

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 29th March, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

FISH DEATHS IN MARA RIVER

Dr. Otichilo: Mr. Speaker, Sir, I beg to ask the Minister for Fisheries Development the following Question by Private Notice.

(a) Is the Minister aware of the mass deaths of fish in Mara River during mid-February, 2011?

(b) What caused the deaths and what steps is the Ministry taking to prevent future deaths?

(c) Were other aquatic and terrestrial animals affected and what punitive measures will the Government take against persons responsible for the deaths of fish as well as other environmental damage?

The Minister for Fisheries Development (Mr. Kingi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The Government Chemist results have indicated that the fish died due to a chemical called cyhalothrine which is a carbonate. This chemical was found in the water, soil, and fish samples that were collected and analyzed. This chemical is used as a pesticide and could have been washed into the river by the rains that were experienced during that period. The pesticide hydrolyses within 24 hours upon exposure to the open environment. Therefore, future death reports cannot be expected.

The responsible Government Ministries and agencies will intensify surveillance and monitor effluence discharged into the river systems. Under the Lake Victoria Environment Management Programme (Phase II), which covers the Mara River and other areas, pollution control and prevention measures will be put in place.

(c) No other animals were affected in this incident. The environmental laws of the country will be enforced accordingly to avoid incidences such as this one in the future.

Dr. Otichilo: Mr. Speaker, Sir, I want to take this opportunity to thank the Minister for coming up with the right answer. This has confirmed my fears that the pesticides that are used extensively in the Maasai Mara, particularly in wheat farming, are being washed into the rivers. These chemicals are responsible for the *en masse* death of fish in the Mara River. Now, could the Minister tell this House what action he is taking,

both long-term and short-term, that will ensure that this dangerous chemical is not used in wheat farming?

Mr. Kingi: Mr. Speaker, Sir, we have not yet identified the particular source of this pesticide. However, we have already talked to the National Environment Management Authority (NEMA), that is, the agency mandated to enforce the Environmental Management and Co-ordination Act.

First of all, we need to give information to the people living along this particular river so that they become aware that they are not supposed to dump any pesticides in the river. Secondly, we have requested NEMA to come up with a programme that will ensure that there is a good monitoring and evaluation of the environmental systems within and around the banks of River Mara to avoid this kind of a situation recurring.

Mr. C. Kilonzo: Mr. Speaker, Sir, has the Government considered testing waters in various rivers and streams to ensure that they are not polluted to the level of affecting fish, livestock, and human beings?

Mr. Kingi: Mr. Speaker, Sir, as a Ministry, we are concerned about the number of incidences where fish is losing lives. We have talked to NEMA because it is the Government agency mandated to enforce the environmental regulations. We indicated to them that we need to see a lot of vigilance as far as all the aquatic waters are concerned. Our aim is to eradicate situations where we are losing fish. In fact, we are not only losing fish in the national aquatic water bodies, but also in some of the ponds we are constructing in quite a number of constituencies.

When it rains, harmful chemicals are drained into the ponds. We informed NEMA that they should not be preoccupied with punishing offenders; rather they should ensure that they educate the people living within and without the riparian areas so that they understand the dangers of using harmful pesticides. Again, the measures they put in place are not only for the benefit of the Government, but also the communities. We have, therefore, told them to change the manner in which they approach this problem. They need to bring in the community as a stakeholder as opposed to waiting for someone to commit an offence and then rein in on him.

Mr. Njuguna: Mr. Speaker, Sir, the Minister admits that there was mass death of fish in the Mara River. Could he quantify the loss incurred as a result of this heinous act?

Mr. Kingi: Mr. Speaker, Sir, at this moment I may not be in a position to quantify the loss as a result of this particular unfortunate incident. However, point and non-point source pollution does not affect only one section of a river. If chemicals are drained in a river, they are carried downstream by the water. Therefore, at this particular time, I may not zero in on the Mara area. We may have to look at the entire river to see how many fish, indeed, died. This is a difficult exercise because, maybe, a lot of the fish were washed downstream and we may not be able to collect them for purposes of quantifying. I am not able to quantify that loss at this very moment.

Mr. Lang'at: Mr. Speaker, Sir, I believe that if the Ministry had staff monitoring the Mara River, some of the fish could have been saved. Could the Minister confirm whether or not there is anybody who is monitoring the rivers to ensure that the fish are safe?

Mr. Kingi: Mr. Speaker, Sir, as a Ministry, we do not have a dedicated unit that is mandated to do surveillance of the Mara River. However, the Kenya Wildlife Service (KWS) is helping in this regard. Even the kind of analyses I have managed to produce

and table here today are as a result of the KWS collecting samples and taking them to our national laboratories. Therefore, we do not have a dedicated unit that is supposed to do surveillance of our rivers and ocean.

Last year, I presented a Memorandum before the Cabinet to be allowed to set up a coast guard so that it performs surveillance services within the Indian Ocean, Lake Victoria, and our rivers. Until that coast guard is put in place with a very clear mandate to offer surveillance in these areas, at the moment we will keep on relying on the KWS with regard to our rivers. For the Indian Ocean, we will rely on the Kenya Marine and the Kenya Navy. That is the situation as it obtains now.

Mr. Ochieng: Mr. Speaker, Sir, this kind of death of fish has just happened for the first time. Has the Minister tried to identify who in the Mara region use this chemical to spray their wheat and which drains into the rivers causing the death of fish?

Mr. Kingi: Mr. Speaker, Sir, we have not gone to that extent to identify exactly which farm used this pesticide on its crops. However, while gathering this information, we indicated that we need to know whether there is a factory along the Mara River so that we can establish the point of pollution. We also need to know whether there are many activities along the riparian banks of this river so that we can begin to look at non-point source pollution. We have not yet established which farm used this pesticide and, therefore, hold it fully responsible for the death of the fish.

Mr. Mwangi: Mr. Speaker, Sir, having listened to the Minister, one would understand that he is admitting that there is a problem ahead of us with regard to residues of fertilizers and other chemicals that find their way into rivers, fish ponds, and other aquatic and terrestrial areas. He is, however, not coming out clearly on what action the Government is going to take. What action will the Minister, together with his colleagues, take to ensure that the new fish ponds in the highlands are not filled with residues of fertilizers and other pesticides?

Mr. Kingi: Mr. Speaker, sometime last year, I presented a Cabinet memorandum on the dwindling catches of the Nile perch and tilapia on Lake Victoria; one of the fundamental reasons for this was pollution of the lake waters. Therefore, a Cabinet subcommittee was constituted to look into this matter. I believe this particular subcommittee will handle this issue as we handle the issue of Lake Victoria.

Mr. Mungatana: Mr. Speaker, Sir, the Minister has identified that a chemical called cyhalothrine is the one that was responsible for the death of these fish. Now, pending all those other actions that the Government will take in the future, has he requested the other relevant agency of the Government to ban this particular chemical, or restrict its use, so that we do not have the same problems recurring in other places?

Mr. Kingi: Mr. Speaker, Sir, to be frank, we have not issued that particular directive to the Government agency concerned with the banning of this pesticide. One, we wanted to know where it was actually used. We have established that there is no major factory along the banks of the Mara River, but there is a lot of human activity in terms of farming and we need to know which particular farm was using this particular pesticide. We may ban its use only to find that it is not in use, but it is someone who deliberately dumped it there. So, we want to be sure that there are farms that are using this particular pesticide. Once we do this, then the relevant government agency will be given the proper directive for enforcement.

Ms. Karua: Mr. Speaker, Sir, it is all very well for the Minister to tell us that there is a task force established to look into it. However, once he has established that a chemical, or a pesticide, has poisoned the fish, what is he doing about co-ordinating with NEMA, the Provincial Administration and any other relevant agency in awareness creation, not just at this particular area but throughout areas of Kenya where fishery is under threat from similar activities?

Mr. Kingi: Mr. Speaker, Sir, I will repeat my earlier response that the Cabinet subcommittee that was constituted will not restrict itself to Lake Victoria. Indeed, we have had similar situations in Lake Naivasha, River Sabaki and even the Tana. So, as this committee embarks on its mandate to clean up Lake Victoria, certainly we will be looking at any other aquatic body to make sure that the kinds of measures that we will come up with to curb pollution in Lake Victoria will also apply to other aquatic bodies.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I asked the Minister about measures for awareness creation, and not about the past, so that in future anybody anywhere where the fish is under threat does not use similar chemicals. My question was on awareness creation and not investigation; and it has not been answered.

Mr. Kingi: Mr. Speaker, Sir, awareness is one of the mandates of this particular subcommittee; it draws its membership from across the board. If I am not wrong, it brings together around 13 Ministries, including the Ministry of State for Provincial Administration Internal Security, whose chiefs and village elders will be brought on board. We will make sure that we create that kind of awareness that the hon. Member is talking about. So, we are not just going to deal with investigations and looking for culprits to punish; one goal is that we want to create awareness, so that Kenyans can come to understand that living in a clean environment should not be left to the Government, but should start with them.

Dr. Otichilo: Mr. Speaker, Sir, you are aware that under the Economic Stimulus Package, for the last two financial years, the Government has spent over Kshs2 billion establishing fish ponds throughout the whole country, to be specific in 145 constituencies. Could the Minister inform the House what action he is taking to ensure that we have monitoring of these fish ponds, so that pesticides from agricultural farming activities do not find their way into the fish ponds and poison the fish?

Mr. Kingi: Mr. Speaker, Sir, first, let me correct the hon. Member that it is not 145 constituencies, but 160 constituencies; we are constructing 300 ponds in each of these constituencies. Indeed, we are aware that there is a problem of lack of awareness in terms of the kind of chemicals that may drain into these particular ponds. Therefore, as a Ministry, in each of these 160 constituencies, we are going to employ three extension officers.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. The Minister has repeated twice about 260 constituencies. Could we get clarification on this?

Mr. Speaker: He said 160 constituencies. Minister, do not respond to that because it is over.

Mr. Kingi: Mr. Speaker, Sir, aware of the problem that the hon. Member has just raised, we have already put out an advertisement to this effect. We are planning to recruit three extension workers per constituency, with the sole mandate of making sure that communities will be made aware of how to manage these ponds, and also to avoid pollution as far as these ponds are concerned. Therefore, we are already aware of that

problem; I believe that immediately we recruit these officers and release them to the ground, then they will be able to effectively deal with this problem.

Mr. Speaker: Next Question by Private Notice by Mr Olago!

PROHIBITION OF *OMENA* FISHING
IN LAKE VICTORIA

Mr. Olago: Mr. Speaker, Sir, I beg to ask the Minister for Fisheries Development the following Question by Private Notice.

(a) What is the legal basis and rationale for prohibition of the catching of *Omena* fish in Lake Victoria during the month of April annually?

(b) Could the Minister consider totally withdrawing or postponing the prohibition by six months to facilitate harvesting after the expected rains, in view of the drought/famine which is ravaging the region, especially Winam Division?

Mr. Speaker, Sir, before the Question is answered by the hon. Minister for Fisheries Development, I wish to state that in my original Question I asked about prohibition of catching not only *Omena* but also Tilapia and Nile perch.

The Minister for Fisheries Development (Mr. Kingi): Mr. Speaker, Sir, I beg to reply.

(a) Prior to the fishing ban on *Omena*, scientific evidence had shown that the peak fishing breeding season coincides with the long rains. The same period also coincides with the breeding of the Nile Perch and Tilapia. If fishermen are allowed to catch *Omena* they are likely to interfere with the breeding of the two species. Several stakeholders' consultative meetings were held on these fishery management issues. The outcome of these stakeholders' consultations clearly identified and agreed that a management measure to address the sustainability of the fishery of these two species of fish in Lake Victoria was necessary. The Ministry came up with Legal Notice No.7565 of 31st October, 2001 prohibiting the catching of *Omena* during the months of April to end of July every year.

(b) For the reasons given above, I am hesitant to lift the ban totally or postpone it for six months. However, I am willing to have a meeting with the stakeholders of Lake Victoria fisheries for a fresh engagement on this matter and, together, discuss the way forward.

Mr. Speaker, Sir, we have similar closed season fisheries of Lake Naivasha which was also scientifically determined to safeguard young fish species during breeding season to allow them to grow and be available to be caught by fishermen at the right size.

Mr. Olago: Mr. Speaker, Sir, I am glad to hear that the Minister is willing to carry out further consultations with a view to possibly lifting this ban. I wish to state that before I asked this Question I consulted very widely with the hon. Members from around Lake Victoria and in particular, I consulted with fish traders of Kibuye, Oyile and Jubilee markets.

(Mr. Mbadi stood up in his place)

I also consulted with fish management unit members at Kichinjio, Usoma, Genge, Usare, Lare, Mawembe, Paga and Oga. In view of this, could the Minister state to this House

when he will visit the stakeholders of Lake Victoria to hold these consultations as a matter of urgency?

Mr. Kingi: Mr. Speaker, Sir, due to the urgency of this matter, I am willing to make myself available any day next week so that we can travel there with the hon. Members to address this problem together.

Mr. Speaker: Mr. Mbadi, you remained on your feet all the time when the Minister was responding to the Question and you know the consequences of that.

Proceed, Mrs. Odhiambo-Mabona.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I want to thank the Minister for agreeing to meet with the stakeholders. I was also in parts of Migori and Homa Bay counties over the weekend and the same concern was raised in Gwasssi, Sori and Homa Bay. Does the Minister know the economic impact of this action on the communities around Nyanza and Western areas of the country? What will he do in the interim to ameliorate the lack of food because it is an issue of basic survival? Will he provide relief food in the mean time?

Mr. Kingi: Mr. Speaker, Sir, we need to choose here. When I was appointed the Minister for Fisheries Development, the first assignment I undertook was to go to Lake Victoria to talk to the fishing community. There are two groups; namely, those that mainly fish the Nile Perch and those whose mainstay is fishing *Omena*. It is from 1st April to July that Tilapia and Nile Perch lay eggs. Science has shown that the breeding grounds are normally in the Kenyan shores because they are shallow. If you allow *Omena* fishing during this period, then the method that is used will normally carry with it the fingerlings or the “seed” for Tilapia and Nile Perch to the extent that after July the catch for Tilapia and Nile Perch is reduced although *Omena* fishermen rejoice because they have been allowed to fish during that period.

Mr. Speaker, Sir, research has shown that immediately after the period of July, the catch of Tilapia and Nile Perch increases because of that ban. Therefore, I need to talk to the community down there so that they appreciate these dynamics and be able to come up with the way forward with the Ministry and the concerned stakeholders.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I appreciate what the Minister has said and I understand him very well. However, the core of my question is that this is an issue of survival. Everywhere we went people were saying; “We are dying of hunger. Where is *Omena*?” If there is no *Omena*, what is the Minister giving those communities?

Mr. Speaker: Order! I am afraid that is not a point of order!

I am torn between the Member for Gwasssi and Mrs. Shebesh; Mrs. Shebesh because she is away from Gwasssi and Mr. Mbadi because he is a man. I think I will opt for the lady.

Mrs. Shebesh: Mr. Speaker, Sir, I would like to ask the Minister because he is the former Minister for East African Community whether the same practice applies to Uganda and Tanzania which share the waters of Lake Victoria so that it is not unfair to the people of Lake Victoria who are Kenyans.

Mr. Kingi: Mr. Speaker, Sir, indeed, this is a joint decision of the five partner states that make up the East African Community. It tends to affect Kenya more because the breeding grounds tend to be 90 per cent in Kenya. I believe that we should be able to

come up with a wonderful solution if we are able to engage the fishing community in Kisumu.

Mr. Mbadi: Mr. Speaker, Sir, I will forgive the Minister because he was born in Coast Province and I was born and grew up along the shores of Lake Victoria. All along this ban has never been there until recently. There was fish and in plenty. *Omena*, Nile Perch and Tilapia were there. Instead of the Government spending too much money under the Economic Stimulus Package to establish ponds in some regions thereby killing our fishing industry, why can it not use the same resources to construct a bridge over Mbita Causeway which interferes with the movement of fish? Why can the Government also not spend the same amount to kill the water hyacinth so that Lake Victoria can produce the amount of fish that it used to produce and there will be no ban? This is because the Minister is running away from the problem which is interference of the eco-system and not the breeding period. *Omena* used to give “birth” and there was too much of it without this Government’s initiative.

