a crisis when you know the homes and the lands where they were evicted? You could ask them to return if, indeed, there is a genuine policy of resettlement!

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, there are consultations going on with the community from Mau Narok. As soon as we resolve the issues we shall be able to decide whether to settle people there or not. It will all depend on the outcome of the consultations between us and the communities.

**Mr. Outa:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to evade the question asked by Mr. Imanyara? You heard Mr. Imanyara say that these people came from somewhere. They had land somewhere. Why is it difficult for these

people to go back to their own land and resettle there? After all, they came from those places and they own that land! Why do you find it difficult, Madam Minister?

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, first of all they were displaced and that is why we are calling them IDPs. If you read the Constitution, it says that Kenyans can settle anywhere in Kenya. That has not changed as far as I know.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, the Minister is not coming out very clearly. Could she, please, clarify this: The people who were living in towns did not own land. Their livelihood was based on what they were trading in and they had permanently been tenants. However, because of the politics of the post-election violence they were evicted. Is that the position?

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, Mr. C. Kilonzo has explained it very well. And their houses were actually burnt down.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, time and again we have stated here that people from the pastoralist communities are displaced every other day because of clashes, drought, and many other calamities. However, the Government seems to always have empathy on the post-election violence victims without recognizing that all year round there are communities which are displaced because of the ravages of life. What clear policy does the Ministry have in trying to resettle such people?

**Ms. Mathenge:** We are in the process of formulating a policy which I think will be tabled in Cabinet and Parliament in the next two weeks. There is also a parliamentary committee which is looking into the issues of all the displaced persons in Kenya. That is the committee that will take care of the people displaced in the pastoral communities and any other displaced persons.

**Mrs. Odhiambo-Mabona:** Mr. Deputy Speaker, Sir, is the Minister aware that because of erroneous classification there are several IDPs who are facing injustice? For instance, in Nyanza Province around Kisii and Kisumu, there are IDPs who have been classified as “returnees” and “integrated”.

We have seen people with both limbs missing and they have never benefitted from a cent of the money that was given. There are people who have lost their loved ones and property. However, because of the erroneous classification, we have several IDPs who are being discriminated against. What is the Government doing to ensure that proper classification is used so that those people who were displaced - whether by their own communities, whether by other communities, whether from their localities or others, whether they had purportedly gone back home or not - are considered as IDPs?

I want to give an example of Nyanza Province where women who ran away from other places have gone back and have not been accepted if they are not married because culturally they cannot. So, they are staying in centres where they have to pay rent and they have not been given even a cent. What is the Minister doing to redress that issue?

**Ms. Mathenge:** I think that is a separate Question which needs an answer for another time. I have 350,000 integrated IDPs whose plight we have not addressed and I believe they fall in that category.

**Mr. Kigen:** Mr. Deputy Speaker, Sir, the Minister has clearly explained to the House that the IDPs being settled now are those whose livelihoods were actually destroyed. Why could the Government not take that money that they are using to buy land and reinstate these people to the businesses that they were running in the towns other than look for land? We need to close the havoc that we have.

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, that sounds like a different Question. I think when they were given Kshs10,000 and Kshs25,000, they went and bought small parcels of land which were inadequate and unhygienic. That is when the Government decided to resettle them.

**Mr. Warugongo:** Mr. Deputy Speaker, Sir, Kieni has about 3,000 IDPs who came from the Rift Valley and other places. Could the Minister inform the House what arrangements she has made to resettle them?

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, those are the ones I am calling integrated IDPs. They are not in camps, but we shall start dealing with them in the near future.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to keep evading the question? There is a very fundamental problem, especially with regard to the definition of IDPs. The moment you call people “returnees” or “integrated”, you exclude them. We are just fresh from Kisumu and the things we saw there are horrifying. This country has forgotten IDPs. We saw people with broken limbs and others with no legs. We saw a woman who had carried the head of her husband to bury. She had not received a cent. There are people who are being resettled by the Government. They are being given land. They told us to ask: “Are they Kenyans or Ugandans?” What is the Government doing to address the plight of IDPs from Nyanza? I felt pain and cried at that meeting! Are Nyanza people, that is the Kisiis, Luos and the Kurias not part of this country? The Kurias have not even been given a cent. They have not even been profiled. Are they not people in this country?

**Mr. Deputy Speaker:** You have made your point. Hon. Minister, to the best knowledge of Kenyans and the Chair, there is what is called post-election violence IDPs. You are giving so many definitions here. I do not think Parliament has been exposed to that. Can you tell us what you are doing for the IDPs that every Member is talking about?

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, first of all, my mandate was to resettle the ones who were in the 20 camps. Then, there are integrated IDPs. Those are the 350,000. They must be in the situation that Mrs. Odhiambo-Mabona is talking about. If they were not profiled--- The books were closed by December 2008. So, if they missed out, I suggest that they should give me the names. I will look at them and see what I can do.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. The Government seems to be penalising IDPs who have already been integrated . It is looking at the people who are in the camps only. We came from Kisumu yesterday. There are people who have been profiled and recognized. The District Commissioners have been writing to your office for the last three years and you are not taking any action to assist those people. At least, give them the Kshs10,000 and the Kshs25,000 so that they can be resettled, instead of looking for people who are already in camps and you are looking for funds to assist them. Those ones are willing and ready to get a place that they can call home. Why are you not sorting them out, Madam Minister?

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, as far as I am concerned, the people in Nyanza were paid. What I have said is that if those people were left out, then I am not aware.

**Mr. Ochieng:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has said that the IDPs from Nyanza were paid and yet, they continue camping at the District

Commissioner's office every day. They call us every day. I am one of the persons who ferried Luos, Luhyas and Kalenjins from Limuru and Naivasha. I used my trucks for several weeks and took them back home. Those people registered almost instantly and their interests have never been catered for. They are willing to settle with their families in their ancestral homes. Why can they not be considered first before settling hawkers?

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. You will forgive me. I just arrived yesterday at 7.00 p.m. from Nyanza. Unless the Minister is misleading the House, the Provincial Commissioner, District Commissioners and Regional Commissioners have given us facts. In Kuria, there is a list that was sent and the Government, since 2008, has never responded. Not one person in Kuria has been paid. When they were asked, they said that the list was submitted late. Was it the fault of the IDPs? In Mbita and Suba, the list was sent and nobody has been paid. Personally, I know of a boy whose legs were cut off and who has been selling land to take care of his siblings because he is an orphan. Not one person in Suba, Mbita and Kuria has been paid and the whole Provincial Administration is frustrated because the national office is discriminating IDPs. They were asking: "Is there a deliberate attempt to cut off certain communities?" The reason I am talking about integration is because our own leaders are misleading people. There are people who have not been integrated. Women are staying in small centres where they are paying rent. They have not been integrated. They are pained women. They were crying there. This is a very serious issue.

**Ms. Mathenge:** Mr. Deputy Speaker, Sir, I think I will require the details that hon. Odhiambo-Mabona has. She should provide them to me so that I can be able to answer her adequately.

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. Perhaps, the Minister is not aware that there is a Select Committee of the House addressing this issue. The question which is being brought up is that District Commissioners have, indeed, written to your office on the issue of integrated IDPs. The list covers not only areas in Nyanza, but virtually the entire country - even in your own place, Central Province. So, could the Minister come up very clearly? If she is not in the know and has not done her job, let her admit and ask for more time to deal with the issue. Otherwise, by the time we bring our report, I think it will be too late.

**The Assistant Minister for Roads (Mr. Kinyanjui):** On a point of information, Mr. Deputy Speaker, Sir. I want to bring to the attention of the House that there is a clear motive by a section of this House to try and hype up the issue of IDPs, especially now that we have cases going on at The Hague. In my constituency---

**Hon. Members:** No! On a point of order!

**The Assistant Minister for Roads (Mr. Kinyanjui):** Mr. Deputy Speaker, Sir, I must be protected!

**Mr. Deputy Speaker:** Order! Order, hon. Outa! Hon. Assistant Minister, you are grossly out of order. Hon. Members, this is not a fish market. When an Assistant Minister rises on a point of information to help a fellow Minister, he or she must give facts that are in the domain of the Government. Should you wish to do that, you can either participate in a Motion for Adjournment or Private Members' Motions that come here. However, what you need to do as an Assistant Minister is that when you rise on a point of information, you should give information that is in the Government's domain.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I am ready to do that.

**Mr. Kabogo:** Mr. Deputy Speaker, Sir, the IDPs that are being referred to here are not only from Nyanza. In Juja, we have over 10,000 integrated IDPs who were displaced from different places.

**Mr. Deputy Speaker:** Order! To the best recollection of the Chair, the Chair has not heard any Member say that IDPs are only in Nyanza or those who are having problems are only in Nyanza. I do not want this thing to transcend into some kind of camps in this House. We are dealing with an issue that is very sensitive and important in this country. We are dealing with the issue of IDPs. The IDPs are all over the country. You have mentioned the IDPs in Juja. Can you just talk about the IDPs in Juja?

**Mr. Kabogo:** Mr. Deputy Speaker, Sir, would I be in order, therefore, to request that the Minister be given time to come to this House with a comprehensive Statement on the state of affairs of the IDPs because we have them in Juja?

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I would like to support the point of order by Mr. Kabogo that this is a serious matter. I support the people who have gone to The Hague and I am not using this to whip up any emotions. It is a matter of addressing the plight of the IDPs. These are people who live in terrible conditions and yet we are sitting here because they fought over us. We have a responsibility as a country and as a Government to these people. Even money that could have been used to pay these people was returned to the Ministry. That is what we are asking the Minister to do. Could she bring a comprehensive Statement on the state of affairs in terms of resettlement of the IDPs and payment of Kshs10,000 and Kshs25,000 to the IDPs? That should include what she is doing about the IDPs in Turkana.

**The Minister for Transport** (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. I rise to seek your guidance on this matter because the Minister has come to this House specifically to answer a Question relating to the Mau Narok situation but we have now moved to a totally different matter. In her answer, the Minister mentioned that, indeed, the Parliamentary Committee is looking into this matter, they are working together and a report will be brought to this House. There is a Cabinet Paper that will be brought to this House in the next two weeks. There is also a paper coming to the House---

**Mr. ole Lankas:** On a point of order, Mr. Deputy Speaker, Sir.

**The Minister for Transport** (Mr. Kimunya): But I am on a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Could you allow the Minister to proceed?

**The Minister for Transport** (Mr. Kimunya): Mr. Deputy Speaker, a paper on this matter will be brought to this House. The hon. Members who walked into the Chamber after she had talked did not have the benefit of that information. I request that we go to the first Question and then move on to this matter which is very sensitive, is experienced in the entire country and look at it comprehensively.

**Mr. Deputy Speaker:** Order, Mr. Minister! Except that the Question is not solely on Mau Narok. If you look at part "a" of the Question---

**Mr. Mbadi:** Yeah!

**Mr. Deputy Speaker:** Order! Mr. Mbadi, one more time and if you speak when the Chair is speaking---

Part “a” of the same Question indicates beyond Mau Narok. Under the circumstances, the Chair directs that this Question appears on the Order Paper on another day in which the Minister will come up with a very comprehensive answer that essentially answers wholistically and fundamentally the issue of IDPs in this country who, as the hon. Members have said, are all over the country. They are not in one part of this country or in one or two communities. Those are the concerns that the Minister will have to address.

So, I direct that this Question appears on the Order Paper on---  
Madam Minister, how much time do you need?

**Ms. Mathenge:** Two weeks will be adequate, Mr. Deputy Speaker, Sir.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. I would like to thank the Minister because she has handled this very well. However, as much as people may think we are politicking, could I request the Minister to liaise with the Minister for Medical Services because we have people with pathetic medical conditions so that the Government can give them free medical assistance between now and the two weeks? There are people who have died.

**An hon. Member:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! The hon. Minister must have taken note of all the sentiments that have been expressed by the hon. Members. The Chair directs that this Question appears on the Order Paper two weeks from today. That will be on Wednesday in the morning.

*(Question deferred)*

Let us move on to the next Question by Mr. Mungatana!

