

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd March, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Budget Policy Statement for the 2011/2012 Financial Year

(By the Deputy Prime Minister and Minister for Finance)

Mr. Deputy Speaker: It is the presumption of the Chair that copies of the Budget Policy Statement are in Committee Room No.8 and hon. Members can go and collect them from there.

QUESTION BY PRIVATE NOTICE

MASS DEATHS OF FISH IN MARA RIVER

Dr. Otichilo: Mr. Deputy 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?

Mr. Deputy Speaker: Is anyone here from the Ministry of Fisheries Development?

Let us move on to Ordinary Question No.456.

ORAL ANSWERS TO QUESTIONS

Question No.456

NUMBER OF CHIEFS/ASSISTANT

CHIEFS IN KENYA

Mr. Deputy Speaker: Is Mr. Letimalo not here?
Let us move on to Question No. 605 by Mr. Yakub!

Question No.605

PROJECTS UNDER KKV IN MOMBASA/LAMU

Mr. Yakub asked the Minister for Youth Affairs and Sports:-
(a) whether he could state the number and provide details of projects undertaken under the “*Kazi kwa Vijana*” Programme in Mombasa and Lamu in the 2009/2010 Financial Year; and,
(b) how much money was allocated and used in the projects.

Mr. Deputy Speaker: Is anyone here from the Ministry of Youth Affairs and Sports? What is happening to the Front Bench this morning?

Yes, Mr. Deputy Prime Minister and Minister for Finance!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Deputy Speaker, Sir, maybe we can push the Question ahead. I am sure they are probably on their way.

Mr. Deputy Speaker: Let us move on to Question No.703 by Mr. Litole!

Question No.703

REPAIR OF BOREHOLE AT MARICH CENTRE

Mr. Litole asked the Minister for Water and Irrigation:-
(a) whether she is aware that the borehole, which is the only source of fresh water for Marich Centre, broke down;
(b) what steps she is taking to ensure that the borehole is repaired;
and,
(c) what plans the Ministry has to drill a second borehole in the area.

Mr. Deputy Speaker: Is anyone here from the Ministry of Water and Irrigation?

Let us move on to Question No.705 by Mr. Lang’at!

Question No. 705

DELAY IN CONSTRUCTION OF KERICHO FRESH
PRODUCE MARKET

Mr. Deputy Speaker: Is Mr. Lang’at not here?
Let us move on to Question No. 709 by Mr. Mututho!

Question No.709

OWNERSHIP OF LAICO REGENCY HOTEL

Mr. Deputy Speaker: The Chair has communication from Mr. Mututho that he will be absent from the House this morning. The Chair directs that this Question appears on the Order Paper tomorrow in the afternoon.

(Question deferred)

Let us move on to Question No.758 by Mr. Cheruiyot!

Question No.758

HARVESTING OF TREES IN MAU COMPLEX
BY SAW MILLERS

Mr. Deputy Speaker: Is Mr. Cheruiyot not here?

(The Clerk-at-the-Table consulted Mr. Deputy Speaker)

Apparently, the Clerk's Department has communication to the effect that the Questioner had requested for this Question to be deferred. The Chair directs that Question No.758 be deferred to Tuesday, next week!

(Question deferred)

For the second round let us go back to the only Question by Private Notice by Dr. Otichilo! Dr. Otichilo, can you proceed and ask the Question again?

QUESTION BY PRIVATE NOTICE

MASS DEATHS OF FISH IN MARA RIVER

Dr. Otichilo: Mr. Deputy Speaker, Sir, for the second time, 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?

Mr. Deputy Speaker: Still no one here from the Ministry of Fisheries Development? Yes Dr. Otichilo!

Dr. Otichilo: Mr. Deputy Speaker, Sir, this is the third time I am asking this Question. I would like to request the Chair to sanction the Minister for failing to answer this Question three times.

