

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 6<sup>th</sup> September, 2011

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Fourth Session of the Second Parliament of the Pan African Parliament held from 9<sup>th</sup> to 20<sup>th</sup> May, 2011 in Midrand, South Africa.

*(By Mr. Imanyara)*

### QUESTIONS BY PRIVATE NOTICE

PLIGHT OF PRISON REMANDEE MR. JOEL MBUGUA

**Mr. Mureithi:** Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that Mr. Joel Mbugua has been in remand in Industrial Area Prison for the last one year and two months?

(b) Is the Attorney-General also aware that the case has been adjourned 16 times and mentioned 12 times?

(c) What is the Attorney-General doing to deal with the plight of Mr. Mbugua as well as all persons held in custody in similar circumstances in line with the constitutionally guaranteed rights and fundamental freedoms?

**Mr. Deputy Speaker:** Is the Attorney-General here? We will come back to that Question.

Next Question by Mr. Ethuro!

RATIO OF POLICE RESERVISTS *VIS-À-VIS* REGULAR  
SECURITY PERSONNEL IN TURKANA

**Mr. Deputy Speaker:** Mr. Ethuro!

*(Mr. Ethuro entered the Chamber)*

**Mr. Ethuro:** Let me catch my breath, Mr. Deputy Speaker, Sir!

I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) What is the ratio of Kenya Police Reservists (KPRs) in Turkana County *vis-a-vis* the other established security forces and could the Minister state their numbers and location?

(b) Why has the Government not deployed more KPRs in light of the worsening insecurity situation in the County and when will they be deployed?

(c) What are the terms and conditions of service for KPRs?

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

(a) The recruitment and deployment of KPRs---

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I do not have a copy of the written answer!

**Mr. Deputy Speaker:** The written answer?

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

*(Mr. Ojode threw the document across the Dispatch Box)*

**Mr. Deputy Speaker:** Order, Mr. Ojode! You do not throw papers across the Dispatch Box. You know the procedure!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I am aware of the procedure, but you will agree with me that the Questioner got into the Chamber late! So, I could not give it to him!

*(Mr. Ethuro picked up the document from the Dispatch Box)*

**Mr. Deputy Speaker:** Order! Mr. Ethuro, could you give back that answer to the Assistant Minister and have it furnished to you using the right procedure of this House?

*(Mr. Ethuro perused the document)*

Mr. Ojode, we do not run this House like--- Mr. Ethuro, give it back to the Assistant Minister and take it the normal way it is done!

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, he is even giving me a Statement on Uasin Gishu County!

*(Mr. Ethuro threw back the document across the Dispatch Box)*

*(Mr. Ojode picked up the document)*

**Mr. Deputy Speaker:** Mr. Assistant Minister, at the rate you are flouting the rules of the House, you risk serious sanctions! Can you give the House the dignity it

deserves and use the normal process that is the practice? You are not a newcomer to this House!

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

(a) The recruitment and deployment of KPRs is based on security threat in an area. Turkana County has one of the highest numbers of KPRs in the country. Currently, there are a total of 1,142 KPRs serving in Turkana County in the following areas: - Loima District, 190; Turkana North West, 353; Turkana East, 86; Turkana South, 253; Turkana Central, 260. That gives us a total of 1,142. The deployment of the newly recruited KPRs was delayed due to lack of funds to purchase more uniform, firearms and ammunition. However, the Government has now finalized the vetting of 1,328 additional KPRs to address the security needs of the county. Those KPRs will be trained and deployed to work in the following areas in the next three months: Turkana East, 134; Turkana West, 337; Turkana South, 266; Turkana North, 363; Loima, 82 and Turkana Central will get 266. Those are the additional number which we are going to give within three months. This will bring the total number of KPRs in Turkana County to 2,470.

(b) In accordance with the new National Police Service Act, 2011, Section 3(1), (2) and Section 112(1) provides that a certificate of appointment shall be issued to every KPR and shall be evidence of appointment under the Act. A reserve police officer shall be recruited, enlisted and trained in accordance with the rules and regulations developed by the Kenya Police Service Commission. Every reserve police officer enrolled shall serve for a period of two years and may, thereafter, be re-engaged for a further period of two years. Every reserve police officer shall serve voluntarily and shall not be entitled to claim any remuneration for his services, save for such allowances. However, the Inspector-General may, in consultation with the Cabinet Secretary, call out all or any reserve police officer during a state of war or a state of emergency under Article 58 of the Constitution. When so called out, he shall remain on duty until released from duty by the Inspector-General. When mobilized pursuant to Section 113(2), a reserve police officer shall receive such pay and allowances as may be prescribed for a police officer of corresponding rank and seniority in such rank. In accordance with the new Act, arrangements are being put in place to pay the KPRs allowances when engaged in security operations. The Government will implement the provisions of the new Act with regard to the welfare of the National Police Reservists when they are engaged in security operations.

Thank you.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for, at least, finally shedding light on this issue that has been here for a long time. But if you look at the answer he has given to part "a"--- Part "a" asks: "What is the ratio of the KPR *vis-a-vis* the other established security forces?"

The Assistant Minister has conveniently not responded to the other established forces. What this Government has done where I come from is to make the Kenya Police Reservists (KPRs) be known as *Kufa Pamoja na Raia*. The Government has not deployed security forces who are properly remunerated and given allowances when they are on duty. However, that is for you to determine. Why did it take the Assistant Minister so long, from the time they were recruiting the additional officers in October last year, to now come to ask for another three months? Three months from September is basically

taking us to the end of the year! That is basically one and a quarter years. In the meantime, even as I speak, last weekend Lorogon Village in Turkwel Gorge was attacked and the few there policemen were being killed! Could he reduce the period of recruiting additional KPRs to, at least, one month, because we have already given him the budget?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I do not have any problem with what the Questioner is requesting. The reason it has taken time was for us to get the right people who are going to be given guns. That is why we had to take long in vetting. Vetting about 1,300 people to be employed as KPRS is not an easy task. We were also waiting for the Department to buy the ammunition for those who were being vetted. So, if need be, I will try and fast-track the process. Once we have the uniforms and the ammunition, we will definitely reduce the period from three months to two months, or whichever comes earlier. I agree with you fully.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, the Assistant Minister says that part of the reason for the delay is because they were getting ammunition for the people who were to be vetted. Do you supply the ammunition before vetting? If so, then why vet?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, first, you have to vet those who will carry the firearms and ammunition. You cannot buy the guns or firearms before you know how many people are going to use those firearms. So, I think it is completely in order for me to purchase the firearms and then continue with the vetting after which, we will arm them. The insecurity bit which has been really a problem within that corridor will be a thing of the past. Let us hope for the best!

**Mr. Ngugi:** Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister what the rationale of employing additional KPRs in some areas is, but not hire KPRs where there is a shortage of security personnel?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, first, we take into consideration areas which are prone to insecurity. The KPRs are people who will live with the people within that area. Since we also have the community policing, if there is any tension or anything for intelligence gathering, the KPRs will take over straightaway to thwart any kind of insecurity which is intended.

**Mr. Deputy Speaker:** Last question, hon. Ethuro!

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, the Assistant Minister is quoting Section 113(2) of the Act in terms of a reserve police officer receiving such pay and allowances as may be prescribed by a police officer when on duty. The KPRs in Turkana County are permanently on duty because of the continuous threat by the people attacking them. What special compensation mechanism is he proposing for those KPRs that are in constant threat and are actually doing a good job on behalf of the Government rather than waiting for the Inspector-General to pay them honoraria when and if they are on duty? These ones are permanently on duty!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, as at now, we do not have that component of paying salaries. However, what the Bill says is that we pay them allowances. That will be paid for all those who have been recruited to perform the duties of KPRs. That is what the law says.

DISAPPEARANCE OF SENIOR SERGEANT  
JONATHAN KIPKOSGEI KANGOGO

(**Mr. Chepkitony**) to ask the Minister of State for Defence:-

(a) Under what circumstances did Senior Sergeant Jonathan Kipkosgei Kangogo (Service No.69359), an officer in Supplies Section at Kahawa Garrison, disappear while on duty in Wajir on 24th June, 2011?

(b) What steps has the Government taken to establish the officer's whereabouts?

(c) Why has the Government not informed the officer's next of kin about his disappearance or whereabouts?

**Mr. Deputy Speaker:** Is hon. Chepkitony not here?

DISBURSEMENT OF GRANTS TO STUDENTS IN  
PUBLIC PRIMARY TEACHERS' COLLEGES

**Mr. Pesa:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Could the Minister state the amount paid in fees by a student in public primary teachers' colleges and indicate the amount awarded by Government as grant to a student per year to supplement the fees?

(b) Under which Votes is the grant charged and how is the same disbursed to the beneficiaries?

(c) What measures has the Ministry put in place to ensure that needy students do not lose their places in the colleges due to lack of the lumpsum fees now demanded by the institutions?

**The Assistant Minister, Ministry of Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The current fees charged to a student in a public primary teachers training college is Kshs29,975 per year. This is exclusive of uniforms and computer charges. However, due to escalating prices of various commodities, the Ministry of Education is in the process of reviewing the fees upwards. The Government does not award any grant to students to supplement the fees charged. However, each year, Kshs10 million is provided for the 21 teacher-training colleges as bursary assistance for needy students. For transparency, I direct teacher training colleges to display names of the beneficiaries and the amounts awarded on the respective notice boards. I also direct them to disseminate the same information to the Constituencies Development Committees of the districts where the students come from to avoid duplication.

(b) Considering the answer to "a" above, "b" does not arise.

(a) To ensure that needy students do not lose their places, I direct that fees be paid in two installments; 50 per cent in Term 1 and the other 50 per cent in Term 2. The Ministry has a policy that allows students who are unable to raise fees all together, one year fees leave.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for this answer which has brought in very many useful new support to the parents in this country. When he says that he is directing, could he clarify whether he is doing it now or he has done it, so that all the principals and the CDF offices that he is referring to have got copies of his directive?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I am doing it now and the circulars will go out immediately.

**Mr. Deputy Speaker:** Last question, hon. Pesa! If you are satisfied, you could as well say so!

**Mr. Pesa:** Mr. Deputy Speaker, Sir, I am almost satisfied! However, there is a point that I think is not very clear still. This idea of him saying that you have one-year fees leave for the students to stay in the colleges needs to also be sent to the principals and even Members of Parliament in the circular form, so that our students are not actually chased away. In the past, many students lost their chances because they could not raise fees by one single installment. At the moment, the fees paid in our primary teachers training colleges is close to Kshs50,000. Most of our parents are not able to raise this. This is why I decided to ask this Question. Could he now promise that he will ask the principals to charge this one by two installment? Could he assure this House that he will talk to all principals, so that no student is sent back home because he cannot raise 100 per cent of the fees charged, which is about Kshs50,000?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, on the issue of one year fees leave, I would like to clarify that it is a policy of the Ministry of Education. If, for example, a student is admitted this year and is unable to raise fees all together, then that student should notify the college and his place is kept for the coming year. If, on the other hand, the student has already served in college for one year, then a similar arrangement is made for the second year. That is what it means. If you want us to further communicate this together with the other information, we will do so. On the issue of fees payment, I would like to tell my colleague that this is a directive I am giving and it shall be enforced.

**Mr. Deputy Speaker:** We will go back to Question No.1 by Private Notice. Hon. Erastus Mureithi.

#### PLIGHT OF PRISON REMANDEE MR. JOEL MBUGUA

**Mr. Mureithi:** Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that Mr. Joel Mbugua has been in remand in Industrial Area Prison for the last one year and two months?

(b) Is the Attorney-General also aware that the case has been adjourned 16 times and mentioned 12 times?

(c) What is the Attorney-General doing to deal with the plight of Mr. Mbugua as well as all persons held in custody in similar circumstances in line with the constitutionally guaranteed rights and fundamental freedoms?

**The Attorney-General** (Prof. Muigai): Thank you very much Mr. Deputy Speaker, Sir. I want to apologize for coming into the Chamber late. I was trying to familiarize myself with the geography of the House.

However, I beg to reply.

(a) The Attorney-General is aware that Mr. Joel Mbugua has been in remand at the Industrial Area Prison for the last one year and two months. He was charged with Criminal Case No.4199 of 2010 with the offence of obtaining money by false pretence. He was granted bail but was unable to raise the bail amount despite the court varying the amount.

(b) The Attorney-General is also aware that the case has been adjourned several times for many different reasons, which include the disappearance of the first accused, the co-accused to Mr. Mbugua who is, at the moment, on bond. There has also been failure to produce the second accused in court by the prison authorities. On a number of occasions, the prosecution was unable to proceed with the hearings for various reasons.

(c) Under the current constitutional dispensation, the Constitution has created an autonomous independent office of the Director of Public Prosecutions. Since the current Director took office, the responsibilities hitherto vested in the Attorney-General are vested in him. I am aware that between him and the Chief Justice, there is a major effort to reform the criminal justice system including, and not limited to, addressing the question of delays in the finalization of cases. I would like to assure this House that my office takes very seriously the issue of availing expeditious justice to persons charged before our courts. I intend, at the very earliest opportunity, to put in place an effective comprehensive Legal Aid Programme that would assist citizens in the circumstances of Mr. Joel Mbugua.

**Mr. Mureithi:** Thank you, Mr. Deputy Speaker, Sir. I am very grateful for the answer given by the Attorney-General. However, I would like to inform him that the said Mr. Joel Mbugua was given a bail of about Kshs1 million. The variation of the bail reduced that amount to Kshs800,000. Later, the police were able to arrest the second accused. The second accused was given a bond and yet, the prison officers have been unable to present him during hearings. My concern to the Attorney-General is: According to the new Constitution which the Attorney-General has referred to, even under the Judiciary part--- I will read Section 159(2) (a).

It reads:-

“Justice shall be done to all irrespective of status.”

Section 159(2) (b) says: “Justice shall not be delayed.”

That man has been in custody for more than 14 months. What will the Attorney-General do to avoid such cases, including that of Joel Mbugua, of people languishing in prison when the co-accused has been discharged on bond, prison officers have failed to present him in court and the accused continues to suffer in custody?

**The Attorney-General (Prof. Muigai):** Mr. Deputy Speaker, Sir, I thank the hon. Member. I would like to reassure him that my office, the Office of the hon. Chief Justice and the Office of the DPP are very concerned about such problems within our criminal justice system. However, the discretion as to the amount of bail in each individual case lies with the judicial officer. That judicial officer is called upon by the law to consider a variety of things, including the likelihood that the accused person may abscond.

I am, therefore, not in a position to comment as to whether, in the circumstances of this case, this was a fair or unfair bail. Having said that, my office and that of the DPP will endeavour, to the largest extent possible and within the law, to have a deliberate process of decongesting our prisons by ensuring an expeditious disposal of minor cases of that nature. The amount involved in that case was about Kshs1.5 million. In the circumstances of that case, two years is a long time.

Thank you.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, the Attorney-General is not addressing himself to that particular case. He is talking about a policy of decongesting

prisons, among other things. We are talking about Joel Mbugua and not about the policy of decongesting prisons. We want to know the following from the Attorney-General:

Mr. Deputy Speaker, Sir, Section 49 of the Constitution, which he taught me about as my professor in law, talks about the Rights of the Accused Persons. You said, at that time, because there were similar rights of the accused persons, that, under Section 49 of the Constitution, an accused person, as in this case, has certain rights and you know them.

Section 49(1)(h) reads: To be released on bond or bail, on reasonable conditions, unless there are pending or compelling conditions for him not to be released.

The Attorney-General has admitted that the initial bail that was given could not be raised because it was varied. Is it not possible for him, as the Attorney-General of the Republic of Kenya, to take up this particular matter and find a way in which the Government can get Mr. Joel Mbugua defend his case from outside? Is it not possible as your first act of good faith for this country?

**Mr. Deputy Speaker:** Clearly, our own Constitution and practice bars us from discussing the conduct of judicial officers whether a bail is adequate or not adequate. If it has to be appealed against, then it must be through a procedure. That is the essence of that sanctified doctrine of separation of powers. The Attorney-General is under no obligation and I think he will be wrong---

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

**Mr. Deputy Speaker:** Order! In the opinion of the Chair, and the Chair has got a responsibility to protect the Constitution, the Attorney-General to discuss the conduct of a judicial officer, a Judge or a magistrate--- The only way that can be varied is not by him giving an undertaking on the Floor of the House! There is a procedure and a process! Hon. Members, you are lawmakers!

**Mr. Baiya:** On a point of order, Mr. Deputy Speaker, Sir. I am quite alive to the fact that the newly-appointed Attorney-General is quite clearly in a position to respond to the issues being raised. I want to request the Chair to let him respond to our concerns, more particularly---

**Mr. Deputy Speaker:** Order! There is a responsibility on the Chair not to allow a debate that touches on the dignity, integrity and conduct of the administration of justice through the law courts. This is provided for both in our Standing Orders as well as in our Constitution.

But, nonetheless, Mr. Attorney-General as the adviser of the Government, could you, please, proceed and shed more light on this?