*Question No.778*

#### REPAIR OF MALINDI-GARSEN ROAD

**Mr. Deputy Speaker:** Is Mr. Mungatana not in the House? Is Mr. Mungatana out of the House today on any official Parliamentary business either in the country or out of the country? Fair enough, we will come back to that Question.

Let us move on to the next Question by Mr. Warugongo.

*Question No.790*

#### KILLING OF GITONGA KING’ORI BY ELEPHANT

**Mr. Warugongo** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that 68 year old Gitonga King’ori from Miteru Village, Kimahuri Sub-location in Kieni East District was killed by an elephant in Mt. Kenya Forest on 24th January, 2011;

(b) when the Government will compensate the family and how much will be paid; and,



(c) when the Mt. Kenya electric fence project will be completed to avoid similar tragedies in future.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that 68 year old, Gitonga King'ori from Miteru Village, Kimahuri Sub-location in Kieni East District was found dead in Meere Forest on 24<sup>th</sup> January, 2011. The body was found by the area police three kilometres within the perimeter of the forest after being reported missing for four days. There was indication at the scene on the cause of the death.

(b) The deceased was buried and as of to date, the next of kin has not reported to the Kenya Wildlife Service (KWS) for any claim. I wish to advise the next of kin to make a claim report through the local KWS office. According to the current Wildlife Conservation and Management (Amendment) Act, Cap.376, Section 62, a person injured or killed by wildlife shall be compensated under this section out of monies provided by Parliament for that purpose. Currently, the amount payable is Kshs50,000 for injuries and Kshs200,000 for loss of life.

(c) The community around Mt. Kenya National Park and KWS are undertaking the construction of fences and it is expected that this will reduce human/wildlife conflicts in the area. The fencing is being funded through the Mt. Kenya East Pilot Project Global Environmental Fund. This is Phase I of the fencing project----

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! Please, listen to the hon. Assistant Minister.

Proceed, Mr. Assistant Minister!

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Deputy Speaker, Sir, I want to repeat.

(c) The community around Mt. Kenya National Park and KWS are undertaking the following construction of fences and it is expected that this will reduce human/wildlife conflicts in the area. The fencing is being funded through the Mt. Kenya East Pilot Project Global Environmental Fund. This is Phase I of the fencing project.

(i) Sirimon to Wangwembori fence which is 20 kilometres - to be completed within the next one month.

(ii) Mt. Kenya Estate fence which is 7 kilometres - to be completed within the next one month.

(iii) Gikumbo-Ritunduti fence which is 30 kilometres - to be completed in three months' time.

(iv) Mt. Kenya West fence which is 18 kilometres - completed and another 62 kilometres to be undertaken.

(v) Thengu community fence which is 7 kilometres - completed.

(vi) Biriani Ward fence which is 7 kilometres - work is in progress.

(vii) Umma fence which is 12 kilometres - almost completed and wholly funded by the KWS.

Phase II of the Mt. Kenya East Pilot Project Global Environmental Fund will see the construction of another 50 kilometres fencing around the Mt. Kenya perimeter.

**Mr. Warugongo:** Mr. Deputy Speaker, Sir, I do sincerely appreciate the answer given by the Assistant Minister about the death of Gitonga King'ori of Miteru Village, Kimahuri in Kieni. I will try and inform the family and ask them why they have not forwarded a claim to the Ministry. In the meantime, this death could not have happened were the fence around Mt. Kenya complete. I have brought this issue severally in this House. I have asked the Assistant Minister to complete the fence but now he has said that the project will be completed. There are several projects on the Mt. Kenya fence. What is the role of the community and the Government in the construction of this fence?

**Mr. Nanok:** Mr. Deputy Speaker, Sir, the KWS sources funds from either the Treasury or the various development partners. It works closely with communities to provide labour to do the fencing.

**Mr. Deputy Speaker:** Mr. Warugongo, last question on the same.

**Mr. Warugongo:** Mr. Deputy Speaker, Sir, I want the Assistant Minister to visit the Mt. Kenya fence. It would be in order for him to give me a date when he can come over and have a look at the various projects of Mt. Kenya electric fence. We have the Umma fence in Irieini Ward done by local community; Mt. Kenya West, Gikumbo/Gikundu, Mt. Kenya Estate fence and Sirimon. I want him to come to the ground and see the truth. Could he give me a date now?

**Mr. Deputy Speaker:** Assistant Minister, are you willing to go and see for yourself the sufferings of Kenyans in the hands of wildlife there?

**Mr. Nanok:** Mr. Deputy Speaker, Sir, you will realize that since the beginning of the year we have managed to visit a number of hotspots. In addition to that, we are also beginning the long rainy season tree planting, which we will be launching on the 14<sup>th</sup> of this month. It is only a week ago, on the 24<sup>th</sup>, when we visited Shimba Hills National Reserve. We will go back there on the 18<sup>th</sup> for the branding of the park. I want to assure the hon. Member that within the next one and a half months we will be able to pay a visit to Mt. Kenya, as there are many other things we would want to check on. We will inform him, so that he accompanies us.

**Mr. Deputy Speaker:** Assistant Minister, can you give an undertaking?

**Mr. Nanok:** Mr. Deputy Speaker, Sir, within the next one and a half months we will visit the place and we will advise him to accompany us.

**Mr. Deputy Speaker:** Fair enough.

Question No.1 by Private Notice by Ms. Shakila Abdalla!

## QUESTIONS BY PRIVATE NOTICE

### STATUS OF LAMU PORT PROJECT

(Ms. S. Abdalla) to ask the Minister for Transport:-

(a) Were Ms Japan Port Consultants, a Japanese company, awarded a tender to undertake a feasibility study for the development of the Lamu Port and, if so, could the Minister table the report of the study?

(b) What is the status of the project and what is the anticipated date of completion?

(c) Is the project ongoing or has it been suspended and, if so, could the Minister state the reasons for the suspension and indicate when it will resume?

**Mr. Deputy Speaker:** Is Ms. S. Abdalla not here? Is Ms. S. Abdalla out of the country or Parliament today on parliamentary business?

*(Mr. Y. Haji stood up in his place)*

Yes, Mr. Y. Haji, you have---

**The Minister of State for Defence** (Mr. Y. Haji): Mr. Deputy Speaker, Sir, I have no question.

**Mr. Deputy Speaker:** Question dropped!

*(Question dropped)*

Question No.2 by Private Notice by Mr. Omondi Anyanga!

#### REQUIREMENTS FOR MINERAL PROSPECTING RIGHTS

**(Mr. Anyanga)** to ask the Minister for Environment and Mineral Resources:-

(a) Could the Minister explain the criteria and official requirements for mineral prospecting rights and licence for gold mining?

(b) What criteria was used to award Mid-Migori Company exclusive prospecting rights and licence for gold mining in Nyatike Constituency and for how long has the company been operating?

(c) How much has the company spent in corporate social responsibility for the benefit of the local community, particularly in view of the obtaining tension between the company and the local residents?

**Mr. Deputy Speaker:** Is Mr. Anyanga not here?

Question dropped!

*(Question dropped)*

**Mr. Deputy Speaker:** Let us go back to ordinary questions.

#### ORAL ANSWERS TO QUESTIONS

*Question No.810*

#### CAUSE OF DEATHS OF JOHN KAMURI AND PETER IRUNGU

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

(a) whether he is aware of the disappearance and subsequent deaths of two brothers, John Kamuri and Peter Irungu of Yamugwe Village,

Githagara Location, Kahuro District on 28th December, 2010 and that the two were handed over to policemen by the *matatu* crew of vehicle number KBK 334J at Ruiru and, if so, whether he could provide the names of the driver and conductor;

(b) whether he could also provide the identities of the police officers contacted by the *matatu* crew to pick up the brothers at Ruiru; and,

(c) who are responsible for the deaths and when he will charge them with the offence.

**The Minister of State for Provincial Administration and Internal Security**

(Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, the Minister is aware of the disappearance and subsequent death of two brothers John Kamuri and Peter Irungu of Yamugwe Village, Githagara Location, Kahuro District on 28<sup>th</sup> December 2010. However, I am not aware that the two were handed over to policemen by the *matatu* crew of vehicle registration number KBK 334J at Ruiru. On investigations it was confirmed that the crew of the mentioned vehicle were Messers. Julius Irungu Ngugi and Simeon Chege Wandei, the conductor and driver respectively. They were arrested by the police and recorded statements. However, they were found not culpable of any offence and released.

(b) Based on the investigations conducted so far, there was no involvement of police officers in the disappearance and subsequent deaths of the two brothers.

(c) Investigations commenced immediately when the deaths were reported to the OCS Ruiru on 29<sup>th</sup> December 2010. They were being carried out by the CID officers from Ruiru and Nairobi. An inquest file, Ruiru Inquest File No.47/2010 has been opened. An appeal to all persons with information which might lead to the arrest of those involved has been circulated.

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, while I would accept the answer given by the Minister, he is reading from a different script. I have an answer here which was given by his Assistant Minister in the past. The Minister may have given a summary, but the script he is reading is different from what I have.

Peter Irungu and John Kamuri were handed over by the *matatu* crew. The conductor called a certain office when the *matatu* was between Murang'a and Ruiru. When the *matatu* got to Ruiru it stopped. The conductor got out and talked to people who were in a car. They came into the *matatu* and the conductor identified these two fellows who were pulled out of the *matatu* and put into this car. The following day the witness, who was their cousin, Kenneth Waitwika called on the *matatu* crew at Machakos and the fellow was handed over also to Kamukunji police. They were then asked to go to Kayole. The two bodies were found a day after at Ruiru. This is an extreme example of extra-judicial killings. This is because the police at Ruiru were the ones who directed the mother of the two boys to the City Mortuary.

The answer given on this piece of paper indicates that the investigations are still going on. The answer is, therefore, incomplete. Human rights groups have gone to see the Prime Minister on the same---

**Mr. Deputy Speaker:** Can you ask a question? It is Question Time.

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, it is now evident that the Minister should own up to this action. Mr. Waitwika, who was the witness, on the 11<sup>th</sup> of last month was

in Makadara Court. He left the court and on the same day his body was found at Loitokitok. The three relatives have been executed. What action is the Minister taking to complete the investigations? When will he be ready to come to this House and give a complete report on these killings?

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has raised a very serious matter. I happened to be in this House when the Assistant Minister gave an answer to the same Question. What I am hearing from the Minister now is very different from what I heard on that day. Given that these people are working in the same Ministry, should we not get some clarification on what to expect when a Minister and an Assistant Minister from the same Government give contradictory statements regarding extra-judicial killings? This is not an issue we can take very lightly given the number of incidents where police are involved in killings, and then purporting to do the investigations themselves.

Minister, could you please be a little bit more serious and tell us why your answer is so different from what was given by Mr. Ojode in this House?

**Mr. Deputy Speaker:** Minister, the point of order raised by Mr. Imanyara, as well as the---

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, essentially what the hon. Member has given, and which was given here--- Much of that information is already in the answer I have given. In my supplementary---

**Mr. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. Shall I hand over the answer given by the Assistant Minister? Could the Minister hand over what he has so that we can compare the two? Is he in order to continue misleading the House? I can hand over this answer.

**Mr. Deputy Speaker:** Mr. Mwangi, in parliamentary business we lay documents on the Table. We do not hand them over.

Please, proceed and Table it!

*(Mr. Mwangi laid the document on the Table)*

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, in my Statement yesterday I sought to be given time to look into this matter---

**Mr. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. Could the Minister table a copy of the answer he is reading in the House because I do not have it?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, that will be tabled. However, I would like to say here categorically that yesterday I said that I needed time to look into this Question and ensure that there is no more information or further information that has not yet come. After looking at this matter very carefully, I came up with this answer. The answer that I have given today basically captures what was given by my Assistant Minister. They know---

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, I still---

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, let me just say---

**Mr. Deputy Speaker:** Order! Mr. Mwangi, could you allow the Minister to---

**Mr. Mwangi:** But I do not have a copy of the written answer he is reading!

**Mr. Deputy Speaker:** Order!

Proceed, Minister!