(Laughter)

Mr. Kingi: Mr. Speaker, Sir, indeed, I do appreciate the emotional attachment the hon. Member has on this subject now that he is from this particular area. My decision to come up with this ban is not based on any emotions or any disrespect for the fishing community around Lake Victoria. However, it was based on a scientific research. I will be failing as a Minister if I know that science has indicated that if we continue doing business the way we are doing it, then in the recent future, the fishing community in Kisumu will have nothing to take home. Therefore, as I struggle to safeguard their present, I also need to safeguard their future and the only way I can be able to take care of both is to come up with this measure. However, as I have already said, we are willing to engage afresh on this. As a Ministry, ours is to offer the policy. We will be happier to see fishermen on the shores of Lake Victoria rejoicing because of the catch going up. We are not in any way in the business of fighting fishing communities. Ours is to give them the best environment so that they can have the best from these aquatic bodies. That is why I said that I am very much willing to go down there, sit down with the fishing community and let them appreciate the danger of lifting and/or not lifting this ban. After that we will come up with the way forward together and it will almost be a win-win situation.

Mr. Speaker: Very well, Mr. Minister, except that you have not dealt with parts of that question to the effect that the problem is interference with the eco-system. What have you done about the water hyacinth and construction of a bridge across Mbita Causeway? Could you also confirm whether *Omena* gives birth?

(Laughter)

Mr. Kingi: Mr. Speaker, Sir, when we were discussing this matter in the Cabinet, hon. Otieno Kajwang raised the same point. He said that we need a bridge to allow the water to circulate so that the breeding conditions are made better. It was resolved that this matter should be left to the Cabinet Sub-committee that was mandated to make sure that:-

- (i) We restock the fish in Lake Victoria.

(ii) Clean up the environment. It was not just to clean up the hyacinth in the lake, but also the non-point source of pollution around Lake Victoria. So, I believe that immediately we get together, as a Committee, those are the issues we will be looking at. If it is deemed necessary, then we will make sure that we provide for the construction of that bridge. By doing so, we will arrest the situation within Lake Victoria.

(Mr. Anyanga pointed a finger at Mr. Speaker)

Mr. Speaker: Order! Hon. Anyanga, that is disorderly conduct! Please, apologize to the Chair! You do not point fingers at the Chair!

Mr. Anyanga: Mr. Speaker, Sir, I apologize to the Chair.

Mr. Speaker: Very well. Hon. Olago Aluoch!

Mr. Olago: Mr. Speaker, Sir, Legal Notice No.7565 of 31st October, 2001, on which the Minister is relying to impose the ban on fishing, is now slightly over 10 years old. Could he tell the House how often he reviews the Legal Notice to make sure that it is in the interest of the fishing people to impose that ban or not?

Mr. Kingi: Mr. Speaker, Sir, reviewing that particular Legal Notice would require advice from our research center. However, we are still informed that the breeding period still remains at 1st April until July. Therefore, for us, the ban has to remain within that period until we are otherwise scientifically told that the breeding period has changed. Only then shall we be able to review it or shift it to another period that the research will have advised.

I want hon. Members to appreciate one thing. That *Omena*, Nile Perch and Tilapia are sources of wealth within the fishing community. So, as we look at *Omena*, we should not forget about the two species. That is why we need to talk to the fishing communities around Lake Victoria to appreciate that if we lift the ban, we will be affecting the production of Tilapia and Nile Perch. That way, they can appreciate the dynamics as far as fishing is concerned. Thereafter, we can come up with an appropriate way forward.

NON-REINSTATEMENT OF MR. KILION BY KPA

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

(a) Why has the Kenya Ports Authority (KPA) not reinstated Mr. Kilion G. V. Oudu following his acquittal by the court, considering that he was employed on permanent and pensionable terms?

(b) When will he be reinstated or when will his terminal benefits be paid?

(c) Could the Minister also indicate how much Mr. Oudu is entitled to as terminal benefits?

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

(a) Notwithstanding the fact that Mr. Kilion Oudu was acquitted by the court, he was taken through an administrative process which found him guilty of stealing 180 tins of road marking paint from the Kenya Ports Authority Container Stores.

(b) Mr. Oudu collected his terminal benefits on 30th November, 2004 and will not be reinstated due to the reasons stated in “a” above.

(c) Mr. Oudu was entitled to terminal benefits amounting to Kshs823,379 less tax of Kshs34,338, which left him with a net payment of Kshs789,031.

Mr. Ogindo: Mr. Speaker, Sir, I want to thank the Assistant Minister for his answer. However, the said Kilion Oudu was charged in court on 4th March, 2004. The sequence of events here is that Mr. Oudu was suspended administratively on 12th May, 2004. In the same letter, he was required to show cause why he should not be dismissed. Mr. Oudu was subsequently dismissed on 28th September, 2004. It is the KPA which took Mr. Oudu to court. The Magistrate's Court, on 18th January, 2007, acquitted Mr. Oudu. My Question is: If it was KPA that took Mr. Oudu to court where he was charged - and where KPA was a principal witness - how come the same KPA could not adduce the same evidence in court to warrant his conviction, but found him administratively guilty?

Mr. Ogari: Mr. Speaker, Sir, as much as I do not want to discuss the merits and demerits of the court process, my response is that administratively, Mr. Oudu was found guilty of the stated offence which was against his terms and conditions of employment. Mr. Oudu also agreed to take his terminal benefits and the matter rested there. That is the much I can say.

Mr. Lessonet: Mr. Speaker, Sir, the Assistant Minister has indicated that Mr. Oudu was paid terminal benefits to the tune of Kshs823,000. I just want him to go further and give us the breakdown of the Kshs823,000, hoping that it does not include his pension. That is because pension is his money. It is not part of his terminal benefits.

Mr. Ogari: Mr. Speaker, Sir, I have documents which I will table before the House. They contain the breakdown of the payment. I have the cheque payment authority which is signed by Mr. Oudu himself. I also have a copy of the withdrawal calculation sheet which also has the breakdown of the calculations of the amount that I stated earlier.

(Mr. Ogari laid the documents on the Table)

Mr. Speaker: Does it include his pension?

Mr. Ogari: Mr. Speaker, Sir, I am not in a position to answer that now. I will need to check on it later.

Mr. Speaker: Alright! Very well!

Mr. Nyamweya: Thank you Mr. Speaker, Sir. I find it an issue of great concern when the Assistant Minister said that, notwithstanding the fact that the court acquitted that person, KPA, which was the complainant, still went ahead to use administrative measures to dismiss that person. Is the Assistant Minister, therefore, telling the country that an acquittal has no meaning and something else is more important?

Mr. Ogari: Mr. Speaker, Sir, we respect the court process. However, what I am referring to as an administrative process included the terms and conditions of employment. I am very sure that in the Public Service, authorities like KPA have the powers or the right to terminate---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I just want to ask for your direction regarding this matter. This is based on what the Assistant Minister has answered with regard to Mr. Nyamweya's question. I just want to read the court's decision.

The last paragraph says:-

“No evidence has been tendered by the prosecution to show that the accused intended to permanently deprive his employer of what rightly belonged to the company.”

It goes ahead to say: “Shoddy investigations were done and the accused speedily called before court merely on instructions from above.”

The court goes ahead to say that: “I find that the accused person has no case to answer.” Therefore, with regard to the answer that the Assistant Minister has given, this matter seems to be weighty and there seems to be interest from the KPA Management, whatever the word “above” means. Therefore, would I be in order to request that this matter be referred to the relevant Departmental Committee of the House, so that justice can be done to that Kenyan citizen? It appears that the KPA Management was determined to get the gentleman out of this job.

Mr. Speaker: Order, Mr. Mbadi! As I see it, and you have asked for my directions, the Assistant Minister has so far given a good answer. He has said, “Pursuant to his terms and conditions of service, his services were terminated”. You see, if you ask me for directions, as a lawyer, I know that that is possible.

Mr. Mbadi: But---

Mr. Speaker: Order, Member for Gwassi! You will not argue with me!

Mr. Bahari: On a point of order, Mr. Speaker, Sir. While the employer has a right to take administrative action, it would be wrong for that employer at the same time to take the action on the basis of a charge that has gone before a court. There is no way they will discipline an employee for stealing and yet the theft has not been proven. They can do it differently. Is the Assistant Minister in order---

Mr. Speaker: Order! Mr. Bahari, that is a matter of argument and not a point of order, I am afraid!

Mr. Bahari: Mr. Speaker, Sir, I want to put it like this: Is the Assistant Minister in order to mislead the House that the administrative action was right?

Mr. Speaker: Order! The fact that you used the word, “mislead” does not make it a point of order! I am afraid.

(Laughter)

As a matter of fact, Mr. Bahari, I will give you free advice on this; what that member of staff ought to have done after the acquittal, if he was still dismissed was to prefer a civil suit to challenge the dismissal. It follows so. It follows as day follows darkness; I am afraid!

Mr. Bahari: Mr. Speaker, Sir, I agree.

Mr. Speaker: Thank you.

Member for Makadara, please, proceed!

Mr. Mbuvi: Mr. Speaker, Sir, is the Assistant Minister aware that a further over 8,000 employees of the Kenya Ports Authority (KPA) will lose their jobs if his Ministry does not stop the privatization of the Port of Mombasa?

Mr. Speaker: Order, Member for Makadara! That maybe a good question but, I am afraid, it does not relate to the matter the Assistant Minister is now responding to. Further, you have already requested a Ministerial Statement on this matter, which I have approved; so you will be guilty of anticipating its coming before the House.

Mr. Mbuvi: Much obliged.

Mr. Speaker: Last question by the Member for Rangwe!

Mr. Ogindo: Mr. Speaker, Sir, Mr. Oudu suffered double jeopardy in the sense that he was taken through a court process unnecessarily, because he had already been dismissed by his employer. Given that the Assistant Minister is unable to give the breakdown of his compensation, my position is that Mr. Oudu was refunded his pension contributions, yet the court acquitted him of the charges. Could the Assistant Minister confirm that Mr. Oudu is going to get his due benefits?

Mr. Ogari: Mr. Speaker, Sir, there is a point of order which was raised before I finished answering Mr. Nyamweya's question. I perused through the papers I had, and I have realized that the calculations include Mr. Oudu's pension; it has all been paid. I honourably table these papers.

(Mr. Ogari laid the documents on the Table)

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. The Assistant Minister is just dumping papers here instead of explaining what is contained in the papers. The question is: Was he paid his full pension and benefits?

Mr. Speaker: Order! The Assistant Minister has answered that. He gave you an answer, which was clear. If you want him to repeat I will allow that.

Member for Rangwe, Members, whether from the Front Bench or the opposite side, do not dump papers on the Table of the House. They lay papers on the Table of the House.

Mr. Ogindo: I am advised, Mr. Speaker, Sir.

Mr. Ogari: Mr. Speaker, Sir, I wish to restate that in the calculations all the dues due to Mr. Oudo, including pension, were paid.

Mr. Speaker: Next Question by Member for Migori!

MEASURES TO AVAIL SUBSIDIZED FERTILIZER

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

(a) What immediate measures has the Minister put in place to avail subsidized fertilizer at the National Cereals and Produce Board depots at Kisii, Migori, Kehancha, and Awendo to enable farmers plant during the current rains?

(b) What is the cost per 50kg bag of DAP fertilizer, and what is the reason for its unavailability at Migori NCPB depot?

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

(a) The Ministry of Agriculture is distributing the already procured 60,000 metric tonnes of fertilizer to all NCPB stores. Kisii has already received 2,000 bags of DAP fertilizer, while 11,700 bags of DAP fertilizer is in transit to each of the following stations: Migori, Awendo and Kehancha.

(b) The selling price of the subsidized 50kg bag of DAP at an NCPB depot is Kshs2,500. Delays in availing fertilizer at many depots is caused by problems of transport.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister is saying here that the delay is due to the problem of transport. I think the Assistant Minister should have appreciated

that people in western Kenya have delayed to plant their *shambas* because of the delayed rains. Is he aware that the western part of Kenya normally plants in February and now we are towards the end of March? If so, what plans did he have in place to provide the fertilizer in time?

Mr. Mbiuki: Mr. Speaker, Sir, I would like to acknowledge that the Ministry of Agriculture delayed in the procurement of fertilizer. From the word go we had not got the clearance from the Treasury; we obtained it on 28th January 2011. Subsequently, we were able, through the NCPB, to contract a trading company to procure fertilizer. I want to tender an apology on behalf of the Government for the delay in the fertilizer procurement.

Dr. Kones: Mr. Speaker, Sir, the Assistant Minister has admitted that there was delay on the Government side. What is the Ministry doing to ensure that the fertilizer is supplied to farmers who are far away from the depots? Are there plans by the Ministry to introduce mobile depots, as it did in 2010?

Mr. Mbiuki: Mr. Speaker, Sir, along with the NCPB depots, we are also using the District Agricultural Officers' godowns to supply the fertilizer at the divisional level. From the depot level, we will go to the district level and then the divisional level.

Mr. Speaker: Member for Kisumu Town East.

Mr. Shakeel: Mr. Speaker, Sir, for a moment I thought you had not seen me because of my colleague who blocked your view.

Last year, about the same time, the Assistant Minister made a promise that from then on, there would be no problems with fertilizer. Now he is telling us that because of the Treasury it took--- I have just come from a Budget workshop and the Treasury told us clearly that they cannot continue accepting emergency requests from you. Can he confirm to us that he is ordering stock now, so that we are not late in planting next year?

Mr. Mbiuki: Mr. Speaker, Sir, I would like to assure this House that the Ministry of Agriculture has already advertised for the procurement of fertilizer. The advertisement closed last week. With that one, we will be able to have enough stock to take care of the long range, up to and including next year. So, this time round, we are prepared.

Mr. Mututho: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that the delay in distribution of fertilizer within the onset of rains results in, overall, loss of over 25 per cent of the potential yield in cereals? If that be the case then, is it a fact now that we are expecting 25 per cent less than what we would have yielded because of mistakes from your Ministry?

Mr. Mbiuki: Mr. Speaker, Sir, I concur that the delay will result into decreased yield. I would like the hon. Members to appreciate that from the time when we got the clearance to start the procurement process, we have really moved with a lot of speed. I would like to assure this House that before the end of this week, all our main depots at the district and divisional level will have sufficient stocks of fertilizer. I sincerely apologize for the delay. We know that it is going to cause reduction in production in one area.

Mr. Njuguna: Mr. Speaker, Sir, dismayingly, the Assistant Minister has indicated that the Ministry is experiencing transport problems. Could he assure the farming community in different parts of this country that they will have the required fertilizer before the rains disappear?

Mr. Mbiuki: Mr. Speaker, Sir, I would like to take this opportunity once more to assure the farmers that we already have adequate stocks of all the varieties of fertilizer at the Mombasa depot and across the entire country. We are also in the process of trying to procure some 60, 000 metric tons of fertilizer, which will be available henceforth. The farmers should rest assured that we are on top of this business.

Mr. Kigen: Mr. Speaker, Sir, fertilizer goes hand in hand with seed. The whole of last week, farmers in Nakuru could not access even a single bag of seed. What is the Ministry doing to ensure that seed is available in the shops?

Mr. Mbiuki: Mr. Speaker, Sir, that is a completely different question because right now, I am dealing with fertilizer. I would like to assure the hon. Member that through the Kenya Seed Company, we have been able to improve the distribution of seeds. Initially, the biggest consignment of seeds that we had was procured by the Government so that we could distribute it free of charge through the Famine Relief Programme. As we are talking now, most of the stockists are well stocked with seeds. So there is no cause for alarm although farmers have increased the acreage of the farms they are doing this time *vis-a-vis* what they did last year.

Mr. Pesa: Mr. Speaker, Sir, last year, I asked the same Question and I can remember telling the Minister that I had to buy my fertilizer from Bomet. Could the Assistant Minister assure me and the House that come next year, Migori people will get fertilizer in time, because we have been told that this time round, the rains are not going to last a long time and those people are bound to lose out on the harvest.

Mr. Mbiuki: Mr. Speaker, Sir, I would like to once more take the opportunity to assure the Members and the Kenyan farmers in general that the Ministry of Agriculture has done its work; we are already in the process of undertaking the last procurement stage to ensure that we have adequate stocks of fertilizers of all the varieties in time. As at now, we have adequate stocks, but we are prepared for the long rains and next year and that is why we have are in the process of finalizing the current procurement process.