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. You know this House refers always to the ruling of the Chair. We have no reason whatsoever to challenge your ruling. However, we are not discussing the conduct of the Judiciary or a judicial officer. Mr. Mungatana, in fact, put it so eloquently and professionally that according to this Constitution, there are some reasonable conditions in which the Government can dispense justice. The same Constitution hon. Mureithi read further says in Article 159(d) that:-

“Justice shall be administered without undue regard to procedural technicalities.”

This House has a responsibility to this nation and to appeal to the Attorney-General. In fact, he has confirmed this is a problem and he is working on it. This House is



asking him, as we congratulate him, to demonstrate in this particular case of Joel Mbugua, what he will do for the rest starting his work as the Attorney-General of the Republic.

**Mr. Deputy Speaker:** Order! The Attorney-General as the legal advisor to the Government, can give an undertaking on behalf of the Executive in its conduct. However, he cannot discuss the conduct of a judicial officer on the Floor of the House! He cannot say that a judge has either made it too high or too low! You appeal if that has to be done! What we are arguing now is not to be argued on the Floor of this House. It is argued in the court!

Nonetheless, proceed, hon. Attorney-General.

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! You are out of order, Dr. Nuh!  
Proceed, Mr. Attorney-General!

**The Attorney-General** (Prof. Muigai): Mr. Deputy Speaker, Sir, first, I want to very respectfully agree with the Chair entirely on its interpretation of the law. It cannot be open to the Attorney-General to discuss matters that are pending in court, for example, the merits or demerits of actions taken by judicial officers.

Having said that, I want to reassure this House, as my first act as the Attorney-General, that I am personally, and my office, committed to a criminal justice system that is fair, expeditious; that considers and treats the Kenyan people in the manner anticipated by our new Constitution.

This House, in its wisdom, and the Kenyan people in their wisdom decided to transfer the powers of criminal prosecutions from the Attorney-General to the DPP. I will do everything in my power to ensure that the sentiments of this House are transmitted to the office of the DPP. That office should bring to the prosecution system a more sensitive attitude to the rights of accused persons.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I appreciate the point made by the Attorney-General regarding the role and duties of the DPP. However, he remains the spokesman for the Government. Even though the powers to prosecute may have been transferred to the Office of the DPP, it is the him who answers Questions in this House relating to the Office of the Attorney-General.

Secondly, he is also the protector of public interest. I am asking him a specific question with regard to Mr. Joel Mbugua as the protector of the public interest and as somebody who is satisfied that reasonable conditions have not been met with regard to getting Mr. Mbugua released on bail. Will you move to court, as you are required to do, for the Government and make an application to the High Court, so that the High Court in its supervisory jurisdiction, can alter the terms of bail for Mr. Joel Mbugua to enable him either to be free or to enable the termination of these proceedings on the grounds that a miscarriage of justice has occurred on account of the period served? Currently, Mr. Mbugua is serving a prison sentence before he is convicted! Could you give us that assurance?

**The Attorney-General** (Prof. Muigai): Mr. Deputy Speaker, Sir, I want to assure Mr. Imanyara, and hon. Members, that I will take such steps within the law to allow for a review of the case facing Mr. Joel Mbugua Waweru and also all those cases facing Kenyans in our justice system who have been unduly incarcerated before their trials.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. The practice in this House is for a timeline to be given. We require the Attorney-General to give the timeframe within which he will take these measures.

**Mr. Deputy Speaker:** Order, hon. Imanyara! You are a lawyer yourself and you have heard the Attorney-General give the facts as they are provided in the law. That probably is not the right interpretation. You might not respect the current interpretation; that probably are not the sentiments and the anticipation of the House. Nonetheless, could the hon. Mureithi ask the last supplementary question and the Attorney-General can respond to both?

**Mr. Mureithi:** Mr. Deputy Speaker, Sir, as you can see, it has elicited a lot of interest because I am sure there are quite a lot of other people who are languishing in prison without due justice. Considering that our Attorney-General is one of the very reputed lawyers in constitutional matters, and is also a university professor. I would like to congratulate him. I would like to draw his attention to Chapter 4 of the Constitution about the Bill of Rights; Article 21(1) grants individual rights and says that: "It is the 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". Could the Attorney-General inform the House when we should expect to get justice given to Joel Mbugua and the many others who are languishing in prison under similar circumstances?

**The Attorney-General (Prof. Muigai):** Mr. Deputy Speaker, Sir, I want to assure hon. Members that I will act on this matter expeditiously, and I will seek to revert to the House as soon as it is practically possible.

**Mr. Deputy Speaker:** Question No.3 by Private Notice by hon. Chepkitony.

DISAPPEARANCE OF SENIOR SERGEANT  
JONATHAN KIPKOSGEI KANGOGO

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, I wish to apologise for coming late.

Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Defence the following Question by Private Notice.

(a) Under what circumstances did Senior Sergeant Jonathan Kipkosgei Kangogo (Service No.69359), an officer in the Supplies Section at Kahawa Garrison, disappear while on duty in Wajir on 24th June, 2011?

(b) What steps has the Government taken to establish the officer's whereabouts?

(c) Why has the Government not informed the officer's next of kin about his disappearance or whereabouts?

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

(a) I would like to state that the incident occurred on 24<sup>th</sup> July, 2011 at about 0730 hours, and not on 24<sup>th</sup> June, 2011 as stated by hon. Luka Chepkitony, MP, for Keiyo North. Three soldiers, namely Sergeant Said Abdulaziz Haji, who was the driver of the vehicle, Sergeant Kangogo and Corporal Mutoro while on military supply duties in North Eastern Province in Wajir County, lost their way and entered and travelled inside Somalia until they were intercepted by Transitional Federal Government (TFG) soldiers about 60 kilometres inside Somalia. It is believed that Sergeant Kangogo and Corporal Mutoro escaped from the TFG troops, who had initially intercepted them. At that time, the TFG

troops could not establish if they were friendly soldiers or *Al Shabaab* elements. Up to now, their whereabouts remain unknown. Sergeant Haji, however, was surrendered by TFG troops to his unit together with his military vehicle.

(b) The Kenya Defence Forces have been carrying out inquiries, including a board of inquiry to establish the status of Sergeant Kangogo and Corporal Mutoro. According to military procedures, Sergeant Kangogo and Corporal Mutoro are classified as missing in action.

(c) The family of Sergeant Kangogo was notified of his disappearance on 10<sup>th</sup> August 2011, while Corporal Mutoro's family was notified on 14<sup>th</sup> August 2011. This was done by the mother unit; that is, Kenya Army Ordinance Corps. The search for the two soldiers is still ongoing.

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, I would like to thank the hon. Assistant Minister for the answer. However, it is not clear how Sergeant Said Abdulaziz Haji was able to be released and the other two were not released. Could the Assistant Minister inform the House why the two disappeared and the vehicle was recovered and Sergeant Haji was released? Was it a conspiracy by Sergeant Said Haji or what happened?

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, if the hon. Member followed the answer to the Question, I said that these three soldiers were intercepted by TFG troops inside Somalia. The TFG troops did not know whether these were friendly troops or not. The TFG are government troops. They did not know whether they were government troops or *Al Shabaab* troops. Therefore, Sergeant Kangogo and Corporal Mutoro decided to escape from the TFG troops, who thought they were members of the *Al Shabaab*; Sergeant Haji, who was the driver of the vehicle, was left behind. So, there was no conspiracy between Sergeant Haji and the capturing troops.

**Mr. Duale:** Mr. Deputy Speaker, Sir, I want this Assistant Minister to come out very clearly. The border between Wajir County and Somalia is controlled by the *Al Shabaab*, and he must tell the nation the truth because this Government supports the TFG. If this Government cannot return Kenyans who are under the custody of TFG troops, could he confirm to the House and the nation whether these officers are under the custody of the *Al Shabaab* militants?

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, I think that is a very wild allegation. The Kenya Somalia border at this area is not controlled by *Al Shabaab*. It is controlled by the TFG troops. I am saying that our soldiers were intercepted by the TFG troops. The two, Messrs. Kangogo and Mutoro, decided to escape and left Haji behind. So, there was really no conspiracy. What you are asking is if *Al Shabaab* are in control of the other side. That is not my responsibility. It is the responsibility of the Somalia Government.

**Mr. Duale:** On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is misleading the House and the nation. I want to confirm that the southern part of the Somalia, which borders Kenya, is controlled by *al Shabaab*. Could he give an explanation on this issue? I have said it again that the TFG Government is in partnership with the Kenya Government. Could he inform the nation the reason why the TFG Government is holding Kenyans?

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, I think the hon. Member is not listening! I said, and I will say it again, that when our soldiers got lost along the border at

this area, they drove 60 kilometres inside Somalia. They were intercepted by the TFG troops. In the process, Sergeant Kangogo and Corporal Mutoro decided to escape from the TFG troops. So, their whereabouts still remain unknown, and mark my words. Sergeant Haji who was the driver of the vehicle was later on surrendered with his vehicle by the Transitional Federal Government (TFG) troops to our troops along the border.

**Mr. Deputy Speaker:** Yes, Mr. Koech!

**Mr. Koech:** Thank you, Mr. Deputy Speaker, Sir. These are Kenyan soldiers working for this nation and they have disappeared for more than a month now and the Assistant Minister claims that they ran away from the forces of Somalia. However, he has not indicated to us how they ran away from them. Was it on foot or by vehicle, because they left the vehicle behind? But more importantly, the Assistant Minister has claimed that they are going on with the investigations. What do investigations entail? Do we now have our military in Somalia searching for these people?

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, the first part of the question is how they got away from the TFG forces. It is the initiative of the individual. If you are captured, and it is part of the training, you must do everything possible to get away from the enemy. Maybe that is the initiative the two used. I was not with the soldiers; that is if you ask me how they ran away. So, they must have used their initiative. Maybe they are still finding their way back to Kenya. That is why we have said that their whereabouts remain unknown.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the honourable Maj-Gen. Nkaisserry to tell this House that he cannot explain how people disappeared because he was not with them and yet he is supposed to get that information to the House? We do not expect the Assistant Minister to be the one in combat, but he must get the proper information of what happened. Is the Assistant Minister in order to claim that he cannot explain how those soldiers disappeared because he was not with them?

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, I am in order! I was actually coming to that and the hon. Member should be patient enough to listen! All of us were not with these soldiers and we are still investigating. That is why I have said that an inquiry is being conducted by the Board of Inquiry put in place by the unit. What is an inquiry? We are talking with the TFG soldiers so that we can know whether those soldiers were captured by the *Al Shabaab* when they ran away from the TFG. This is what we are saying. So, if you ask me how they got lost or ran away, I will say that maybe they were not having a map or a compass, and maybe they are still finding their way back home. This is the point I am trying to explain.

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

**Mr. Deputy Speaker:** Mr. Koech, you had your shot at a question! What is not so much in order now?

**Mr. Koech:** Mr. Deputy Speaker, Sir, is the Assistant Minister in order to evade my question? The question was: "What do investigations entail? He has refused to answer that bit of the question!"

**Mr. Deputy Speaker:** Do you want him to tell you exactly how he is investigating the whereabouts of any of our officers who is in the enemy territory? Can you give that information on the Floor of the House? That will compromise the security

and the safety of our own officers there. So, do it in a manner that essentially shows that you understand that this is a security matter!

**Mr. Koech:** Mr. Deputy Speaker, Sir, we are talking of people who belong to families which are having sleepless nights. They want confirmation from the Government on its commitment to investigate.

**Mr. Deputy Speaker:** Order! Mr. Assistant Minister, on matters of security, our practice all along, and the practice the world over, is that whatever you feel compromises our own security, you say so and you are not mandated to answer that unless we are in camera! This is a sovereign state with its own security considerations!

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, I totally agree with your statement and I have nothing else to add. It is very important that we should not ask laymen questions in this House which touch on interests of national security or soldiers we are trying to recover and bring back to this country. I think I have answered this question adequately.

**Mr. Deputy Speaker:** Fair enough! Ask your last supplementary question on this, Mr. Chepkitony!

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

Order! On matters that concern our national security, there is always the Committee that can engage the relevant Ministers in camera. That is the practice world over, hon. Members!

Mr. Chepkitony, ask your last supplementary question!

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

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

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, just as a special consideration, the young man called Evans K. Mutoro, Service No.78658, comes from Kakamega. His family is well known to me and it has spoken to me.

Mr. Deputy Speaker, Sir, could you give me that consideration to ask just one question for that reason?

*(Applause)*

I know Evans Mutoro who works in the Transport Battalion at Kahawa Barracks. This young man could not have gone to Somalia unless he had been deployed there!

**Hon. Members:** Yes!

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, the Assistant Minister has clearly told the House that Evans Mutoro is missing in action, which means that he had been sent to action in Somalia. Could he confirm whether members of the Armed Forces of Kenya are fighting alongside the Somali Forces to contain the *Al Shabaab* and, in the process, he is exposing Kenyan youths the way he has killed Mutoro from Kakamega County?

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, that is an outrageous statement! I want to go back---

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order!

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, I want to go back to my first answer.

**Mr. Deputy Speaker:** Proceed!

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, I want hon. Members to listen and I will go very slowly.

Mr. Deputy Speaker, Sir, I would like to state that the incident occurred on 24<sup>th</sup> July 2011 at about 0730 hours and not on 24<sup>th</sup> June 2011 as was asked by Mr. Chepkitony, the Kerio North MP. The three soldiers namely Sergeant Said Abdulaziz Haji, who was the driver, Sergeant Kangogo and Corporal Mutoro, while on military re-supply duties in North Eastern, Wajir County, lost their way and entered Somalia at Diffu until they were intercepted by TFG troops about 60 kilometres inside Somalia.

I want to be emphatic here! On re-supply, we have military bases---

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

**Mr. Deputy Speaker:** Order!

**Maj-Gen. Nkaisserry:** Please, listen to me! What will you ask? You asked me a question and I have to explain to you so that you can get satisfied!

*(Mr. Chanzu and Dr. Nuh stood up in their places)*

**Mr. Deputy Speaker:** Order! Mr. Chanzu and Dr. Nuh, you are out of order! Allow the Assistant Minister to answer the question.

**Maj-Gen. Nkaisserry:** How do you rise on a point of order when I am still telling you the truth? You have a big problem!

*(Loud consultations)*

**Mr. Deputy Speaker:** Order!

**Maj-Gen. Nkaisserry:** Can I continue, Mr. Deputy Speaker, Sir?

**Mr. Deputy Speaker:** Yes!

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, it is very important that this august House understands the predicament I am in as the Assistant Minister, Ministry of State for Defence, because these soldiers were taking re-supplies to our troops in Wajir County. We have permanent military bases in Wajir and Mandera where we patrol the border. The hon. Members should not ask me to tell them exactly how we deploy our soldiers at our border on the Floor of this House.

**Mr. Deputy Speaker:** Order! Can you just conclude your answer?

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

Order! Mr. Chepkitony, can you ask your last supplementary question on the same?

**Mr. Chepkitony:** Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that the soldier who escaped together with the vehicle was hurt. Does it mean that the interception by the TFG was by force and they were shot at? This raises the

possibility that the two missing soldiers may have been killed or what might have happened? The Assistant Minister should be able to confirm this. How was the other soldier hurt? Was he beaten or what really happened? This is because the Assistant Minister is with Mr. Haji.

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, the injuries on Haji were not caused by bullets. We, however, cannot speculate on the situation of the two missing soldiers. We are still investigating. This is what I have said.

**Mr. Deputy Speaker:** Next Question---

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir. Since this is a matter that entails the lives of Kenyans who are serving in the military and the Assistant Minister seems to be non-committal; just giving an open statement that: "We are investigating", would I be in order to request that you guide the Assistant Minister to give us a tentative date on which they expect to complete these investigations so that at least the families and relatives of these Kenyan soldiers can be assured that the Government would give a report within a certain time limit?

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, under the international law, if we cannot find the two soldiers after six years, we will declare them dead.

**Mr. Deputy Speaker:** Next Question Number 763 by Mr. Abdul Bahari!

## ORAL ANSWERS TO QUESTIONS

### *Question No.763*

#### LEVEL OF GIRL-CHILD ENROLMENT IN MARSABIT/ISIOLO COUNTIES

**Mr. Deputy Speaker:** Mr. Bahari is bereaved and I direct that this Question be placed on the Order Paper when he is available to ask it.

*(Question deferred)*

### *Question No.1058*

#### LIST OF ROADS MAINTAINED BY CESS COLLECTED BY KTDA

**Dr. Kones** asked the Minister for Agriculture:-

(a) whether she could table details of the total cess collected from each of the KTDA-managed tea factories, multinationals and private factories from September 2010 to-date;

(b) how much of the tea cess from each factory was remitted back for rural roads maintenance; and,

(c) whether she could provide a list of roads maintained by each factory from 1st October, 2010 to date, indicating how much was spent.

**The Assistant Minister for Agriculture** (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I hereby table details of the total cess collected from each KTDA-managed factory, multinationals and private factories from September 2010 to June 2011, which I tabled last time.