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, that is what I have given. The most important thing is that my answer also has the same supplementary information that is already with the hon. Member. In other words, if he were to look at the answers I have given and the supplementary information in the answer that I will give even now – and I can read it – he will see it is the same word by word as to what he has. Therefore, there is no need for me to repeat it. If the hon. Member wants me to give the minute details of the investigation, which is what he has, I am prepared to go through it.

**Mr. Deputy Speaker:** Yes, Mr. Imanyara! Are you asking a supplementary question?

**Mr. Imanyara:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Hon. Members, let us interrogate the Question!

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, given the fact that it is the police that is being accused of these extra-judicial killings, is the Minister satisfied that the same police officers can actually carry out independent investigations?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, as per the law today, when there is such an allegation against the police, it is the police that does it. This is something that we have already observed and that is why very shortly I will bring a Bill before this House to establish an Independent Police Oversight Authority. This is because it is wrong as is the case today--- There is a legal lacuna because if there is an allegation against the police, it is the same police which is mandated to carry out investigations as per the law. We hope to do away with that lacuna by one of the Bills that we will bring before this House. The Bill will be brought before this House any time because it is ready. That is the Independent Police Oversight Authority.

**Mr. Wambugu:** Mr. Deputy Speaker, Sir, I have been following the issues to do with the killings for some time. If you look at the place of origin for the boys who are being killed, you will discover that they all come from a particular area within Murang'a. Is there a designed programme by the Government to eliminate the youth from Murang'a for a particular cause?

*(Applause)*

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I want to inform this House that there is no policy set out by the Government intended to eliminate young people in this country leave alone Murang'a because the youth of this country is the future of this country.

**Mr. James Maina Kamau:** Thank you, Mr. Deputy Speaker, Sir. If you listened to what the Minister has told us in this House, it is very strange that young men are disappearing all over this country. Just as somebody else has asked, is it the policy of the Government to eliminate young people from our place? This is because this is not the first time we are hearing about young men disappearing. This country is behaving as if we are in a banana republic and I am sure Kenya is not a banana republic where people just disappear every day, we come and report here and nothing happens. I am sure this is what happens and the Government is aware of it. Could the Minister come out clean and tell us exactly what is happening, because he must be aware?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, what we are aware about is the fact that there exists a plethora of organized criminal gangs who have been carrying out criminal activities, including killing each other in their own fight. It is not long ago that I brought

a Bill before this House to deal with organized criminal gangs and it was passed by this honourable House and became an Act of Parliament. We are implementing that law in order to effectively deal with organized criminal gangs. Those gangs are not only in Central Province but all over. This is the menace that we have to deal with.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to mislead this House? I was an hon. Member of the Select Committee that dealt with organized crime and almost three-quarters of the young people who have been shot and killed come from Central Kenya. Specifically, they are Kikuyu. Is the Minister in order to mislead the House?

*(Applause)*

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, in no way am I misleading the House. It is, indeed, true that data vary from place to place depending on the scope of activities of the criminal gang and where it is. However, on what was sought from me, there are criminal gangs. Let us own up to that truth. We are leaders and we have criminal gangs in various places who have been committing criminal activities, including killing innocent people or even killing each other.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, this being a very serious matter, could the Minister provide to this House conclusive findings by ballistic experts on the cartridges found on the scene of the murder to establish the type of gun that was used to terminate the lives of these innocent Kenyans?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, like I have said, this matter is under investigation and the Director of the Criminal Investigation Department is spearheading it. Once the investigation is complete and the report is out, I will be quite happy to come to this House and give it that information.

**Mr. Mbau:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to seek some clarifications. The Minister has admitted that there are criminal gangs in the country. He has said that as the Minister of State for Provincial Administration and Internal Security, he is aware about them. However, he has not said what he has done about those gangs.

Secondly, the Minister has also admitted that there is a police inquest file which has been opened at Ruiru. We all know that when inquest files for such cases are opened, invariably, they end up without anything having been done. They just disappear into thin air. Could the Minister corroborate what is happening on the two cases with the report that was given by one Philip Alston, which was similarly based on extra-judicial killings? What action has been taken on that report because the issues that we raised that occasioned the inquest inquiry by Philip Alston were similar to this one? Or, will we continue to talk like a talk show on the Floor of the House when we are national leaders?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, as I said regarding this matter, an inquest file was opened at Ruiru Police Station. The Director of Criminal Investigation Department (CID) has taken interest in this matter. He is following it very closely. That will determine, depending on the investigations results, whether the culprits are the police or some of the organized criminal gangs. For that reason, therefore, at this particular time, it is not reasonable to state that it is the police who killed of those people. Finally, I

cannot collaborate and say that what has happened is in accordance with the report of Phillip Alston.

**Mr. Muturi:** Mr. Speaker, Sir, you have seen the interest that the House has taken in this Question. The last sentence of the answer, a copy of which you have, says, and I read:-

“A Ruiru Inquest File No.47/2010 was opened and the matter is under investigation by police and officers from CID Nairobi. Appropriate action will be taken once investigations are complete.”

Those two brothers; Peter Irungu and John Kamuri, and their cousin, Kenneth Waitwika, who was also eliminated on 11<sup>th</sup> March, 2011--- Mr. Waitwika was supposed to go to court on 6<sup>th</sup> May to give evidence. He was picked from Muthurwa and killed in Loitokitok. Could the Minister, since this answer is incomplete, give a date to the House as to when he will report back the findings of the investigations on Peter Irungu, John Kamuri and Kenneth Waitwika, who are relatives? They were picked seemingly because of the same case. The conductor who called whoever he called is being protected by the police. The work of the police is to protect property and the people of the Republic of Kenya. How can the Government protect the witness who is supposed to say who he called to come and pick those two boys? Mr. Waitwika was picked on Friday after he attended a court hearing. He was taken by the police. Could the Minister be honest enough and commit himself to give a report after the investigations? He should tell us why the conductor was released and yet, he is the one who called whoever picked those people? Could he commit himself that, at a given date in future, he will bring a report regarding the three named persons?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, let me, with your permission, prefix my answer by saying that we are dealing with a matter of death of Kenyans. This is a grave matter. I also feel sad about it and I am committed to ensure that we get to the bottom of it. That is why I stated that investigations have now been elevated to the level of Director of Investigations. I will, upon the completion of the investigation, come back here to report.

**Mr. Deputy Speaker:** Fair enough! Are you able to give a tentative assumption on when the investigations will be concluded?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I am not in a position to do so now. However, I will do so to ensure that the police finalize their investigations as soon as possible. This is not something that I can come and say it will be ready tomorrow or the day after. There are many details and a lot of work must be done. What has been brought here is the progress so far.

**Mr. Deputy Speaker:** Hon. Minister, the Chair takes note of the fact that three members of one family were killed. These are lives of Kenyans and it is a very serious allegation. It includes one who is a potential witness. It is only fair if you can give a provisional period in which you think you will be ready. It is provisional in the sense that you must give hope to Kenyans that their lives are safe. Could you do that?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I would like to say: Give me one month. I will try to pull the police together so as to expedite the investigation. I will then come and report here whether it will be a final or an interim report. I will oblige with the request made by the hon. Member.



**Mr. Kabogo:** On a point of order, Mr. Deputy Speaker, Sir. You have heard the Member for Kiharu say that while this Question was pending here in Parliament, a witness was picked from court and killed. As the Minister is asking for time, could he give an assurance that he will protect the remaining witnesses because it is the system which is killing those people? Somebody disappeared from Githurai. The father of the boy who disappeared, his daughter-in-law and his daughter were sent to the same Ruiru Police Station which is in my constituency. Those people disappeared once and for all and until today, they have never been found. So, we could be buying time only for those witnesses to be killed. Could he give an assurance to this House because it is not God who is killing those people? It is the police who are killing those people. Prof. Saitoti is the man in charge of the police force. Kenyans are being killed day in, day out. We keep on saying investigations will be carried out and inquest files will be opened. For how long?

**Mr. Deputy Speaker:** You have made your point!

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. There was a Committee that was dealing with organized crimes. All the witnesses who appeared before the Committee, which were basically the leadership of Kenya Youth Alliance Group, said that their lives were in danger. True to their word, all of them, with no exception, who appeared before that Committee of Parliament, were all executed. As we wait for the progress on that particular case, could the Minister assure the House that extra-judicial killings will cease forthwith?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I have, on a number of occasions and, on various forums, stated that, yes, indeed, there have been cases of extra-judicial killings. That is not a Government policy and I have stated that. I have also said that in cases where extra-judicial killings have been detected, the Government has taken action. We are doing so. As a matter of fact, hon. Members may be aware that the scenario is declining rather than increasing. I will, however, say yes, I will take the necessary steps to ensure that the witnesses are totally protected. That is much more so because we passed a legislation regarding witness protection here.

**Mr. Deputy Speaker:** This Question has had a very fair share of time. Indeed, it is a very serious matter that touches on the lives of Kenyans. It is because of that, that the Char has given sufficient leeway. However, we have other business to transact.

Next is Question No.629.

*Question No.629*

ENFORCEMENT OF ARTICLE (65) ON LAND OWNERSHIP BY NON-CITIZENS

Mr. Deputy Speaker: Where is Mr. Kioni? The Question is dropped!

*(Question dropped)*

**Mr. Deputy Speaker:** Question No.659, hon. K. Kilonzo!  
Question dropped!

*Question No.659*

RENOVATION OF KITUI GK PRISON

*(Question dropped)*

*Question No. 706*

STATUS OF NAIROBI BEAUTIFICATION PROGRAMME

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

(a) whether he could apprise the House on the status of Nairobi beautification programme, and,

(b) whether he could also consider rolling out a similar programme in other towns and cities in the country.

**The Assistant Minister, Office of the Deputy Prime Minister and Minister for Local Government** (Mr. Nguyai): Mr. Deputy Speaker, Sir, let me, first of all, apologise for not being here when the Question was asked in first round.

We were not aware in the weekly programme that this Question would feature. So, I do not have the answer to the Question at present. However, I would request the Chair to defer this Question to tomorrow afternoon and I will answer it.

**Mr. Deputy Speaker:** Are you happy with that, hon. C. Kilonzo?

**Mr. C. Kilonzo:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Fair enough! The Chair directs that this Question appears on the Order Paper tomorrow afternoon.

**Mr. Shakeel:** On a point of order, Mr. Deputy Speaker, Sir. When you called for Question No.659, I want to understand whether Mr. K. Kilonzo is out of the country on official business or unofficial business to The Hague.

**Mr. Deputy Speaker:** Order, hon. Shakeel! The Chair did, indeed, confirm that the hon. K. Kilonzo is not out of the House today either on parliamentary business out of the country or out of the House on a Parliamentary business. Under the circumstances, the rules are very straight. The Chair has no business knowing privately where hon. K. Kilonzo has gone. It cannot be the business of the House to do so. Therefore, you are out of order.

The Chair directs that Question No.706 by hon. C. Kilonzo appears on the Order Paper tomorrow afternoon.

Next Question by hon. Danson Mungatana.

*(Question deferred)*

*Question No.778*

REPAIR OF MALINDI-GARSEN ROAD

**Mr. Deputy Speaker:** Is hon. Mungatana, by any chance, out of the House today on some official Parliamentary business? His Question is dropped.

*(Question dropped)*

Next order!

*[Mr. Deputy Speaker left the Chair]*

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

## **MOTION**

### **DECENTRALIZATION OF ISSUANCE OF IDENTITY CARDS**

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I beg to move:

THAT, in accordance with Section 174(h) of the Constitution---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Correct it. It is article and not section

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I beg to move:

THAT, in accordance with Article 174(h) of the Constitution which provides that one of the objects of devolution is to “facilitate the decentralization of State organs, their functions and services, from the Capital of Kenya”, noting that Kenyans face serious challenges in acquisition of national identity cards; this House urges the Government to facilitate the decentralization of the issuance of national identity cards from Nairobi to the 47 counties in line with the provisions of the Constitution within the next six months.