ORAL ANSWERS TO QUESTIONS

Question No. 676

TRESPASS ON TO PRIVATE PROPERTY BY APS IN NAROK

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

(a) whether he is aware that a contingent of Administration police officers trespassed onto private property that is subject of a court dispute, namely Narok/Nguruman/Kamorora/1, in April, 2010, and has remained there since, despite protests by the registered owners; and,

(b) if he could order the immediate withdrawal of the police from the property.

Ms. Karua: Mr. Speaker, Sir, this Question had been partly answered.

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

(a) The Minister is not aware that in April 2010 a contingent of Administration Police officers entered private property namely Narok/Nguruman/Kamorora/1 and that they have since remained there. The Administration Police officers present around the area are based at the chief's office in Nguruman.

However, on 26th August, 2010, following a report that a group of youth had invaded Ol Donyo Laru Airstrip, police officers were mobilized and intervened with an aim of keeping peace. It is worth noting that there have been several court cases involving owners of Nguruman and Ol Donyo Laru Estate Limited which belongs to Messrs Steam and Bonden respectively. These court cases notwithstanding, there have been several conflicts which have led to incidences of insecurity.

As a result of this incident, the Provincial Commissioner, Rift Valley, posted Administration police officers to Nguruman Chief's camp where they conduct peace corps operations with an aim of training the community on the rule of law and the community's role in sustainable peace and security.

(b) The Minister has no plans of re-deploying the Administration Police officers as they are based at the chief's camp within Nguruman and their presence is necessary to stem insecurity incidences occurring within that area.

Ms. Karua: Mr. Speaker, Sir, the answer acknowledges that there are court cases, but the issue here is about stationing a contingent of Administration Police officers without the consent of the registered owner. The Assistant Minister says that he is not aware, yet on 29th September, 2010, Mr. Moses Ololuya who is the Chairman of Nguruman Limited wrote a letter to the AP Commandant complaining of the issue which later was received and is marked 1st November. I lay the letter on the table to confirm that the Assistant Minister's answer that he is not aware is less than candid.

(Ms. Karua laid a document on the Table)

On 3rd December 2010, on behalf of the Permanent Secretary, a Mr. Mulandi wrote back to Moses Ololuya acknowledging and saying that investigations will be done and they will be able to answer. I am therefore surprised that the Assistant Minister is denying that he is not aware that there is a contingent of Administration policemen posted to take sides in the dispute.

Could the Assistant Minister clarify this?

Mr. Ogindo: Mr. Speaker, Sir, could the Minister clarify the fact that these police officers are at the airstrip during daytime and at the chief's camp at night? What are they doing at the airstrip?

Mr. Ojode: Mr. Speaker, Sir, if you see a police officer or Administration Police (AP) officer, his job is to bring law, order and sanity. So, whether they are at the airstrip and then go back to their station, their work is to arrest those who try to bring chaos. So, it does not matter. They can be at Nguruman AP Post, but they are supposed to patrol the area, including the airstrip, in order to bring law and order. So, that is quite in order.

Mr. Speaker: Last question, Member for Gichugu!

Ms. Karua: Mr. Speaker, Sir, did you hear the Minister now admit that the police are at the airstrip, which is private property, where the owners have clearly said they want them withdrawn? I want to bring to the Minister's attention, because he does not appear to want to answer in a candid manner, that on 13th May, 2005, the then Permanent

Secretary in charge of Internal Security, one Cyrus Gituai, wrote to Mr. Ndolo, the then Provincial Commissioner (PC) Rift Valley, concerned about the activities of one Bond Nielsen in this branch. He was saying that he has a contingent of employees who are trained in musketry – those who know about the Army would know about that – and other maneuvers and that it was suspected that the employees at the ranch were using gunshots and had 70 firearms, some of them unlicensed, and that the police were being denied entry. In summary, this letter says that the suspected illicit activities taking place at the ranch appeared to be poaching, game sporting, exports of live wild animals, drug-cultivation, human trafficking and other activities. I wish to table the letter. Why is the Ministry covering up the irregular activities going on in this ranch, some of which have been acknowledged by no less than a Permanent Secretary; that there are illegal firearms, poaching and the registered owner is now asking the police to withdraw so that he is able to take charge from this Mr. Nielsen?

(Ms. Karua laid the letter on the Table)

Mr. Speaker: Minister, those are serious claims.

Mr. Ojode: Mr. Speaker, Sir, indeed, it is true that it is a serious allegation. I will check the authenticity of this letter. It is signed but it is upon the Chair also to check the authenticity. If, indeed, it is true that it involves allegations that have been mentioned by hon. Karua, then my duty is very simple. I will ask the Criminal Investigation Department (CID) Director to investigate this matter thoroughly and then later on, report what has come out. Since what is included in that letter seems to be very sensitive, we are going to do whatever it takes to investigate this matter and report to this House.

Ms. Karua: On a point of order, Mr. Speaker, Sir. In view of the seriousness of the issue, would I be in order to request that as the Minister investigates, the Committee on Administration and National Security of this House also carries out investigation, because the Minister and his people have been unable to get to the bottom of the matter since 2005 to date?

Mr. Speaker: Mr. Minister, what is your reaction on that?

Mr. Ojode: Mr. Speaker, Sir, I do not have any objection to that, but if my officers are allowed to investigate this matter, they have the capacity to go to the in-depth investigation and get the report.

Mr. Speaker: How long do you want to report?

Mr. Ojode: Mr. Speaker, Sir, three months will be okay with me. I do not have any objection on the---

Mr. Speaker: Order, Minister! Three months, definitely, is unreasonable. The most that we will allow you to investigate and report will be a month or four weeks from today, because I find this letter to be authentic. It is written by the Permanent Secretary, Office of the President to a PC six years ago. So, it is not a new matter as such. So, four weeks is the most that we can allow you. I direct that you file a report in the House after those investigations are completed in four weeks time. The matter of reference to the Committee will await that report. If there is compliance I think we will be satisfied with that.

Question No.770

INTERDICTION OF CHIEF AND ASSISTANT CHIEF IN EMALI

Mr. Speaker: Hon. Members, I have indication that the Member for Makueni had notified the Clerk's Office that he would not be available to ask this Question today. He did so well in time for it not to appear on the Order Paper. So, in those circumstances, I will defer this Question to Thursday afternoon.

(Question deferred)

Question No.758

HARVEST OF TREES IN MAU COMPLEX

Mr. Speaker: Is the Member for Kuresoi not here?

(Question dropped)

Question No.773

FAILURE TO ACCESS LOANS FROM
VTDJLB IN VIHIGA

Mr. Speaker: Hon. Members, I have information to the effect that the Member for Vihiga had to go to Naivasha to deal with Parliamentary business pertaining to the Budget. So, obviously, he is not able to travel back in time. So, I will defer this Question, similarly, to Thursday, afternoon.

(Question deferred)

Member for Garsen!

Question No.777

COMPLIANCE WITH ARTICLE 203(2)
OF THE CONSTITUTION

Mr. Mungatana asked the Deputy Prime Minister and Minister for Finance:-

(a) whether the Treasury will comply with the provisions of Article 203(2) of the Constitution to set aside 15 per cent of the revenues for the 47 county governments; and,

(b) what preparations Treasury has undertaken to ensure capacity building for proper utilization of the funds in the county governments.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

(a) The Government has put in place measures aimed at allocation of revenue to county governments in accordance with the Constitution. The Treasury is working towards ensuring that the funds are available in the year 2012/2013 once the counties are operational.

(b) The Treasury has constituted a working committee to deal with all aspects of physical decentralization, amongst them being identifying the necessary capacity for the county governments to fully function. The recommendations of this committee will facilitate appropriate deployment of staff and proper utilization of funds within the counties.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Lately I have seen hon. Nguyai, the very able Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government coming to the House to answer Questions on behalf of the Treasury. Is it in order for him to consistently come to the House to answer Questions on behalf of the Office of the Deputy Prime and Ministry of Finance?

Mr. Speaker: Hon. Nguyai, do you want to respond to that on your own?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Speaker, Sir, I would want your assistance, but as you know, there is collective responsibility. This has been done in conjunction with the Deputy Prime Minister and Minister for Finance and the Assistant Minister, who is out of the country and I am acting on his behalf.

Mr. Speaker: That is a reasonable contention. We have given directions on this matter before.

Member for Garsen!

Mr. Mungatana: Mr. Speaker, Sir, if you look at this answer, it means that the Treasury is working towards ensuring that money will be available in the Financial Year 2012/2013. This means that we will have elections in August, 2012. If the funds for the counties - the not less than 15 per cent – as the Minister is saying, will be available in the Financial Year 2012/2013, it means effectively that Exchequer releases will start taking place in the month of July, 2012. The Governors will be elected in August 2012. Is this proper planning? What is the Minister expecting the Governor to do within that one month when the money--- Why can they not plan in advance? Why can the Minister not arrange for the funds to be available in time? Is this a plot to defeat the effectiveness of this Constitution?

Mr. Nguyai: Mr. Speaker, Sir, as I said, funds will be available in 2012/2013 Financial Year for operationalization of counties in the country. However, that does not necessarily mean that there are no funds available to create the necessary infrastructure to ensure that the physical structures of counties are there. The 2012 elections will be held on August. The Governors will come into place after August. By that time, the funds for running the counties will be available.

Mr. Speaker: Order! Mr. Assistant Minister, are you saying that the elections will be held in August?

Mr. Nguyai: Mr. Speaker, Sir, it could be held in August according to hon. Mungatana.

Thank you.

Mr. Speaker: I think the word you should have used is “if.”

Mr. Imanyara: Mr. Speaker, Sir, I have the written answer by the Assistant Minister. It says the Government has put in place measures. I would like him to be specific and tell this House what are those specific measures they have taken into account at allocating these revenues for the counties.

Mr. Nguyai: Mr. Speaker, Sir, the Treasury has constituted a working committee that will deal with all aspects of fiscal decentralization. Basically, they will look at all the needs that are there and what capacity needs to be in place. They will look at all requirements from the recommendations of the Taskforce on the Devolved Government.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. Under Article 35 of the new Constitution, we are entitled to full disclosure of information. This is a very serious matter. Is this working committee diversified enough? For example, does it have anyone from the marginalized counties who will take care of our interest? Is it planning for specific areas? We want full disclosures. Who are the members of this working committee?

Mr. Nguyai: Mr. Speaker, Sir, there are quite a number of working committees. Some of them are cross-cutting within the Ministries. There is also a Committee on Revenue Allocation which will look into all aspects of the Constitution.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, could the hon. Assistant Minister clarify whether he has explained to the working committee that the Constitution says “not less than 15 per cent”? We are not operating from 15 per cent, but we could be operating from even 60 per cent, because of the needs of the counties.

Mr. Nguyai: Mr. Speaker, Sir, the quantum will be determined by the Commission on Revenue Allocation. They will certainly look into the Constitution. It will be not less than 15 per cent.

Mr. M.H. Ali: Mr. Speaker, Sir, while appreciating the Assistant Minister’s answer, we also need to appreciate that counties are not at the same level in terms of preparedness for the Devolved Government which will be elected next year. Could he confirm and assure this House that funding will be allocated to those areas that do not have capacity to operationalize their counties in 2012?

Mr. Nguyai: Mr. Speaker, Sir, that is the job of the Commission on Revenue Allocation which was formed by this House. I am sure that they are up to the task in ensuring that all aspects of revenue allocation, including that of building capacity, are addressed.

Mr. Mungatana: Mr. Speaker, Sir, I do not know if the Assistant Minister has a copy of the Constitution. But if someone can lend him a copy, he will see that under Article 217, it is the Senate which is supposed to allocate resources. Clause 11 states clearly that the functions of the Senate will be effected by the current National Assembly during the interim period.

Mr. Speaker, Sir, it is, therefore, Parliament which is supposed to determine those things in terms of resource allocation as far as revenue is concerned. Since he is the one in charge of the Treasury, when will he bring the relevant Motion or Bill to enable this House, acting as the Senate, to pass a resolution, in keeping with the new Constitution, to make sure that we have monies ring-fenced for the counties? We are very worried that the Treasury is unyielding and does not want to allocate these funds. When will he bring the necessary Motion or Bill to ensure that we get this money in time?

Mr. Nguyai: Mr. Speaker, Sir, as you realize, funds will be available in 2012/2013 Financial Year. However, there is quite a bit of legislation that needs to be addressed prior to that. Within the next financial year, we will bring the necessary Motion to ensure that, that happens.

Mr. Speaker: Very well! Next Question, Member for Naivasha!

Question No.710

FLUORIDE LEVELS IN RIVERS IN NAIVASHA

Mr. Mututho asked the Minister for Water and Irrigation:-

(a) what the current level of fluoride in water consumed within Naivasha is and what immediate plans the Ministry is taking to defluorinate the water,

(b) whether her Ministry could consider constructing sewerage ponds now that the sewerage treatment works in Naivasha have been over-stretched and raw sewerage will reach Lake Naivasha, and,

(c) when the new sewerage treatment works will commence now that the current system can only serve 20 per cent of the population.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

(a) The sources of water for Naivasha are mostly ground water from boreholes, whose fluoride levels range between 1.6 and 2.4 milligramme per fluoride litre. According to the Kenyan standards, it is desirable that the level is 1.5 milligramme per fluoride. This is very high standard and need to be reviewed in future as some of our neighbouring countries use more than 3.0 milligram per fluoride litre.

(b) The sewerage system currently being operated in Naivasha was installed in late 1970s to serve 20,000 people. The population has since grown to over 100,000 hence causing a strain on the sewerage system. Recognizing this fact, the Ministry is developing long-term plans aimed at improving the sewerage system in Naivasha. Due to budgetary constraints, the Ministry has been carrying out rehabilitation to the existing sewerage system in the last three years with little resources made available. During the current financial year, 2010/2011, the Ministry has allocated Kshs10 million for rehabilitation of the sewerage system and the works have started.

The Ministry does not allow raw sewerage from town system to flow to the lake. But instead, it processes through the sewerage system, then discharges into the marsh lands riparian area for further natural processing, before discharging improved quality of waste water to the lake.

(c) As mentioned in part (b) above, emergency measures have been put in place. In the meantime, the Ministry is working closely with other agencies to address environmental issues affecting the lake. In this respect, the Ministry is in the process of designing a sewerage system to adequately serve the town. The design is expected to be completed by October this year, after which, we will source for funds from some of our development partners.

Mr. Mututho: Mr. Speaker, Sir, I thank the Minister for the answer. However, I wish to seek your indulgence to inform the House the exact danger of fluoride, so that as

we interrogate the Minister, Members can bear with me the pains the people of Naivasha are going through. Assuming concurrence---

Mr. Speaker: Order, Member for Naivasha! This is Question Time! You may want to find another forum, particularly so given that you chair a Committee of Parliament, to organize a forum to give education to Members. For now, just ask questions.

Mr. Mututho: Mr. Speaker, Sir, I stand guided. You have heard the Minister say that the fluoride levels in Naivasha waters is 1.6 milligrams fluoride per litre of water and goes as high as 2.4 milligrams fluoride per litre. This is mainly in borehole water. More shockingly, you have heard her say that this will be reviewed in future as some of our neighbouring countries use water with fluoride levels of more than 3 milligrams fluoride per litre of water as their standard. The implication of that is that it is going to be a political review. About 1.5 milligrams of fluoride per litre of water is the upper limit by the World Health Organization (WHO) standard.

Under what circumstances is she going to persuade our neighbouring countries to take a standard which is higher than that of the WHO, which is 3.0 milligrams fluoride per litre of water, to accommodate the mess the current levels of fluoride are doing to the people of Naivasha?

Mrs. Ngilu: Mr. Speaker, Sir, I said that the fluoride levels in Naivasha water range between 1.6 milligrams and 2.4 milligrams, but the standard is 1.5 milligrams. This means that the water is just about 0.1 milligrams higher than the normal standard in the country. However, to correct this, we need to get fresh water and we are in the process of doing so. My Ministry has instructed the Rift Valley Water Services Board to consider constructing a dam from Malewa River at the boundary of Naivasha and Nyandarua, which is surface water, which can then be mixed with the borehole water. If we do that, we will suddenly lower the fluoride levels in Naivasha waters. This is already being done. Otherwise, there is nothing much that you can do to the water that is coming from underground. You can only mix it with fresh water from the rivers.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. Is the Minister in order to say that nothing can be done, while she knows the existence of defluorination plants, which are very basic and can be installed to clear the fluoride menace in Naivasha?