*(Mr. Mbiuki laid the documents on the Table)*

(b) The Tea Board of Kenya (TBK) remitted a total of Kshs377,300,044 back to KTDA-managed factories, multinationals and private factories for the rural roads maintenance through the District Cess Committees and local authorities.

(c) Last time, I tabled the list of roads maintained by each tea factory and the respective expenditures for the period September 2010 to June 2011.

**Dr. Kones:** Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for his very comprehensive answer. Tea cess has been one of those funds without a proper structure that can be audited. I have looked at the roads that have been mentioned to be maintained using the cess and they are the same roads maintained through other funds, for example, the Kenya Roads Board (KRB) Fund. What mechanism has the Ministry put in place to ensure that these funds are actually used for the intended purposes and that these funds are audited?

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, the 1 per cent cess collected from farmers is normally specifically for the tea belt zones. We have the normal funds used for the routine maintenance within that particular sector. These funds are audited by the KTDA and the TBK.

**Mr. Linturi:** On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister is trying to avoid answering Dr. Kones' question. If I heard him clearly, the question was that some of the roads being maintained using the tea cess are also maintained using other funds like the KRB money. Therefore, Dr. Kones' question was what the Ministry is doing so that there is no duplication in the maintenance of those roads so that money is not spent from different sources for maintenance of the same road.

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, I was quite clear on that. Within the particular tea zone, the cess committee normally meets and looks at the various roads which have not been maintained by use of other funds. Those are the specific roads which are normally allocated funds by the respective tea committees. Therefore, there is no duplication of the same.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I think there is a portion of the question that the Assistant Minister is not answering. He is saying that the Board goes round and looks for roads. I think the question is: When are you going to make sure that this Board liaises closely with the other agencies that are doing roads in this place so that they do the proper thing? By just going to look around, they will not know what is being done.

**Mr. Mbiuki:** Mr. Deputy Speaker, Sir, in the normal Constituencies Roads Committee, we normally request the representation of KTDA and other agencies so that there will be no duplication. We normally get a lot of input from the KTDA when the Constituencies Roads Committee meets so that there will be no duplication of the same.

**Mr. Deputy Speaker:** Last question, Dr. Kones!

**Dr. Kones:** Mr. Deputy Speaker, Sir, I can see there is still a bit of interest there--

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**Mr. Deputy Speaker:** Order! That is the Chair's responsibility! Proceed!



**Dr. Kones:** Mr. Deputy Speaker, Sir, I am satisfied with the answer.  
**Mr. Deputy Speaker:** Next Question!

*Question No.1125*

SHORTAGE OF MAIZE IN KENYA

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

(a) the cause of the current maize shortage in the country considering that there was no drought experienced in 2010;

(b) why the Government has failed to stock the Strategic Grain Reserve (SGR) with maize at the appropriate time; and,

(c) why the Government is importing maize at the high prices and yet the National Cereals and Produce Board (NCPB) did not purchase maize from local farmers.

**Mr. Deputy Speaker:** Mr. Deputy Leader of Government Business, this Question has had to make endless shuttles between the Ministry of Agriculture and the Ministry of State for Special Programmes. The Chair does understand that there is a bit of it that concerns the Ministry of Agriculture and there is also a substantial bit that concerns the Ministry of State for Special Programmes. Could the Government make up its mind on who is going to answer it?

**The Minister for Transport** (Mr. Kimunya): Indeed, Mr. Deputy Speaker, Sir, there has been consultation between the two Ministries. Part “a” of the Question is squarely within the Ministry of Agriculture. Parts “b” and “c” are within the Ministry of State for Special Programmes and they have provided the information. The Ministry of Agriculture would like to only respond to their bit. Therefore, I would like to ask that you give us some time to get the coordination and hopefully get this through to the Office of the Prime Minister because of the inter-Ministerial linkage between the two.

**Mr. Deputy Speaker:** So when will you have sorted out your internal issues?

**The Minister for Transport** (Mr. Kimunya): By next Wednesday.

**Mr. Deputy Speaker:** The Chair directs that this Question be listed on the Order Paper two weeks from today.

*(Question deferred)*

*Question No.1096*

HIGH COST OF POWER INSTALLATION BY KPLC

**Dr. Otichilo** asked the Minister for Energy:-

(a) why the Kenya Power and Lighting Company Ltd. (KPLC) is demanding Kshs.170,416 from Ebukuya Primary School in Emuhaya District for a single phase 4KVA supply of electricity instead of Kshs55,000; and,

(b) why the construction and installation of electricity by KPLC is generally more costly than by the Rural Electrification Authority (REA).

**The Minister for Energy** (Mr. Murungi): Mr. Deputy Speaker, Sir, I want to seek the indulgence of the House. This Question was to be answered by the Assistant Minister, Mr. Magerer. I am not sure of what has happened. Allow me to find out and then we can answer the Question tomorrow.

**Mr. Deputy Speaker:** The Chair directs that, under the circumstances, this Question be listed on the Order Paper tomorrow afternoon!

*(Question deferred)*

Next Question!

*Question No.1119*

POLICE HARASSMENT OF WATER/REFRESHMENT VENDORS  
AT GARISSA/MORORO BRIDGE

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

(a) whether he is aware that youth selling water and other refreshments at the Garissa/Mororo Bridge are habitually harassed by police officers manning the bridge; and,

(b) what measures he will take to ensure the youth are not harassed considering that they are engaging in a lawful business.

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

(a) I am not aware that youth selling water and other refreshments at the Garissa/Mororo Bridge are being harassed by police officers. However, I am aware that the Garissa/Mororo Bridge is classified as a vital security installation, which is guarded on a 24-hour basis. As such, no persons are allowed to conduct any business within the vicinity of any vital installation.

The bridge itself is about 100 metres long, and there is a police patrol base on either end to ensure security of the bridge and keep away idlers, layabouts and hawkers, who interfere with security operations within the vicinity of the bridge.

Motor vehicles plying through the bridge are normally searched for illegal arms, aliens and contraband goods. Allowing any form business within the vicinity of the bridge will act as a compromise to security within the bridge area.

(b) The relevant local authority should be advised to identify a suitable place to which to relocate the numerous hawkers who interfere with security operations in and around the bridge.

**Dr. Nuh:** Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister understands the word “installation”. Initially, when the Government set up the bridge, it was not a military or security installation. It was for use by people to be able to cross the River Tana by foot or in vehicles. More importantly, the youth we are talking about hawk refreshments for the benefit of travellers, who are supposed to undertake long journeys to Nairobi. The hawking is not done on the bridge but rather at the two ends of the bridge, when buses and other vehicles stop.

So, could the Assistant Minister stop this harassment? He has, indeed, said that the youths are not allowed to hawk refreshments around there, and that signifies that there is harassment even though he is, in essence, denying its existence. Could he stop this harassment and allow the youths to go on with the lawful business they are engaged in? They serve Kenyans and themselves.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, as I have mentioned, a lot of illegal guns come through that particular road. I did speak to the Questioner and asked him if the youths can identify themselves. Without them wearing uniforms, it becomes very difficult for the police officers to know whether one is a hawker or is one of the fellows who trade in illegal arms. So, some sort of arrangement must be put in place in order for us to identify the real business people there without compromising the security of this country.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. The Question is about the youths engaged in lawful business. Is the Assistant Minister in order to treat youths engaged in lawful business as suspects engaged in illegal activities like gun trafficking?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, this is a very serious issue! We have illegal arms coming in through that area! I have posted a number of security personnel there to vet those who come in through that point. There is nothing wrong with asking the youths who hawk their wares there to be in some kind of uniform for my police officers to identify them. I do not think it is a good thing to allow anybody to interfere with the vetting that goes on there.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, it is shocking to hear the Assistant Minister say that Kenyans conducting lawful business – because they are youths – are idlers. That is how the Government converts innocent Kenyans into bandits. You have heard him say that this particular installation is manned on a 24-hour basis by armed security personnel. If these people are armed on a 24-hour basis to protect this bridge, how can they not identify people carrying arms, and how can they interfere with people who just sell soda and sweets?

Mr. Deputy Speaker, Sir, are you satisfied that this Assistant Minister is serious in calling innocent hardworking Kenyans idlers, and requiring them to wear uniforms as if Kenyans are required to wear uniform to earn a living?

**Mr. Deputy Speaker:** Mr. Assistant Minister, you seem to know that arms come in through that bridge!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it is true that we have a lot of problems within that area!

**Mr. Deputy Speaker:** Address yourself to the issue of arms coming in through that bridge, please!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, there are those who interfere with the vetting of the people who come into the country through that bridge. My primary duty is to protect the country; those who want me to allow every Tom, Dick and Harry to be at that particular place are wrong!

**Mr. Muturi:** On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister resume his seat?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, could you protect me, so that I can answer the questions being put to me?

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

**Mr. Deputy Speaker:** Proceed!

**Mr. Muturi:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister call youths idlers. This Government is fighting unemployment, and it is also the responsibility of the Government to provide Kenyans with security and not harassment. If these youths do business, why does the Government not provide them with a shed, or a place for them to carry out their business instead of calling them idlers? Is he in order to call Kenyans idlers?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I have said that we have actually advised the local authorities to, at least, set aside particular areas where hawking business can be done.

**Mr. Duale:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House and the nation. The side of the bridge in my constituency is not where the youth do business. The youth do business on the side of the Coast Province. The vetting and the screening takes place on the Garissa side of the bridge. So, he is misleading the nation because he is saying that the youths doing business interfere with the screening. The screening is done on the Garissa side, which is a totally different area.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, when hon. Duale was in Government, he was the one who informed me that those hawkers do business on both the Garissa and Coast Province sides of the bridge! I do not know what has now changed for him to say that those guys operate primarily on the Coast Province side of the bridge. That is not true!

**Mr. Duale:** On a point of order, Mr. Deputy Speaker, Sir. Even when I was in Government, I was never a security advisor to the Minister in charge of internal security. Having said so, I want to make it clear that, as the Member of Dujis, I am now playing my role as a Backbencher to bring the Government to order.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I will check to establish whether the idlers are the youths who do business---

**Mr. Deputy Speaker:** Order! Order, hon. Ojode! Whereas you have the privilege of addressing the nation from this House, it is not fair for you to call Kenyans idlers. This is a moment when the Chair would want to be on the other side, because I also come from that place. So, can you be specific on the issues being raised?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, on issues touching on security, we are very serious! That is why I am saying it will be possible for us to check out and see who are doing genuine business---

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. You really have to protect us from this Assistant Minister! He is misleading this nation! If you remember, when the Assistant Minister appeared before the Liaison Committee of this House, he said that that same bridge would be mobile. He is now talking of the existence of a patrol base manning the bridge, and the security base is permanent. We also went there this year, as the Budget Committee. The roadblock was still there. He is now making it criminal for hawkers to sell their wares to travellers. Is it in order for him to keep on shifting positions for his convenience when the facts are that the young men only hawk items to people travelling on business? This has nothing to do with security concerns.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I have been on record in this House that we will be keeping roadblocks as and when they are needed. That is what I am still doing up to now. I will never mislead this country, because I deal with security issues. I have to

protect my brothers and sisters. These are my comrades. They are my colleagues, and I have to protect them.

**Mr. Deputy Speaker:** Order, Assistant Minister! Have you been to that place, hon. Assistant Minister? Have you been to the Garissa Bridge? Maybe you need to go there.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has very carefully ignored the point that you have raised which is referring to innocent Kenyans who have not been subjected to any proceedings as idlers and layabouts. That is in the written answer. I demand that that description of innocent Kenyans who are conducting lawful business be withdrawn from an answer given by an Assistant Minister of this Government.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, what happens along that bridge is that we have so many people. Even those who are not doing business are also there. Those are the idlers I am referring to. I would ask the Questioner to come with me to that area, so that I can identify to him those who are not doing any business there. Those are the idlers. But the ones who are doing business must also be identified. They must be in uniform in order for me to identify them. How will I identify them?

**An hon. Member:** Whose problem is it?

**Eng. Gumbo:** On a point of order, Mr. Deputy Speaker, Sir. Last December, I actually spent a holiday with my family in Garissa. Could the Assistant Minister confirm or deny that, that bridge is closed at 6.00 p.m.? Why is he preventing Kenyans from moving out of Garissa after 6.00 p.m.?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, that is the entry point for *Al Shabaab*!

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Assistant Minister! Why are you talking as if you have information that we do not have; that the border of Kenya and another country is at the bridge? The Kenyan border is a good 150 kilometres from the bridge to the east. So, are you talking about the Kenyan border with another country or you are talking about matters that are within Kenya itself?

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister alleges that he is supposed to oversee security matters across the country without prejudicing any section of this country. Is he in order to suggest that North Eastern Province is not part of this country?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I did not say that North Eastern Province is not part of this country!

**Mr. Deputy Speaker:** Order! The reason why whatever you say as a Minister or a Backbencher in the House as guaranteed by the Constitution cannot be used as a civil or criminal litigation against any Member here, is based on the prudence and the due diligence and the respect you would have for Kenyans outside and not to misuse this particular immunity to say things that essentially you cannot say outside the House!

Proceed!

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Allow him to respond to the point of order! You raised a point of order!

**Mr. Ojode:** You should wait! Mr. Deputy Speaker, Sir, I have invited the Questioner, who is a friend of mine, to go with me all the way to Garissa to see for himself, with my officers---

**Mr. Deputy Speaker:** And to see for yourself! You also need to see the place!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, yes, and to see for myself. Let me just explain because the Chair seems to be having interest---

**Mr. Deputy Speaker:** Order! One more moment and you will face the wrath of the Chair!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, this is with a light touch! I want to go there together with my officers, a contingent of detectives---

**Mr. Deputy Speaker:** That is the prospect, I hope! Proceed!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I want to go all the way to the bridge, together with my friend as and when he is ready, so that we can check what is going on there. However, I will not compromise on the issue of vetting. We must vet those who are coming in and that will help majority of Kenyans.

**Mrs. Shebesh:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just admitted that he did not have an answer to this Question. Is he, therefore, in order to continue to pretend to answer a Question which he did not have an answer to? He is now saying that he is going to get the information. Is he in order?

**Mr. Deputy Speaker:** Hon. Assistant Minister, the beauty of being in the Chair is that you can give direction and that direction has to be followed; there is no appeal. Nonetheless, the Chair is convinced - when I say the Chair is convinced, the Chair probably has more knowledge than you yourself - that the answer is inadequate and the Chair directs that you go back and come with an adequate answer to the House. When can you be ready to give an adequate answer?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, after having visited the area.

**Mr. Deputy Speaker:** And how soon are you doing it?

**Mr. Ojode:** Next week!

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister does not need to have my company---

**Mr. Deputy Speaker:** When are you prepared to go with the Assistant Minister?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, even today if he is ready. He has a chopper from the Police Department, we can just fly to Garissa today and come back by tomorrow. I am ready.

**Mr. Deputy Speaker:** Hon. Assistant Minister, since the hon. Member is available even today, can you take a date, so that I can fix a convenient date for the Question to be put on the Order Paper?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I have to make arrangements for the transport that would take us after one week.

**Mr. Deputy Speaker:** So, when can we have the answer?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, let us visit the place next week.

**Mr. Deputy Speaker:** So, the Question will be listed on the Order Paper the week after next week?

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

**Mr. Deputy Speaker:** The Chair directs the same!

**Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. This afternoon, this House has demanded specific timelines. A Question of this nature and magnitude cannot be left to the whims of the Assistant Minister to tell us the week after next week. What is that? We want to be given a specific date. He said he was ready to go when the Member is ready. The Member has said that he is ready even now. We cannot be speaking about employment for our youth and an Assistant Minister who is responsible for employment in this country is playing around. Is he in order not to give us a specific date? Could you order him to give us a specific date?

**Mr. Deputy Speaker:** Hon. Assistant Minister, the Chair's recollection is that you have offered to go with the Member next week.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I would also request the company of the Chairman of the Committee on Administration and National Security and hon. Ethuro to that place.

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

**Dr. Nuh:** On a point of order, Mr. Deputy Speaker, Sir. I want to thank you for your guidance. Would I be in order to request that you give direction that meanwhile, as we await the Assistant Minister's visit, the harassment will be stopped?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the harassment of idlers will continue! The only thing which will not continue is harassment of the young boys who are engaged in businesses! The idlers will still be harassed, vetted by the police and arrested!

**Mr. Deputy Speaker:** The Chair directs that this Question be listed on the Order Paper the week after next on Wednesday morning.

*(Question deferred)*

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

**Mr. Deputy Speaker:** Hon. Ruteere, the Chair is conscious of the matter that you want to raise and will give you an opportunity after Statements.

Next Order!

## POINTS OF ORDER

**Mr. Deputy Speaker:** The Chair will allow some limited Statements. Proceed, Mr. Imanyara!

### VARIATIONS IN THE ETHICS AND ANTI-CORRUPTION COMMISSION ACT

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Attorney-General with regard to *Kenya Gazette Supplement* No.109 published on 5<sup>th</sup> September, 2011 which purported to publish the Ethics and Anti-Corruption Commission Act, 2011.