Mr. Temporary Deputy Speaker, Sir, this is a very serious matter. This is an issue that will help this country. The idea that national identity is not a right, but a privilege is gone, when we enacted the new Constitution. Article 12(1) of the Constitution declare, and I quote:-

12(1) Every citizen is entitled to-

(b) a Kenyan citizen passport or any document of registration or identification issued by the State to the citizens.”

Mr. Temporary Deputy Speaker, Sir, you can see even as I move this Motion, the Minister of State for Immigration and Registration of Persons is not here. The Assistant Minister too is not here. So, it tells you---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, there is a lot of loud consultations.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Members! Allow the Member to move the Motion. Please, consult in lower tones.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, the absence of the Ministers speaks very loudly about this matter. The Government could be here. There is a line

Ministry. This tells you how serious or not serious they are about registration of the Kenyan youth.

Mr. Temporary Deputy Speaker, Sir, what we are asking for is a matter that the Constitution provides for. It is a matter that the Kenyan youth have been yearning for many years. As we speak now, millions of young people in this country have no access to the national registration. They have no access to this very important card. The only problem why they have no access is the single reason of centralization. This matter has been centralized. The production of the national identity cards takes place in Nairobi. Because of this very fact, three matters have arisen. The first one, which is caused by a serious problem of centralization, is that of nepotism. Very few Kenyans who work in these offices are patriotic enough to make sure that Kenyans that live in every part of this country acquire this very important card. This matter of nepotism and ethnicity is, not only in this Ministry, but also in the Ministries of Roads, Office of the President, Office of the Prime Minister and Ministry of Finance and in quite a number of Ministries that provide these very important services to this country.

Mr. Temporary Deputy Speaker, Sir, centralization encourages corruption. I know, for a fact, that many young people who queue to apply for identity cards in the villages today part with money. They give out money in order to acquire these cards. They actually buy them. It is not a Government policy. Perhaps the Minister would deny it, but it is a fact that is happening in our village. People buy these cards. They queue to buy these cards. The card has become so central in our lives that nothing can move in this country without the national identity card. You cannot be recruited. You cannot open a bank account. You cannot get jobs. It is synonymous with the State. Why should the Government find it fit to continue to produce thousands of these cards kilometres away from where the actual residents are? It is important that the issuance of cards is decentralized. As we speak now, the Department of Registration of Persons has officers in every district. All they do is to register. But it is one issue to register Kenyans and another to produce those cards for Kenyans to receive them.

Mr. Temporary Deputy Speaker, Sir, as I speak, a study done by the Kenya National Commission on Human Rights says between the time you register for this card, and the time you get it, should not take more than 30 days. That is what the Government tells Kenyans when they register. However, in some cases, it has taken two years. I know, for a fact, that a place like Wajir, it takes more than five years. There were girls who married and now they have six children, but they do not have national identity cards. It is very obvious that the Government is overwhelmed with this. Today, 80 per cent of those who register in Wajir, Garissa, Mandera, Ijaraa and in Northern part of Kenya, are rejected. Why? They travel over a distance of 1,000 kilometres. These forms are collected together. In the process, even the photographs change because of the distance. When they register in Nairobi, the first thing they do is to reject the photograph and say that it is not right. It takes six months or even a year before even than form that was rejected finds its way back to the station where initially it was registered.

Mr. Temporary Deputy Speaker, Sir, we are suggesting this because the Constitution now allows it. Article 174(h) facilitates the decentralization of State organs. It is already given. When we approve this Motion, essentially, we are saying that it is way in the course of implementing the Constitution. So that within the next six months before the next general election, these matters are decentralized and Kenyans can apply for

identity cards in their constituencies, locations, sub-locations and schools and receive them on the spot. This is possible. Some of us were given our national identity cards in our secondary schools when we were just finishing. We went outside, filled the forms and the IDs were produced on the spot. So, it is possible. The Government will say that it is centralizing the issuance of IDs, so that aliens do not have access to them. In fact, the easiest way to give aliens national identity cards is to centralize their issuance in Nairobi. It is here that this matter is being commercialized and not on the ground. On the ground, people know each other and if you are an alien, you are identified. Your family is known. But because it has been centralized, corruption has found its way into this acquisition.

Many countries have decentralized State organs even in the neighbourhood. It is only in Kenya that even after the Constitution has said that you have a right to acquire this very important card, some people in the Government treat it as a privilege. They do not think it is a right. They think it is a privilege and a few people get it, but majority of the youths are now struggling. If the Minister will be honest enough to produce the data that he has for over the last just six months or even one year, the national identity cards that have not been released, but people have registered, are in the millions. If these people were given an opportunity to apply in their locations and then the IDs are produced at the district headquarters, it would be much easier. You will find that a lot of us have made a habit, as leaders, of visiting the national registration centre because our people have been denied the right to get this card. Every other day, you find a Member of Parliament queuing and trying to assist his constituents. This should not happen. We should be doing other things.

Mr. Temporary Deputy Speaker, Sir, I know that the Department of Registration will be issuing excuses as to why this is not going to happen. But there should be no excuse because this is very clear. The House must be firm. I believe that once we pass this Motion, the Committee on Implementation of this House must immediately take up this matter to ensure that within the next six months, the issuance and the production of national identity cards are done in our constituencies, divisions and locations and at least, at the county headquarters. To start with, we have 47 counties. The Government should operationalize them and take the machines to the 47 counties because it has done it for the passports. I know it is a challenge for somebody from the North Eastern Province to get a passport. It is easy because you go to Garissa office and the passports are acquired there. Why is it difficult to get the identity cards if it is possible to get the passports in the provinces or even in the counties? I want to stop there and request hon. C. Kilonzo to second.

With those remarks, I beg to move.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, this Government and the previous Government of the Ninth Parliament have achieved a lot in various sectors be it in the road sector, water or devolved funds. But when it comes to the issuance of the national identification cards, it is a disaster. There is a perception within the Government that the right person to issue the national identity cards and the person with the right information is the Principal Registrar. When I got my first ID in 1982, I was a Form Four student and I got it in school on the spot. I filled my form, my teachers confirmed the details, they took me a photograph and it had everything including the fingerprinting.

I am just curious. The first question on my ID is my name, which is Mutavi Kilonzo. My villagers know my name. The next question is the date of birth. My mother

in the village knows my date of birth. The other question is sex and my villagers will know my sex. The other one is district of birth and my people in the village know that. The place of issue, the officer issuing me the ID knows where he is standing. I will be having my signature on the spot. It then goes to ask you the district, division and the sub-location. All that information is available at the locational level. The Government should decentralize this service, not only to the county level, but also introduce mobile issuance of IDs. They would go to a particular location, have a mobile unit and we would all queue for the identity cards. The Provincial Administration and the elders should be involved and we would not be talking about the issuance of identity cards. To get a national identity card in this country is the hardest thing. If you want to get a passport, it is easier. You do not need an ID to get a passport now. If you have a birth certificate, you will get a passport within 24 hours.

During campaigns, we have always promised that we will offer the best services as a Government. If you do not have a national identity card today, you are 18 years old and in school, you will not be able to register for examinations. You will not be able to get employment. This is something which the Government has promised us. They tell us “elect us, we will get you employment”. The same Government has lost that will to deliver the service to the youth. You cannot open a bank account. Luckily, some banks accept other forms of identification. In terms of inheritance, it becomes difficult. The widows and the widowers are not even recognized in other documents. They are required to produce the national identity cards. We could also be going back to the old dark days. There were days when we used to have the slogan “siasa mbaya, maisha mbaya. If you were perceived to come from an opposition area, then you would not get an identity card. That was very common in Nyanza and Central provinces, which were perceived to be mostly opposition and other areas. Is it possible that we are going back there? Why would the Government lack the will to issue our people with this simple document, namely, a national identity card? Is it possible that the Minister concerned is sleeping on his job? He does not even bother to come here in person, neither has his Assistant or the technocrats from the Ministry. It is not about cost. The other day, the Minister was talking about the third generation of IDs while we have not got the second generation IDs. About 50 per cent of Kenyans, actually do not have IDs. They have not even got the second generation IDs and now he wants to move to the third generation IDs. The Minister can only be sleeping on the job.

It is even interesting for a young married lady to change the details on her original ID to conform to the details on her marriage certificate. This is the hardest thing to do. It is even worse if she is married under the customary law. To change the details on her ID to reflect her husbands’ name is very hard. They are told that they need a lawyer. The cost of a lawyer is prohibitive. If you are somewhere in the *bundus* in a very remote place, to get a lawyer to do an affidavit for you is going to cost a lot of money.

This Government stills behaves like the previous old Governments. If you come from the Northern parts of Kenya like my good friend, Ekwe Ethuro, or if you come from North Eastern Province like the Mover of the Motion, or if you come from the borders, the perception within the Government is that these people are aliens. An alien is something very bad according to the Government. If that is the case, why do we not give them alien IDs? This is because aliens in this country have alien IDs. So, if they are living within the boundaries and they are suspected, why can we not, first, give them

alien IDs so that when they are stopped by the police they can produce the alien ID.? When it comes to voting, you never hear the Government say, “You are aliens.” It is unfortunate that the Minister did not deem it necessary to appear in this House. The Government has lacked commitment and this House has had to push the Government to deliver a very vital document. It is very unfortunate. The ball falls squarely in the court of the two principals. They need to come and address the issue of national identity cards.

With those remarks, I beg to second.

*(Question proposed)*

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

I want to thank Mr. Affey for bringing this timely Motion. This is something that affects every single part of this country. We have several young people who have not been able to receive their identification. We know that the ID is a very important document in this country in relation to access of resources and services. It is now a right under Article 12 (2) of the Constitution. It is a fundamental right. I know there are people who would argue that because it is in Chapter 3, it does not fall within the Bill of Rights in Chapter 4. However, you can see that it is a right that can only be limited under Article 24 of the Bill of Rights. It means that all the provisions under that chapter are fundamental rights. Because of that, one of the things that the Government must now understand and appreciate is that we did not pass the Constitution for merely cosmetic purposes. We passed the Constitution to get us from a wrong and negative past to a more progressive future. A progressive future is one where we do not have Kenyans being criminalized for not having IDs when it is the Government which has not given them that identification. It is also a present and a future where people can access services because of identification.

Mr. Temporary Deputy Speaker, Sir, under Article 6(3) of the Constitution, it is provided that any national State organ shall ensure reasonable access to its services to all parts of the country. Therefore, in every single part of this country, there must be a nearest centre that gives identification cards. This issue of centralizing the issuance of IDs in places where people cannot reach and having in place provisions that make people not get IDs is not in order. In fact, IDs should be availed at absolutely no cost. Kenyans should have IDs at absolutely no cost. I know a lot of young people who have not been able to get recruited to the police and the Army because they do not have IDs. We know that now there is a cut-off age and yet there are people who have been waiting for IDs for more than three years. In the process of waiting for their IDs they have passed that age limit. We are being discriminatory to those people.

I spoke about IDPs earlier today. One of the things that we gathered from the ground is that a lot of the IDPs are not able to get food and the money rations because they do not have IDs. When we spoke to the Nyanza Provincial Commissioner, he said that millions of shillings were returned. Even though they had the list of names, many of the people did not have IDs.

We know that a lot of the youths cannot access jobs because of lack of IDs. Because of that, as a matter of urgency and priority, we must make sure that we avail the IDs within six months. We know that voting is a constitutional right. If we do not give

our young people IDs, we will be violating the Constitution. If we were to follow the Constitution properly, if people are not given IDs, there should be no elections because then we will be disenfranchising the whole population. There must be fairness and equity in the provision of IDs.