Mr. Deputy Speaker: The hon. Leader of Government Business, the morning sitting does not look very good for the Government because a good number of Ministers are not around! We do not have the Minister for Fisheries Development here. Do you have anything to say? Apparently, it looks like this is the third time this Question is appearing on the Order Paper.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I take a very serious view of this matter. Indeed, as Dr. Otichilo has said, this is the third time he is asking the Question. I will take it upon myself to be in touch with the Minister for Fisheries Development and assure the hon. Member that it will be answered tomorrow. That is if the Question is deferred to tomorrow in the afternoon.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. You have heard the Vice-President say that he takes a "serious view of this matter". We also take a serious view of this matter and the only way to start this Session in the right way is to sanction those who have failed to appear this morning. Would I be in order to request the Chair to sanction the Minister, and anybody else, who has failed to come for the Questions? These Questions have been placed on the Order Paper while our Questions have been slotted for another day. It is not right that we take the House for granted.

Mr. Mungatana: Mr. Deputy Speaker, Sir, alternatively, what has been the tradition is that the Leader of Government Business would always stand in for his Ministers when they are late, particularly for a Question like this one which hits on the environment and has been asked in this House three times. There is an answer which we would like to interrogate.

Mr. Outa: Mr. Deputy Speaker, Sir, could the Leader of Government Business tell this House if the Government is on a go-slow? He should be aware about that if that is why most of the Ministers are not here!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I want to associate myself with the sentiments of my colleagues from this side. Only yesterday, in his Presidential Address, the President gave us three months to conclude ten Bills. At the rate the Front Bench is squandering the valuable time of this House, whose problem will it be when those ten Bills are not finalized within 3 months? I want to agree with hon. Karua that we must take punitive measures against the Members of the Front Bench, especially when they fail to respond to a Question by Private Notice which is appearing for the third time even after the recess. This Government is asleep!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. If senior personalities like the Vice-President and Minister for Home Affairs can be in the House very early in the morning and very busy, and senior Ministers like the Deputy Prime Minister and Minister for Finance can be here, what reason would a very "small" Minister or a "small man" for that matter, have, for not being in the House?

You have been very kind to this House. Could I request the Chair to sanction that this particular Minister does not transact any business in this House until he explains why he has not been coming to answer this Question?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I want to plead with hon. C. Kilonzo to accept that there are no “small” and “big” Ministers. Ministers are Ministers. There could be tall and short Ministers, but even those who are short are trying to be tall. Therefore, we take this seriously. I have an answer but, in view of the importance of this matter which is dealing with environmental pollution, I would rather the Minister himself answers the Question. This is in response to what hon. Mungatana said. It is very easy for me just to read this answer, but it is important that---

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. I want to remind His Excellency the Vice-President and Minister for Home Affairs that he has, in fact, been a Minister for Environment. So, he has full knowledge. He is capable and we are here waiting. We will help him if he has a problem, but could he answer the Question? The answer is here!

Mr. Deputy Speaker: The Leader of Government Business, are you willing to answer this Question on behalf of the Minister?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, on behalf of the Minister for Fisheries Development, I beg to reply.

(a) Yes, I am aware of the death of fish in the River Mara.

(b) Preliminary observation indicates that there were rains during that day which resulted in heavy runoff into the river. Samples of both the water and dead fish were collected by the Kenya Wildlife Service (KWS) Veterinary Officer in charge of the Mara Game Reserve and submitted to the Government Chemist for analysis. Results are being awaited.

The Ministry, in collaboration with the Government agencies, will intensify its surveillance monitoring for effluents and discharges that come to the river. Further, additional measures to be taken will be informed by the results of the analysis that I have just referred to.

(c) No other animals were affected during this incident. Anyone found flouting environmental laws will be dealt with in accordance with the law.

The only thing I can add is that the Government takes a very serious view of environmental matters including pollution in our rivers. The River Mara is so critical because it is part of a very important ecosystem. I remember sometime our neighbouring country of Tanzania was complaining that with the depletion of the River Mara, the whole of the ecosystem was getting negatively affected. Since we are awaiting the outcome of the analysis, I want to ask hon. Otichilo and this House to understand this matter.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I want to thank the Leader of Government Business for answering this Question. This Question has not been answered in full. He has answered part (a), but not part (b), which is the gist of this Question. What caused the mass deaths of fish in River Mara? I would like to request the Chair to allow the Minister to come with the full answer, which has not been given.