Mr. Deputy Speaker, Sir, looking at the Act contained in that *Kenya Gazette Supplement* and looking at the HANSARD of the House, what was published as the Ethics and Anti-Corruption Commission Act is substantially different from what this House passed. Here is a copy of the Act.

Under Section 4 of the Act, it states that the Commission shall consist of a chairperson and four other members appointed in accordance with the provisions of the Constitution and this Act. However, when I look at the HANSARD of 25<sup>th</sup> August, 2011 when this House went into the Committee to make amendments to the Bill that subsequently was published as the Act, it is different. The HANSARD says that the Chairman of the Constitutional Implementation Oversight Committee (CIOC), Mr. Abdikadir rose in order to bring an amendment to Clause 4. The purpose of that amendment was to delete the number of Commissioners from eight to four. Immediately after that, hon. Karua stood up and moved a further amendment that the numbers be reduced to three. Mr. Abdikadir is recorded as saying, "We support, Chair." Thereupon the Question was proposed and the Minister for Lands, Mr. Orengo, went on record as follows: "Madam Temporary Deputy Speaker, I support this very strongly. The number of Commissioners that we are having in these commissions may turn the Government into a Government of Commissions in numbers and in decision-making. I think this will send the right signal. The Constitution talks about three to nine Commissioners."

Mr. Deputy Speaker, Sir, the Question was put and towards the end the Temporary Deputy Chairlady, Dr. Laboso, asked Mr. Abdikadir: "Therefore, are you saying that, that has already been carried?" Mr. Abdikadir said: "Yes, Madam Temporary Deputy Chairlady." The HANSARD then shows: "*Clause 4 as amended agreed to*".

Therefore, the Commissioners ought to have been three, but the Act that has been published, and it is available to the Kenyan people, shows a substantial difference from what transpired in this House. I am, therefore, seeking a Ministerial Statement from the Attorney-General who is the person responsible for forwarding Bills to His Excellency the President for assent to explain to this House how the President was given a Bill that is different from the one that was enacted by this House and was subsequently published in the *Kenya Gazette Supplement* No.109 of 5<sup>th</sup> September, 2011.

Mr. Deputy Speaker, Sir, I have the HANSARD here and the actual Act which you can look at.

*(Mr. Imanyara laid the documents on the Table)*

**Mr. Deputy Speaker:** Indeed, the Chair is satisfied that there is a variation between the Bill that was passed in the House and what has been gazetted vide *Kenya Gazette Supplement* No.109, Act No.222. The Deputy Leader of Government Business, in the absence of the Attorney-General, will shed light on the same.

**The Minister for Transport** (Mr. Kimunya): Mr. Deputy Speaker, Sir, let me start by thanking Mr. Imanyara for pointing out that point. Indeed, the Government was already aware of that error and steps have already been taken to effect the correction which is expected through corrigenda by tomorrow.

**Mrs. Shebesh:** On a point of order, Mr. Deputy Speaker, Sir. I think we need a more substantive explanation than that from the Deputy Leader of Government Business. This issue of errors being printed has been discussed by the CIOC. We even called the Government Printer whom we recommended clearly that he should not be holding that position any more. I think it will be unfair to just gloss over this issue the way the Deputy Leader of Government Business has done without telling us who made the mistake. Was the error from the Clerk's Office or was it from the Government Printer? Where was this



mistake made? Do not gloss over it because it is an issue that has brought contention in this House and sometimes a lot of tension.

DELAYED STATEMENT ON ERRORS DURING  
PRINTING OF NEW CONSTITUTION

**Mr. Ogindo:** On a point of order, Mr. Deputy Speaker Sir. One and a half months ago I rose here to seek a Ministerial Statement from the Minister, Ministry of State for Provincial Administration and Internal Security. I wanted him to detail who was responsible for the errors of commission or omission on the three instances that I cited. One of them was during the printing of the new Constitution. This Ministerial Statement has been pending to date. Today we have seen another error. The question I want to ask here is: Could it have been a deliberate effort to delay giving an explanation to earlier errors of commission and omission just to commit another one?

**Mr. Deputy Speaker:** Hon. Members, the Chair has consulted with the Clerk's Department and the memory of the House itself. The Chair is satisfied that there was no malice in this. It is a mistake---

**Hon. Members:** How?

**Mr. Deputy Speaker:** Order! When the Chair is speaking, you freeze in every sense of the word including not asking "how", Dr. Bonny Khalwale!

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I am not the one who asked that question!

**Mr. Deputy Speaker:** Order! The Chair is satisfied. Unfortunately there is no appeal. The Chair is satisfied, indeed, that this was an innocent mistake that was made by the Clerk's Department. The Government has also come out very willingly and appreciates the fact that the matter was brought to the attention of the Government and the House by Mr. Imanyara. Now that the Deputy Leader of Government Business has given an undertaking that the correction will be done as soon as tomorrow, I think the matter rests there.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** On the same matter?

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

**Mr. Deputy Speaker:** Not on the same.

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

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

ISSUANCE OF SUMMONSES TO MEMBERS OVER  
PAYMENT OF TAXES

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I rise on a point of order on an entirely different matter. However, it involves the entire House.

Mr. Deputy Speaker, Sir, it is within the knowledge of the public that Members of this House, 209 of them have been served through advertisement in the public dailies in the case of one Rev. Timothy Njoya as concerns matters touching on taxation. The impact of this is that adverse orders could be made against each and every Member of

this House given the fact that already service has been effected by way of advertisement on each of the Members of this House.

I am seeking your direction as to why the Parliamentary Service Commission (PSC) has, of today, not appointed a counsel to deal with this matter. If it has, why has this matter not been communicated to us because there are issues of cost and yet, all of us are employees of PSC? The structure for payment of tax is such that the PSC ought to take its proper position and implement all matters that refer to the payment of tax. This House needs you to protect hon. Members and make a proper direction as to how this matter will be resolved. That is because, as far as we know, there are discussions. But now with the court process going on, the Speaker must tell us: Are we, all hon. Members, going to appoint lawyers on our own or what happens? We need direction!

**Mr. Deputy Speaker:** Order! The Chair has been informed that, indeed, contrary to the fears, PSC has engaged the services of a counsel. Nonetheless, the Chair will also give a comprehensive Communication on the same tomorrow afternoon.

*(Applause)*

### **NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.23**

HOUSE COMMENDATION OF KENYAN ATHLETES FOR  
STERLING PERFORMANCE IN WORLD ATHLETICS  
CHAMPIONSHIPS IN DAEGU

**Eng. Gumbo:** Mr. Deputy Speaker, Sir, early this week, our athletes, Kenyan young men and women, made history by hoisting Kenya to the very top of the world. As a matter of fact, some of those gallant Kenyans who are not on international duty came back this afternoon. Arising from this, I wish to seek leave of the House under Standing Order No.23 to move a Motion for Adjournment so that this House and the people of Kenya as a whole may record their deepest appreciation and gratitude to our world beaters who conquered the globe at the just concluded International Association of Athletics Federations (IAAF), World Athletics Championships held in Daegu, South Korea. I wish to seek leave!

*(Applause)*

**Mr. Deputy Speaker:** Order! Fair enough! Indeed, under the relevant Standing Order, the House has got the requisite numbers of hon. Members supporting it. Under the circumstances, the Chair allocates one hour from 5.30 p.m. this afternoon.

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

Mr. Ruteere, the Chair notes that you also want to rise on a similar point of order that is equally very important. But we cannot have two Motions for Adjournment on the same day. You will have to raise that one tomorrow.

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

Order, hon. Members!

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, Mr. Mudavadi has a Ministerial Statement in response to my request.

**Mr. Deputy Speaker:** Order, Dr. Khalwale! What provisions of the Standing Orders have you used now as a Backbencher to stand up there and ask the indulgence of the Chair to allow a Minister to issue a Ministerial Statement?

**Dr. Khalwale:** Mr. Deputy Speaker, Sir,---

**Mr. Deputy Speaker:** Order! You are out of order! The Minister, in his own competence, knows the procedure to follow when he has to issue a Ministerial Statement. You do not stand to request the Chair to allow a Minister to issue a Ministerial Statement. You are out of order, Dr. Khalwale!

**Mr. Koech:** On a point of order, Mr. Deputy Speaker, Sir. While I appreciate your ruling, the issue Mr. Ruteere wanted to raise is a very grave matter. It touches on the children of this Republic.

**Mr. Deputy Speaker:** Order! The Chair, sometimes, is perplexed by the extent to which hon. Members want to go to catch the cameras. The Chair knows that and has already given Mr. Ruteere an assurance that he is willing to consider the matter. I know you are a teacher and it involves teachers. But allow that matter to be transacted at the right time. You cannot have two Motions for Adjournment on the same day.

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

You are out of order, Mr. Koech! Proceed, Mr. Ojode!

## **MINISTERIAL STATEMENT**

### **BRUTAL KILLINGS OF SEVERAL RESIDENTS OF MIGORI CONSTITUENCY**

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, on Wednesday, 24<sup>th</sup> August, 2011, Mr. Pesa, Member of Parliament for Migori Constituency, stood on a point of order requesting for a Ministerial Statement on the brutal killings of several residents in Migori Constituency. In the Statement, he wanted clarification on the following: The number of people killed since January this year and the circumstances under which they were killed; how many among the deceased were business persons; capacity of the security personnel in Migori to manage insecurity in terms of mobility and capacity; and, the immediate measures that the Ministry is putting in place to resolve insecurity in the constituency and Migori District.

I wish to state the following: Since January 2011, there have been eight incidents of crime during which, ten people have been killed in Migori. The incidents are as follows:-

On 4<sup>th</sup> February, 2011, George Odhiambo Oduke, a taxi driver, was hired by two customers. The customers turned out to be criminals who shot him and abandoned his

body by the roadside and escaped with his motor vehicle Registration No.KBM 664Y, Toyota Probox, which they later abandoned at Gogo area, about 15 kilometers away and escaped on foot. On 14<sup>th</sup> February, 2011, John Okoth was waylaid by a gang of four as he drove into his Milimani Estate home. He was shot on the head as he stepped out of his motor vehicle. The same gang also fatally shot his wife, Nancy Akinyi, when she came out of the house to assist her husband who died on the spot. On 3<sup>rd</sup> April, 2011, George Odhiambo Omwono, a bread vender was also killed by thugs while in his residential house within Migori Town. Nothing was stolen from him. On 21<sup>st</sup> April, 2011, John Alela was in his house at West Siwo Sub-location when a gang of six stormed into his compound, armed with one rifle. The gangsters shot at him but missed. John Alela escaped but when his two sons, namely, Joseph Okoth Alela and George Otieno Alela came to his rescue, they were both killed. On 25<sup>th</sup> May, 2011, Peter Oloo, while asleep in his shop at Chamegebo village, thugs broke into the shop through the rear door and killed him. Nothing was stolen from him!

On 27<sup>th</sup> July, Leonard Oile was found murdered outside his rental house at Nyasari by unknown thugs. On 20<sup>th</sup> August, 2011, Jack Ouma Oyoo was ambushed by thugs in his motor vehicle Registration No.KBJ 650J, Toyota Harrier, where he was shot on the head and died instantly. Nothing was stolen from him. On 3<sup>rd</sup> August, Stephen Ouma Nyibula, a teacher at Omboo Primary School was found murdered at Oruba Estate. Nothing had been stolen from him.

Mr. Deputy Speaker, Sir, out of the ten people murdered within that period, four of them were businessmen. They were the following:- George Odhiambo Oduke, John Okoth, Peter Ooko and Jack Juma Oloo. Following the incidents of insecurity, the police have deployed two vehicles; one from the Officer Commanding Police Division (OCPD) and another one taken from the Criminal Investigations Department (CID) Headquarters to help the CID in Migori to investigate these particular incidents. Further, additional security personnel from Regular Police, CID, Migori and Administration Police (AP) have been deployed to enhance the patrols. Further, the police have put the following measures in place to address the existing incidences of insecurity: Enhanced security patrols within the affected areas and collection of intelligence has been stepped up with deployment of crime intelligence undercover officers in the area. There are so many of them who are now within Migori Town, with a view to arrest those behind the crimes.

Mr. Deputy Speaker, Sir, following these measures, the following suspects have also been arrested: In the case of murder of George Odhiambo Oduke, a suspect Omondi Ochola Tukiko was arrested and charged vide Migori Criminal Case No.661/106/2011 and a court file No.239/2011 with the offence of robbery with violence.

In the case of murder of John Okoth, one suspect Maurice Okelo Atero was shot dead in a shootout with police officers and one pistol recovered, while two other suspects, James Nayoma and Ken Odhiambo escaped with gunshot wounds. Efforts are being made to apprehend them and we will, definitely arrest them. We have also alerted the hospitals that if they go there for treatment, they should report to the police so that they can arrest them.

In the murder of Joseph Okoth Alela and George Otieno Alela, two suspects, Yasin Odhiambo and Wilson Odero were arrested and charged with murder vide Migori Criminal Case No. 661/95/2011 and the court file number is 634/2011. The case is pending before court. In the case of murder of Leonard Oile, a suspect Calvin Otieno was

arrested and charged with murder vide Migori Criminal Case No.661/164/2011 and High Court Criminal Case No.120/2011. The case is pending before the court. In the case of murder of Stephen Ouma Nyibula, a suspect Ochieng Rieba was shot dead in shootout with the police on 19<sup>th</sup> August and an AK47 rifle and 29 rounds of ammunition recovered. Two other suspects; Ken Odhiambo and Jared Onyiso are being hunted. Two other suspects escaped with gunshot wounds. A file Migori Criminal Case No.661/163/2011 was opened pending the arrest of those two suspects. The other cases are being investigated with efforts being made to arrest the suspects.

Mr. Deputy Speaker, Sir, finally, other measures put in place to address insecurity in the area include revitalizing community policing and plans to open up two police posts; one at Ogedhi, the border between Migori and Trans Mara and another at Kopanga which is on the Kenya-Tanzania border. So, we have actually very good leads which will now make us arrest the four suspects who are still at large. But we are doing all that we can in order for us to arrest these four suspects. Once we arrest them, they will be arraigned in court.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, the Assistant Minister has given a very elaborate answer to my request for a Ministerial Statement. However, you will agree with me that ten people dying under unknown circumstances in seven months is actually not easy to bear by the communities of Migori. We are wondering what he is doing in that area because he is supposed to bring security. He has people who are employed down there to do the work. If these people fail to do the work, could he make the necessary changes in that area?

Mr. Deputy Speaker, Sir, some of our locations are very large. We have tried to ask him to make sure that the community policing operates in that area in the sense that the locations are manageable. Suna Lower Location, for example, is too big for one chief. Could he, please, consider bringing administration closer to the people so that the locations are manageable? But more importantly, could he assure this House and the people of Migori that whatever mistakes have been made by his Ministry, if any, are corrected by making sure that he brings officers to that area who are really concerned with the welfare of the Migori people at heart?

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, cases of high insecurity in the rural areas are not just confined to Migori. Just like in the other parts of the country, villagers usually resort to community policing. Could the Assistant Minister clarify how the Government intends to energize and strengthen community policing groups by actually giving them stipends, intelligence when they need to be supported at night and by actually ensuring that they are supported to meet the kind of heavy gun-power that they are confronted with?

**Mr. Ochieng:** Mr. Deputy Speaker, Sir, the issue of insecurity is very serious in this country. It covers all the markets from Migori, Rongo, Katito and Sondu in my constituency and almost every other place. This is scaring away investors who would actually want to invest in those areas and in turn offer jobs to our people. Could the Minister come out very clearly on how he wants to deal with this situation, so that people are not murdered day and night?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, indeed, this is a very serious issue. Personally, I went to Migori to check with my police officers what is happening on

the ground. There are some changes which I have also made, especially in Migori. I ordered for a split of one location known as Kwaa from the larger Rabuor. I did that because that Rabuor Area is holding a lot of criminals. As I speak, I have taken quite a number of security personnel, that is, the detectives who are investigating these cases. It is not just Migori, but even within Awendo area it was getting scary.

Within a week or two, the thugs in Awendo and Migori areas will be flushed out. Imagine the number of people we have arrested and taken to court within that time, a span of three days! On the issue of changing security guards and making other changes there, indeed, I will make some heads roll. Those who have over-stayed in that place must go. I will take them somewhere else. If need be, or if there is cause to show me that they cannot perform, I will have no alternative but to fire them.

The issue of insecurity especially within border areas like Migori where there is a border between Kenya and Tanzania and Daadab, Lagdera, Pokot and Turkana, it is sad that in the 21<sup>st</sup> Century--- I want to assure my colleagues that no stone will be left unturned. No way! It will be my priority to make sure that we bring security and sanity within those areas. I will give you another example. Recently, some thugs killed an Assistant Chief, a lady at Mukuyuni in Bungoma. They should know that the presence of the Government will be felt within that area. They will know that they have killed an officer of the Government. Where we require the GSU, I will have no alternative but to take them there and bring sanity in those areas.

The issue of subdivision can be considered along with others. If there is any need, I will consider it. However, as of now, Migori has enough locations, including the one I gave recently as a result of this incident. We might consider some of those.