Mr. Temporary Deputy Speaker, Sir, Mr. C. Kilonzo mentioned the issue of marriage. A lot of young people, even in the last elections, were disenfranchised because where they got married, they were not able to get IDs. They were told: "You must go back and get information about your great grandparents, grandparents and parents". These are very unnecessary requirements. For young women who have got married, even if it is recent, there must be easier ways. If, for instance, your name is Wanjiru and you have married Otieno, I think all you need to say is, "My name is Rebeca Wanjiru and I am married to Francis Otieno". The Chief can then say, "Yes, we know this Wanjiru. She is married to Otieno and so issue her with an ID." You can only deny her the ID if you show that she is a Wanjiru from Uganda. Since we have a computerized system, if Wanjiru has taken an ID in Kisumu or elsewhere, that will be revealed. It does not matter where you take the ID. We need to be giving our people the IDs. Many people are not able to get loans and other resources because of IDs.

Mr. Temporary Deputy Speaker, Sir, I also want to emphasise the issue of border towns. My father comes from a border town and many of the people in those towns are given very hard conditions. We know the story of North Eastern Province and Turkana. We cannot discriminate against Kenyans. I want to agree with the hon. Member that if we consider those members as aliens, there must be some different category of identification while we are authenticating them, if at all it is necessary. However, I also want to say that we must simplify the issue of identification. The difficult requirements we put on women must be a thing of the past. That is because the Constitution is very clear. There should be no more discrimination on the basis of gender. Because of that, if we are giving requirements for women that if you are getting an identity card, we ask you who your husband is, then when men come to get the same, we should ask them who their wives are before they are also given identity cards. But if you are not asking the men who their wives are, then do not ask women who their husbands are.

With those few remarks, I beg to support.

**The Assistant Minister for Wildlife and Forestry (Mr. Nanok):** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support this Motion. We realize the importance of national identification. Getting an identification card is the road towards getting a job. Without one, you cannot vote or get a loan. Virtually, you cannot do anything without an identity card. In the new constitutional dispensation that we passed last year, it is very clear that, that is a constitutional right for every single Kenyan. It should worry us in the Government and all the political leaders in this House that more than 15 million Kenyans do not have identification cards up to now. This is something that should be prioritized for everyone and all the areas.

Mr. Temporary Deputy Speaker, Sir, you have to realize that the current identification card registration is so inadequate. It is so centralized in Nairobi. The system is very slow and cumbersome. Some areas are not even covered, particularly areas that do not have registration officers at the district headquarters. This is basically because we are told that to roll out the mobile registration into those areas, funds have to be provided. However, the Treasury has denied the Ministry of State for Immigration and Registration



of Persons funds to roll out that essential document that is a right for every Kenyan. We do not want Kenyans to start going to court accusing the Government for failing to provide them what is their right. I believe that with the Constitution, very soon, Kenyans will start going to court for being denied their right.

Mr. Temporary Deputy Speaker, Sir, particularly in the area that I come from – Turkana - there are adults who are 30 to 60 years old who have no identification cards. This is a big shame for my colleagues in the Government, both in Treasury and in the Ministry of State for Immigration and Registration of Persons. I have gone to the Ministry of State for Immigration and Registration of Persons several times indicating that in all the consultative meetings that I have held with communities in my own constituency, they have indicated that they need identification cards. Their first priority has always been identification cards and I guess this should not be something we should be seeing when we are rolling out a new constitutional dispensation. If it is their right, let it be provided. There is no reason why in Turkana County, which has a population of about 900,000 people, out of 500,000 adults who are entitled to have identification cards, only 200,000 have it. There is no particular reason for the last 46 years. That is the reason why I support this Motion. Let us decentralize that process. We have realized why we have been talking about the decentralization of Government Ministries and functions. It is basically because---

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister really expressing the need for identification cards. I am not seeing anybody from the Government side who is really taking notes on behalf of the Government so that these kind of ideas will actually be put to good use. Are we acting in vain here?

**The Temporary Deputy Speaker (Mr. Imanyara):** Dr. Wekesa, have you heard those sentiments?

**The Minister for Wildlife and Forestry (Dr. Wekesa):** Mr. Temporary Deputy Speaker, Sir, perhaps, my colleague who is from my region did not see me. But I have taken three pages of Members' contributions. This is a very important Motion and the Government is taking it very seriously.

**The Temporary Deputy Speaker (Mr. Imanyara):** Proceed, Mr. Nanok!

**The Assistant Minister for Wildlife and Forestry (Mr. Nanok):** Thank you, Mr. Temporary Deputy Speaker, Sir. The whole reason why we are devolving national government functions down to the grassroots is because we, and Kenyans, have found out that the national Government cannot function when it is so centralized. We have been unable to provide essential services to the people. This is a critical function. I think the Ministry should decentralize the service down to the counties. That way, county governments, together with the national officers who will be posted to those counties, can be able to work closely and make sure that every single Kenyan who is above 18 years has an identification card, birth certificate and all the essential documents that will entitle them to get a job, vote, apply for loans and any other issues that they may require an identification card for.

With those few remarks, I support this Motion and urge my colleagues to fully support it so that within six months, it is passed.

*(Mr. Shakeel stood up in his place)*

**Mr. Shakeel:** Thank you, Mr. Temporary Deputy Speaker, Sir. My colleague is asking me whether I have a *kipande*, and I am prepared to show it to him.

**The Temporary Deputy Speaker** (Mr. Imanyara): Address the Chair, please.

**Mr. Shakeel:** He is wondering whether we have that. I can show that to him. However, on a more serious note, as has been said by my colleagues - and I will not want to repeat too much – having an identity card is your fundamental right. It appears that the minority groups are the ones that are hit the worst, especially the Muslims, tribes in North Eastern Province and other places. We wonder whether there is an hidden agenda to disenfranchise those groups, so that they do not vote. It is a shame to see the same Government wasting money.

Mr. Temporary Deputy Speaker, Sir, we saw the other day that the issue of getting condoms seems to be more important than the one of identity cards. We are jumping all over the place saying that we do not have condoms. What about the question of identification cards? We have no identification cards. It is also wrong to blame the Treasury all the time that it has not given us the money if the Ministry of Planning, National Development and Vision 2030 has not budgeted for that money. This is one of the pillars of Vision 2030 that every person must have the right to vote and they must vote. I hope sooner than later, we will pass a law that everybody must vote. However, that cannot be implemented until the time we will all have identification cards. We are very far behind. The question of new generation identification cards is not even relevant at this moment in time. The colonial government, as bad and as hated as it was, gave everybody a *kipande* without fail. The reasons were different. Here, the reasons are still identification to ensure that, that gentleman or lady is a citizen of this country. What shocks me is that it is easier to get a passport than an identification card. A passport is an important document. It allows you to travel all over the world. In Kenya, we are going to serve the rich. The poor are always suppressed because they cannot make noise. We can get a passport within 24 hours but a poor man will sit outside in the rain waiting for the chief to sign the documents. The chief will take another Kshs100. Somebody else is also going to sign and he or she will take some more money. It can take a poor man up to six years or even more to get an identification card. I am told that there are people who are over 50 years old and they do not have identification cards. So, I would like to tell the Ministry of State for Immigration and Registration of Persons to get off its back side. This is an issue of national importance more than some of the things they are doing. If the Ministry does not have money, it should stop issuing work permits for God's sake. If it has no money, it should stop issuing other documents. It should issue identity cards. If the Ministry has no money, it should stop issuing passports but issue identity cards because this is for the poor and it must be done. If it is not done, then the Ministry has failed in Vision 2030. There is nothing like Rapid Results Initiative (RRI). At the same time, this Government should realise that we must share, understand and prioritize costing or expenses. It is a shame that one arm of the Government says that there is no money for identity cards and resettle Internally Displaced Persons (IDPs) who are languishing while the other arm of the Government is going round in shuttle diplomacy. We are talking more about The Hague than the issuance of identity cards. I really wish that at every function where we are talking about The Hague, somebody was talking about identity cards because this would have helped a lot. I am not taking away for a minute people's

right to meet on any issue but I think that at every funeral and point, politicians, especially Members of Parliament must raise the issue of identity cards. This is one issue that we should give the first priority in the 2011/2012 Budget. We want to make sure and without fail that the Government of Kenya and the Ministry concerned has set aside whether it is Kshs5 billion or Kshs10 billion, let us ring-fence it for identity cards. The issue of machinery being old or we have not awarded the contract is a very simple thing. We can go and make those identity cards using the *Jua Kali* technology. It is quite easy. There is nothing special about making the identity cards. The *Jua Kali* people are making better identity cards for organizations. Credit cards are supplied within a few weeks and they have more information than any identity card. We do not understand what is happening.

I would like to propose to my colleagues that when the Budget comes up, we must, at the Committee stage, make sure that they have set aside money for identity cards as a priority expense over and above anything else. That must be one of the top priority events. I hope that the Prime Minister will take up this matter with the Office of the Deputy Prime Minister and Ministry of Finance.

With those remarks, I beg to support the Motion.

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

In a very brief way, I wish to say that this is a timely Motion. This is the document that we need as soon as possible. I also thank the hon. Member for bringing this Motion at this time because the budgeting process is on. When we talk about six months, we are talking about this issue being prioritized in the Budget. If we do not prioritize this item--- We do not want to debate a Budget that does not have this item.

We have had problems on the ground. We have people who are carrying waiting cards which show that they have applied for identity cards. They have been with these waiting cards for the last one or two years. It is a shame that we are unable to issue people with identity cards on time. This means that people have not been able to open accounts in banks and apply for any other document because this is a very basic document.

In our Ministry, *Kazi kwa Vijana* (KKV) is done differently. The KKV is not paid weekly. We require that our youths open accounts. When we talk about the cleaning of Nairobi River and the new project of cleaning of Sosiani River, we employ people on a monthly basis and our youth who do not have identity cards have suffered a lot because we demand that they open bank accounts through which they will be paid. We have discovered that many youths do not have identity cards. There are a number who have waiting cards which show that they have applied for identity cards but there are many more who even gave up on applying. This is because the minute they know they will not get the identity card but a card that only indicates that they have applied for an identity card, they do not apply. It is for that reason that a number of them have been disadvantaged. Even now we are struggling to sort out the street children who require identity cards so that they can be employed in the same project. To us, the project must take care of the youths across the board including street children.

Mr. Temporary Deputy Speaker, Sir, this Motion is timely and it is very important that we decentralize the issuance of identity cards. "Decentralization" means that that

identification of the person will be done in the normal procedure because there is nothing additional that Nairobi does to the identification cards other than lamination which can be done anywhere. That is the way it was done in 1980s when we started the issuance of identity cards. We were able to issue identity cards in villages because we had lamination machines that were being used by the officers in the field. So, it makes one wonder why we centralized something that was already decentralized. So, there is nothing like security when it comes to the issuance of identity cards in Nairobi. We are just causing more confusion.

As I support this Motion, I urge that all the systems go towards the preparations so that come 1<sup>st</sup> June, we should not be waiting for six months. If the logistics can be done sooner, the Budget that will be read in June should signal the beginning of issuance of identity cards at the county level because there is nothing that is being added by doing it in Nairobi.

With those remarks, I support the Motion.

**Dr. Laboso:** Thank you, Mr. Temporary deputy Speaker, Sir. I am glad to see that the Minister is now here and he can take notes although there was collective responsibility from our Minister. I just want to reiterate what my colleagues have already said that this is a constitutional right. The Constitution mentions it in more than two sections. We have Article 6(3) and also in Article 12(b). This is a right for all Kenyans. Kenyans are crying across this country because of the issue of identity cards. If you go to schools, you will find that students are talking about leaving school without their identity cards. If you are looking for employment, you will find that everybody is saying that they cannot get a job because they do not have an identity card. If you go to any institution, you will find that everybody is crying aloud. What is the problem?

I fully support this Motion that we must decentralize this activity. The activity must be decentralized to the counties. It is the counties where we can gather real information. I believe that even the supposed corruption that we have heard--- We have been told that there are undeserving Kenyans who have acquired Kenyan identity cards just because of money and yet the deserving Kenyans who should get the identity cards do not get them because they are unable give out money. We would like to tell the Ministry that this must be done with the urgency that it deserves; decentralization. We now have 47 counties which are firmly in our Constitution. If this activity is done at the county level, it will be expedited and will be faster. This will enable us to issue more Kenyans with identity cards than we are able to do at the moment.