Ms. Karua: Mr. Deputy Speaker, Sir, I join in thanking the Vice-President and Minister for Home Affairs for answering the Question. The way forward, in cases where the answers are provided, is not to keep the Members waiting, but move on to a more comprehensive answer. I will take mid-February to be about 15th February, when this occurred. If samples have been taken for analysis, today is 23rd March, one month after,

the analysis must be ready. This shows lack of seriousness on the part of the Ministry concerned not to attach the analysis to the answer.

Could he undertake to let this House have the analysis within this week or, at the latest, next week?

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Let me also first thank the Vice-President and Minister for Home Affairs for attempting to answer this Question. Just like my colleagues have expressed concern about the answer given---

Mr. Deputy Speaker: The hon. Vice-President has answered the Question! It might not be satisfactory, but he has answered it! Proceed!

Mr. Mbadi: Mr. Deputy Speaker, Sir, that is correct. He has talked about rains in mid-February, when we were crying that this country was dry. Could I get to understand where it rained in mid-February?

Mr. Musyoka: Mr. Deputy Speaker, Sir, it may not have been raining in Gwassi, but it did rain in this part of the country. I want to thank the Members for understanding the situation. I want to give my commitment here that this Question could now be listed, with the Chair's concurrence, for next Tuesday afternoon. One month, as Ms. Karua has just said, is sufficient. We have to be decisive and precise, so that we do not lose the Mara. If we lost the Mara, which is one of the eight wonders of the world, you can imagine what impact this would have to this country's economy. Therefore, the Government takes this matter very seriously. I will be in touch with hon. Kingi, so that he can be here with the analysis by Tuesday afternoon.

Mr. Mungatana: Mr. Deputy Speaker, Sir, for those of us who depend on rivers, for example, River Tana, we are very concerned when we see this kind of situation. How many Government Chemists exist? The Government needs to invest in this direction. Secondly, what measures has the Government put in place to protect rivers, like River Tana, which are lifelines for people, particularly in the downstream parts of the country?

Mr. Deputy Speaker: The hon. Vice-President and Minister for Home Affairs has indicated that the answer is not whole. The answer is far from sufficient, from his own judgment, and begs for more time. So, for us to further interrogate this Question defeats the purpose.

Hon. Otichilo, are you comfortable with Tuesday next week?

Dr. Otichilo: Yes, Mr. Deputy Speaker, Sir.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. We applaud the Vice-President and Minister for Home Affairs and Leader of Government business for this. Since there is time for the Question to be properly answered, we were of the opinion that we give him more suggestions, so that as he seeks better answers he can also include these things. For those of us who live near rivers like River Turkwell and near lakes, when you have fish dying, it is a serious problem. I would like him to consider how many people might have died as a result of eating this contaminated fish.

Mr. Deputy Speaker: Fair enough! Leader of Government Business, you have heard the concerns of hon. Members. The Chair directs that this Question appears on the Order Paper on Tuesday afternoon, next week.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.456

NUMBER OF CHIEFS/ASSISTANT
CHIEFS IN THE COUNTRY

Mr. Deputy Speaker: Is hon. Letimalo, by any chance, out of the Chambers today because of official parliamentary business, either inside or outside the country?
The Question is dropped!

(Question dropped)

Question No.605

PROJECTS UNDER KKV IN MOMBASA/LAMU

Mr. Yakub asked the Minister for Youth Affairs and Sports:-

(a) whether he could state the number and provide details of projects undertaken under the “*Kazi kwa Vijana*” Programme in Mombasa and Lamu in the 2009/10 financial year; and,

(b) how much money was allocated and used in the projects.

Mr. Deputy Speaker: Is the Minister for Youth Affairs and Sports in here?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I am now convinced that Mr. Mbadi was right when he said that I “attempted” to answer this Question. I am inclined not to attempt to answer it again because it is quite detailed. If Mr. Yakub would, please, be understanding of the circumstances and have this Question answered tomorrow in the afternoon, I would appreciate.