Mrs. Ngilu: Yes, Mr. Speaker, Sir, but the cheaper and more sustainable way is to ensure that we get fresh water from Malewa River and mix it with borehole water to reduce the fluoride levels, which we are already doing. That is a cheaper way, but I agree with the Member that, that is possible.

Mr. Shakeel: Mr. Speaker, Sir, the Minister has answered the question of fluoride reasonable well. However, she has not covered the issue of sewerage in respect of pesticides that are also being discharged into the lake. That is the responsibility of the Ministry, which is in charge of all water sources. Could she, please, tell us what the Ministry is doing about pesticides that are being discharged into the lake, for which she is the regulating authority?

Mrs. Ngilu: Mr. Speaker, Sir, I appreciate that question very much. The issue of pesticides being discharged into the lake is handled by my Ministry and the Ministry of Environment and Mineral Resources through NEMA. However, we try to keep the water as clean as possible.

Mr. Njuguna: Mr. Speaker, Sir, I commend the Minister for responding to this Question. However, could she also inform this House the clear advance measures she has taken to make sure that raw sewerage is not discharged into the lake?

Mrs. Ngilu: Mr. Speaker, Sir, we make sure that raw sewerage is processed and discharged. It does not get discharged directly into the lake. It is discharged into the marshlands and riparian areas before the natural process is done, then it is discharged into the lake.

Dr. Otichilo: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House that raw sewerage is not discharged into the lake when this House instructed the Minister for Environment and Mineral Resources to go to Naivasha to check whether this was true or not? I am the one who asked the Question and we went to Naivasha with the Assistant Minister. She came back to this House and confirmed that raw sewerage was being disposed into the lake. Even the Departmental Committee on Health went there and confirmed the same. Is the Minister in order to mislead the House?

Mrs. Ngilu: Mr. Speaker, Sir, we are very vigilant to ensure that this does not happen, but sometimes, people do that. It is not right to do so. However, the Ministry is ensuring that raw sewerage is not discharged into the lake. We ensure that it is processed before it is discharged into the lake. World over, raw sewerage is discharged only after it has been processed and cleaned. Most of it is not discharged into the lake. A lot of it is used for agricultural purposes.

Ms. Karua: Mr. Speaker, Sir, I have two issues from the Minister's answer, namely, that the fluoride levels are 0.1 milligrams above the normal standard and that the sewerage in Naivasha is insufficient and efforts to rehabilitate it in the last three years have not worked. What is the Minister doing to ensure that the people of Naivasha get portable water? Secondly, when is she going to make sure that a new sewerage system or expansion of the existing one is carried out?

Mrs. Ngilu: Mr. Speaker, Sir, as I said, the design is already in place and we expect the design works to be completed by October, 2011. Once this is done, then we can look for money. Without a design, we cannot look for money. We cannot even talk about it because we do not know how much it would cost. With regard to the fluoride levels, yes, it is above the normal standard with 0.1 milligrams and I have said that. I have not checked how we can use the defluorination plants, but I know that we can use fresh water to reduce the fluoride levels in the water. That is possible.

Mr. Mututho: Mr. Speaker, Sir, is the Minister aware that all the youths in Naivasha have been turned away from the Armed Forces because of rotten or brown teeth associated with the high levels of fluorine and further that scientifically, the children being born risk being stunted or having lower IQ than the normal because of the very high fluorine levels?

Mrs. Ngilu: Mr. Speaker, Sir, I am so pleased that the hon. Member has noticed that. It is a great pain not only for the hon. Member, but also for all of us. This does not only affect the youth in Naivasha.

I have travelled very widely around the country. This is an issue that is not just prevalent in Naivasha. These youth are not only turned away from being admitted into the Armed Forces, but also in other places. Even worse still, is when you find that it is not just the young men, but also young girls have brown teeth. I think we really would

need more resources to ensure that Kenyans get the best water, so that they do not get brown teeth not just in Naivasha Constituency, but everywhere else in the country.

Mr. Speaker: Very well. That brings us to the end of Question Time.

Next Order.

Hon. Members, we will take two Ministerial Statements which are ready beginning with Mr. Kajembe. Remember we agreed you will do so in five minutes.

MINISTERIAL STATEMENTS

POLLUTION OF RIVER ATHI

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Speaker, Sir, the hon. C. Kilonzo, the MP for Yatta Constituency sought a Ministerial Statement on 22nd February, 2011. A similar occurrence was reported around the same time, between February and March 2009 which are the driest months of the year.

The Ministry of Water and Irrigation carried out an investigation and subsequent analysis of the water samples and compiled a report that indicated that the cause of death was not due to pollution from Thika and Nairobi rivers that feed Athi River.

Further investigations by Water Resources Management Authority for Tana catchment area indicated that the death of fish could have been due to reduced water volume in the river due to the prevailing drought situation at that time. A copy of the findings was copied to Mr. C. Kilonzo through his farm manager, Mr. Asiso.

The fact that the death of fish is again being experienced almost at the same time when the drought situation is at its peak can only serve to confirm that this is not an aftermath of pollution of the national rivers. However, as regards the current situation, the District Water Officer together with the Public Health Officer have collected water samples for analysis by the Government Chemist.

Mr. Speaker, Sir, my Ministry, through, NEMA, has put the following measures in place to reduce pollution in the river:-

1. Through Environmental Impact Assessment process, NEMA does not approve any project to be put up on riparian reserves of the rivers feeding into River Athi and Nairobi River.
2. It is understood that greening of riparian reserves of River Nairobi, for instance, in Kamukunji and Tassia areas.
3. We have closed Kayole dumpsite that was contributing to pollution of Nairobi River and we are implementing a greening project to rehabilitate the dumpsite.

My Ministry has been liaising with the Government agencies such as the Provincial Administration, which on 23rd February, 2011, held a baraza at Maini Market and the affected community was advised not to eat the dead fish nor use untreated water from the river until the situation was arrested. There was also an announcement made at Musyji Radio FM station.

Mr. Speaker, Sir, along Nairobi and Ngong Rivers, we have inspected all illegal raw sewerages discharge points and given improvement orders to the Nairobi Water and Sewerage Company to take litigation measures. The company has responded by rehabilitating sewerage treatment points in Karen and with the ongoing construction of

Uzima Main Sewer Line, among others, apart from emergency responses, to burst sewers. We have even taken the company to court in cases where they were not acting.

With regard to Thika Sewerage Treatment Plant, improvement orders have been issued to all the Nairobi Water and Sewerage Company to carry out an environmental audit and put in mitigation measures in areas identified not to be performing well.

I wish to state in this House that it is only through results of water samples taken to the Government Chemist that we shall be able to determine whether the water is fit for human consumption or not. However, measures have been put in place where the community has been advised by the Ministry of Water and Irrigation and the Ministry of Public Health and Sanitation to treat water by use of aquafresh tabs before taking it. Some of the aquafresh tabs have been issued to the community by District Public Health Officers.

The District Water Officer engaged the services of the water tanker that is used to deliver water to the affected community boreholes free of charge. Water storage tanks were also given to the community through Arid Management Programme.

Mr. C. Kilonzo: Mr. Speaker, Sir, very briefly, the Assistant Minister has said that they are still waiting for analysis of the samples which were taken to the Government Chemist. When will these samples be available in as far as the usage of water is concerned, for us to find out whether it is fit for human and livestock consumption?

He has said, and I had mentioned to him earlier, that a copy of the findings was copied to me through my farm manager by the name of Mr. Asiso. I do not have such a farm manager and no such report was copied to me.

Finally, the Ministry of Agriculture, through one of their officers by the name of Kimani who is a divisional agricultural officer in the constituency, is currently doing a study on river pollution. So, I am very curious to know, is there no co-ordination within the Government between various Ministries? In as far as that Ministry is concerned, water on Athi River is polluted to such an extent that it is the cause of cholera, dysentery, death of fish and many other effects. This water is not good even for use in horticulture farming.

If you look at the Questions on today's Order Paper, three Questions are dealing with pollution of water in Lake Naivasha and the Mara. Is there no definite plan by the Government to address the issue of pollution in all water masses within the country?

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Speaker, Sir, I would like to say that once the results are ready, I will table them in this House.

Secondly, on the issue of pollution, as far as this Statement is concerned, I think that is a supplementary question because I made it very clear that the death of fish was due to drought.

Mr. Speaker: Very well. The next Statement is also by the Minister for Environment and Mineral Resources.

IMPACT OF QUARRYING ACTIVITIES IN THIKA

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, following a Question that was raised by the Member of Parliament of Juja, hon. William Kabogo, to my Ministry on issues of quarrying in Thika,

a site visit was undertaken on 10th February, 2011 by myself, accompanied by officers from the National Environment Management Authority (NEMA) and local leaders, led by the area Member of Parliament, hon. Kabogo.

We visited the quarries in question, the first ones being the King's Rock Works and Mucathlia(?) Company at Katuanyaga Village, where environmental issues were raised. We observed that the environmental impact assessment that had been done was not adhered to properly in the following five areas:-

(i) mitigation of dust through either fencing with dust arrestors or sprinkling of water;

(ii) mitigation of noise and vibration;

(iii) observance of a working period of 8.00 a.m. to 5.00 p.m., had been broken, because the works were going on even in the night;

(iv) occupation safety and health of the workers was not completely adhered to; and,

(v) re-filling of excavated areas was not done.

So, what the Member of Parliament had observed was correct.

Mr. Speaker, Sir, our recommendation was that we must stop immediately all quarrying activities until these conditions are adhered to, which is exactly what we did. So, we have given a stop order to the two quarry owners on site. The quarries will only be activated after NEMA inspectors accept that compliance on those quarries has been achieved.

We also visited a series of quarries called "Nyakaba Quarries". This is a series of quarries in the same village, some having been abandoned a long time ago, while others were still active and fresh. Some of the issues of concern we observed were that some of the quarrying activities going on were very close to buildings, thus endangering the lives of people. We also observed that a good number of the abandoned quarries had not been refilled despite the fact that some of them were abandoned more than three years ago.

So, again, we recommended that inspection must be done by NEMA officers on all the quarries in Thika, and that necessary enforcement of the law must be undertaken. We said that we needed a thorough investigation because some of the quarries had been abandoned and their owners are not known. However, we know that from our archives and documentation, it is possible to ascertain their identities and hold them responsible for the refilling of those quarries as per the law. Therefore, for that reason, I instructed the NEMA at that time to do the inspection and, in due course, we will be having the report.

Mr. Speaker, Sir, I hereby table the report for the two quarries.

(Prof. Kamar laid the document on the Table)

Mr. Speaker: Member for Juja, you have the first request for clarification.

Mr. Kabogo: Mr. Speaker, Sir, it is, indeed, true that we visited the quarries as stated by the Assistant Minister. The only thing she probably needs to do is to give a timeframe within which these actions are expected to take place. We visited the sites on 10th February, 2011. It is now almost two months since then. Therefore, we need to know the timeframe within which action will be taken.

Secondly, since she now understands that these problems emanate from all the quarries in Thika, which are over 100, could she undertake to carry out a similar inspection on the other quarries? She has been told that the problems are similar in all the quarries.

Mr. Speaker: Is there anybody who is interested? Assistant Minister, please, take your notes.

Mr. Njuguna: Mr. Speaker, Sir, it is clear that people have been affected by dust and noise in the neighbourhood. I would like the Assistant Minister to inform the House what assistance the Ministry is going to extend to the people who have been affected by these vices.

Mr. Speaker: Assistant Minister, make your responses.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, the number of quarries is actually very big. They are in hundreds. Already, the book work is being done. Our officers want to ascertain who did what and when, so that they can be able to pin the actual owners of the abandoned quarries. Some of the quarries date as early as five years ago, but there is no back-filling. So, the truth is that whoever operated and abandoned a quarry must take responsibility and back-fill it.

Regarding the issue of timeframe, I would like to only say that I can report back on the progress in a month's time. If there will be anything I can report on any action taken by then, I will do so. However, the exercise is going to take some time because an entire area of more than two square kilometres is infested with quarries which have not been refilled. So, we should be able to take time and carefully get that land back, because it is very dangerous to have unfilled up quarries. So, that is the timeframe not only for the quarries we are talking about but also for the other quarries that are there.

On the issue of giving assistance to the affected people, we will look at the law and see whether it is actually the Government who should be giving the compensation or it is the owners of the quarries. We know that this is where the law has been broken. The quarry owners were supposed to have prevented dust from reaching homesteads. So, the damage has been done. So, we are doing a very comprehensive study on those queries, because it is very important for us to use this to serve as an example for other parts of the country.

Mr. Speaker: Assistant Minister, you have said that you will make a report within a month, but the Member of Parliament for Juja was more interested on when action will commence.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, actions are already in place. From the day we closed the first quarry, we started trying to get a list of actually who owned the quarries that were exhausted and eventually abandoned them because those persons were licensed. So, already, there are things which are going on. We are trying to establish who were doing the quarrying and how we can get them back to do the refilling work. One of the actions the hon. Member is interested in is the back-filling of the abandoned quarries. In order for us to demand for back-filling, we must know who was doing what. So, yes, we have already initiated some action. So, I would like to report back in a month's time, so that this House can know exactly what we are doing about this because it is a very bad situation.

Mr. Speaker: Hon. Members, there is one more Ministerial Statement by the Minister for Lands on revocation of titles, which is due. The Ministerial Statement will come tomorrow afternoon.

We will now take requests for Ministerial Statements.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. I sought a Ministerial Statement from the same Ministry on the same issue of quarries, where a family of three was buried alive. The Minister promised to issue the Ministerial Statement in 14 days' time and it is now well over 21 days since then.

Mr. Speaker: Assistant Minister, are you ready with the Ministerial Statement or can you make an indication as to when you will deliver it?

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, I would like to promise that I will deliver it by Tuesday. The draft reply was in the Minister's Office. He travelled only last night without signing it. We had a few Questions---

Mr. Speaker: So, could you deliver it on Tuesday next week?

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Yes, Mr. Speaker, Sir.

Mr. Speaker: It is so ordered!

Yes, Member of Parliament for Gichugu!

POINTS OF ORDER

PROGRESS REPORT ON KENYANS HELD IN UGANDA ON KAMPALA BOMBING CHARGE

Ms. Karua: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security with regard to the current status or progress report on Kenyans who were renditioned to Uganda last year, and who are being held in connection with the Kampala bombing. They have already been arraigned in court. The case has not commenced for over six months.

I would like the Minister to let the House know why Kenya cannot have those Kenyans, who were illegally renditioned to Uganda, repatriated back to Kenya and, if at all there is evidence, tried in Kenya and if there is no evidence, set free to join their families.

The Minister should also let us know why the spouse of one of the renditioned Kenyans was detained in Uganda for three weeks, together with her infant child, when she went to see her husband. The Minister should also tell us why the lawyer who had gone to follow up the matter of the rendition Kenyans, including a prominent human rights activist, one Al Amin Kimathi; were detained in Uganda.

We want to know the progress of what the Government is doing to ensure that those Kenyans are accorded justice; that they are returned to their own country where they can be processed if at all they were involved; and whether Kenya is giving them legal support in Uganda, especially the Government having admitted that the rendition was illegal in the first place.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, you can see that Statement borders on

three or four Ministries. It needs the attention of the Attorney-General, the Ministry of Foreign Affairs and the Ministry of Justice, National Cohesion and Constitutional Affairs. I would request Ms. Karua to either take it to the Office of the Prime Minister or to the Ministry of Foreign Affairs. I just deal with internal security. I do not go beyond the borders of Uganda and Tanzania.

Mr. Speaker: Are you expressly making a request that the Statement be referred to the Prime Minister?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, that is exactly what I am requesting.

Mr. Speaker: Very well!

Mr. G. Nyamweya: On a point of order, Mr. Speaker, Sir. This very issue is actually in the Departmental Committee of Defence and Foreign Relations. I am a Member of that Committee and we have had part hearings on the very same issue. So, my point of order is how then is this question answered when the Committee is also dealing with it and, ultimately, what will be the outcome if it is in two places?

Mr. Speaker: Very well! At least, the Speaker was not aware that the Committee was already seized of the matter. But let me hear from Ms. Karua.

Ms. Karua: Mr. Speaker, Sir, if the hon. Member heard me correctly, I am asking for a progress report. I do not think a matter being in the Committee--- The question is to the Minister and not to the Committee. I do not believe that an hon. Member or the House can be barred from transacting business merely because a Committee is investigating it. The processes are complimentary and I would appreciate being given an indication as to when it may be answered. I have no quarrel with the Office of the Prime Minister that coordinates all the relevant Ministers asking, but the matter is urgent.