Mr. Temporary Deputy Speaker, Sir, we are approaching 2012. All of us are interested parties, all of us are stakeholders. We want as many of our voters to be registered before 2012. But then again where is the problem? It is in the issuance of identity cards (IDs). We again have that problem.

We want one form of identification in this country. We want to urge the Ministry of State for Immigration and Registration of Persons and other connected Ministries that we should be able to use one form of ID. Once you are registered with an ID, you should be able to use it both for voting and for any other business such as acquiring a job. Once everything is in a database, all we need is one form of identification, so that the only other thing you need is a passport when you want to travel out of the country.

Mr. Temporary Deputy Speaker, Sir, I want to inform you that in my constituency in Sotik, we have an area, one of the divisions, Abosi--- I think every other person in that

division has the old generation ID. It is unbelievable that after all these years, they still carry the very big ID that you cannot even fit into any wallet. That is only because trying to change into the new generation IDs has been a problem. On top of that, we always have complaints from the people who are charged with collecting information. The people who are charged with the responsibility of collecting information and getting the IDs have all sorts of complaints. They do not have transport, they cannot move around and they are unable to access the registration centres so that they can register people. How are we going to assist Kenyans? How are we going to make sure that Kenyans get the IDs? I want to ask our Ministry to, please, expedite the process of making sure that its people are mobile on the ground, so that we can get as many people as possible getting IDs, so that we do not disenfranchise the many Kenyans who would want to participate in next year's elections. They will be electing so many Members. We do not want to lock them out of that exercise.

With those few remarks, I beg to support.

**The Assistant Minister for Education** (Prof. Olweny): Thank you, Mr. Temporary Deputy Speaker, Sir.

This is a wonderful morning when we have this Motion on the Floor of this House. I would like to support it.

This document called the ID is an essential document for any Kenyan. If you want employment, you need an ID. Even when you are dead, you still need an ID to be registered that as dead. If you want to open a bank account, you need an ID. If you want to register an organization in this country, you need an ID. If you want to vote, you need an ID.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the Assistant Minister say that even when you are dead, you need an ID? Now if you have not attained the age of 18 years, do you need an ID in order to die?

*(Laughter)*

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I want to remind the hon. Member that I hope he knows that in his constituency every dead person has to be registered as dead. For you to get the death certificate for that person, you need to surrender the ID.

Mr. Temporary Deputy Speaker, Sir, you need this document for any activity in this country. It is impossible to get this document. You make life difficult for every Kenyan who does not have an ID. I remember that when I was young, I was given an ID in school. There were people travelling around registering Kenyan students in schools and giving them IDs within a few days. In those days, we did not have technology. Transportation alone was also very difficult, and we had very few cars around. If those people could travel around to issue IDs--- There were no computers.

You know what these people need? These people need just one computer per county, a digital camera because they need to photographs of those to be given IDs, a printer, USB cable to store the information so that you bring it to the headquarters and issue the IDs as you register the person. This idea that when someone wants to register, they need a recommendation from their grandparents who do not know how to write--- I do not know how you are going to teach them to write, so that they write a

recommendation letter to the person registering you. You have a wife and she has to go back to look for her parents; if her parents are dead, she looks for any relative to write a recommendation, so that she is registered before she gets the ID; it is unbelievable in the world today.

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

*[The Temporary Deputy Speaker  
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, it is good the Minister is here with us. I asked him and he told me he was registered in school, just as we were. The idea of asking your religious leader to write a recommendation, so that you are registered should be done away with.

Immediately after Independence, it was much easier to get an ID than it is today. In some countries, the ID is used for everything. It can be the driving licence. The same number you have on the ID is the same one on your passport and the same number on your driving licence. Let us ask the Minister to organize, so that registration for Kenyans is done in schools.

Today, we have a problem with birth certificates. Let him use the same facilities and the process we are proposing here to have these birth certificates issued to Kenyans. I do not understand why a living Kenyan should be more difficult to register than a dead Kenyan. When someone is dead, the assistant chief or chief takes notes about the dead person, and then the death is registered before the person is buried. In fact, it is illegal to burry a Kenyan unless the death is registered. It should also be illegal to take a Kenyan to school before the birth is registered. Now it is up to the Minister to ensure that any born Kenyan is registered. Birth Certificates should be used to issue IDs instead of a Kenyan going to register again. If your birth is already registered, why do you need to be registered again? Why do you need a birth certificate, then later go for an ID and if you want to travel, go for a passport? Why register so many times? When you want to marry, you get another certificate for being married. When you want to belong to a church, you need another certificate. What are we doing with all these certificates? After you pass all the examinations, you need a certificate. Surely, where do you keep all these certificates? I think we need to change. You need only one certificate in life. Once you have been issued with a birth certificate, let it be turned into a registration certificate, so that you have only one document.

Madam Temporary Deputy Speaker, I beg to end there. I urge the Minister to make life easy for Kenyans.

Thank you.

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I want to begin by thanking Mr. Affey for this particular Motion. Mr. Affey is really helping this country. You remember the other day, he brought the Motion on indemnity, the Motion on the Equalization Fund, through which we even asked for 15 per cent of the National Budget, although in the Constitution, we are now given 0.5 per cent. I think this is a job we expect

of a Nominated Member of Parliament. They should be very prolific in producing these kinds of Motions because they have no constituencies to attend to every weekend.

I also want to thank my good friend, the Minister. He has done quite a bit, including ensuring that Garissa can issue passports in good time, and ensuring that the Immigration Department in Nadapal, the border of Sudan and Kenya, is taken care of. However, we expect more from this Minister because this is Otieno Kajwang. This is a man of the *mapambano* fame. This is a man associated with the reforms in this country. He is in his fourth year as a Minister and you know how he described this appointment; that he was retreating, but he was gratified that he had been appointed a Minister. We expected him to have come to the office with all the *mapambano* of dealing with *kipande*. *Pambana!* I expected that the time when I brought the Motion and this House approved it-- This is when we said that the identity cards and the voters' cards should be one document and the Minister agreed and supported that Motion. However, three years down the line, he has not implemented it. Where is *mapambano*, Mr. Minister?

Madam Temporary Deputy Speaker, Mr. Kilonzo brought a Motion the other day on the particulars taken for purposes of getting a sim card for a telephone line---. My good professor who was my teacher and is seated here has become a professor of technology. He has said that we only need one card, that is the birth certificate. Why should I go to be registered again once I have attained the age of 18 if the Minister had taken my particulars at birth? It is a matter of counting time and keeping records.

When you are registering as a voter in the constituency, all those particulars are taken, you get that document, it is laminated and you walk away with it. The ECK people remain with copies, which you can inspect after a while. Why can the hon. Minister not do the same? He has the capacity; he has gone public on *mapambano* and is forthright when his party is being threatened. Why does he not act when the lives of Kenyans are being threatened with failure to vote, because if they do not have identity cards, they cannot be issued with voters cards?

Madam Temporary Deputy Speaker, we expect more from this Minister in particular. We expect more from all of them, but the reputation of his performance went ahead of him and we expected that once he arrived there, he would finish these things in the first year.

The hon. Member quotes Section 174 (h) in the Motion. If you look at the entire Chapter 11, Part 1 on Objects of devolution--- Section 174 (f) says: "To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya." In the principles of devolved Governments, Article 175 (b) says: "County Governments shall have reliable sources of revenue to enable them to govern and deliver services effectively." In fact, Mr. Affey has done a favour to the Minister by saying: "Take it from the national Government to the county." However, this Constitution allows the counties to devolve their services even further to the village level. So, if this is done at the county level; knowing sometimes that when the identity cards come to Nairobi, they disappear and once they are sent back to the district headquarters, sometimes they lie idle and they are taken to the wrong places, this will save the Minister that trouble.

Madam Temporary Deputy Speaker, we need to appreciate the role of the chiefs. In my place, as we speak now, I have about 50,000 people that the chiefs have already registered; the Assistant Chief of Ille, the chiefs of Napililim and Kamatosia and many

other chiefs, including our population in Ulum Location who have never seen an identity card. We have a problem. When those people go for the identity cards in Lodwar, which is another 250-kilometer away, if they are old men, they are told that they have to go and they look at their dental formula. If you tell an old man to open his mouth for his teeth to be counted; surely, Mr. Minister, why can you not *pambana* with such obvious things? How can a self-respecting Turkana elder be asked to open his mouth so that the officer can know how old he is in order for him to be issued with an identity card? Some of these requirements are colonial, draconian and do not give our people the dignity they deserve.

When Mr. Kilonzo was seconding this Motion, he read all the particulars that are required on the identity card, and all of them are obtained and are available where somebody lives. What business do you have checking this information in Nairobi? This is unless what we have been hearing in some areas, particularly in north eastern, where we are doubting their nationality or unless in some areas in northern Kenya where the Minister thinks we are aliens. In fact, a suggestion has been made from the Floor that we should be given alien identity cards. We are not alien and we do not want alien identity cards. We want *bona fide* Kenyan identity cards.

Madam Temporary Deputy Speaker, there is a small fee we are required to pay to get an identity card. Where I come from, we are *bona fide* citizens of the Republic. In order to confirm that, some Government officer tells me that I should pay something. Do I pay to be a Kenyan? Did I request to be born a Kenyan? I found myself a Kenyan. I am Kenyan by birth. I am a Kenyan by right. Why should I pay to be a Kenyan? This is not a service to be volunteered or to be sought. This is a right which the State must provide for free!

That small fee has made some people miss that opportunity because we ask ourselves: “Once I die, do I buy citizenship?” In any case, I have no bank to go to and I have nothing to use that identity card for. It is for the good of the country and the Minister. So, the Minister must waive those fees so that the identity cards are given for free.

The suggestion given by Prof. Olweny who is my good teacher who is here is right. Even me, I got my identity card in school. Why can we not arrange that they go to schools? This should be arranged so that people do not have to go to certain places to be given identity cards so that this process becomes easier.

Madam Temporary Deputy Speaker, I hope when the Minister responds, he will be very categorical because I have heard him say this and I support him. He has said that he is not part of the police conspiracy to *nyanyasa* Kenyans because a police man will always ask you whether you have an identity card or not. He must make it very clear to the police that it is not a requirement for you to carry your identity card and there is nothing criminal for you not to have your identity card at any one particular time.

(Applause)

Every time the police meet you, they ask you: “Where is your identity card?” The Minister must be very clear. That is not the business of the police and they should not be harassing our people just because they do not carry identity cards.

Finally, this House has used its valuable time for a matter that I want to believe is mundane and for a matter that the Minister should have prioritized. The only favour the



Minister can do to this House and the country is to ensure that there is rapid--- The mobile units we used to have where one can go and be registered--- The Minister has already confirmed that he has Kshs2 billion. He has said that they cannot get the third-generation identity cards because of contractual obligations. The Mr. Minister should know when one contract ends and another one is about to start. We should plan things in advance so that we do not lose any time in order to appoint or get a particular company that will be tendered in order to produce these identity cards!

Madam Temporary Deputy Speaker, in this day and age; in these days of technology; in the Coalition Government and in the 21<sup>st</sup> Century, we demand effective services!

I support the Motion.

**Mrs. Noor:** Thank you, Madam Temporary Deputy Speaker. Equally, I would like to congratulate the Mover of this Motion and thank the Minister. These are special thanks on behalf of the people of North Eastern Province and, in particular, Garissa County. In the spirit of the new Constitution and inclusiveness, the Minister has facilitated and put up an office in Garissa. The office is giving services to people in terms of acquiring passports. This has given an opportunity to people to apply and in two days, they have the document. That service is in Garissa. That is what we expect from the Minister because we know he has the ability, capacity and we know that he can do it. That is what we are asking him to do. We are trying to help him to address these particular issues. We are telling him that the Constitution gives us express mandate for every person to be given a service. Look at the section on Values and Principles of Governance in our Constitution. I will read:-

“One of our values is inclusiveness, participation, human dignity and non-discrimination.”