Hon. Dr. Bonny Khalwale spoke very well about community policing. Yes, we are considering that. What can we do to motivate them? We will do that so as to gather information. Mr. Ochieng also spoke very well with regard to the same. We need to cover the parts that are experiencing insecurity. However, we should not only consider those areas but the country as a whole. I would like to ask my colleagues not to worry. Security issues are coming up very well.

**Mrs. Shebesh:** Thank you, Mr. Deputy Speaker, Sir. I am seeking further clarifications from the Assistant Minister. In his attempt to try and convince us that security matters are being taken care of very well, I would like to know whether he is aware that there is a lot of tension and harassment along the Kenya-Somalia border. There have been members of the Somalia Transitional Government army who have crossed over and have been terrorizing not only the residents of that area, but also the refugees who are in the Daadab Refugee Camp. Is the Assistant Minister telling us that security issues are being taken care of, when he is aware that such a situation pertains in that area?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir, you will agree with me that, that particular issue is different from what we were talking about. We were talking about the insecurity in Migori. If she wants me to reply to that, she can do it in the form of a Question or ask for a Ministerial Statement which I am ready to reply to, tomorrow. I need to first get what is on the ground. She can also accompany me.

**Hon. Members:** Where?

**Mr. Deputy Speaker:** Mr. Pesa, do you still want to seek further clarification? Ask the last one.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, one of the areas where we have a lot of insecurity is along our borders with our neighbours. I do not want to mention them. He knows which neighbours I am talking about. We had made requests that he re-considers the border route between Trans Mara, Kuria and Tanzania. That is one area that is giving us a lot of problems. Could you assure us that, that is one of the steps that you will take so that, at least, we have security? Your people cannot chase the robbers and thieves at night when they are running away in the bush because there are no roads to be used there.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Deputy Speaker, Sir that is a pertinent issue that I can consider once I know the road he is talking about. We can consider doing some improvements because we have some money for security roads.

## POINT OF ORDER

### INSECURITY IN TRANS NZOIA/BUNGOMA COUNTIES

**Mr. Wamalwa:** On a point of order, Mr. Deputy Speaker, Sir. I also had a point of order for the same Assistant Minister. I am happy that he has addressed security concerns in Migori where there were over ten deaths. Similarly, there has been rising insecurity in Trans Nzoia and Bungoma counties. There are over ten people who have been murdered. They were shot dead. Of particular interest is a bizarre incident that took place on 19<sup>th</sup> August when a suspect was lynched at Muroki Market in Saboti and a G3 rifle belonging to a police officer found in his possession. I would like the Assistant Minister to issue a Statement to explain the circumstances under which a G3 police rifle was found in the hands of a suspect and in the hands of a mob that lynched him. In his Statement, he should also clarify whether that particular rifle is the same firearm that has been used in the series of murders in Saboti, Waitaluk and Kiminini divisions. I am glad that he mentioned Mukuyuni where the Assistant Chief was murdered.

*[Mr. Deputy Speaker left the Chair]*

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

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I can issue that Statement on Thursday this week.

## MINISTERIAL STATEMENT

### HIGH RATE OF MATERNAL/NEONATAL DEATHS AT PUMWANI MATERNITY HOSPITAL

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I would like to make the following Statement with regard to Pumwani Maternity Hospital on various issues raised by Dr. Khalwale.

In his request, one of the issues he has asked is what measures are being taken to improve service delivery at the Pumwani Maternity Hospital. I wish to start my Statement by addressing that aspect. I would like to inform the House that Pumwani Maternity Hospital is the third busiest maternity hospital in the African Continent and remains the largest maternity hospital in the country. It has 354 obstetric beds and 144 baby cots. On average, 50 to 60 babies are delivered each day with very limited equipment and understaffing of doctors and nurses. The hospital has nine medical doctors against an establishment of 25 doctors, and 180 nurses against an establishment of 250 nurses. The hospital has two theaters for caesarian cases instead of four, which is posing a big challenge to the staff and the hospital.

In view of the above challenges in service delivery at Pumwani Maternity Hospital, the Ministry has appointed a board vide Legal Notice No.98 of 11<sup>th</sup> August, 2000, to help in guiding on the issues of service delivery at the hospital. The functions of the board include, among others, to formulate policy regulations for proper and efficient management of the hospital, overseeing the management of the hospital services, sourcing of funds and resources, administering the assets and funds of the hospital in such purposes as to promote the interests of the hospital and to promote and support public health care programmes.

Further, in April this year, the Town Clerk appointed a committee to investigate claims of mismanagement at the Pumwani Maternity Hospital. The taskforce released its report in May, 2011 and recommended several things. However, I will highlight three aspects of the recommendations.

One, measures should be put in place to ensure senior management possesses managerial skills in addition to their specific profession. The Human Resource Department should ensure independence of officers to avoid officers reporting to different heads and yet, they are in the same section. Three, proper procurement procedures as enshrined in the Public Procurement and Disposal Act of 2005 to be strictly adhered to. The recommendations are being implemented.

Mr. Temporary deputy Speaker, Sir, further to that, the council did purchase for maternity hospital an insulator worth Kshs15 million in the Financial Year 2010/2011. This financial year the council has allocated Kshs25 million to cater for further development of the hospital.

Mr. Temporary Deputy Speaker, Sir, the hon. Member also wanted to know something about the maternity mortality rate, the names of the deceased and cause of death. In my view, but I stand guided, they cannot be released without the consent of the relatives as this will be unprofessional and unethical. However, the number of maternal mortality rates at Pumwani Hospital between January, 2010 to date as requested is 19.

The hon. Member also wanted to know the status of neonatal deaths. I wish in my Statement which I will table here to give the statistics of neonatal deaths since January, 2011 to July, 2011. In January, there were 1,600 deliveries and 45 deaths were recorded. In February, there were 1,343 deliveries and 43 deaths occurred. In March, there were 1,649 deliveries and 46 deaths occurred. In April, there were 1,452 deliveries



and 52 deaths. In May, there were 1,767 deliveries and 52 deaths. In June, there were 1,777 deliveries and 48 deaths. In July, there were 1,633 deliveries and 51 deaths. In total, between January 2011 to July, 2011 there were 11,221 new deliveries and 342 cases of deaths.

At the national level, the new mortality ratio is 31 per 1000 live births and as per the Kenya Demographic and Health Survey of 2009, while the Pumwani Maternity Hospital ratio is 30 per 1,000 live births, between January and 2011 there were 342 neonatal deaths against the live births which we have given as 11,211.

Mr. Temporary Deputy Speaker, Sir, the third aspect that the hon. Member also raised in his request is that he wanted to know whether the City Medical Officer, Dr. Robert Ayisi had been demoted. I wish to point out that Dr. Ayisi was substantively appointed by the Public Service Commission of Kenya to the post of Deputy Director of Medical Services/ Senior Pediatrician, prior to his secondment to the City Council of Nairobi to perform the duties of the Medical Officer of Health.

The Ministry of Local Government is not aware of any demotion that has taken place with regard to Robert Ayisi. I am aware that there was a letter that was to transfer him to Kitale District Hospital to work as a pediatrician. However, that transfer of Dr. Ayisi was canceled by the Permanent Secretary, Ministry of Medical Services because it was irregular and his performance at the City Council of Nairobi (CCN) as a Medical Officer of Health was good.

The fourth aspect that the hon. Member also raised in his request is to do with the supply of surgical and medical supplies to Pumwani Maternity Hospital. I am not aware of the existence of a cartel of employees at the CCN who have briefcase companies that have been fleecing the CCN pretending that they are supplying surgical and medical supplies which are paid for, but have not been delivered and which is of course contrary to the Public Code of Conduct. I shall be happy to receive any information that may be availed to us about such a cartel at the CCN who have briefcase companies to enable the Ministry take disciplinary measures against them.

Further, I would like to inform the House that the supplies of the above commodities are done through the Public Procurement process in line with the Public Procurement and Disposal Act and Procurement Regulations of 2006. Annual tenders are invited through public advertisement in the local print media. Tenders are opened, evaluated and adjudicated. Successful bidders submit performance bonds and then contracts can be signed if they have competitively won a tender with the hospital.

The awarded items are ordered as and when they are required by the hospital. Goods delivered to the hospital are received after being approved by the hospital inspection and acceptance committee and payments are strictly made in accordance with the laid down financial regulations. If there are any cases where payments have been made without goods being supplied to the hospital, again, I stand guided and I am willing to take up any investigation if these cases are brought to my attention.

The final aspect that the hon. Member wanted to know relates to the illegal allocation of plot numbers 36/VII/254; 36/VII 255; 36/VII 256 and 36/VII 257 Eastleigh.

Mr. Temporary Deputy Speaker, Sir, the land parcels mentioned above belonged to a private party at one time and I will table some documentation to show this; it is somebody called De Souza---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, it seems you are---

**The Deputy Prime Minister and Minister for Local Government** ( Mr. Mudavadi): I am just about to finish.

It is somebody called De Souza who surrendered the same to the CCN in 1967 without conditions. After this, the then, Nairobi City Commission, vide an ordinary monthly meeting of the 165<sup>th</sup> meeting held on 4<sup>th</sup> august, 1992 authorized the identification and disposal of unprofitable non-extension services properties and assets with a view to improving the commission's financial position at that time. Pursuant to the above authority, the then Town Clerk allocated above referenced plots. After the allocation, the payments were made to the City Council for the respective plots. The City Council processed leases for the allottees.

Following registration of the leases, the said plots are now in the hands of the following people: LR 36/VII 254 - Mr. R.S. Wambugu trading as Panyinya Enterprises; LR No.36/VII 255 again to Mr. R.S. Wambugu trading as Sunrise Reprographics. LR No. 36/VII 256 was allotted to R.S. Wambugu trading as Panyinya Enterprises and LR No. 36/VII 257 was allocated to Mr. Francis Mburu Kimani trading as Wakanoru Construction Company.

Finally, allow me to point out that we, as a Ministry, are ready to take disciplinary action on any person who misuses public funds in accordance with the laid down procedures.

**The Temporary Deputy Speaker** (Mr. Imanyara): What are you tabling, Mr. Minister?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will table the Statement. It includes the statistics on the neonatal deaths. I will also table the documents to show the issue of the land movement as requested by the hon. Member. I will also---

**The Temporary Deputy Speaker** (Mr. Imanyara): In other words you are tabling quite a number of documents?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Yes, Mr. Temporary Deputy Speaker, Sir.

*(Mr. Mudavadi laid the documents on the Table)*

**The Temporary Deputy Speaker** (Mr. Imanyara): I am reminded of giving the hon. Member who requested time an opportunity to look at them, so that clarifications that are sought can be sought at a day convenient to the hon. Member because you have already taken one hour out of today's business. In fact, we have not even commenced business of the House. There is need for us to debate and pass the National Police Service Commission Bill.

So, under those circumstances, would the hon. Member who requested the Statement indicate to the Chair whether they would like to seek clarifications at another time other than now because there is not sufficient time?

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I am ready to interrogate this, but in the interest of the House and the time of the House, I can interrogate the answer tomorrow afternoon.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, is the morning or afternoon okay?

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I am flexible. It can be either in the morning or afternoon.

**The Temporary Deputy Speaker** (Mr. Imanyara): I think you are likely to get time in the morning, because in the afternoon there will be a lot of business.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I do not know if the hon. Member will be engaged elsewhere.

**The Temporary Deputy Speaker** (Mr. Imanyara): Let it be tomorrow morning.

Leader of Government Business, let us not go beyond 5.00 p.m. on the next Order, in order to give ourselves time to deliberate on other business. It is just a Procedural Motion.

*(The interrogation of the Ministerial Statement was interrupted and deferred to tomorrow)*

## MOTION

### APPOINTMENT OF HON. JOSEPH MAGWANGA TO DEPARTMENTAL COMMITTEE ON LOCAL AUTHORITIES

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 159, this House approves the nomination of Hon. Joseph Oyugi Magwanga to the Departmental Committee on Local Authorities to replace Hon. Mohammed Hussein Gabbow, who has since been appointed as Assistant Minister.

This is in line with Standing Order 176, which requires that any Member who has been appointed Assistant Minister must be replaced within seven days; we have taken this step to comply with our Standing Orders. It is a straightforward matter. It has been deliberated on by the Whips and agreed on by the House Business Committee.

Mr. Temporary Deputy Speaker, Sir, as you rightly put it, it is a very straightforward matter on which we do not really need to spend a lot of time of the House, except to formally approve the replacement in accordance with our Standing Orders. I beg to move and request hon. Prof. Saitoti to second.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I second.

*(Question proposed)*

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I stand to support this proposal very strongly.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, as the Vice-Chair of this Committee, I support this Motion. Thank you.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Next Order.

## **BILLS**

### *Second Reading*

#### THE NATIONAL POLICE SERVICE COMMISSION BILL

*(The Minister of State for Provincial Administration  
and Internal Security on 1.9.2011)*

*(Resumption of Debate interrupted on 1.9.2011)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, this is a resumption of debate that we interrupted on 1<sup>st</sup> September; it is the Government's intention that we conclude this debate today. I will allow time for this to enable the Minister to respond at 5.20 p.m. Who wants to speak? Minister, were you moving? Continue and you have 59 minutes.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, at the time when we interrupted business, I was in the course of actually moving that the National Police Service Commission Bill, Bill No.32 of 2011 be read a Second Time.

Mr. Temporary Deputy Speaker, Sir, let me say here very quickly that I was able to essentially give an expose of the reforms that the police have been undertaking for a number of years. The National Police Service Commission Bill is to set up the structure of the reforms; it also depends very much on two other supporting Bills. It will be only then that we will be able to appreciate the impact of the police reforms. So, this particular Bill is the one that is intended to put in place the Police Service Commission.

Mr. Temporary Deputy Speaker, Sir, the background behind this is that at the time that the National Task Force on Police Reforms went all over the country and interviewed a section of the stakeholders, it became very clear that the job and the duty of the police are really fundamentally different from those that have been assigned to the other civil servants. A police officer is on duty for seven days and 24 hours. This is not the case when you come to ordinary civil servants; for that reason it was recommended that it is important that there ought to be a commission dedicated to the police officers. In other words, we should remove the policemen and women from the Public Service Commission and give them their own service commission. That is basically what this one here is for. It is also intended to meet what is already contained in Article 246 of the Constitution; that Article mandates the Government and, indeed, Parliament too, to actually set up a Police Service Commission.

Mr. Temporary Deputy Speaker, Sir, I can only say that, going very quickly, Part 1 of the Bill deals with the various definitions that are contained in the Bill. Part II relates to the membership, functions and powers and the qualifications of the members who are also going to be appointed to sit on the Commission. Again, Part III relates to the funds of the Commission. Part IV sets out miscellaneous provisions, including strategies in communication, penalties and false information. I just want to refer the House to Article 4 of this particular Bill, because it is extremely important. It talks about the membership of the Commission. It states as follows: "The Commission shall consist of nine members appointed in accordance with the Constitution and the provisions of this Act." Article 4(2) states: "The members of the Commission, other than other ex-officio members, shall serve on a full time basis." This is essentially in tandem with what will happen as far as the membership of the Public Service Commission is concerned.

The other thing is about the qualifications. That again is to be found in Article 5 which states that:

"A person shall be qualified for appointment as the chairperson or a member if such a person (a) is a citizen of Kenya, (b) holds a degree from a university recognized in Kenya (c) meets the requirements of Chapter Six of the Constitution, and has not previously been a member of the National Police Service".

The other one is very important because this Commission has to have a dimension of the working of the police. Article 5 (2) states:

"For purposes of Article 246(2) (a)(ii) of the Constitution, the President shall appoint two retired senior police officers, one from each of the Kenya Police Service and the Administration Police Service, who shall be of the opposite gender.

A person shall not be qualified for appointment under Sub-section 2 unless such a person held the rank of the senior superintendent of police or above."

Basically, this is to ensure that very senior people are there.

Mr. Temporary Deputy Speaker, Sir, I also want to refer essentially to what will be the functions of this Commission that will be appointed. Again, that is to be found in Clause 10. This Article talks about the functions of the Commission: "In addition to the functions of the Commission under Article 246 (3) of the Constitution, the Commission shall:-

(a) Keep under review all matters relating to standards or qualification required of the members of the Service.

(b) With the advice of the Salaries and Remuneration Commission, determine the appropriate remuneration and benefits for the service and staff of the Commission.

(c) Approve applications for engagements by police officers in trade and other businesses in accordance with the law relating to the matters of the leadership and integrity under Article 18 of the Constitution.

(d) Co-operate with other state agencies, departments or commissions on any matter that the Commission considers necessary.

(e) Provide for the terms and conditions of service and the procedure for recruitment and disciplinary measures for civilian members of the service.

(f) Develop fair and clear disciplinary procedures in accordance with Article 47 of the Constitution.

(g) Investigate and summon witnesses to assist for the purposes of its investigations."

There are quite a number of things and I believe that hon. Members have had the opportunity to go through them. This is because it is important to really appreciate the functions of the Commission that is actually being put in place. There will also be a Secretary to the Commission and that is also covered under Clause 15.