Mr. Speaker: Very well! I direct that this request be taken to the Office of the Prime Minister. The rest, we will deal it with administratively! Mr. G. Nyamweya's concern is noted and we will deal with that administratively. The Statement should come-- I am not so certain that the Prime Minister will be ready by Wednesday but, tentatively, let me order that it be delivered on Wednesday next week.

SHORTAGE OF CONDOMS IN THE COUNTRY

Mr. Mbuvi: Mr. Speaker, Sir, I wish to seek for a Ministerial Statement from the Minister for Public Health and Sanitation on the current shortage of condoms in the country. In the Statement, the Minister should clarify the following:-

- (i) The mechanisms employed to ensure that, in future, there is a steady supply of condoms in the country.
- (ii) The measures to ensure that there is a speedy procurement and distribution of condoms.
- (iii) The Government's mitigation measures used to ensure that the youth are protected from the exposure to sexually transmitted infections, HIV/AIDS and unwanted pregnancies.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, we will communicate the matter to the Minister for Public Health and Sanitation and she will deliver the Statement on Wednesday next week. But I want to assure Kenyans that there is no shortage of condoms. There may be a shortage of the Government funded condoms.

But the condoms are still in the market. That should not be an excuse for getting into irresponsible sexual behavior on account of no condoms.

Mr. Speaker: Very well! Mr. Minister, except that Wednesday is a bit crowded. Can it come on Tuesday at 2.30 p.m.?

The Minister for Trade (Mr. Kimunya): Mr. Speaker, Sir, I will communicate to the Minister. Tuesday should be fine.

DRUGS HAUL AT THE COAST

Mr. Nyammo: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. The Statement is on the drug haul at the Coast that continues to be a menace to this country. In the Statement, we would like to know the source of those drugs, who the owners are and, therefore, the barons of those drugs. The Minister should indicate how much of those drugs were seized.

In addition to that, he should indicated how much of those drugs were brought to the court in Nairobi. Finally, why was the matter taken to court so quickly without proper or appropriate investigations?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, you are aware that this matter is in court and, therefore, it is *sub judice*. I need your guidance because it will jeopardize the investigations. I request that we should let the matter be finalized in court and then I will avail whatever issues the hon. Member would want me to reveal. As at now, it might jeopardize the investigations because it is in court.

Mr. Speaker: Very well. That is a legitimate claim except that you cannot just casually make a claim for *sub judice* as you are aware I have given many directions in that respect. I do not become aware that a matter is in court merely because it was written in the papers or I watched on Nation or Citizen TV. You must table documents here that I can admit.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, allow me to table the documents here tomorrow to show that the matter is in court and the suspects have been arrested and the case is going on.

Mr. Speaker: Very well! In the meantime, we will not direct you to do anything that will prejudice investigations quite logically but, before I direct whether or not the matter is *sub judice*, please, table documents.

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

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. I would like to seek the guidance of the Chair. Some time back, Prof. Saitoti tabled a Report here which purportedly - or which allegedly - was given to him by Mr. Michael Ranneberger. Normally when a document is tabled in the House, hon. Members have access to that document through Room No.8. But, to my surprise and that of other hon. Members, that Report is not available in Room No.8. Every time we go to Room No.8, we are referred to the Office of the Clerk. We go to the Office of the Clerk and they tell us to go to Room

No.8. That Report is missing in the House. It is not in Room No.8 and it is not in the Office of the Clerk.

I am not sure how a document will vanish from Parliament, whether loss is intentional or by mistake. We need your help to be able to get this document to Members. I repeat that you have seen that Mr. Rannerberger has in public declared that his report has never been made public, meaning that the report that was tabled here by Prof. Saitoti could be doubted, and it is missing from the House. I seek your guidance on this.

Mr. Speaker: I am not aware that that report is missing, and so, obviously, you are making a very serious claim. Documents do not vanish from Parliament, to the best of my knowledge. As a matter of fact, a copy of that document is in my office, but just a copy among many others. So, the claim that it has vanished is not correct, because it is available. Obviously, the ping pong between the clerks in Room No.8 is not permissible. We will ensure that adequate copies are in Room No.8. In the meantime, anybody who feels that he needs a copy very urgently can collect one from my office immediately I rise.

Mr. Kabogo: Mr. Speaker, Sir, I appreciate your position, but it is also important to note that we do not get documents from your office, but from Room No.8.

Mr. Speaker: Mr. Speaker, Sir, I am just being helpful. Let us move away from there, since it is not very helpful.

That brings us to the end of the Order on Statements.

Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair, laid on the Table of the House on Tuesday, 22nd March, 2011.

(The Vice-President and Minister for Home Affairs on 23.3.2011)

(Resumption of Debate interrupted on Thursday, 24.3.2011)

Mr. Speaker: Mr. Gumo!

The Minister for Regional Development Authorities (Mr. Gumo): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to also contribute on the Presidential Address. I went through the Address and, as usual, the President has given a very good Address. However, my problem has been that after that Address has been given, the officers who are supposed to implement it, hardly do it. This has been a very big problem. If the President gives a good Address and then there is no follow up, then there is a big problem.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, in this country from 2008 we have had so many Internally Displaced Persons (IDPs) from all over the country resettled in one area. Immediately after 2008, there were so many people from different communities who were displaced. It looks as if nobody bothers about certain communities. If you go to places like Trans Nzoia, there are so many people who were removed from forests from 1992, and nobody has bothered to resettle them. They are from Mt. Elgon, Cherangany Hills, Mt. Kenya and even The Aberdares and nobody has ever bothered to settle them. In fact, some of them have lived on the roads until they had to go and live with their relatives. Today, we are only looking at people who suffered in 2008. We need to also go backwards and find out how many people were thrown out of these areas. This is mainly because nobody seems to bother. Whoever is appointed the minister in charge tends to forget the past.

Mr. Temporary Deputy Speaker, Sir, another thing that I feel I must talk about is that when people are given certain positions of responsibility, they only look for people from around their homes to fill up positions. That is tribalism. We cannot unite this country as long as we work on tribal lines. I have been in this Parliament for a long time now, and I have seen people come and go. Whoever gets a position only minds about his tribe. He chases away other people and then brings in others from his home area. This is a country for all of us. The only officer I can say has worked so well, and I can vouch for him, is the Governor of Central Bank. When he was appointed, he never removed anybody from their position, because he came from another area. He let those people work until they retired and he gave them all the opportunity. Today, you will find that when he was reappointed, a certain group went to court, mainly because he does not sing their song. He is just a nationalist. This is because we have never had a problem in this House of somebody saying that the Governor of Central Bank has removed so-and-so and replaced them with somebody from his community. No! He has done a good job. We need people to emulate him and not just to remove people from positions and put in other people from his tribe.

When you go to some of the Ministries, you will be surprised. The Constitution is now very clear that you cannot have more than 25 per cent of a certain community in one Ministry, but I do not see it being implemented. This is because it is so difficult. Should it be done, there will be chaos in this country.

Mr. Temporary Deputy Speaker, Sir, another thing is that you have seen what has been in the Press, particularly about Maasailand. This farm in Maasailand that was bought for IDPs has brought some resistance from the Maasais. That is not something to take simply. It is a serious matter. I have heard some people say that they had said it and it must be done. Well, there are people who will protect these people individually. Some of these people were chased away from Eldoret, Nakuru and so on, and now you are taking them to Maasailand. The reason why they were chased out is exactly the same reason for which the Maasais are protesting. You want to put them there by force. Will you really manage? The Maasais are also saying that they are also have squatters there and that is their land. They have said that those IDPs will be settled there over their dead bodies. The

Government is arresting them and taking them to court, because they are resisting Government effort to resettle IDPs there. Why do you not call elders and everybody else to sit together, so that they agree on how to go about this issue? You cannot force issues; those Maasais are serious and they are not going to allow anybody to settle on this land. I am saying this because I have seen it. Why do you not move these people to another area? The Government should settle them in another area instead of having this problem. This is because you cannot say that in Kenya, you can settle people anywhere, when the same people have been chased away from another place. Why were they chased away from that place? We should find out ways of helping these people. If they had land in those areas and some people have even said that they have reconciled, why can they not go back to their land? If there is reconciliation then people should go back to their land.

(Applause)

Some of these people have been there for many years. My father bought his farm in Kitale in 1963 when I was just about 13 or 14 years old but now I am an old man. If somebody comes and tells me to move out of that land and my father died about 15 years ago, do you think I will move out? *Tutauana tu*. How can you move out and yet you do not have any other place? This is the problem people have. If we want to bring people together then let us sit together, reconcile and agree on how to settle them. Let us not use force. Even if you are a Minister, you cannot say: "I have said that these people must be settled here." If you say that and then go away, will you assign everyone a bodyguard? Even if you establish a police station there--- Please, let us talk. If we want to save this country let us talk, agree and make sure that we help our people. The days of saying that it must be done are long gone. That does not work anymore. We have people who were evicted from Mau Forest and they are living along the road but nobody ever talks about them. Nobody talks about them unless they are being used for politics. There was a farm in Kitale which had been offered for sale so that people from Kitale could be settled there but up today nobody has been settled. So, let us be nationalists. Let us not only look at our people to the extent that when you are appointed to head a Ministry you only look for your brother, sister, relative or tribesman. Some of us were born here in Nairobi and we do not even know our tribe. After all, a tribe is only a way of communication. What else is it there for?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear Mr. Gumo say that since he was born here in Nairobi, he does not know his tribe? He is a Luhya. In fact, if he does not know where he comes from---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! Continue, Mr. Gumo!

The Minister for Regional Development Authorities (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I am a nationalist. What about a Kikuyu who has married a Luo? What is the tribe of that child?

An hon. Member: A Kikuyu!

The Minister for Regional Development Authorities (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, it will not be a Kikuyu! Do you want to say that if a

Kikuyu woman goes to Kakamega, is made pregnant by a Luhya and carries the pregnancy to Kiambu where he gives birth, that boy will be a Luhya? *Hakuna Bwana!* If he is born there, he will be a Kikuyu. So, a language is just a way of communication and we must avoid that. We should not ruin our country because of tribal feelings. That is the problem we have. If we can do away with that feeling, this country will be one of the best.

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

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all, I want to thank the people of Kenya for having passed this Constitution by a big majority - 67 per cent of Kenyans endorsed the present Constitution. It is great because the 1963 Constitution was never to be. It was abrogated. The Senate was sent home, regional assemblies were sent packing and a wave or a realm of dictatorship came over this country until the other day when we passed this Constitution. It was inequality, dictatorship and it was a situation where democracy was not there at all.

Mr. Temporary Deputy Speaker, Sir, even the Bomas of Kenya Constitution was never to be. It was one of the Vice-Presidents of this country and a few Ministers who came to the Bomas of Kenya and said we should pack and go home because we do not have a Constitution. I want to thank the people of Kenya and God, indeed, for the fact that we now have a Constitution. We have hope of really running this country democratically without discrimination and without other people being treated unequally. We want to bring equality to this country. I am very surprised that if you talk about the rights of people and especially on land--- My community, the Maasai, were hit by the colonialists and thrown out of their beautiful and sweet grazing land. About a million acres were occupied by the white men. It was not just taken like that. The Maasai Morans would not have agreed to move out at all but they were forced and many of them died. During the movement, because some of you have read history, many people died on the way due to exhaustion. Many old people disappeared. It is the same scenario today for our people. When the British left, we never got even an acre back although we had lost a million acres. I want people to remember this. We never even got an acre back although all the other communities especially around Kabete, Makuyu and Kikuyu got their land back. Most people got their land back but we did not get a single acre back. Look at that discrimination? What is happening right now?

What is happening in Mau Narok is really a circus. The Government has decided and we are told that it must settle the Internally Displaced People (IDPs) in Mau Narok, whether we like it or not. That has been said by the Minister, a Provincial Commissioner in Nakuru and by other people. This is because we are considered a peripheral tribe. We are also considered a people without rights. We are considered as people who are not in the mainstream of this country and who are not supposed to be protected by the Constitution. All the people who had been arrested the other day were doing a peaceful demonstration. The police came, clobbered them, arrested them and charged them with incitement. I do not know whom they were inciting. They were all saying that they do not want to give their land to anybody and more so, the IDPs.

The other day there was a meeting in Eldoret where President Kibaki went and he was presiding over what we call "a good meeting" where brotherhood and friendliness was really brought up. Indeed, the issue of KKK came up although it was denied two

days after that meeting but we know that it was the main thing in that meeting. Unless that brotherhood is hypocrisy it is supposed to let people live together.

(Applause)

We do not want chaos from another region of this country to be transferred to another region. We think chaos should end up where they started.

Let me say, *Mheshimiwa* Temporary Deputy Speaker, Sir, that, if we were honest and had no hypocrisy; if people were allowed to return to their *shambas*, *dukas*, hotels and garages, we would have dealt with 80 per cent of IDPs. There would be no 80 per cent of the IDPs that we have today. But because people want to use those IDPs to grab other people's land, the issue will not be settled that easily. Let people go back to their *shambas*. They bought those *shambas*. They took loans to buy them. They have garages. If they cannot run those garages, the Government should give them money to go and run those garages and hotels. That way, we will have a peaceful country. But if you think you are going to harass that tribe called the Maasai tribe--- In fact, we have received news that even the Provincial Commissioner has been saying that the orders have come from up. I do not know about that. I thought we were finished with *kule juu*, I thought that we passed a new Constitution and that we are all free men and women. If it is not there--- He has said to his friends and other people: "I have been given orders to shoot and kill." In fact, if that guy is not removed from there--- Can you imagine people who are carrying out peaceful demonstrations are always arrested. You have seen pictures of old people in the *Daily Nation* and other newspapers. How can they incite and beat anybody? How can they be a problem with regard to insecurity? Let people go back to their farms. Do not bring chaos to our area. Do not infect us with all the stupidity that has been going on there; or the killing that has been going on there. I am saying that we must ensure that there is equality in this country. I thought that this Constitution was good. What we are fighting for is in the Constitution. We should follow up our own historical injustices and, definitely, that is what we are doing. But the worst part of that incident is that the case was lodged in court much before that PC started harassing the Maasai in the Mau area. There is total disregard by the Government of the fact that the case is in court. All those activities are supposed to be *sub judice*, but they do not listen. Up to now, there are 300 *askaris* in the Mau area, guarding the surveyors to survey the land. Why can they not wait until the case is adjudicated, if we are not, really, harassing or discriminating against other communities? Let the people go back to their land. Let the people go back to their *shambas*.

We have formed commissions. We have the Kibunja Commission and the Kiplagat Commission. Those people are able to go there and talk to people, use their power, knowledge and skills to make people integrate and work together. So, why not just do that? Why should you move those people from there to Taita Taveta? Why should you move people to Maasai land? Let them go back to wherever they were. They did not come from the moon or mars. They came from somewhere and they must go back there. We know that this is hypocrisy. Those *shambas* are settled by other people. Those people are said to have thrown them out. Are we going to allow the police to go and shoot at the Maasai at Mau Narok and let somebody who killed other people to stay on someone else's *shamba*?

I want to say - and I want to repeat - that we must assist IDPs to go back to their *shambas*. We do not want arrogance from the PC who appears as---- If it was during the white man's administration, he would have been thrown out because he does not know how to balance his socks at all. He talks to people from his desk while he is chewing khat. Khat also is a drug. I can bring 20 people who have seen him chewing khat when he is talking to them across the table. That is not the kind of man who should be given the responsibility of the whole province, which has other people.

With those remarks, I support the Motion.

Eng. Gumbo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the Address by the President. While I largely agree with the President when he says that our new Constitution has renewed our sense of nationhood and given us hope for a brighter future, I am also aware that, in some of the more established democracies of the world, there are constitutions which have served people for over 200 years and have served them well. Sometimes, when you look at our country, you must ask yourself: Are we really having too much Constitution and very little constitutionalism? You have heard what the hon. Minister has just said with regard to the problem of IDPs. Sometimes, when you look at our country, you will see that we are still very much doing business as usual and impunity has become the order of the day.

It may be true that our economy has grown by an estimated 5.4 per cent as stated by the President in his Speech. But what we, as the people of Kenya, desire is not the growth in the economy. Even if the economy grows at between 10 and 20 per cent every year, but it does not translate into better lives and more jobs for our youth and the people of this country, it accounts for very little. It is unacceptable that 50 years after we got our Independence, every year large sections of our population still have to hold begging bowls in search of relief food. I have said it here before and I want to say it again, that there is absolutely no way we can claim to aspire to be a middle income economy when we are not even able to feed our people.