How can you have inclusiveness in a process in the Government if you are not able to participate? If you do not have a national identity card, you will not participate. You will not be inclusive in any process in this country, be it socio-economical, cultural and political affairs of this country. So, if only we follow the values that we have given ourselves as a country, then we have an obligation. The Ministry has an obligation to give an identity card to every Kenyan. Look at Article 12. It says that every citizen is entitled to a Kenyan passport and any document of registration or identification by the State. The State has the obligation to give everybody a national identity card, passport and any other document that they require. The Minister has that responsibility because the identity card, the passport and the death certificates fall under his docket.

If you look at the Bill of Rights, you will see that it is very fundamental. It is expanded and has given us all the freedoms that one can get. If you look at the Rights and Fundamental Freedoms, Article 19(3)(a) says:-

“The rights and fundamental freedoms in the Bill of Rights belong to each individual and are not granted by the State.”

That means that every person has the fundamental right to acquire all that he or she requires. An identity card is a fundamental right. The State is supposed to facilitate the process so that when I am looking for something, I can produce my identity card that reads Sophia Abdi. If you look at Article 21(i), it reads:-

“It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights.”

How can you respect me when I do not have a national identity card and I am harassed by the police? My rights are not respected. They are violated. Once my rights are violated in that manner, that becomes a problem.

Human dignity is something that this Constitution talks about very much. If you look at Article 27(3), it is very clear. It reads in Article 27(3):-

“Women and men have the right to equal treatment---“

But, currently, the way things are, when one is asking for an identity card, women face discrimination at the grassroots level. The women and men of this country do not get equal treatment when it comes to the provision of services. There is no equal platform for both men and women in this country to participate in political, social and economic affairs of our country. That excludes 52 per cent of the population of this country. When you exclude 52 per cent of the population of this country, then we cannot address our issues. Article 23(4) says:-

“The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.”

When some hon. Members were contributing here, they said that some people in North Eastern--- The State may not understand whether some people from North Eastern are genuine Kenyans. We are here and we are Kenyans. The people of northern Kenya are Kenyans. When I go for verification at the village level, which is not even required, nobody else should tell me that I am not a Kenyan. A person who lives here in Nairobi and does not know me should not say that I am not a Kenyan just because a machine has rejected my documents which are said to be suspicious. How can a machine be suspicious of an individual who has been vetted throughout from the grassroots to the national level? That is discrimination and it is not allowed.

Article 39 gives Freedom of Movement to every Kenyan individual. However, there is a group of individuals who cannot move anywhere. Article 39 tells us that every person has a right to freedom of movement. Every person has a right to come in and move out of Kenya. That freedom is violated in our country, particularly, in northern Kenya. People do not have identity cards to enable them to move anywhere.

If you go to labour related issues and look at Article 41 of the Constitution, you will see that every individual has a right to labour related issues and to fair labour practices in the country. Every worker has a right. How can you work if you do not have an identity card that can give you the basic fundamental right? If you do not have that right and an identity card, nobody can employ you.

I have documents in my office of young ladies who finished school and were to be employed by banks here. But because they did not have identity cards, they did not get the jobs. They were dismissed. That is why I am saying that creation of jobs is one of the fundamental visions of our Government. If we cannot facilitate those young people, the youth of this country, they will not be employed. Again, that becomes a major problem for this country.

When I started talking, I said that the Minister has the capacity. However, we have another challenge. We are asking the Deputy Prime Minister and Minister for Finance, if he has the intention--- We know he has the capacity. He has opened a registration office in Garissa. We are asking the Office of the Deputy Prime Minister and

Ministry of Finance to facilitate the Ministry in charge of registration of persons. That way, it can serve Kenyans. There is no need for the Minister to keep on being asked questions every now and then and, probably, whatever is happening is not his fault.

I request the Minister to give us mobile facilities. One time, he had promised to give mobile facilities to the pastoral communities. I want to appreciate that, that is his intention. However, we are saying that the Office of the Deputy Prime Minister and Ministry of Finance should facilitate this Ministry so that the people who are crying in Kenya over national identity cards, their problem should become history. If we cannot address a simple problem like the issuance of national identity cards, then we will not be able to address issues regarding all the dreams we have in our Constitution.

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

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, I only have five minutes before I ask the Minister to respond. That was the agreement.

*(Several hon. Members stood up in their places)*

Hold on. Let us get some clarifications.

*(Mr. Affey consulted with the Clerk-at-the-Table)*

Have you agreed? Can we continue?

**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Dr. Laboso): After clarifications have been made, we will continue.

**Mr. Njuguna:** Thank you, Madam Temporary Speaker for giving me an opportunity again to contribute to this very important Motion. First, I will thank the Mover of this Motion, hon. Affey, because the Motion is timely and long overdue. Kenyans have been crying over the acquisition of that document for a long time. All corners of this nation have been in anguish because the procurement of this document has been a nightmare. Decentralization of this service will rescue Kenyans from this predicament. At times, bribes have been given in order to get this document. This should not happen in a modern Kenya where freedom has been guaranteed to Kenyans in the new Constitution.

Madam Temporary Deputy Speaker, at times, people wait for the issuance of this document, and pass on without getting it. We should make it possible for all Kenyans to access it. We also remember that there have been syndicates operating in River Road in Nairobi issuing fake identity cards. If this system is streamlined, the issuance of fake documents will not be there. Therefore, by bringing this service to the County Government, communities will be happy. They will be able to access the document without any problem. Our constituents will be able to get the document near their homes. The transport element will also be reduced. The spirit of the new Constitution will also be maintained.

Madam Temporary Deputy, it is vivid in our minds that, in the past, our schools have been issuing the documents. Principals in our secondary schools are competent enough to facilitate issuance of this document. It is, therefore, imperative that we facilitate the decentralization of this service. Our principals will be able to issue this

document to Form Four leavers in their schools. This is the only way they will get job opportunities after they are through with their education.

Impunity and corruption has been the key element in some of the centres, where this document has been issued. Discontent has been the order of the day. *Wananchi* have been frustrated. It has been difficult for parents who want to transfer their pieces of land to their children. As a parent, you cannot transfer a piece of land to your son or daughter who does not have this document. It will not be possible to open a new bank account or to acquire a loan in a bank because of the impediment created by the non-availability of this document. Even Members of Parliament, at times, are bothered by voters to procure this document for them. Therefore, in my view, decentralization of this facility is very important.

We recently talked about birth certificates to facilitate registration of candidates in our schools. Parents queue day and night and even go without food to get this document for their children. At times, they are not able to get this document even after weeks. Therefore, it is also important that even issuance of birth certificates is taken into account. Co-ordinated efforts by the Ministry of State for Immigration and Registration of Persons and the Office of the President must make sure that this document is also issued. Primary school headmasters should be agents in issuance of this document. We should give them some allowance in order to motivate them to facilitate issuance of this important document. Even headmasters of private primary schools should also be given the opportunity to facilitate issuance of this document.

Madam Temporary Deputy Speaker, the certificate of good conduct is also another nightmare. Imagine a poor parent coming from North Turkana near the border between Kenya and Ethiopia who has no means of coming to Nairobi.

With those few remarks, I fully support the decentralization of this facility.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, you will need to concur that we reduce the time to about three minutes for each Member, so that it can take us to about 12.10 p.m. We have a contribution from the Minister for five minutes and another five minutes for the Mover. So, we have ten minutes. Can we agree to take three minutes for each of the speakers?

**The Assistant Minister for Livestock Development** (Mr. Duale): Madam Temporary Deputy Speaker, I will take three minutes. I stand to support this Motion. From the onset, I want to thank the Vice-President and Minister for Home Affairs and the ODM-Kenya for nominating hon. Affey to this august House. I will be very brief.

If there is an institution that must be reformed in this country after the Judiciary, it should be the Immigration Department, more specifically the unit responsible for the issuance of ID Cards. The way we are about to reform the Judiciary, we must think of how we can reform the Immigration Department, more so the issuance of IDs. The people of northern Kenya, 47 years down the line even under the current Constitution, are day in day out, being discriminated against in the issuance of IDs. They follow a different set of procedures when they want to acquire IDs. Even their Member of Parliament, hon. Duale's son or daughter must go through a different procedure from that of hon. Kajwang', the Minister of State for Immigration and Registration of Persons. Why do we have double standards? Why do we implement this Constitution differently? The Minister must tell Kenyans why the people of northern Kenya who border Somalia and Ethiopia are treated differently from our colleagues who border Tanzania and our colleagues who

border Kuria on the side of Nyanza. They are treated differently from our colleagues of Sudan and our colleagues who even produced a Vice-President from the side of Busia and the other side. It is not about taking service to the counties, but about discrimination. When a Somali who is born in northern Kenya walks in the streets of Nairobi, why should he be asked to show his identity card and a Luo, a Kalenjin, a Kamba or a Kikuyu is not asked? This is the problem of this country; that we passed a Constitution, but the same Constitution discriminates against our people.

I am more concerned about the discrimination than even taking the service to the people. Hon. Yakub has raised it on the Floor of this House more than ten times. If you look at Articles 27(1)(2)(3), 55 and 56 on Minorities and Marginalized Groups, it provides for access to employment. How can Kenyans get jobs if they have no IDs? How can Kenyans do micro-finance projects without IDs? They cannot open bank accounts without the IDs. It is that serious. It is not about taking the service to the counties, but it is about discrimination. The Minister must be in the forefront to reform the sector on the issuance of identity cards.

With those remarks, I support.

**Mr. Lagat:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to also make my contribution.

First, I want to thank hon. Affey for bringing this Motion. When I was a student, it took me two days to get an ID. That was way back in 1985. At that time what was required was a letter from the headmaster and another from the Chief. Currently, the procedure is too long. At that time, IDs were issued at the district level. Currently, forms have to be filled and sent to Nairobi. One is made to wait for six months or one year before getting an ID. We need to be serious when talking about this decentralization. Initially, the issuance of IDs was decentralized but we later on introduced obstacles which are too complicated for the present day Kenyans.

Madam Temporary Deputy Speaker, we need to be serious with the rising population. It seems we are not prepared. Way back, these things were done in an easier way. At the moment when we consider ourselves to be in the computer era, things are done in a hard way. I think we need to be prepared because the population of Kenyans is rising and yet the Government is not prepared to face the challenges.

In the new Constitution, Kenyans are allowed to have dual citizenship. A Kenyan who goes outside Kenya will get another passport more readily than the one residing here who will still be struggling to get an ID. That is not fair. We have to be serious and move forward as a country. We need to move in tandem with the global changes.

Madam Temporary Deputy Speaker, I beg to support this Motion and say that we need decentralization in order to provide better services to our people.

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Speaker, I want to congratulate Mr. Affey for the great job he has done. He thought about this in advance because when we start work on devolution, we might have problems if we do not have this thing put in order.

I also want to thank the Minister because since he took over office in the Ministry of State for Immigration and Registration of Persons, things have really improved. That is the truth of the matter. There has been major improvement in the delivery of IDs. Before, we never used to have an office in Garissa, but now we do. I think it is a good job he is doing. However, the reality of things is that there is categorization of citizens. If you are

my color, you are categorized as a second class citizen of this country. Different tribes are categorized differently. This is what is going to be the time bomb in this country. We need to address the issue of equity and equality irrespective of color, race, and gender. If we want a united Kenya, that should be the spirit.

We have seen discrimination of the highest order. There is a difference in the way people are treated, for example, if it is Peter Ochieng or Mohammed Ochieng, or Peter Njunguna or Mohammed Njunguna. There is discrimination upon those two sets of names because one set sounds different from the traditional name. We are all aware that East Africa is almost one community. There are Luos and Luhyias in Uganda and Sudan. We also have Maasais in Kenya and Tanzania. If those borders exist, then we should treat everybody equally.

My children, I, and members of my community go through a vigorous vetting system and when they finally get approval, it takes over one year to get an ID card. That is where the problem is. I want to congratulate the Minister because there has been an improvement, but he has to take action on the mentality of some of the staff in his office.

With regard to birth certificates, why can we not modernize our system? When somebody is born, the birth should automatically be registered. When the person reaches the age of 18 years, there should be an automatic system that gives ID cards.