Mr. Temporary Deputy Speaker, Sir, I wanted to basically highlight those matters and at the same time say that the passage of this Bill will help us crucially when it comes to the appointment of the two deputy inspectors-general because they have to be interviewed by the Commission. That is important as far as fulfillment of the Constitution is concerned.

With these very few remarks, I beg to move and request Mr. Orengo to come and second this Bill.

**The Minister for Lands** (Mr. Orengo): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to second and support this Bill. First of all, I would like to congratulate the Minister for the work he has done in reforming the police not only by engaging in the exercise of carrying out the reform as a consequence of the promulgation of the new Constitution, but even before we started the Constitution making process, the Minister was already engaged in this important work of trying to bring reforms to the police. This is a very important phase in our history because in the past years there was belief that part of the reduction or restriction of the democratic space was due to the fact that the police operated as a power unto themselves and did not operate under the law. Because this Bill essentially deals with the establishment of a Commission which falls under Chapter 15 of the Constitution, there is not really much that one would like to say at this stage. Probably, in the consequent Bill that will come, one may have a lot more to say. However, I would like to say that without this Bill being enacted into law, it will be very difficult for the Minister and the Government to move ahead in carrying out the reforms that are required in order to completely overhaul the police force.

In a nutshell, what we are doing by debating this Bill, and if we succeed in having it enacted, is not really to establish the Commission, because the Commission is already established by the Constitution. The powers of this Commission are already contained in Article 246(3) of the Constitution. The powers, mandate and responsibilities of the Commission include recruitment and appointment of persons to hold or act in offices in the service. The Commission also determines promotions and transfers within the National Police Service, and also exercises disciplinary control over and removes persons holding or acting in offices within the service.

In addition to those powers, we are giving this Commission additional powers as commanded by the Constitution, because this legislation is as a consequence of the provisions which are contained in Article 246(3) of the Constitution. I hasten to add that this Commission falls under Article 249 in Chapter 15. This Article which deals with the objects, authority and funding of commissions and independent offices says that the commissions and holders of independent offices are subject only to this Constitution and the law.

**Mr. Mungatana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that the Government is also taking all the time, we would like to request you to reconsider the earlier guidance you had given us.

**The Temporary Deputy Speaker** (Mr. Imanyara): Indeed!

**Mr. Mungatana:** Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I was going to be very brief. This to me is a very important Bill because it operationalises that Commission which is the force behind the police force as established under the Constitution. I am glad to say, in conclusion, that I am very happy that on the enactment of this Bill, we shall never have another police force that will be under the direction and control of any particular individual or any interest other than being under the direction of the Constitution and the law. I think this is something that those who have worked very hard in the past to open the democratic space and have all authority, be it the authority of the disciplinary forces to make sure that they are under civilian control and accountable to Parliament, as all commissions are required to be accountable to Parliament and only be guided by the Constitution and the law---

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

*(Question proposed)*

**The Temporary Deputy Speaker** (Mr. Imanyara): I just want to get an indication of how many hon. Members want to speak. So, I will allow each of you perhaps two to three minutes so that I can give as many people as possible an opportunity to contribute. I will start with Mr. Mungatana.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, the National Police Service Commission will be the employer of all police in the entire country. It will be the human resource arm of the entire police service and what I find very difficult to understand is that the Minister has either omitted or forgotten to emphasize the real problem that there is when it comes to recruitment, appointments, transfers and promotion of police officers.

Practically speaking the Commission has said, and I ask the Minister to look at the top of page 850; this is Clause 10 (2). It says that they can delegate to the concerned Inspector-General the recruitment, appointment and promotion of police officers. If you go to various other provisions like the powers of the Commission to interview persons for purposes of filling vacancies under Clause 11, you will find that these powers are excluding the only point I want to make.

The only point I want to make is that we have left out the provision that will make it mandatory for the Commission to say that they will take into consideration county, regional and ethnic balancing.

Mr. Temporary Deputy Speaker, Sir, I speak for the people of Garsen and many people who are marginalized in the police service. You will find a whole ethnic group has been left out of the service from a certain rank upwards; we are nowhere! This Bill has repeated the same mistake.

Go to staffing, if you look at Clause 17 on the appointment of staff in this Commission, again it has been left general. Again, we people who are marginalized will be left out. When recruitment is being done, when promotions are being done and when transfers are being done we have always been left out.

**The Minister for Lands** (Mr. Orengo): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Mungatana:** Let me finish. I have three minutes and you had 20 minutes. Let me finish.

Mr. Temporary Deputy Speaker, Sir, I am saying we must write it in this law like we wrote it in the law of elections that every constitutional requirements as far as the President is---

**The Minister for Lands** (Mr. Orengo): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is an important point.

He is trying to create the impression that the Minister has not taken account of fairness in appointment and recruitment. However, if you read the law it says that the Commission is subject to Chapter 13.

**The Temporary Deputy Speaker** (Mr. Imanyara): Minister, are you not taking his time---

**The Minister for Lands** (Mr. Orengo): It is there. That is what I am saying.

**Mr. Mungatana**: Mr. Temporary Deputy Speaker, Sir, this is the point I am trying to make.

When we were passing the Elections Bill here, and Mr. Orengo was here, we repeated word for word what the requirements are in the Constitution into the elections law. The people who are going to sit in this Commission are not going to be holding the Constitution here and the law there. They will be looking at this law. By the time you ask them to look at the constitutional requirements, the time is gone; they have done the recruitment and left out people. It is not enough. We must repeat at every point necessary that this Commission must take gender into consideration. It must take the regional, county and ethnic balancing---

**The Temporary Deputy Speaker** (Mr. Imanyara): Point made!

**Mr. Mungatana**: Mr. Temporary Deputy Speaker, Sir, I am going to make various amendments and I hope the Minister will not object because we want this country to be a different country.

**Mrs. Odhiambo-Mabona**: Mr. Temporary Deputy Speaker, Sir, I rise to support and just want to make very brief comments.

One is that I agree with the approach of Mr. Mungatana. I have been consistent about it but in this country we have very short memories. So even though it is provided in the Constitution on issues of ethnic, regional and gender balance, we must state it specifically.

I want to say I am happy that we have a Commission that will be looking into issues of housing, insurance, safety, equipment and conditions of service of our police. We know that many times we actually condemn the police for violating human rights but a lot of times, their own human rights are violated. So, it is important that we also look at the way we take care of our police.

Mr. Temporary Deputy Speaker, Sir, I just want to also note that I am glad that under the regulations, it will also look into issues of anti-discrimination and affirmative action. However, I just want to note one or two things under the miscellaneous provisions Part IV, Clause 24(2). This is actually a limitation of the freedom to information; that it must be done in compliance with the Constitution. The way it is provided right now does not conform to the constitutional provision on limitations. I hope the Minister is listening keenly because if he does not, that is one of the things that very quickly somebody will run with to a constitutional court. When you are limiting any freedom, you must say to what extent and if there are less restrictive means of doing that limitation.



Mr. Temporary Deputy Speaker, Sir, I would want to say just one more thing; we seem to be criminalizing politics. I have not been around and because of the shortness of time, I have not made reference to the Constitution. However, unless it is outlawed in the Constitution, this constant reference to politicians like criminals must stop in this country. The same applies to other people who have served in some positions before. We seem to be making it a crime. It is not a crime to be a politician.

With those few remarks, I support.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I support this Bill. However, there are a few points that I want to suggest.

The first thing is that I have seen some of the functions of this Commission are not very clear but I hope that it will deal with the problems that we have heard in this House many times when a police officer is suspended, discharged or fired from the force. He or she goes to the court and the court orders his or her reinstatement but the Commissioner of Police refuses to reinstate the person. That is the first thing I want to be clear on. The second one is the Commission must also have the powers of arranging for suitable health cover so that officers go to proper hospitals.

Finally, I oppose the idea of having the nine members of the Commission on full time basis. In the interest of budgeting and expense management, I am suggesting five members who should be part time. I hope that this Commission will be able to make certain recommendations where Administration Police and the boys in blue should no longer be used as *askaris* looking after people's houses. This is one of the things the Commission must look into. We should not use highly trained APs and Regular Police as *askaris* and look after money for banks *et cetera*.

With those suggestions, thank you.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I also take this opportunity to contribute very quickly. On the outset, let me thank the Minister for his diligence and commitment in his docket. With the formation of the new Commission, it will be expected that it will address some of the following areas.

Mr. Temporary Deputy Speaker, Sir, one of them is the recruitment of officers into the force. Time and again, unqualified people have been recruited into the force. Promotion in the force has not been done on merit. This Commission will be expected to ensure promotion is on merit. The force has also been accused of corruption. This is an issue that should also be addressed.

Mr. Temporary Deputy Speaker, Sir, *wananchi* have not been treated with integrity and dignity by the police. This is an area that should be addressed.

On the appointment of a commissioner, regional balancing must be accorded its priority. Even the marginalized areas should be given an opportunity to serve in this Commission. It will be expected to restore confidence and trust in the minds of Kenyans.

With those remarks, I fully support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Let us have Mr. Eugene Wamalwa and then the Minister will respond after that!

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, I also wish to support the Bill.

I am very glad that we will now have a Commission in place to whom members of the public can go and receive and refer civilian complaints; the Independent Policing Oversight Authority. It has been very difficult for members of the public to launch

complaints to the police about the police. Now with this Commission, it will be possible to have a body that will be receiving information from the civilians.

However, when you look at Clause 24(2) it is provided that:-

“A person shall not, in any proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place in the Commission”.

Mr. Temporary Deputy Speaker, Sir, this seems to be imposing a limitation, which would run contrary to Article 35 of the Constitution, which provides for access to information, and it is unlimited. So, this is an area which the Minister will need to look at. We might need to propose an amendment to delete Sub-clause (2) of Clause 24 because it goes contrary to the Constitution. To that extent, it will be unconstitutional.

I would also, as a victim of police violence, be very glad that this particular Commission will be charged with the responsibility of upholding professionalism to the highest standard possible in the Police Force, and ensuring that the Police Force will be able to uphold the dignity of all human beings and human rights.

Mr. Temporary Deputy Speaker, I campaigned for this Constitution, along with hon. James Orengo, who was at the time telling Kenyans that once we have this Constitution, police officers would be re-trained and uphold human rights as provided in the Constitution. However, when I went to Kamkunji grounds to hold a rally, what I met there was astonishing. The manner in which I was mishandled by the police told me that this country had not changed.

Through this legislation, we hope that the Commission we are creating will take steps to ensure that police officers are properly trained to ensure that human rights are upheld and that we have, not a police force, but a National Police Service that will respect the rights of all Kenyans.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyar): Minister, would you like to give hon. Namwamba two minutes?

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, there being adequate time, I have no choice but to allow hon. Namwamba to use two minutes.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, I am really grateful to you and to the Minister. I just wanted to add my voice to this debate and say that I support this Bill and, of course, applaud the work that the Minister and the Government are doing to implement the recommendations of the Ransley Commission, which really gave a very damning indictment of the Police Force.

I would like to say that with the kind of legislation that we are now enacting, in line with the Constitution, we are absolutely transforming the face of the Police Force, as should happen, to turn the Police Force into a friendly force. If you go to London and Tokyo, you will find police forces that are at peace, because they enjoy the respect and trust of the public. That is what we want to see.

Mr. Temporary Deputy Speaker, Sir, all I want to urge is that as this Commission takes over, and as the new era for the Police Force dawns, the Minister and the Government of the day have the responsibility of shepherding this process carefully to allow these institutions to cut their niche and provide the service that is expected of them, in accordance with the Constitution.

Minding the limitation of time, I beg to support.

**The Minister of State Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Members who have made very favourable comments on this Bill. Definitely, this Bill is going to bring fundamental changes in terms of both the service of police officers and the lives of the police officers.

I want to mention one thing which was raised here, that unless we are very careful, we could actually end up with a scenario where we have a National Police Service which is not balanced both regionally and ethnically. In carrying out reforms in the Police Force, we had this matter uppermost in our minds; it is important to have a truly National Police Service.

Mr. Temporary Deputy Speaker, Sir, to that extent, it is important that hon. Members note what is stated under Clause 12(b), which provides for observance of the constitutional principles set out under Chapter Thirteen of the Constitution. Again, looking at Chapter 13, Article 232, which is on Values and Principles of the Public Service, Sub-Article (1), particularly in paragraph (i), provides the following:-

“(i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the Public Service, of-

- (i) men and women;
- (ii) the members of all ethnic groups; and,
- (iii) persons with disabilities.

Therefore, the whole recruitment and training of policemen and police women will be such that it is balanced. I also want to allay the fears of the hon. Members who raised concerns, and reasonably so, that the officers who will be serving in the National Police Service ought to enjoy some kind of health facilities to be provided through some form of an insurance scheme to make sure that they are treated properly, and that they are compensated when, in the course of duty, they are hurt in one way or the other.

I would like to remind the hon. Members that such a provision was actually there. It is also in the newly enacted Act known as The National Police Service Act. In fact, the matter of compensation came in through an amendment in this House.

Mr. Temporary Deputy Speaker, Sir, once we pass this Bill, recruitment will be done very transparently. There will be no room for anyone to bribe one or two persons in order for their friends or themselves to be recruited unfairly. Recruitment will strictly be done by the Commission being created through this legislation.

We have already started revising the curriculum that is being taught in the police training colleges to fundamentally ensure that aspects of human rights and democracy are embedded in the new curriculum. We believe that this is important because police officers have to learn to be friends of the citizens.

Mr. Temporary Deputy Speaker, Sir, the passage of this Bill, however, will not address everything. That is why there is another Bill coming, namely, The Independent Policing Oversight Authority Bill. This is the Bill which will change the character of police officers. I do not want to anticipate debate on this other Bill but only to indicate to Members of Parliament the fact that we will finalise the package when we come to debate the Independent Policing Oversight Bill, which is very crucial.

A lot of work has gone into research on how we can actually come up with a police service that will serve Kenyans fairly – a police service which is going to rank amongst the best in the world. Given the enthusiasm that was demonstrated by Members

of Parliament at the time of debate on The National Police Service Bill, and the appreciation of this Bill, I personally have no doubt that we will end up with a police service which Kenyans have craved for, for a very long time.

With those remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, you will recall, as indicated by the Chair earlier on, that we are now going into adjournment to enable the House to record its deepest appreciation and gratitude for the outstanding performance of Kenyan athletes at the just concluded International Amateur Athletic Federation (IAAF) World Athletics Championships in Daegu, South Korea.

Proceed, hon. Gumbo!

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.23**

#### HOUSE COMMENDATION OF KENYAN ATHLETES FOR STERLING PERFORMANCE DURING WORLD ATHLETICS CHAMPIONSHIP IN DAEGU

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, I seek leave of the House under the Standing Order No.23 for a Motion of Adjournment, so that this House and the people of Kenya may record their deepest appreciation and gratitude to our world beaters, who conquered the globe by the just concluded IAAF World Athletic Championships held in Daegu, South Korea.

Speaking as a Kenyan, I feel good today. I feel very special, indeed, that our athletes have achieved what they have. Just about two weeks ago, our young men and women jetted out of this country to go and compete with the best of the world in the Thirteenth Edition of the IAAF championships in Daegu, South Korea. What is more satisfying is that our men and women did not disappoint as we have seen from the reports that have been coming through. For the first time in a major international event, Kenya managed to get seven gold medals. Therefore, for something like this, special thanks must go to all the athletes, particularly the gold medalists Edna Kiplagat in the women marathon; Vivian Cheruiyot or as they call her the “pocket rocket” in both the 10,000 and the 5,000 metres for women; David Lekuta Rudisha in the 800 metres; Azbel Kiprop in 1,500 metres; Ezekiel Kemboi in 3,000 metres steeple chase and of course, “the jewel of the crown”, Abel Kirui in the men’s 10,000 metres marathon.

This achievement is so big that we have to put it in context. Kenya is a very small country in terms of its nominal GDP per capita and even the size of people, but with the entire globe assembled, our great nation managed to become number three in the whole world. In achieving that, we managed seven gold medals. The whole of Africa managed nine gold medals. In fact, apart from Monto of Botswana and Ibrahim from Ethiopia, all

the gold medals that came to Africa, came from the great sons and daughters of Kenya. Of all the medals that Africa won, just over 30 medals, out of those, Kenya accounted for 17 medals.

*(Applause)*

This is great. If anyone cannot celebrate a moment like this, then truly, that is not a true Kenyan. I feel happy but what makes me even happier is that a lot more can be done. If you look at, for example, the tactical blunders we made in the women 3,000 metres triple chase and in the 10,000 metres men, where it seemed like our guys had only prepared for one Kenenisa Bekele, I think we have hope to believe that come London 2012, Kenya probably will be the best athletics nation in the world.