Turning to Vision 2030, the blue print of the vision looks good on paper, but I think that is as far as it goes. If you look at, for example, the social pillars that have been talked about, how are we going to achieve them when ethnic harmony and placidity is still very elusive in Kenya? I want to say it very courageously because I am a son of this country and very proud to be Kenyan, that if I have to think of one collective failure of all our three Presidents from Kenyatta to Moi to Kibaki, it is their unwillingness to place ethnic conviviality at the heart and soul of Kenya. If we had ethnic conviviality in this country, there would be no IDPs and the question of some of us going to The Hague would not arise. But our Presidents, either by omission or design, have never put the desire for Kenyans to live with each other and to share the resources that we have with pleasure at the heart of this country. It is not impossible. Julius Nyerere did it in Tanzania and to some extent Leopold Sedar Senghor tried it in Senegal and Houphouët-Boigny also tried it in the Ivory Coast.

Mr. Temporary Deputy Speaker, Sir, the aims of Vision 2030, as I said earlier are good but we want to see a more open society. That is why sometimes we have to ask whether the Vision 2030 Secretariat and the National Economic and Social Council (NESC) have really provided the threads necessary to push this country to an economic takeoff. If for example, you look at some of the blue chip projects in the Vision 2030, for example the Lamu Port, why is it still shrouded in mystery? Not just the port itself but

some of the key appurtenances of the project, for example the high speed rail line and the fibre optic national cable; why are we not making them public if they are for the benefit of Kenyans.

We also have another key project for Vision 2030 delivery, and this is the technology park at Konza. Who is the national champion of such a project? We are told that when it is eventually finished it will cost about US\$10 billion. Who is the national champion? Is it the public or private partnership, or is it just a public project? Who in Government is providing the leadership necessary to bring the coordination required between the different Ministries to push this project forward? We want to see a change in the way we do things to believe that constitutionalism has, indeed, become a culture in Kenya.

Mr. Temporary Deputy Speaker, Sir, I am a believer in this country as I said before. That is why at all times I resist any attempt by foreigners to try to dictate the way we do things. I know that we need to help our youth, but the youth of this country will not grow when foreigners accustom them to the culture of handouts. That is why I have said here on the Floor of this House that it is unthinkable that a Kenyan diplomat in another country can decide for that country what to do, and we, as Kenyans, must not allow it.

Finally, I am glad our new Constitution provides a good framework to facilitate reform in the provision of security. I am particularly looking forward to the Police Service Commission Bill. As we debate this Bill, there are some omissions we have made, as a society, which we need to look at and correct. Our policemen are not angels. None of us is an angel. Our policemen have made mistakes, but have we judged this force fairly? I have in mind, for example, the Kenya National Commission on Human Rights (KNCHR). Every time an armed thug is gunned down by the police, the KNCHR is always rushing to their defence.

I have been a victim of raw animalistic robbery with violence, and I can say it here that I can never have sympathy for armed robbers. These are not human beings, and much as we condemn our policemen when they shoot a few of them, let us also start to look at the welfare of the police. They are also human beings. They are Kenyans. How come when our policemen are gunned down by armed thugs when doing their work the KNCHR does not defend them?

Mr. Temporary Deputy Speaker, Sir, this is not a small matter. I have here with me records from the police force, which show that in the last five years alone, in 2006 ten policemen and seven Administration Policemen (APs) were killed while on duty. In 2007, 40 policemen and two APs were gunned down by thugs. In 2008, 11 policemen and two APs were gunned down. In 2009, 27 policemen and 14 APs were killed. In 2010, 23 policemen were killed. In total 111 policemen have been gunned down by thugs while in the course of executing their duty and 31 APs have also been killed. This gives a total of 142 officers. Do these people not have fathers and mothers? Do they not have wives? Do they not have children? Why are we shy to say that, much as other Kenyans have got rights, policemen also have rights? Sometimes I want to challenge people; we tend to condemn the police force and only look at the bad things they do. Can somebody imagine how this country would be like for a day if the police were removed from our streets?

Mr. Temporary Deputy Speaker, Sir, as we look into debating the Police Service Commission Bill, I think it would be prudent for us hon. Members, as responsible

citizens of this country, to also seriously think about the conditions under which the police officers work. Let us think about the welfare of our police officers. As a responsible nation, it is time we provided our police officers with insurance to protect them from the hazards of their profession.

With those remarks, I beg to support.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I appreciate the exposition of public policy by the Head of State.

The Speech, to me, was fair. It touched on a number of issues. In particular I was appreciative of the leaning towards the implementation of the Constitution, and the big Statement by the President that the Grand Coalition Government is now determined to systematically implement the new Constitution.

Mr. Temporary Deputy Speaker, Sir, the Tenth Parliament is a very fortunate Parliament to have been involved in the promulgation of the new Constitution. It is the responsibility of this House to ensure that all instruments and laws are in place. The President himself outlined ten Bills that must be undertaken in this House. That requires a change of attitude, and of the way we do things in this House. I think all of us must agree that the Grand Coalition Government must work now more than ever before, so that we are able to pass these Bills without pulling in different directions.

It is very important that all of us, as Members of this House, realize the agenda that is before us, and ensure that everything will be in place next year. As the President stated, we have less than two years before the next general election. It is upon this House to ensure that everything is ready by that time. He spoke about the new arrangement of county governments and the national Government. We know that there are many things that we must put in place. Again, I urge my colleagues that we create an environment for ourselves that will enable us discharge our duties in a very honourable manner.

We know the country is tired of the noise of competition. We must cease to discuss 2012, and start focusing on the issues at hand. Even as we do that, there is need for us to see practically cooperation between our own Cabinet Ministers. I dare say that I was quite discouraged when an acting Minister decided to dismiss appointments that had been made by another Minister. I asked myself what informed the decision. In his own words the Minister said, "I have done this to effect a balance and eliminate people who are not qualified". That is reasonable, but it is not reasonable if there is no policy. If we have a policy by the Cabinet, we would like to see the Cabinet come back here and balance everybody from institutions "A" to "Z", and also at the qualifications of everybody else, so that it does not look like we are taking advantage of situations.

Mr. Temporary Deputy Speaker, Sir, we have many companies and parastatals which have not been vetted; the Minister who dismissed the said persons in the Ministry of Industrialization was doing--- If he vetted them, we need a vetting system for all corporations. We have many corporations where Ministers have made appointments; if we feel that we should be dealing with that we should deal with it generally. That is why I am saying it calls for a law, policy and even guidelines by the Cabinet, so that we have something that is very systematic and we do not look like we are trying to marginalize certain people, or taking advantage of situations.

I asked myself, what if the same Minister is cleared and goes back to the Ministry? Would he not remove the same people who had been appointed? What if

Sophia Abdi from North Eastern Kenya, who is a woman, is given a Ministerial position? Would she balance the position of all the women from North Eastern against other women in whatever positions in her Ministry? What if Mr. Mbadi was given the position of Minister for Energy, what disaster would he cause in KenGen and Kenya Power and Lighting Company (KPLC)? I am saying this because unless we agree to be sober and respect each other, it becomes very difficult for us to work together. The Grand Coalition Government is something we accepted for a season and we must start respecting one another and the positions that we have created.

Mr. Temporary Deputy Speaker, Sir, the other issue I want to touch on briefly is the issue of youth. I was very appreciative that the President talked about the youth policy and actually decided in his own Statement that he would like the Youth Empowerment and Protection law to be fast-tracked, even though in the blueprint of the Constitution, it does not fall within the five years. Our youth are suffering. This country has not grown industrially. We have a document called Vision 2030, but we have not really industrialized, to the extent that we are really lacking as far as jobs are concerned and yet the Constitution says that it is their right. We need to start realigning our country to create the very jobs that we promised the youth.

If you look at the way our examinations are done, we have 72,000 students doing Kenya Certificate of Primary Education (KCPE) whereas we only have 50,000 positions for them to join Form One and only 80,000 in the universities. We have a lot of backlog and God knows what is going to happen to our youth because the pyramid is extremely sharp and we have very few people realizing their dreams in various positions. We must restructure the way we do things. I am hoping that this Ministry of Youth Affairs and Sports will come up with a law very fast so that we are able to sort them out.

Mr. Temporary Deputy Speaker, Sir, it is also important that we start sorting out the employment sector. It was very worrying that when the Deputy Prime Minister and Minister for Finance cut down the Budget to support the Constitution, he cut down more on the areas that are dealing with youth programmes; the *Kazi kwa Vijana* was almost knocked off and fish farming by the youth has been stopped. So you ask yourself; if we move in circles, then we are going to be stranded as a country. It is, therefore, very important that the Ministry of Youth Affairs and Sports that has been given the opportunity re-looks at this law and brings it as fast as possible.

The Youth Enterprise Development Fund is another programme that needs restructuring. At least the Women Enterprise Development Fund has been restructured slightly, and the women can now get money through their own co-operatives. The youth are still going to the same banks which are exaggerating the interest rates. You find that the youth are actually cocooned; they do not know where to go or what to do. It is very important that we reconsider how we approach this area of our youth programmes to ensure that where we cannot provide jobs, they should be able to create jobs for themselves. Again I am calling on the Ministry of Youth Affairs and Sports, that because the President in his Speech has given them a window, we need to restructure how the Youth Enterprise Development Fund is utilized so that it can be accessed very easily and also so that it can cover more youth.

Mr. Temporary Deputy Speaker, Sir, one problem that I have personally observed is that the Ministry does not have anybody who trains these youth. When you tell the youth to apply for money and return it after one year and yet they do not know what to do

with it, they consume it and then they default the repayment. When they default, there is nothing they can do. They are simply blacklisted and cannot get any more support. These are youth who have no training. As I had said, these are youth who have dropped off at various levels without any skill. It is also very important that we restructure the way we train them.

In my constituency, there were only two polytechnics when I joined this Parliament, and I have increased them to four. But those are just four youth polytechnics for a population that is over 200,000 youth. How do you ensure that our youth actually acquire skills that can help them? It is very important that this Ministry uses this window. I am stressing that issue because the President himself picked it and said that it should be fast-tracked. I hope the Minister will take advantage of it.

With those remarks, I support.

Mr. Wamalwa: Mr. Speaker, Sir, I also rise to appreciate the President's Speech. It is a Speech that addressed a wide range of issues. At Independence, our founding fathers talked of three main enemies of our nation; disease, hunger and ignorance. During the life of this Tenth Parliament, we were able to pass a new Constitution. We joined other Kenyans and we have gone down in history as a Parliament that gave Kenyans what had eluded them for almost two decades. This Constitution, indeed, addresses all the concerns that have been there since we attained our Independence. Whether it is hunger, the new Constitution says that no Kenyan should ever die of hunger again. Whether it is about our young people, this Constitution under Article 55 for the first time, is saying that we must take measures, including affirmative action programmes for the youth of this nation. For many years, affirmative action was only associated with women and indeed, over time, we have tried and put affirmative action in place to help the women of this nation. But today with the new Constitution, we are now talking of affirmative action programmes for the youth of this nation; to access relevant education and training, to access employment and to access opportunities and participate in the political and socio-economic spheres of the life of our nation.

Mr. Temporary Deputy Speaker, Sir, when you look at this nation and the priorities set, you would realize that it took us over 40 years to even come up with a youth policy. It is only recently that we did pass a youth policy in this nation; it is only recently that we did set aside a Ministry to deal with youth affairs. My friend, hon. Kabando wa Kabando is doing a good job there. What we are saying is that, through this new Constitution, there is a lot we can do in terms of affirmative action programmes to empower the youth of this nation.

Recently, we did pass a Motion in this House where we proposed that many of the young people are unable to find employment, and they have resorted to *Boda Boda* as a way of earning a living. We did propose as one of the affirmative action programmes that this Government should look at the possibility of setting up a *Boda Boda* Fund that can actually help empower our young people, most of whom are being exploited by those who can afford to buy motorbikes and *tuk tuk*s. They are employing these young people who in a day, out of Kshs700, they are asked to give back Kshs400 to the owner of the *Boda Boda*. When the traffic police officer takes away his Kshs50 and petrol takes Kshs100 or so shillings, this young man after working for a whole day goes home with Kshs150. So we are saying, through proper programmes and proper interventions, this Government can actually help these young people access funds, buy their own motor

bikes or *tuk tuk*s and be able to take home over Kshs500. This will help their young families. It will help improve their lives as they struggle to make ends meet.

Mr. Temporary Deputy Speaker, Sir, we did also propose, and I am happy that we do have a Bill that is being prepared, for empowerment and protection of the youth of this nation. I had proposed an amendment to the Procurement Act, and I am happy that the Assistant Minister for Youth Affairs and Sports is here. We would want to compare notes on that when they are preparing the Bill. In other nations we have had 30 per cent of all public procurement being set aside for the youth. If we are talking of empowerment, it is necessary that we have specific provisions in our legislation to say that, to promote entrepreneurship in this nation we can set aside part of public procurement through our parastatals and our Ministries to ensure that the young people who are able to register companies are also able to supply and actually make some money and promote themselves in business in this nation. That will be part of the affirmative action that we would be taking to promote these young people. It is doable. In other nations, to promote entrepreneurship, such measures have been put through legislation and the young people are already benefiting from this. Through what the President has proposed here, priority should be given to this area, so that we can promote the young people of this nation.

Mr. Temporary Deputy Speaker, Sir, I was also glad to hear the President mention the issue of hunger and programmes being put in place to ensure that Kenyans do not suffer. It is a matter of great irony that in one part of the nation there is plenty of food. Where I come from, in Trans Nzoia, the bread basket of Kenya, we still have maize in our stores and in another part of the country Kenyans are starving. We need to put measures in place to ensure that this country produces sufficient food, so that no Kenyan ever dies of hunger again. It is doable. Malawi which is a smaller country has done it. Through proper priorities and programmes they have been able to turn around their country and remove it from the list of food insecure nations of the world. Indeed, right now they no longer suffer deficit in their food. They are even able to export. Why can we not do the same? We are urging the Government to look at ways of enhancing productivity. We have proposed that it would be in order to establish a fertilizer factory in this nation, so that costs of inputs are minimized. In so doing, we will be able to empower our farmers to access inputs on time and at affordable prices.

Mr. Temporary Deputy Speaker, Sir, as I speak, in the North Rift, we are in planting season. Farmers are not able to access fertilizer that the Government undertook to supply at a subsidized price of Kshs2,500 per bag. What we have is a situation where a few bags are delivered to the National Cereals and Produce Board (NCPB) and those big farmers with trucks, who are able to go and sit with the managers, are able to access this fertilizer and carry it off. The small farmers who would like, perhaps, five or ten bags of DAP are not able to access them. We need to provide inputs that are accessible to all. The small ordinary farmers who will be able to get this nation off the list of the food insecure nations of the world too need protection and to be provided for, so that they are able to access fertilizer and inputs at affordable prices. This is not happening as we speak. I am happy that the President mentioned it. I urge the Government to do more in this area, to ensure that we have enough fertilizer in the NCPB depots of Kitale, Moi's Bridge, Eldoret, Kimilili and other regions that are currently planting maize, so that in future we never ever again have to look at the Indian Ocean to import from outside.

Mr. Temporary Deputy Speaker, Sir, indeed, the President did mention that we have a general election coming. It is a sad thing to talk of another general election when we still have Internally Displaced Persons (IDPs) in the camps. Recently, I was in Uganda and was saddened to know that we have Kenyans who were affected in the post-election violence, who are far away from home. They were transported as far as Mbarara and Masindi in Uganda. These Kenyans want to come back home, yet no one is talking about them and provisions have not been made for them to be resettled. As we talk of the talk of the IDPs within the borders, let us also remember our brothers who are beyond our borders, in Uganda, so that they can come home too and be resettled alongside those who are being resettled.

Mr. Temporary Deputy Speaker, Sir, we heard hon. ole Ntimama speak about the issue in Maasai land. These are issues that should be addressed seriously. But above all, we, as a nation, have not set our feet on the path of healing and reconciliation. The talk that was there before the post-election violence, indeed, is the same talk that we are hearing in our politics. We are not talking reconciliation. We know that we do all desire to have justice in this country. We also know that in a few days to come some of our brothers will be travelling to The Hague. The mood in the country has been poisoned. What was purely a legal process has been politicized and poisoned. But the time has come when we must think, as the President urged in his Speech, and decide how we can set the feet of this nation once more on the path of healing and national reconciliation.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion.