Madam Temporary Deputy Speaker, however, you have a birth certificate and when you turn 18 years old, you are vetted again as if you are not a Kenyan. I think the simple thing is that if you are born in this country, then you are automatically a Kenyan irrespective of your parent's nationality. It is not your fault that you, as a child, were born in Kenyan. You should not be discriminated against because of your parents.

With those remarks, I want to support.

**Dr. Nuh:** Thank you, Madam Temporary Deputy Speaker. I would like to thank hon. Affey as my colleagues have done before and also commend the Minister for easing issues. I want to support this Motion. I want the Minister to also read the realities that Kenyans are facing that might have formed the basis for such a Motion. Just about two weeks ago, the Minister was here lamenting that 2 million applications were still lying at the headquarters because of issues of procurement – very simple matters. Above all the 2 million applications that are lying there, there are millions of Kenyans who have even failed to get an opportunity to apply for such an identification card.

Madam Temporary Deputy Speaker, that document is very critical. When the citizenry is gauged depending on whether you have a national identity card or not, then that goes deep down to even say who you are; whether a Kenyan or not. Decentralization will give the counties the opportunity to prioritise their needs. One among them is the issuance of identity cards to those who qualify.

Madam Temporary Deputy Speaker, we are talking of budgetary constraints. Every time and again, we come complaining about identification cards. The Minister gags us and tell us that it is the failure of Treasury to release money. I cannot offer more than this. If this opportunity was given to the counties, then we would not be complaining about the national budget. Counties would have an opportunity to make sure that those who attain the age of 18 years are able to get an identification card.

Madam Temporary Deputy Speaker, I know that issues of security, authenticity and identification will come into the fore. Sometimes, I wonder what is wrong with the Government. The Government invests in a person in primary education, pays the fees for

all his primary education, gives him basic health care, gives him secondary education in form of bursaries and then when he reaches the age of 18, the same Government vets him to find out whether he is Kenyan or not. It is irresponsibility! Why would the Government invest in someone from the age of one - or even a day old - until he or she gets to 18 years and then you start doubting his citizenship, subject him to rigorous vetting and ask whether he is a Kenyan or not?

Madam Temporary Deputy Speaker, hon. Balala talked about first and second class citizens. But I do not even think that they exist. There exist real Kenyans and suspect Kenyans. That is because even if it was an issue of class, some of us who come from Northern Kenya would have stood a better chance.

I want to conclude by saying that this is global. In this era of Information Communications Technology (ICT), even if they would talk about authenticating the documents at the headquarters, that is something that can be done with a click of a button from Bura to the headquarters. It is not a must for those forms to be carried all the way to Nairobi for them to be rejected here or for the issuance to be done here. These things are personal and we would request that this Motion be supported by the Government and the issuance of identification cards should not be centralized, but be devolved to the counties for us to be able to serve our people better.

**The Temporary Deputy Speaker** (Dr. Laboso): I will now call upon the Minister to respond. Are you giving Dr. Wekesa one minute? Okay.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Thank you, Madam Temporary Deputy Speaker. I did summarize the contributions from my colleagues which I have handed to the Minister. But, first of all, I want to concur with my colleagues. I want to congratulate hon. Affey for bringing this Motion which has been supported by many of the previous speakers. Secondly, I want to congratulate the Minister for taking his job very seriously. This is one Minister that I know has travelled to all corners of this country. He has been to Suam at the border of Uganda and Kenya. He was there with me. He has been to the borders of Tanzania, Ethiopia and everywhere. He is really doing his job properly.

I think this Minister is only crying for one thing which has come from the Floor; that if all hon. Members can support him in getting his Budget to the level that he can now use the technology that we have here--- We have the fibre optic and we are now developing the e-government. With all these facilities in technology, if the Minister gets the right amount of money, this is doable. I just want to identify myself with the mood of the House that this should be done.

Thank you.

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang): Madam Temporary Deputy Speaker, let me apologise for not having been here on time. I had something that held me and I thought my Assistant Minister was here but he was not. I am very sorry.

Let me start by saying that I agree with the general sentiments that the issuance of identity cards should be something that is done at the grassroots and that it is a right. Let me start with the history about the issuance of identity cards. I remember that I received my first identity card, the one which used to look like a driving licence in 1974 when I was in class. It took me about ten or 15 minutes to get the identity card. I used it until the first generation identity card came. When we issued the second generation identity card,

we introduced something very fundamental in it. We introduced the thumb print as a way of identifying whether the holder is the owner. It is important for security reasons to know whether the person who holds the identity card is actually the owner. When we now insisted that everybody who had the first generation identity card surrenders that identity card and gets the second generation, most people did not because they knew somehow they obtained those identity cards easily but fraudulently because some information was not true. So, the issuance of the second generation identity card has been a bit difficult because of that security concern; that we make sure that whoever gets our identity card is actually a Kenyan because that is what the law provides. The law provides that we register Kenyans and not everybody who is within the borders in Kenya. For that reasons, we have found it a bit difficult.

Madam Temporary Deputy Speaker, when I got into the Ministry, I found that the country had been divided into border districts and non-border districts. I am in one of those areas which are considered to be border districts because Suba, where I come from, borders Uganda and Tanzania in the lake but to get to Entebbe in Uganda from Mbita you can travel by a very fast boat for 12 hours and yet it is considered to be a border district. I have always told them that there is no border between us and Uganda. In fact, it is more difficult to get a Ugandan in Mbita than to get a Somali there because the Somali fish in Mfangano Island and they are the biggest investors in fishing in the lake.

Of course, there is the voter registration. It is provided in the Elections Act that before you can register, you must have an identity card. So, it becomes very important and it has become our way of life. It has become the most primary document that anybody would need. I agree with you that without an identity card you can do very few things. You may not even travel because every time somebody might be suspicious that you are not a Kenyan and you have to show your identity card. We used to register in schools and we can still do that in schools. The only problem right now is that our officers who are four or five stay at the district headquarters. We cannot keep a large population of employees more than that. If they have to leave the office at the district headquarters to go to schools, chief's camps and markets then they will have to travel and maybe spend outside. Therefore, that needs some allowances. We have given the chiefs, the assistant chief and the elders a lot of power to tell us whether this person is the son of So and So.

In fact, it has come out that many people, not even on the Somalia border, but even in my own area--- I will give you an example, which I dealt with only recently. A young man finished standard Seven in Mr. Ogindo's constituency and went to work in Kericho. He needed an ID to work and he was still young; so, he lied that he was the son of so-and-so and his age was this. He was given an ID in the name of his cousin. Later on his teachers went and fetched him from the tea plantation. They told him, "You are a good boy you must go back to class. We will pay for you". He went and was admitted to the university to do engineering or another course. Then when he had to produce his ID, he knew that the name in the ID was very different from the name in his certificates. This was because the teachers used his real name, but the name he had on his ID was different.

He was in trouble. He then applied and said, "I confess I lied. This was not me. This is now me". It took Mr. Ogindo a lot of pain to explain in affidavits and so on; evidence from the chief, evidence from the Special Branch until we were satisfied that he was the real boy. Only recently, he got his ID and his loan.



Madam Temporary Deputy Speaker, imagine the pain we go through to make sure that one person is the person he says he is. It happens a lot in areas where there are large populations of foreigners like the North Eastern because of reasons---

**The Temporary Deputy Speaker** (Dr. Laboso): Minister, you have a few minutes.

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang’): Let me put it this way; this Motion is good. The only little thing that is a problem with it is the mechanism of doing things for the time being.

When we go to the third generation IDs what will happen is this: We will capture your data where you are, your photograph, name and whatever else, and then your form will be put in computer. It will be transferred electronically to the headquarters. The ID will be produced simultaneously. In fact, just because of transporting it back to you it might take some time. However, between the time you are registered and the time your ID is produced, it may not be 24 hours. So we are going to revolutionize the issuance of IDs. It will not be a problem anymore.

Madam Temporary Deputy Speaker, later when we get a little more money and we put systems in place in every district, we will be able to print your ID at the district. This is because we will be able to check the information at the headquarters. It will come back within seconds and tell us that you have not registered before, and so you can be registered. I have seen this happen in many places where we have gone for benchmarking and so on. So, it can be done.

I do not want to limit the vision that this Motion has, because it is achievable. It can be done. It is just a matter of equipping our headquarters and equipping our districts. The only thing that I do not think it says, and I do not want it to be imported, is that each county can register its own people in exclusion. We must check at a central data base whether you are a Kenyan or not, whether you have registered before, whether you have lied before or whether you have been a refugee before. So those things can be checked at the headquarters. However, producing an ID card will be done even at the district headquarters.

Thank you.

**The Temporary Deputy Speaker** (Dr. Laboso): Can we have the Mover?

**Mr. Affey:** Madam Temporary Deputy Speaker, because of the interest in this matter I will give Mr. Yakub two minutes and then I can continue.

**The Temporary Deputy Speaker** (Dr. Laboso): I hope you realize we have only five minutes left!

**Mr. Yakub:** Asante sana, Madam Spika wa Muda. Nitajaribu nichukue dakika mbili tu.

Mwanzo, ninaunga mkono Hoja hii iliyoletwa na Bw. Affey na ningependa kumfahamisha Waziri ambaye amejaribu sana kurekebisha haswa ofisi ya kupata cheti cha kusafiria--- Ukiangalia Sura ya 14(1) ambayo inaeleza wazi kwamba ikiwa mwenye kuomba kitambulisho ni Mkenya, basi mmoja kati ya wazazi inatosheleza yeye kupate kitambulisho. Sura ya 12(1)(b) kuhusu cheti cha kusafiria katika Katiba mpya inaeleza kwamba ni haki ya kila Mkenya kupata. Lakini ningependa kumfahamisha Waziri kwamba kwetu Pwani, shida hii ni ya ajabu. Mkenya akienda kuomba kitambulisho, huambiwa apeleke cheti chake cha kuzaliwa, cha babake na cha babu, kadi ya sindano,shahada ya shule, hati ya nyumba naleseni ya kufanya biashara kutokana na

mmoja katika wazazi. Haya ni mambo ambayo yanafanyika na ningependa Waziri ayafuatilie na atuhakikishie kwamba watu wa Pwana wasiwe wakidhulumiwa kwenye masuala ya kuomba vitambulisho. Si haki vitu hivyo vyote kuombwa bali Wakenya wengine hawaombwi vyeti hivyo saba au nane!

*(Applause)*

Hii ni haki yetu na kama Wakenya wengine, inafaa tupewe haki ya kupata vitambulisho na vyeti vya kusafiria bila kuchelewa.

Asante sana, Madam Spika wa Muda. Ninaunga mkono Hoja hii.

**Mr. Affey:** Thank you very much, Madam Temporary Deputy Speaker. I just want to thank the Minister and all my colleagues. This Motion has received contribution from 17 hon. Members and all of them, with one voice, have said that it is the right way to go. If we do not go this way, then there is a possibility, as hon. Members have said, that we can deny millions of Kenyans an opportunity to register as Kenyans. What we want to do is for the Minister and his staff to change their mindset and the policy and treat Kenyans as Kenyans because the problem is the mindset!

*(Applause)*

If there is a feeling that a section or part of this country is registering foreigners, target it and do not target the whole country in the hope of solving a problem that we have in one part of the country. I know if you decentralize this service in Coast, north eastern and all parts of Kenya properly, then many Kenyans will be registered. There is always a challenge, as you have already said. Challenges will arise but the Minister should not use them to deny Kenyans an opportunity to acquire an identity card. Because the Minister has said that he will do it; because the House has approved this with one voice; I know the Committee on the Implementation of the Constitution will now pick up this--- If it is a question of money, then the Minister should tell us that that is the problem. He should tell us that it is not the mindset, it is not the policy but it is only the resources and we will find the resources whether by the Government or by friends. However, this is a good thing for the country and we should implement it within the next six months so that before the next general election, the millions of applications we have here are processed and Kenyans are able to participate in these elections.

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

*(Question put and agreed to)*

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.