Mr. Temporary Deputy Speaker, Sir, the tragedy is that success such as this tends to make people take things for granted. It is time we started to look at our athletes in a different way. A lot of us do not know that for the last 50 years of the Olympics, Kenya has won 26 gold medals. The whole of East Africa comprising Kenya, Uganda, Tanzania, Rwanda and Burundi has won 28 gold medals. That means that out of the 28 medals that have come to East Africa from the Olympics in the last 50 years, Kenya has accounted for 26 out of 28 medals. In fact, the only other people from this region to have ever won gold medals in the last 50 years is one Benuse Niogabo from Burundi and Jonah Kibwa from Uganda. This is something that we have to celebrate. Look at, for example, the countries that we have come shoulder to shoulder with in the just concluded world athletics. The United States of America, a big country with over 300 million people, one of the best nominal GDP per capita in the world at almost US\$50,000 and Kenya with its miserly GDP per capita of just about US\$1,000 is able to fight and stand shoulder to shoulder with these giants of the world economy.

My prayer is that the same way we have celebrated our athletes in Daegu, let us now use this occasion to plan lasting societal cordiality among the different communities in Kenya. I am talking about the evils of negative ethnicity. When we were cheering our leaders, when, for example, Ezekiel Kemboi sang "*Yamune mama*" in Daegu, even those of us who do not know what *yamune mama* meant, we cheered it because it he was singing for Kenya. That is why we should gain from this. Let our tourism build on the back of this monumental success. Let societal togetherness and brotherhood build from this monumental success.

Mr. Temporary Deputy Speaker, Sir, as I conclude - I am glad my party leader is here - my appeal to him and His Excellency the President is to make these people national heroes. They deserve to be the heroes of Kenya. If a Kenyan can beat the great Ethiopian Mesret Defao twice in one tournament, that is a national hero. If a Kenyan like David Lekuta Rudisha can break the world record twice in a week, that is a national hero. If Kemboi can lead Kipruto to a one-two finish in the steeple chase, those are national heroes. I think it is time we started to appreciate these people. For those of us who have travelled a lot, you go to places like America and all the public places are adorned with images of their heroes, for example; Carl Lewis, Edwin Moses, Michael Jordan and the great Willis Chamberland. Why can we not do the same for our people?

It is time we recognized our Olympic champions. It is time we lauded them. It is time we hoisted these people who make us so happy; these people who make Kenya so

great. It is time we hoisted them to be the real heroes of this country, the champions that they are and our national examples even to our children.

With those remarks, I wish to support and ask hon. Mwiria to second.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Thank you for calling me to contribute but not as a Seconder, if that is the problem.

**The Temporary Deputy Speaker** (Dr. Imanyara): Order, hon. Mwiria! If you do not wish to second, please, sit down!

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): No, no! I am going to support if that makes some Members happy. I would like to say that---

**The Temporary Deputy Speaker** (Dr. Imanyara): Order! It is the Standing Orders that require that a Motion be moved and seconded. So, if you are not seconding, let somebody else second it.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I am seconding.

I am as proud as many other Kenyans have been in the last one week about the great success of our heroines and heroes. Like many other Kenyans, I was asking that if we can be so successful, compete with the best in the world; the biggest powers and go side by side with Russia and the United States and do much better than most of the industrialized countries, why is it that we can only be among the top in sports, but not when it comes to economic development, governance and other values?

It is quite clear that we have the raw material that can compete at that level, at the national level, it is also important for us to translate that into other gains, so that we can have something else to show the world and not just our victories in track and field events. Presently, we have other negative aspects of our society having much more focus than that.

Secondly, already, the Mover has said that we should make them heroes. This is important. It is very unfortunate that many of our successful athletes have died poor. There are people like Henry Rono who broke four world records in two weeks, but died a poor man. Wangila was the first one to win a gold medal for Kenya at the Olympics in boxing, but he died a poor man. There are many more cases like that. Who gives this country more honour than such people? Who does us proud more than such people? Who are the people that we remember? Who are the best examples in this country?

Therefore, we should just go beyond talking about it, making them heroes and heroines and giving them Kshs1 million or Kshs5 million. What should prevent us, after having seven gold medals from buying them houses for Kshs50 million? That is only Kshs350 million. They will rest and be happy forever. They will have insurance and security. These are things that we accord many more people that have not done as much for this country. It is high time that we made them as comfortable as they can, so that they can remember what they did for this country that many of us cannot do.

I would also like to say that we should go beyond the Police and the Armed Forces. Our gold medal winners are those that have been recruited to the military and the police yet there is talent outside. There are those who do not make it to the police or do not wish to be police officers and military people that also have the talent. These people, after primary and secondary school, will go to technical institutions and middle level

colleges and universities. We need to find a way of having opportunities in technical institutions where you can go there and excel even if it means two or three technical institutions in the country that recruit and focus on developing talents. The same should happen to middle level colleges. A lot of talent and athletes end up in primary teacher training colleges after their secondary school education. We again need to identify teacher training colleges that can just focus on developing that talent and they can cut across the country.

Mr. Temporary Deputy Speaker, Sir, some of the athletes you see competing like the triple jump winner from the United States of America (USA) and a few others are actually college students in the USA and other countries. However, you will not find top athletes from our universities. It is not because they are not there but it is because we do not create an environment to support our young people in our universities. If you visit many of these countries, university games are very big; even bigger than many professional sports. This is because a lot of resources are put there and the talent is developed right there. It is important also to see how we can support the students in our universities, first of all by ensuring that if you are a top athlete, you go through university without having to pay school fees and get scholarships in other countries. What is it that makes it necessary for us to ask for school fees from students who can contribute in other ways in terms of strengthening this country so that they do not have to spend their time worrying about simple living conditions? They should be supported and feel comfortable as is, indeed, the case with those that get scholarships in those countries and eventually compete for their countries.

We also need to revisit our counties and have stadia and academies in every county. We should not just talk about Nyayo Stadium. There should be a big stadium in Meru and in other counties. We should also have those sport academies where we develop talent and give everybody an opportunity to compete and to know that you do not have to go to Nairobi to compete.

*(Question proposed)*

**The Prime Minister** (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to join everybody here in congratulating our athletes for a sterling performance.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, this is the best performance that Kenya has achieved in the World Athletics Championship. Seven gold medals, seven silver medals and a total of 17 medals is a great achievement. We need to know that this was achieved only on the track, and we did not get any medal in the field events. We can say here without fear of contradiction that if we just take the medals that were won on the track, Kenya is number one in the world.

*(Applause)*

Russia, which got a number of medals in the field events only got two medals more than Kenya. So, this is great and it does not matter whether it was gold, silver or bronze. All of them performed very well. It is only one person who can win gold. When they are running they do so as a team supporting each other. So, let us not say that we are elevating those who got gold over those who got silver or bronze medals.

Let us go back to where we started. Kenyans participated in the Olympic games for the first time in 1956 in Melbourne, Australia. We had Nyandika Mayoro, Bartonjo Rotich, Kibet Boit, Paul Odhiambo. We had Areria Nentia who won the first Commonwealth games gold medal. We had Sarafina Ntau who won a gold medal in the Commonwealth games 100 metres. Wilson Kiprugut Chuma was the first Kenyan to win a bronze medal in 800 metres race in Tokyo in 1964. We also had Naftali Temu, Kipchoge Keino, Amos Biwott, Ben Kogo, Julius Sang and many others. As a Government, we need to honor these athletes.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, we have started the process of honoring these athletes.

As we honor our athletes, let us also look at our football. We also need to give credit where it is due. Kenya beat Guinea Bissau on Saturday at the Nyayo Stadium. We must also congratulate our football team for a job well done. The President has today offered that if the Kenyan team goes and beats Uganda in Kampala on 8<sup>th</sup> October, 2011, the Government will give them a big reward.

I have talked about a cash reward. I want our hon. Members to do what the Ugandan Members of Parliament did last time. When Uganda came to play against Kenya here, half of their Parliament was here in Nairobi to cheer their national team. Let the Kenyan Members of Parliament go to Kampala on 8<sup>th</sup> October to cheer the Kenyan team when they will be playing against Uganda.

We need to improve sports. The Ministry of Youth Affairs and Sports is already in the process of expanding the facilities and also scouting talent at the grassroots level. We are, for example, introducing Under 14 Soccer Tournament, Under 17 Soccer Tournament and Under 20 Soccer Tournament. We hope Kenya will be able to participate in the African football tournament next year. We hope that our Olympic teams next year will do a much better job in London.

Mr. Temporary Deputy Speaker, Sir, I conclude by saying that sports is crucial for the development of this nation. The Government will continue to invest more in the improvement of sports facilities in the country to ensure that all the 47 counties have quality sports facilities. We want to ensure that Kenyans, irrespective of the part of the country where they are born, have equal opportunity to improve themselves in sports.

With those few remarks I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, given the very many hon. Members who want to contribute, I will time a maximum of three minutes per hon. Member.

**The Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I want to thank Eng. Gumbo for bringing this Motion. If you may recall, there is a young man called Peter Rono who won a gold medal in Seoul. When he was



asked to comment, he said that it is easier to win a gold medal in the Olympics than to qualify in Kenya to go to the Olympics. That explains the level of talent we have in this country and the determination in our youth.

I want to salute our athletes who have done very well in Korea. Watching television and seeing our young boys and girls slide past their competitors, I felt very proud. These young talents need counseling, advice and management.

Mr. Temporary Deputy Speaker, Sir, when you reflect on the tragic case of Henry Rono, Pamela Jelimo and Wanjiru, you realize that these young people must be assisted to manage their success. This is because success has to be managed if we have to get the best out of it.

Secondly, these athletes do much more for this country in terms of marketing and extending our diplomatic engagement more than even, sometimes, our diplomatic staff. I would like to say that I will request the President and Prime Minister to allow the Ministry of Foreign Affairs and the Department of Immigration to extend diplomatic passports to these excellent athletes who have given this country the wonderful image and name.

If you look at Uganda and other countries where they produce one or two good athletes in ten or 15 years, as soon as they identify talent, they give them a national profile. I think we should do the same in this country.

Mr. Temporary Deputy Speaker, Sir, thirdly, if you want to see the benefits of these great athletes, go to Eldoret Town today and see the booming economy coming out of the athletics success of that region. It is very important that the Government honours these athletes and puts more emphasis and money in sports; whether it is football, athletics or hockey. We regret the boxing event where Kenya used only to be second to Cuba among Third World boxers. Today, we do not talk much about boxing. I think we need to go back to identifying talents early, so that we can develop them. This is one way of helping our youth get employment, market the country and become successful in life.

Mr. Temporary Deputy Speaker, Sir, once again, I salute those great Kenyans who did us so proud in Korea.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to join my colleagues in congratulating our athletes for the sterling performance in Daegu.

Mr. Temporary Deputy Speaker, Sir, in supporting what they have done, we are very proud. This is the moment that one can say “I am proud to be Kenyan,” especially when we heard our national anthem being sung seven times in Daegu. I want in particular to congratulate the ladies because this time they have done us proud. Out of the 17 medals, ten of them came from our female athletes. I really want to congratulate them for the sterling performance. I want to single out Priscah Cheptoo who comes from Chemoyot in my constituency and really congratulate her for having made sure that my constituency was ably represented there. I also want to congratulate Mark Mutai who ran the 4 x 400 metres relay and actually made sure that Kenya was number six. Though we always say that we may not be able to perform well in the short races, that proved that we can actually do even better.

Mr. Temporary Deputy Speaker, Sir, I want to indicate here that this performance by our athletes ranked us number three. The next country in Africa was Ethiopia which was number nine, with only one gold medal. The next one was Botswana which was

number 16, with one medal. So, in the entire Africa, seven gold medals came from Kenya and the other two came from Ethiopia and Botswana. So, Kenya is the pride of Africa. We really want to thank and congratulate them for that.

Mr. Temporary Deputy Speaker, Sir, looking at the marathon race, I want to really believe that these athletes have proven to the whole world that we are the marathon champions. Seeing our three ladies leading numbers one, two and three and our men, one and two, is enough evidence that this country is a home of marathoners. In remembering the late Wanjiru, who at his very early age, was able to bring us that medal, I think as a nation there is need to have a race in his name, especially in marathon, so that we can keep remembering what he did for this nation.

Mr. Temporary Deputy Speaker, Sir, also, we want to see the Government coming out boldly, supporting and recognizing these heroes. We always have the Head of State commendations being given to every other person. Can we see these people being given these commendations?

Mr. Temporary Deputy Speaker, Sir, I congratulate them.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I also rise to congratulate our Kenyan heroes. We met them today at the airport and I asked His Excellency the Vice-President: “How come we did not meet them in the VIP Lounge?” I hope and pray that henceforth, we will meet all our heroes at the VIP Lounge.

Mr. Temporary Deputy Speaker, Sir, secondly, I was watching television and there is one athlete from France who said: “I give up. I will never run the steeplechase again because that is a Kenyan race.”

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

*[The Temporary Deputy Speaker (Prof. Kaloki)  
took the Chair]*

Russia only beat us because the lady got a gold medal. Had she got a silver medal, we would have been second. There are other disciplines like boxing where, as the Minister for Foreign Affairs has said, we are quite good. In cricket, Kenya beat West Indies, which is a world class team. In hockey, we were one of the best in Africa and in the World. In Rugby Sevens, we are one of the best and we take on South Africa and New Zealand. In Golf, we also do very well. The only thing remaining is that we do not honour our athletes who have done very well. We do not also honour those quiet people who work in the background. I think about Kipchoge Keino and a gentleman by the name John Welthian. He has coached the Kenyan team for a very long time. There was another one called Ali and a Mr. Okeyo. Those are the people who have given us what we have.

Finally, under CDF, there was a time we were given Kshs1 million to promote football. Why have we not been given money for athletics? When I was in school, sports were a major activity. I am pleased to say that in East African Secondary Schools Championships, Kenya took number one position. We beat everybody in the East African Games just the other day. We need to bring athletics back into the school curriculum.

I also want to support the fact that those athletes must be given medals. I am not talking about gold medals but State awards. Why should we have crooks who have

swindled this country millions of shillings being given honors like Order of the Burning Spear and not the athletes?

I support.

**The Minister for Gender, Children and Social Development (Dr. Shaban):** Ahsante sana Bwana Naibu Spika wa Muda. Hoja hii ni ya muhimu sana haswa wakati huu Wakenya wanaposherehekea ushindi mkubwa ulioletwa na wanariadha wetu. Wanariadha hawa, haswa wa kike, wametuwezesha kuchukua nafasi ya tatu ulimwenguni. Akina mama Wakenya wamefanya kazi ya maana sana. Kazi hiyo haijawahi kufanywa miaka hii yote.

Kwa siku nyingi sana, wanariadha wamekuwa waking'ang'ana wenyewe bila usaidizi. Ningependa kuchukua fursa hii kusema ya kwamba Waziri wa Maswala ya Vijana na Michezo anafaa kuhakikisha yakwamba wanariadha wanapewa usaidizi mkubwa hasa wakati wanapofanya mazoezi. Nchi nyingi duniani huwa na shule ambazo wanariadha huenda na kufuzu ili wajihusishe katika mbio na michezo kama vile ya mpira ili waweze kujiendeleza. Ukienda katika nchi kama vile Brazil, utapata kwamba wanamichezo wote wanapatiwa nafasi ya kujifunza ili waanze mapema wanapokuwa shule. Akina mama wamefanya kazi kwa bidii na ningependa kutoa pongezi hasa katika Jumba hili la kifahari na kusema kwamba wametuweka katika ramani ya ulimwengu. Ningependa haswa kumpongeza mwanariadha Vivian Cheruiyot aliyetupa medali mbili za dhahabu. Mrembo yule ametuweka mahali pengine katika hali ya michezo ulimwenguni.

Bw. Naibu Spika wa Muda, ninaunga mkono wenzangu kuwa Serikali yetu iendelee kuwasaidia wanariadha hapa nchini. Ninapendekeza Serikali iwe na hazina maalum ya kuwasaidia wanariadha ili wafaidike katika maisha yao. Si kila wakati wanapokimbia wanalipwa pesa nyingi. Kuna mbio ambapo wao hulipwa lakini mara nyingi hawapati fidia ya kutosha. Kwa hivyo, kama motisha, ni lazima Serikali yetu itenge hazina ya kuwasaidia wanariadha wetu ili waweze kutia bidii katika mashindano ya dunia.

Kwa hayo machache, ninaomba kuunga mkono.

**Mrs. Shebesh:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to add my voice in supporting and congratulating the athletes of this country. My single contribution on this issue will be the issue of branding. We do know that there is an agency within Kenya that is called Brand Kenya. Every time we see our athletes going out of the country we see different forms of branding in terms of uniform. However, what always turns out and what has always made us unique is the Maasai dress.

Therefore, I would be suggesting to the Government to consider that the official national uniform for athletes going to represent Kenya be the Maasai dress because that has been something that we are proud of. It is noted outside and it gives us pride when we see it on television.

Mr. Temporary Deputy Speaker, Sir, I support.

**Mr. Muthama:** Bw. Naibu Spika wa Muda, timu ya Gor Mahia ilishinda kombe la Barani Afrika la kandanda mwaka wa 1987. Ushindi huu ulitokea baada ya wao kujaribu miaka nenda miaka rudi. Hata hivyo, wakati timu hiyo iliporejea hapa nyumbani haikutambuliwa wala kutunukiwa heshima yoyote. Hata leo timu hiyo haijawahi kutambuliwa kwa ushindi huo.