Mr. Temporary Deputy Speaker, Sir, from the outset, I want to say that I support the Motion. In supporting it, I want to echo the words of previous speakers who have spoken and urged all of us that we leave aside partisan politics when it comes to passing the laws that are ahead of us. We have many Bills which are coming up and it is only through us not being partisan that we are going to be able to pass them successfully. We must pass them within the period that is required. We must do this because if you ask any Kenyan wherever he is what his hope for the future of this country is, he will rightly or wrongly tell you that his hope is in the new Constitution. We, as elected representatives of the people cannot, therefore, afford to let down those people who elected us. We must do everything possible and pass this legislation within the required period.

Mr. Temporary Deputy Speaker, Sir, allow me to also talk about the high cost of food. Food prices have gone through the roof. Over 60 per cent of Kenyans are living below the poverty line. This translates to about 15 million Kenyans, who by today's prices of food, are sleeping hungry because they cannot afford a meal in a single day. Therefore, I think the Government is obliged to do something about this. The Government is obliged to put measures to cushion the vulnerable members of the society from the suffering that they are going through. You need just to go to some of the areas in the City, in the slums or even in the rural areas and you will be amazed at how people are surviving. The Government ought to put in place measures like subsidizing the prices of essential foodstuffs like maize meal. I see no reason the Government cannot put in place measures and give coupons to those members of our society who are unable to afford

food, so that they are able to access foodstuffs like maize meal, cooking oil and, perhaps, sugar. This way, the Government will be responding to the situation that we are in.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about insecurity in this country. When Mr. Speaker was giving his opening remarks, he decried the level of insecurity in this country. We are not only talking about insecurity in the cities, but there is a lot of insecurity even in the rural areas. The other day I was watching a documentary where women – I believe it was in Samburu – were crying because of cattle rustling. We are talking of Vision 2030 and even devolution where those areas are going to be able to govern themselves. How do we expect to achieve the Vision 2030 where people cannot sleep soundly and their property is being looted by cattle rustlers or bandits? The Government must not only address the insecurity in the cities, but also in the rural areas. During the last 14 years in this House, I have been talking about the unfair distribution of resources in this country.

Mr. Temporary Deputy Speaker, Sir, particularly I want to address myself to the issue of infrastructure. Perhaps, the only Government Ministry that can be applauded for evenly distribution of infrastructure is the Ministry of Energy. I believe the Rural Electrification Authority (REA) has done a commendable job.

(Applause)

Wherever you go, you will find rural electrification going on. However, we are talking about roads infrastructure. The President talked about it. Yes, it is a good thing. We have good roads coming up in the cities and some rural areas. It is good to have this infrastructure. However, these roads that everybody is talking about are not to be found in Turkana. They are not found in Mwingi and North Eastern Province. They are just concentrated in some areas. As long as the Government does not consider fair distribution of resources and development, we cannot claim to have reached a level where we can say, yes we are making progress. So, even as we approach 2012 and elections, can the Government do something, at least, during the coming Budget to allocate some resources to those areas I have talked about. These areas have not benefited at all in infrastructure, so that they can also be in the same footing with other areas.

Mr. Temporary Deputy Speaker, Sir, I am also reminded about shortage of teachers. I have been in my constituency. I went round and took stock of the number of teachers in both primary and secondary schools and you will be surprised. Despite this, when the Minister for Education starts allocating places in July/August, he will do it as if all areas are the same. I want to challenge the Minister for Education to state the shortfall of teachers per constituency, so that we are able to see which constituencies have no teachers. I am speaking about this very passionately because we cannot progress in some areas when resource allocation is skewed in favour of some areas. So, this is an important matter that I wish the Leader of Government Business will address.

Mr. Temporary Deputy Speaker, Sir, finally, as we move to devolution, there is one class of politicians that we appear to have forgotten; councillors. Some councillors have been serving this nation for decades as councillors. We are about to replace this class of politicians with another class called county representatives. I believe these are likely to be fewer. Inevitably, many councillors will remain without any jobs and nothing to do. That is not important. What is important is that these people have served the

nation. There is nothing we are saying about how they will transit from county councillors to even county representatives. I am urging when the time to legislate comes, let us consider packages that will be suitable for councillors, so that when they go home, they can be proud to have served their country.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

The Assistant Minister for Sports and Youth Affairs (Mr. Kabando Wa Kabando): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

Mr. Temporary Deputy Speaker, Sir, clearly the President's Speech focused on what we, as a House, need to do urgently, with harmony and clear determination, so that we can implement the Constitution to benefit the people of the Republic of Kenya. We also want to institutionalise the agenda for reforms and anchor them with the benefits that will bring satisfaction, confidence and hope to the people of this country.

Mr. Temporary Deputy Speaker, Sir, currently, a lot of our programmes on governance in terms of activism, awareness and networking grassroots organizations, are being executed by the civil society. While we acknowledge and applaud the civil society, Non-Governmental Organisations (NGOs) and Community Based Organizations (CBO), for the very positive role they have played in our democratization process and in enabling audit of Government work and Parliamentary work, it is now necessary in 2011 towards Vision 2030, which is two decades only, to entrench the questions, programmes and processes of governance in the Government itself. We should anticipate that in days to come, not in a very distant future, the Government itself, will appropriate some third sector organizations to enrich its own work.

Today, the civil society work convening on Sunday to make the weekly pronouncement is always like opposite of what the Government does, yet in this Tenth Parliament we benefit, including yourself Mr. Temporary Deputy Speaker, from individuals who have really worked in the civil society and corporate world. In fact, I have been telling people who meet in counties, wanting to be governors and senators, or wanting to be in County Assemblies, and saying that their areas are not developing because they do not have professionals, to download the Curriculum Vitae (CVs) of the current Members of Parliament to see how endowed this House is. Therefore, it is important to also download what Parliamentarians are doing. We want to see Parliament, Senate and County Assemblies in a way that will harmonise our intellectual potential that will enable us to really diversify and put this country forward.

We decry many things in this country; the disadvantages we have and what we do not have. But this is the country that enjoys, perhaps, the singular most dominating intellectual capital across the globe, in European and American universities. M-PESA is a Kenya initiative. It has not happened in America. We did not borrow it from America neither did we borrow it from Europe. It is an indigenous phenomenon that is actually captivating academic researchers from science universities. This is a Kenyan generated benefit. We also dominate in sports and other areas.

As I listened to the President's Speech, I anticipated that there will be a mention about the Tourism Bill. We have the wild beast migration in Kenya, songs of birds in Kakamega, breeze on aberdare ranges, gapes of Menengai Crater and treks of tourists from across the world to Kenya. This is a very heavy testament of how endowed our country is. We have a lot of benefits. As we pass these Bills which were mentioned by

His Excellency the President in his very superb address in the Special Session of this House, we also anticipate that the Tourism Bill will be introduced and passed.

Mr. Temporary Deputy Speaker, Sir, we also expect the Sports Bill, which has been unanimously endorsed by the Cabinet and which has interrogated a lot of stakeholders. I want to thank Eng. Gumbo for his clear and consistent focus and support to my Ministry's programmes, particularly on the change of the sports management in the federation and sports associations. These are issues that will bring benefits, so that we can support the retirees who are achieving for Kenya and, so that we can rein in rogue federations and tame the exploitation by some cartels and even families that appropriate sports societies and federations and only appear when they are seeking to be given air tickets and allowances to go and present. We give them the national flag. These are national investments. Standing here and having worked in the tourism sector before joining this House for a number of years and initiated programmes for the National Tourism Bill fora, I know that the passage of the Tourism Bill and the Sports Bill will be a milestone. It will herald a new Kenya.

We have now witnessed some silence from the Kenya Anti-Corruption Commission (KACC) and my fear is that because the Members of Parliament started threatening that they were going to tackle Dr. Patrick Lumumba he is perhaps, fearing for his job. It is time, and I am happy the President also enumerated this, that the Ethics and Anti-Corruption Bill is passed in this House, so that we can deal with the question of recruitments in that Commission. It should be done in the most transparent, open and competitive manner, so that individuals who become directors are not held hostage by caucuses that as I have said before, have turned into caucuses which deal with networking and side shows and, therefore, keeping at hostage and captive some of the individuals who should be doing their work. Dr. Lumumba needs to wake up again. He is quiet. Some Kenyans are saying in the street that he is now not any more the orator turning to the slayer of a dragon because he fears that, perhaps, when we are considering this legislation, his job will be on the mark. We need courage, constituency and clarity. The innovation to tackle the old order must come from individuals who must also risk their careers.

Finally, there have been issues raised here about the youth and it is true there are some entitlements. I am happy hon. Wamalwa talked about the 30 per cent in public procurement. I want to urge the Members of Parliament, who are patrons of their Constituencies Development Committees (CDF) to ensure that a minimum of 10 per cent of the procurement, as per the existing Presidential directive, is an entitlement to the youth. That is possible. I am doing it and you can check Mukurwe-ini.net, my constituency website. You can say that any company appropriated by the youth will be given priority and precedence over any other company seeking to do CDF projects. That is where we need to go awaiting the passage of that law. We also should hear more from the President and the Prime Minister when making appointments in Government offices where they have discretion of young individuals. When we were passing the Committee on Revenue Allocation, I thought one David Ndei, who is one of the most brilliant economists in this country, would be considered by some sections of the political lobbying classes. But our problem is loyalties. Even as we address the questions of the International Criminal Court (ICC) and other issues, there are issues of ethnic and tribal loyalties. I am happy today to hear hon. ole Ntimama and hon. Gumo talking of the lofty

ideals of democracy. I said: Good Constitution; the new dawn in Kenya if the likes of ole Ntimama and hon. Gumo of *kaa ngumu* fame are now speaking this language so eloquently and loudly. Truly, the birth of a new Republic is a reality. The old order is being crushed by the existing realities.

The Kenya National Commission on Human Rights has individuals who have done some work. We applaud what they have done. However, we also know that they have been playing politics. I stand here as one of the individuals who have been listed in their reports despite the work we did to promote peace in 2008. Therefore, the formation of the Kenya National Human Rights and Equality Commission as enumerated by His Excellency the President is long overdue, so that petty politics of loyalties and partisanship can be smashed at the altar of competitive and democratic order.

With those remarks, I strongly support the Speech by the President.

Mr. Bahari: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. It is good, like many other Members have said, that this Parliament had the opportunity, together with the rest of Kenyans, to pass the new Constitution, which is a celebrated Constitution. But it is one thing to have the Constitution and another thing to inculcate a culture of constitutionalism in this country.

I had the opportunity to peruse constitutions of other countries, which are very well-written and which appear democratic, but when you go to the ground, you will be surprised how those books have been put aside and dictatorship has prevailed. Therefore, this is a warning to the rest of us Kenyans that at all times, we must watch how the Executive, the Judiciary and everybody else is applying that Constitution, including Parliament. This must be watched out very carefully because it is not guaranteed that although the Constitution has been passed, the culture of constitutionalism will be put in place. We have heard in a number of countries where even there are no elections everybody talking about the democratic republic of so and so and the democratic republic of “B” and “C” yet there is not an element of practise of democracy in those countries. Some of these good words have been hijacked and used by dictators. It is the culture that is necessary.

Mr. Temporary Deputy Speaker, Sir, as I stand where I do and you sit on that seat, we have to apply democracy. We must apply our Constitution and interpret it as is required. Therefore, Kenyans must watch out as we progress, particularly at this time when the enabling Bills are coming to the Floor of this House. It is incumbent upon the membership of this House to watch out very carefully and take keen interest. It is not business as usual, I warn. Therefore, we must be vigilant through and through. Having said that, we are coming from the old dispensation and a lot of the people who are going to apply the new Constitution are cultured in a manner that represents the old dispensation. As we know, change does not come overnight. Because it does not come overnight, there is need for us, particularly Parliamentarians, to ensure that at the grassroots level, namely, the locational level where we have the chiefs, the police, the Administration Police officers and the elders, the spirit of the new Constitution is not abrogated and shelved, so that Kenyans can really and truly realize the benefits of what they voted for.

Mr. Temporary Deputy Speaker, Sir, coming to the issue of GDP and economic growth, I do realize that the President appreciates as one of his pet subjects; the growth of

the economy. It is one thing to grow and another for people to realize the benefit of that growth.

In Kenya, for example, the economy at the aggregate level has grown to a level that can be appreciated, but those benefits end up not coming down to the people. A classic example is as Mr. Wamalwa and the Minister for Agriculture have said, the Rift Valley where there is plenty of food. We are seeing huge silos where there is plenty of food. On the other side is northern Kenya, there is drought and serious scarcity of food. The Government has not given due attention even after the top echelons of this Government; the Permanent Secretaries, the Prime Minister and many Ministers have gone round those areas.

It is just about food in the stores. The issue is not about food in the stores. Have we been able to distribute this food to the food deficient areas? We have not been able to do so. We have not addressed this issue as is required.

Mr. Temporary Deputy Speaker, Sir, I want to come to the issue of the youth. I am happy that Mr. Kabando wa Kabando is here. It is high time that this Ministry also started evaluating the status of their programmes. A lot of the things that we do are things that were done by dictators. The programmes that we are doing for the youth are those which were done by dictators in the 17th Century. We talk of *Kazi kwa Vijana* programme where they clear a bush here and there. That is not how we will create sustainable employment.

Mr. Temporary Deputy Speaker, Sir, we can create sustainable employment through value addition. We can do this by creating genuine employment. Not the business of digging holes today and filling them tomorrow. That does not add value to this country. It is high time they seriously criticized and critically looked at their programmes and involved Members of Parliament, so that we have genuine employment programmes. There are programmes that this Ministry has put in place. We do appreciate that it is a step forward and that there is a Ministry which is there to look at these issues. However, the problem in this country is when people get to the top positions, they think of how to amass wealth. They forget the people who voted for them and their focus is the issue of amassing wealth.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Bahari, I would like to ask you to conclude because I want to allow three hon. Members who have been in the House and want to contribute.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, in conclusion, we have heard of the Commission on National Cohesion. We cannot get cohesion through a commission. We can only get it through ensuring that there is fairness, justice and redistribution of resources. When I know that, Mr. Imanyara, for example, is somewhere in a position, I feel comfortable that justice will be done. That is the only way we can get cohesion.

Mr. Temporary Deputy Speaker, Sir, I support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, you will realize that we have effectively another ten minutes before the Minister responds. This being the last day of the debate on the Presidential Speech, I would like those who speak next to be mindful of the others so that we can allow the four hon. Members who would like to speak to do so, before the Minister responds.

Mr. Minister, if you get to the time, please, undertake that you will allow a few minutes for your colleagues next to you, the two ladies, four minutes each.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the time to contribute. In support of the Presidential Speech, I really appreciate the fact that he would want us to fast-track the youth policy in Ministry of Youth Affairs and Sports, so that we can help the youth of this country. Article 45(4) of the Constitution is of great interest to me because it is about the protection of harmful cultural practices and exploitation. In particular, I am referring to Female Genital Mutilation (FGM) and child labour in this country. Hopefully, these vices will now be eliminated once and for all.

However, I am really saddened that the President did not say anything about the IDPs, more so, the Government displaced persons like those ones found in Embobut Forest in my constituency, whereby for 120 days, being a Government Minister, I thought that I should support the Government in removing people out of the forest in order to conserve the Cherengany Hills. However, three years down the line, I am a person who is full of regret that now my people are feeling cold in Embobut Forest. They cannot make noise because they are marginalized. The Ministry just looks at those who are able to make noise, go on the streets and can be accessed by television, so that their issues are addressed.

Mr. Temporary Deputy Speaker, Sir, with regard to those people who are in the IDP camps, could they show us where they came from? Their names are known. They are 2,964 families. Each one of them can tell the Government where they came from. They can say they came from this and that forest. They were promised to be resettled. However, up to now, this has not been done. It is very sad. There are others who are camped in Sambala Trading Centre because of a landslide. This is a natural phenomenon.

I am grateful that at that time the Commissioner of Police Mr. Iteere came to their rescue. He brought rescuers using police choppers. That is why I have a lot of respect for the police and our security forces in this country. But now these people are just being fed in those tents. To get to the tents on time is a challenge. No one is feeding the IDPs who are in Embobut. The only IDPs who are getting food are those ones by the roadside. Is it because you only use a path to reach the displaced people that people in Embobut Forest are not fed? This is something that I feel the President should have taken into consideration.

Another issue which was not captured in President's Speech was food for the Turkana, Pokot and Tot Division in my constituency. We have to wait for a letter from the Ministry of State for Special Programmes to National Cereals and Produce Board (NCPB). Then the NCPB writes another letter to the DC to go and look for food in Eldoret. We have known that this is something that happens every year. When our people are suffering, I expect the Government to erect silos in North Eastern Province, Turkana and Pokot, so that we make sure that there is food all the time. We do not have to wait for people to die to rush there with relief food.

I beg to support.

The Assistant Minister for Nairobi Metropolitan Development (Mrs. Ongoro): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support the President's Speech. It was very refreshing for the first time to know that we had a speech with the input from the two Principals. That was very refreshing.

The President's Speech captured the urgency of the moment reminding the Tenth Parliament of the critical role they have to play in ensuring that the implementation of the new Constitution is fast-tracked. That was captured very well. It also gave priority to the speedy enactment of various Bills that are critical to the implementation of the new Constitution.

However, while I appreciate that this Government has really tried to develop infrastructure, the Speech did not come clear on matters of land compensation for investors whose investments face demolition.

Secondly, I did not see anything touching on national healing and reconciliation, which is very critical at this moment. Maybe, we want to forget the matter, but it is still a crucial issue.

The issue of resettlement of Internally Displaced Persons (IDPs) was not tackled. Also, a very critical issue on national security challenges, especially the extrajudicial killings that have been experienced in the recent past, were also not addressed by the President.

Mr. Temporary Deputy Speaker, Sir, I was shocked that as we face drought and food shortages as a nation, leading to Kenyans going through difficult socio-economic challenges, the President did not address this very critical issue. We know that about 85 per cent of Kenyans are facing starvation. Whereas we appreciate that many people are starving in the rural areas, we have the urban poor, who are the poor of the poorest in this nation. This issue was not tackled at all.

We also have the critical challenges that we have experienced with the Grand Coalition Government – the challenges that we see every other day coming up from the two Principals and the two political parties. I expected this to have been addressed by the Principals, but the issue did not come out clearly.

I also did not see from the President's Speech a confirmation or a way forward on how we, as Government, intend to tackle the issues of grand corruption that we have been witnessing.

With those few remarks, because of time, I beg to support.

(Messrs. Kiuna and Mwadeghu stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): I will give two minutes to each of you and give the remaining time to the Minister.

Yes, Mr. Kiuna!

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, let me start by thanking you for giving me this chance.

I appreciate and support the President's Speech but before I go to that, I would like to request my fellow hon. Members that we ask ourselves where we have come from. This nation has travelled a long way since Independence. There are those who fought for the Independence of this country, whom we still remember and honour their work. We, in the Tenth Parliament, have been able to get a new Constitution for this country. The task ahead of us is very important and we must make sure that we accomplish it.

The problem we have now is that whenever many Members of Parliament speak wherever they go, instead of speaking in one voice, there are lots of exchanges. I bequeath fellow Members of Parliament that as we deliberate on this important issue of

implementation of the new Constitution, we appreciate that we have an important role to play in this country.

Mr. Temporary Deputy Speaker, Sir, there is an issue which is really disturbing, and which is very painful. Our youths are very demoralised because they are highly educated but there is no employment for them. The kind of employment they are being given leaves a lot to be desired. The *Kazi kwa Vijana* (KKV) Programme is a total failure. That is why there is a lot of crime. Unless we, as leaders, sit down and see how we are going to tackle the issue of crime in this nation, however much the Government tries to bring it down, it will never end.

I would also like to comment on the issue of pirating.

The Temporary Deputy Speaker (Mr. Imanyara): Please, wind up!

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, I will summarise my speech by asking the House that we become united and move forward as true and genuine leaders. The whole nation is watching us. Kenyans are waiting and expecting a lot from us.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): The remaining hon. Members wishing to contribute on this Motion are at the mercy of the Mover, but I am sure that he is not going to deny you the opportunity to say a few words.

Yes, Mr. Mwadeghu!

Mr. Mwadeghu: Ahsante, Bw. Naibu Spika wa Mda. Ninaomba nichukue nafasi hii kuiunga mkono Hotuba ya mheshimiwa Rais na kuangazia masuala mawili au matatu ambayo hayakuangaziwa kwenye Hotuba hiyo.

Kwanza, nitazungumzia Mpango wa KKV. Kama tunavyojua, mpango huu haujawanufaisha vijana, na tunaomba Serikali ifikirie njia nyingine tutakayotumia kuwasaidia vijaana wetu.

Pili, nitazungumzia suala la ubinafsishaji wa Bandari ya Mombasa. Ninashukuru kwamba Waziri wa Uchukuzi yuko hapa. Tunasema kwamba miundo msingi kwenye bandari hiyo iboreshwe lakini bandari iendeleo kuhudumia watu vile ilivyo. Rais hakulizungumzia suala la ubinafsishaji wa Bandari ya Mombasa kwenye Hotuba lakini nimetumwa na watu wa Pwani nje hapa kusema kwamba ubinafsishaji wa Bandari ya Mombasa hauhitajiki. Tunachohitaji ni kuboreshwa kwa bandari hiyo.

Tatu, nitazungumzia madini. Katika Mkoa wa Pwani, na hata kwenye sehemu ninayowakilisha hapa ya Wundanyi, kuna madini mengi. Tungependa kuona shughuli katika sekta hii, ili iboreshwe. Tungependa kubuniwe viwanda vitakavyoweza kutumiwa kwa madini hayo humu nchini ili kuongeza kazi kwa vijana.

Bw. Naibu Spika wa Mda, hatupati faida yoyote kutokana na kuwoko kwa wanyamapori, kama watu wa Taita Taveta. Tunaomba jambo hili litiliwe maanani. Ninashang'aa ni kwa nini Rais aliliacha jambo hili, nje ya Hotuba yake.

Mwisho, nitazungumzia suala la maji kutoka Mzima Springs. Mpaka sasa, tungali tunayalilia maji kutoka Mzima Springs. Ijapokuwa Rais hakulitaja jambo hili kwenye Hotuba yake, tunatarajia kwamba maji yatatoka Mzima Springs yaende Kishushe, Mwakitau na Mwatate, halafu yashike njia kupitia Voi, na kwenda Mombasa. Ni jambo la kushangaza kwamba sisi Wataita, hatufaidiki na maji kutoka Mzima Springs wakati wenzetu wa Mombasa wananufaika nayo.

Kwa hayo machache, ninaiunga mkono Hotuba ya Rais.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I do not know how much time is remaining, but I will donate three minutes to hon. ole Metito.

The Assistant Minister for Regional Authorities Development (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I wish to thank the Deputy Leader of Government Business for donating three minutes of his time to me.

As I support the Motion, I am going to talk on two issues; the first one being youth affirmative action. It has been said severally that the youth can be given affirmative action on the economic front by taking deliberate action on the procurement laws to give 30 per cent of Government tenders to the youth, right from the constituency level, through the county level, to the national level.

Mr. Temporary Deputy Speaker, Sir, on employment, affirmative action should be considered for the youth by removing the requirement of experience for them. Once they complete their training programmes in university or in the middle-level colleges, the youth should not be asked for experience of ten years and beyond, for them to get jobs. It is also very discriminative that the youth must attain a certain age in order for them to be employed at certain levels in Government and in the private sector.

In the education sector, affirmative action should be extended to the youth by widening the net of help or even by giving a subsidised education programme to universities, so that many of our youth can acquire skills. Some of them lack training due to lack of financial assistance.

On the issue of funding of the wide Government levels, from the county to the national levels, we can finance them by boosting private sector investment through tackling of corruption, simplifying and shortening of procedures, and cutting the cost and time of getting business licences. That way, we can realise a revamped or vibrant private sector, which can help in financing the two levels of Government.

Mr. Temporary Deputy Speaker, Sir, as we devolve resources to the county level, we should also consider devolving further by ensuring equity within the counties. A county may be having several constituencies within it. Therefore, a further devolution is required in order to avoid marginalisation within the counties themselves.

In the electoral law we are going to enact, we need to provide for party democracy and transparency. If it is not possible for us to do electronic voting fully, we must ensure that there will be electronic tallying. Voter registration should go hand-in-hand with issuance of identification cards.

With those remarks, I beg to support.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to respond to this Motion. Let me start by thanking hon. Members for their contributions. I believe that based on the contributions in the last three days and what happened this afternoon, it is clear that all have agreed that His Excellency the President captured all the laws that Parliament needs to pass and the challenge is on how we, as hon. Members, put our best foot forward and deliver. I want to state here that the President was very brief in his remarks. As you all noted, we were through by around 4.00 p.m. because, as he said, he wants to concentrate on what Parliament needs to do, rather than giving us the policy of what the Government will be doing now and in the future. He set the pace for this Session to make progress. There was a lot of emphasis in the course of the debate on the need for us to work together to build a

better Kenya. Just looking through without attempting to summarize the debate, it came out very clearly that hon. Members were agreeing on the desire to maintain national cohesion among our people and unity of purpose among our leaders. This has been re-emphasized, at least, every day.

There is also need to speed up the implementation of the Constitution and hence, the need to pass all the laws. There is urgency to cushion Kenyans affected by the current drought and ensure that food reaches those who need it. We also had common things coming out of this debate discouraging political rhetoric and actions targeting the 2012 General Elections. I think there is the feeling that we are moving a bit too fast and distracting the country and the House from concentrating on matters of the day, as we start looking into the elections.

It was also a common recurrent theme of the need to establish a credible judicial mechanism for the delivery of quality justice, including the contentious issue of the post-election violence and the matter of the ICC. It kept on coming, especially within the first two days of the debate. One of the other things that have become a recurrent feature and hon. Members almost felt that it had been left out was the issue of the resettlement of IDPs; not just the IDPs coming out of the 2007 situation but all the IDPs, whether they have been relocated by the Government or relocated through the past issues.

Mr. Temporary Deputy Speaker, Sir, I will attempt to respond to some of these issues and on the others, I can promise that we, as the Government, will be looking through the entire HANSARD. Indeed, I have gone through the HANSARD for the past three days and I have been here the whole afternoon for this. So, I know the issues are doable. I want to assure hon. Members that necessary action will be taken on all the issues; whether action is required or we just need to note.

On a debate of this nature - Presidential Address and Motions of Adjournment - it is common and expected that, perhaps, the line between the Front Bench and the Back Bench is not clearly drawn. You will find situations where even Members of the Front Bench take a position that may be seen to be critical of the same Government that they serve in. I think this is expected on a debate of this nature. But I wish to clarify for the record and for the purpose of people who are not familiar with, at least, the way our Parliament works, that the contributions by the various Ministers pursuant to this Motion should be taken as reflecting their personal opinions on the matters they talked about and not necessarily the official Government position on these matters.

Mr. Temporary Deputy Speaker, Sir, to highlight a few of the issues that came out, hon. Shebesh was very clear in terms of the fast tracking of the Bills, especially on youth and affirmative action. She was joined by other hon. Members. I may not exactly say who talked on this because it is on record. I just want to say that these are issues on top of our agenda. The Minister for Youth Affairs and Sports has been here, and His Excellency himself also highlighted it. The reason he brought up this issue of the youth is that although it is not strictly required by Schedule Five, he has commitment.

Mr. Temporary Deputy Speaker Sir, hon. Mungatana, among others, expressed strong views on the economy, especially as it affects the common man. This was also reiterated by several other hon. Members; I would like to confirm that the Treasury is also seized of the matter, and will be sharing their proposals with us soon, obviously as part of the budgetary process.

Mr. Temporary Deputy Speaker, Sir, the issue of the IDPs, I believe, was first raised by hon. Ms. Karua and has been supported by several other hon. Members; the issue is whether the IDPs have been forgotten. I want to confirm a position that has already been confirmed by the Minister for Special Programmes; that, this issue will continue receiving Government attention. The Government will continue giving an update on its status, because we are all committed to sorting out this continuous reminder of our dark past.

Mr. Temporary Deputy Speaker, Sir, hon. Pesa also was the first one to highlight the issue of the teacher shortage, which the Minister for Education has confirmed is being looked into. The current shortage stands at about 43,000 with 36,000 in primary school. So, it is a quite a challenge but again, something is being done on that to ensure that we can solve this matter once and for all.

One interesting thing that hon. Pesa mentioned is that the Mai Mahiu to Isebania route has two sections. There is a regular section and what is called an “O” section. That is the route from Tabaka onwards; he seemed to suggest that it is neglected because it is an “O” section of the road. I want to assure him that this section will not look at any of the roads depending on the people who live in an area; the Minister for Roads will look into the matter of having bumps on that section, if that will solve the problem.

Eng Maina also indicated that Vision 2030 should address basic issues. So, did Eng Gumbo and hon. Shakeel. I just want to assure that if you look at the entire document, Vision 2030 captures all these issues and how they need to be addressed, so that we move our country forward. This is not only in terms of delivering what Eng Maina called “delivering superhighways for people who drive Mercedes Benz cars”; it is really to look at providing better quality of life for our people in a secure environment by the year 2030.

I would like to agree with the three hon. Members who observed that, perhaps, there is not much understanding of this Vision and we should make an attempt to ensure that all hon. Members are fully sensitised on Vision 2030. This is our national planning document and unless we all internalize it and discuss it, then our planning will not be in line with our aspirations as a nation.

Mr. Temporary Deputy Speaker, Sir, hon. Kiunjuri also mentioned the phasing out of the 14-seater matatus and replacing them with higher capacity vehicles. His fear was that this might result in job losses for the youth. I want to assure him that the higher capacity vehicles have drivers and conductors. We are trying to ensure that all these people do what hon. Bahari called “quality jobs” – working for not longer than eight hours. Currently, the matatu drivers and conductors are forced to work over 18 hours; they get so stressed that this is one of the causes of accidents; they try to meet the targets that are set for them by vehicle owners.

So, we discussed with the *matatu* and transport stakeholders and agreed that the direction to take is in the higher-occupancy vehicles as we retire the smaller vehicles. I also want to give the good news to the hon. Members that since the introduction of this policy, we have seen very many orders being placed with our vehicle manufacturers. The assembly lines are working throughout and that is creating quality jobs for our youth and engineers. We hope that this will replace the current situation where our roads are being filled with vehicles that have long been declared unfit by the countries we import them from. It is time that we concentrated on manufacturing our vehicles here.

Mr. Temporary Deputy Speaker, Sir, several other hon. Members contributed today, including Mr. Bahari who called for creation of jobs for the youth. I may not be able to single out each one of them but generally, I believe that all were very supportive of the Government's legislative agenda that was presented in the House and everyone is very clear that we need to implement it. This is a view that all of us in the Government share. We have plans but what we need is implementation.

As expected, the issue of the International Criminal Court (ICC) and the local mechanism to deal with the post-election violence featured prominently, especially in the first two days of the debate. I wish to thank hon. Members for the candid manner in which they expressed themselves on the matter, regardless of the side from which one was speaking. It is very clear from the contributions in the HANSARD that when the Bill is brought to this House, hon. Members will look at it very differently from the way it was handled last time. This means that we have, at least, made progress and learnt a few lessons as a nation. In the meantime, I agree with those who opined that we should not let the ICC issues and the debate around it take away our energy, distract us from the workload in this House which is very critical for the implementation of the new Constitution in the limited time that we have.

Mr. Temporary Deputy Speaker, Sir, I noted with a bit of disappointment that today, we were rushing to speak with limited time and yet on 23rd March, 2011, we adjourned at 5.40 p.m. and on 24th March, 2011 we rose at 5.10 p.m. due to lack of quorum, thereby losing a total of two hours and ten minutes on this very important debate. This would have accommodated 15 hon. Members speaking full time. I urge hon. Members that we take our responsibilities in the House rather seriously by dedicating ourselves to being in the House in order to do what Kenyans who are our employers expect us to do. This way, we shall ensure a better future for those we represent and, indeed, for all of us.

I do not wish to go beyond that point. I wish to once again, thank all the hon. Members who contributed to this Motion and all those who have been inspired by the President's Address so that we can join hands in completing the agenda that he set for us in this House. Let us pass all these legislations and move one notch higher.

With those remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, we have come to the end of today's sitting. Therefore, the House stands adjourned until tomorrow, 30th March, 2011, at 9.00 a.m.

The House rose at 6.30 p.m.