Kenya ina wachezaji wengi wanaotuletea heshima na sifa duniani. Nchi ya Uganda ilikuwa na mkimbiaji mmoja tu kwa jina la John Nakibwa ambaye alishinda medali moja. Leo hii ukienda Uganda utaona barabara inayojulikana kwa jina lake. Sisi Wakenya tuna shida moja ya kukosa kujitambua na kujiamini. Ingelikuwa ni nchi zingine zilizopata medali kama Kenya kule Daegu, sifa zao zingeneza kote ulimwenguni. Je, ni njia gani mwafaka ya kuweza kuwasaidia wanariadha wetu? Pendekezo langu ni kuwa ikiwa mtu amefaulu katika mbio au mchezo wote ule, atambuliwe na kupewa kazi katika wizara zetu.

Hii ni njia mojawapo ya kuwatia shime wanariadha wetu. Ikiwa wanafanya kazi katika kikosi cha polisi au jeshi letu, basi wapewe madaraka ya juu na tuimarisha mishahara yao.

Jambo la tatu ni sisi kuwatambua watu wote waliyoitea nchi hii sifa katika miaka iliyopita. Watu hawa wanastahili pensheni ya kutosha ili wajikimu maishani. Ni lazima tuwape bima ya kuwagharimia matibabu na mahitaji mengine maishani. Hii ni kwa sababu hawa ni mashujaa wetu waliovuma na kuiletea sifa nchi hii wakiwa vijana. Nchi hii ni tajiri sana ikiwa inaweza kutumia pesa na rasilmali zake vilivyo.

Kwa hayo machache, ninaunga mkono.

**Mr. Namwamba:** Bw. Naibu Spika wa Muda, nashukuru kwa sababu ya Vivian Cheruiyot, Edna Kiplagat, David Rudisha, Abel Kirui, Asbel Kiprop na Ezekiel Kemboi. Wimbo wa taifa hili letu uliimbwa mara saba katika mji wa Daegu kule Korea Kusini, na bendera ya taifa hili ilipandishwa na ikapepea katika taifa hilo la ugenini. Wahenga walinena kwamba chanda chema huvikwa pete. Kwa hivyo, taifa hili halina budi ila kuvikwa pete ya dhahabu kwa kila moja wa hawa mashujaa wa Kenya, ambao wametuletea heshima kubwa na adhi nyingi kuliko yoyote ambayo tumewahi kushuhudia. Lakini tunapowasifu, ni juu yetu kutufakari na kujiuliza: Ni kwa nini hatuwekezi katika mipango yetu, muundo msingi wa kusaidia wanaspoti katika taifa hili kujiendeleza? Utaona kwamba kati ya hawa Wakenya 17 ambao wametuletea medali, wengi wanatoka katika kaunti ya Nandi, lakini ukienda katika mji wa Kapsabet, hakuna uwanja wowote ambao uko katika hali ya kuweza kuwasaidia wanaspoti. Ukitazama uwanja wa Kipchoke mjini Kapsabet, ni uwanja ambao umechakaa. Ni uwanja ambao Serikali haijaonyesha nia yoyote ya kuweza kuinua hali yake.

Bw. Naibu Spika wa Muda, ni lazima pia tuchukue hatua ya kuweza kuandaa michezo ya kimataifa kama hii. Mara ya mwisho ambapo Kenya iliandaa michezo ya adhi kuu ni mwaka wa 1987, wakati tulipoandaa michezo ya bara la Afrika. Mwaka wa 1999, tulikuwa tumepewa nafasi ya kuandaa michezo ya soka barani Afrika, lakini tukapoteza nafasi hiyo na ikapewa Afrika Kusini kwa sababu ya migororo ndani ya Serikali. Kwa hivyo, ni changamoto vilevile kwa Serikali kuonyesha heshima kwa wanaspoti wetu; inafaa tuweze pia kujitayarisha kuandaa michezo kama hii na kuwekeza katika miendo misingi.

Naunga mkono na natoa heshima kubwa kwa Wanakenya hawa shupavu.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I think this debate is very timely. This is the year for change, and we must change from past laxity and poor management of sports to better management of sports and athletics in this country. If my memory serves me correct, I think we have discussed in the Cabinet the Sports Management Bill, one of whose objectives is to

establish a sports academy, and introduce sports science, so that those who are in sports and athletics can approach this from a very scientific view-point.

Mr. Temporary Deputy Speaker, Sir, I have been to the University of Athletics and Sports in Cuba. Cubans actually have a whole university for training their sportswomen and men. In that university one of the subjects that is studied is physiology, because one needs to know how the body works so as to train that body properly. So, indeed, sports is a science. I believe that if we go along this direction, we shall address a lot of the issues relating to sports in a much more practical and scientific manner, both by the government and the sportspeople themselves.

Having said that, I want to address myself to this issue of our sports heroes. Let me give you a concrete example. We have a man called Joe Kadenge. For those of you who are old enough, older than my friend hon. Wamalwa who might not have been there in the 1960s, you know what a legendary Joe Kadenge was. I remember watching a match at the City Stadium in the mid 1960s, when the Kenyan team was playing West Bromwich Albion, and Joe Kadenge was a star. Joe, in a fact, scored a goal which, to all of us, was a goal but he was offside. The referee, of course, blew his whistle and said that the Kenyans had won, but because of his magnanimity Joe Kadenge took the ball to the referee and told him: "No, I was offside". This was the mark of a very honest sportsman who was prepared to forego a goal, because he knew the rules of sports. Since we had visitors--- Indeed, those who saw the goal, knew he had been offside; Joe Kadenge was prepared to disappoint his fans, and observe the rules and regulations of soccer at a time when he was confronted by a very powerful international team.

Such people as Joe Kadenge need to be honored and retire knowing that they have served their country well and that the country recognizes their contribution and that we should name even a street after Joe Kadenge. We should also name a stadium in this country after Joe Kadenge. It will help our kids to appreciate sports if we appreciate some of the people who have been legends in our sports history.

I beg to support.

**The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support this very important Motion. In doing so I want, first of all, to congratulate the gallant citizens of this country who brought honor and respect to Kenya at Daegu, South Korea.

Mr. Temporary Deputy Speaker, Sir, apart from the heroes who have just come home, we have other heroes in the persons of Kipchoge Keino, Paul Tergat, David Rudisha, Robert Ouko, Tanui and very many others. These are people who have kept the name of Kenya at the top of the world.

I would like to propose to this august House that we bring up a policy for the Government to put up benchmarks on sports. We should benchmark our sports on the standards of countries like Cuba and the United States of America so that our athletes and sportsmen, whether in soccer, hockey or in golf should be able to learn. I quite agree with Prof. Anyang'Nyong'o for saying that the sports academy should be build in this country. However, the question is when? We should set aside some money in the Supplementary Estimates so that we can establish the sports academy.

Mr. Temporary Deputy Speaker, Sir, out of over 200 countries, this nation called Kenya--- The only nation that this country did not beat are the two super powers. This is a wonder and these are great citizens who should be given not only awards. Myself, I

have brought trophies to this Parliament! Hon. Elijah Lagat was the Boston Marathon Champion. We have people who can lead in the development of this policy even in this House.

We congratulate the Amateur Athletics Association of Kenya (AAAK) for providing proper and prudent leadership to athletics, because that is the only sport in this country which is still doing very well. We would like to commend the Harambee Stars, we wish them luck and we wish that they beat the Ugandans. However, this is only through hardwork and good leadership.

Mr. Temporary Deputy Speaker, Sir, I do support this Motion. These heroes must be given the recognition they deserve.

**Mr. A.H. Mohamed:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support and appreciate the good name these athletes and good Kenyans have brought us. I want to propose that we dedicate a day as a national day in honor of our athletes. I will also encourage the Ministry of Tourism to recognize these great Kenyans and use them to sell Kenya because when most of us travel out of Kenya, people ask us where we are from and we tell them that we from Kenya, the only thing they can remember is our great athletes---

**Dr. Khalwale:** And bull-fighting!

**Mr. M.H. Ali:** And bull-fighting, Mr. Temporary Deputy Speaker, Sir!

*(Laughter)*

So, instead of using a lot of resources putting up television advertisements in the CNN and other international media, they should use our Kenyans who are everywhere all the year so that we can get value for money. It is not just enough saying here that we appreciate these Kenyans. I wish to support the hon. Member who said that we should give these great Kenyans, at least, something to take home. Let us say that each athlete who has won gold should be given a house and a car; the one who has won a silver medal should be given a house and the other one who has won a bronze medal should be given a car. Let them also continue to build their careers wherever they are.

I also wish to ask the Government to put up athletics academies so that our East African neighbours can also bring their people here to train. Other Kenyans who are idling around and have not had the opportunity to be in the military or police force can also go to the academies so that their talents can be discovered.

Lastly, I wish to ask the Government to recognize these Kenyans wherever they are serving; whether in the military or the police, they should be given medals.

I support.

**Mrs. Noor:** Mr. Temporary Deputy Speaker, Sir, as the Chair of the Committee on Labour and Social Welfare, I want to congratulate the Minister with whom we have worked together very closely. It is because of the close working relationship with the Departmental Committee that you are seeing results. I want to urge all the other committees to emulate the Departmental Committee on Labour and Social Welfare and the Ministry of Sports and Youth Affairs because that is what is giving results.

Mr. Temporary Deputy Speaker, Sir, I want to equally congratulate the athletes. I am very happy that they were able to do that. I am also happy that out of the 17 medals, ten were won by women. I want to tell the women of this country that if those women

could do that, we have the capacity to compete in everything. One of us can even be the President of this country. The women of this country are prepared this time round to take everything. We will tell our brothers: “You have managed this society for many years and this is the time to see the management of women”. We are going to transform this country and its visibility will be very high.

Mr. Temporary Deputy Speaker, Sir, we need to appreciate these people. Honestly, if we do not appreciate this performance by our own Kenyans, we would be wasting a lot. In appreciating them, we must clearly show it. This House must lead by example. Just as the Prime Minister said, 80 per cent of the Parliament of Uganda came to Kenya to cheer their team. We should not talk about this matter in the House and leave it here. When our athletes are coming back, we should wait for them at the airport. We should celebrate and cheer them so that Kenyans can see what kind of people we are. This is wonderful. It is a miracle that Kenyans could perform to that level.

With those few remarks, I support the Motion.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I also take the opportunity to thank the mover of this Motion, Eng. Gumbo because the Motion is very timely.

I also take the opportunity to thank Kenya’s versatile stars and conquerors of the world. The Kenyans conquered the whole world. It is notable that France being a super power was beaten badly. Britain and even China with a population of almost two billion people were beaten. Even South Korea the hosting nation was not able to get even a small medal during the competition. We note with total excitement the big haul of medals that Kenyans were able to bring to this country. Indeed, the Kenyan athletics team was the continental champion.

Mr. Temporary Deputy Speaker, Sir, in recognition of the outstanding performance of our athletes, it is important to give them some land and houses and provide them with healthcare. Where necessary, we should also award them scholarships to advance their education. It is also important to recognise the greater role that was played by their trainers and coaches. We need to enhance our capacity by investing more in athletics, as well as in other sporting activities, so that our name can continue to shine at the international arena.

I finally recognise the good leadership of the Minister for Sports and Youth Affairs and his two Assistant Ministers, namely hon. Wavinya Ndeti and hon. Kabando wa Kabando.

With those few remarks, I beg to support.

**The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama):** Mr. Temporary Deputy Speaker, Sir, first of all, I want to thank the Mover of the Motion for bringing it here at this point in time, when everybody is in a mood of celebration.

I want to congratulate our athletics team, which did very well in Daegu, South Korea. This country has tremendous potential not only in athletics but also in other sports, including the hobby of my friend, hon. Khalwale – Bull Fighting.

Mr. Temporary Deputy Speaker, Sir, we have not harnessed this country’s sporting potential to the best of our expectation. First of all, our athletes must be rewarded handsomely, so that they can have the encouragement to move on with sports. I would suggest that every athlete with a medal gets something close to Kshs1 million, instead of talking of providing them with houses and whatever.

Our heroes and heroines in sports must also be rewarded through medals and a package that they can retire on. Most of them are actually living in squalor, if I may use that word, despite the fact that they did this country proud during their youthful lives. Some of them used to run bare foot but they won medals.

Mr. Temporary Deputy Speaker, Sir, as a matter of urgency, the Minister should come up with a policy to have a sports academy at the national level, which can later have branches at the lower level, so that every county will have its own sports academy. We must also have systems of nurturing the talents of young people and taking them to the sports academies, so that their talents can be developed.

If we want us to effectively train our sportsmen and sports women, we need to visit the University of Sports and Athletics in Cuba. We need to visit Jamaica and borrow a lot from the United States of America (USA), France and China. Once we harness those experiences, we will come up with the best facilities and the best policies of managing athletics in this country.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kiptanui, you will take just one minute. Hon. Pesa will follow and take one minute.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, I would also like to congratulate the Kenya Athletics Team for being number three in the entire world and number one in Africa.

I would like to put some facts straight – that, indeed, most of the athletes who have done very well do not come from Nandi County. They come from Elgeyo Marakwet County. Indeed, out of the seven gold medal winners, three are from my county. Five athletes from Elgeyo Marakwet County won silver medals, while another one won a bronze medal. So, we are doing well as a county.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that we must, indeed, reward these athletes. The reward Kshs200,000 and Kshs300,000 that we give to our athletes is peanuts. I would like to support my colleagues and say that we give them substantial sums of money, which they can invest because they have made us proud.

With those remarks, I beg to support.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, I want to add my voice to the congratulations that have been given to our athletes. I was with the athletes the other time in Berlin, Germany, and in fact, it makes you proud when you see your people doing so well and winning. For the last few days, Kenyans have been glued to television sets and have been entertained full time.

We are doing very well in long races from 1,500 metres onwards, but not in short races. We need to ask ourselves why we have not decided to also invest in people who can do the short races. If we equally did well in the short races, definitely, we would have got more than the 17 medals that we got. Otherwise, this country must motivate our athletes better than we have done before. I am not blaming the Government. The Government has done quite well because it appreciates what these people do, but we still need to do more so that we can encourage those people who are talented in the field events and the short races, so that we can be best in the world. Being best in Africa alone is not enough. But we must congratulate the Minister for the good work he has done.

I beg to support.



**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, mine is to congratulate my brother Eng. Gumbo, for bringing this Motion and for enabling us to celebrate the achievement of the gallant sons and daughters of Kenya. This House has done its part in honouring the heroes of this country including our athletes through a Motion that was brought by the same Mover of this Motion, Eng. Gumbo. I would ask the Government to ensure that that Motion is implemented and a Fund is set up. All that we have suggested today can be addressed through that Fund that should be implemented through that Motion.

We have also brought a Motion here to honour other heroes like the *Mau Mau* heroes, which is pending implementation. Nothing is being done to implement this Motion.

I beg to support.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabondo wa Kabondo): Mr. Temporary Deputy Speaker, Sir, I want to thank this House for finding very special time and hon. Gumbo for pioneering this to celebrate the performance of our athletes.

Indeed, there is nothing better that has inspired this country than sports through the years. I want to assure this House that my Ministry has put in place the necessary arrangements and I am requesting for support when we bring the Sports Bill. We have asked the Prime Minister today and I asked His Excellency the Vice-President at the airport to help in the infrastructure so that it is put as a priority agenda. All the issues that have been raised, namely, the Sports Lottery, the Sports Trust Fund and the Sports Academy are all covered there. The Brand Kenya Board, the Kenya Tourist Board and the Film Corporation of Kenya are also very keen. They were handy today also to receive our athletes. They want to profile our athletes so that we can template and use them for marketing Kenya overseas. I want to inform this House that the President of South Korea found time to go to the villages of the athletes specifically to see the villages and particularly to greet the Kenyan athletes because there is no better word in Daegu, South Korea and globally than the word of the Kenyan marathon and the Kenyan long distance runners.

Finally, we only received Kshs500 million for sports this financial year. We have already spent Kshs300 million on the team to Maputo for the All Africa Games. We spent Kshs20 million on the contingent to Daegu. I am requesting this House to look for unconventional solutions, so that we can have re-allocations, if the kind of money that is required to finance sports will be available. We are also asking this House to support unanimously the Sports Bill and I am happy the Deputy Leader of Government Business is here, so that it is passed. We should not continue debating and dialoguing. There is no better talent, fame and prestige than the achievement that has been made by our sports men and women. Regarding all the issues about heroism, we in the Ministry are of the opinion that we should rename the colonially named streets in Nairobi, Kisumu and Mombasa to replicate the advantage of these athletes.

With those remarks, I support strongly.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now 6.30 p.m. It is time to interrupt the business of the House. The House stands adjourned until tomorrow, Wednesday, 7<sup>th</sup> September, 2011, at 9.00 a.m.

The House rose at 6.30 p.m.