Mr. Deputy Speaker: Hon. Members are seeking sanctions for Ministers who fail to be present here to answer Questions. The Chair recollects that sometimes the feeling is that Ministers are happy to be sanctioned in that it absolves them of any responsibility from the House because they do not have to come and answer the Questions. The only sanction that the Chair can give, which is by traditional practice, and is not even reflected in our Standing Orders, is to deny those Ministers opportunity to transact any business in the House. I am inclined to look at the possibilities of revising our Standing Orders, so that there are more punitive and tougher sanctions against the Ministers to enable them to take the business of the House seriously.

Under the circumstances---

(Dr. Outoma and Mr. Kingi entered the Chamber)

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you have just seen the two Ministers I was referring to, enter the Chamber now, casually, appearing to be relaxed. They seem to be unaware of what is happening and are even smiling. The Chair could use the two as examples and actually kick them out of the

House, so that tomorrow they will heed the advice which the Head of State gave yesterday about this House taking business seriously.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. It is grossly disorderly for a Minister to refuse to answer a Question. What constitutes refusal to answer a Question? When a Question directed to your Ministry is asked and you are not in the House; then immediately after it is concluded, you walk in, if you do not give an explanation on where you were, in my understanding and interpretation, that is refusal to answer a Question.

So, could the two Ministers who have just walked in explain to this House why they were not here when the Questions directed to their Ministries were asked? If they cannot offer satisfactory explanations, then they should be found disorderly and be reprimanded accordingly.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, I want to apologise profusely for not being here to answer the Question by Mr. Yakub. It was due to circumstances beyond my control.

Mr. Deputy Speaker, Sir, I also want to beg your indulgence because we wrote to the office of the Clerk indicating that we needed more time for this Question because there was an attempt to answer this Question, but it was not answered adequately. So far, the kind of information I had been given was not adequate. I, therefore, asked my office to write to the office of the Clerk and they told me they had written. So, I was surprised to see this Question on the Order Paper; in fact, that is when I rushed in. I just knew I had one Question this afternoon. I am very sorry about it.

Mr. Deputy Speaker: Whereas the Chair views kindly your brave position of taking responsibility for that inadequacy itself, nonetheless, this Question is an ordinary Question and it appeared on the Order Paper before we went for the short recess. How much more time do you need to be able to get the satisfactory answer on a Question that has been listed before, that has not been satisfactorily answered? It is, probably, more than a month now since it was last asked. I think that seems to be the presumption of the Chair.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, there was an attempt to give me some answers, but I found them not to be adequate. So, I requested my officers to give me the answers that the hon. Member had really asked for. The kind of answers I had been given were not adequate. That is why we wrote to the Clerk to ask for this Question to be deferred, so that we can respond to it adequately.

Mr. Deputy Speaker: Ideally, under our practices an ordinary Question is given five days; that is the time assumed to be sufficient for the Question to go through the process and for the relevant Ministry to have a satisfactory answer. This has now taken over a month. How much more time do you need?

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, if you rule I will be ready to answer this Question on Thursday, this week.

Mr. Deputy Speaker: Fair enough. The Chair directs that this Question be listed on the Order Paper for tomorrow afternoon.

(Question deferred)

Hon. Members, whereas we had passed the Question that Mr. Amason Kingi was supposed to respond to, the Chair will exercise his prerogative under Standing Order No.1 and demand from you a satisfactory explanation as to why you were not available in the House this morning to answer your Question.

The Minister for Fisheries Development (Mr. Kingi): Mr. Deputy Speaker, Sir, first of all, let me say I am extremely sorry for not being present when this particular Question was being asked.

This is a Question that goes beyond my Ministry. It requires information to be collected from a number of Government agencies; mainly the Kenya Wildlife Services (KWS) and the National Environment Management Authority (NEMA).

Mr. Deputy Speaker, Sir, since yesterday, my Director of Administration was tasked to get this information, so that I would be ready to give a very satisfactory answer this morning.

This morning, we have been making frantic calls to this particular agencies and the purpose is to make sure that I come here with a satisfactory answer. As you realize from the answer that I provided, we said that we were waiting for additional measures to be informed by the analysis. Those are the results that we are waiting for. We are yet to receive them.

Mr. Deputy Speaker, Sir, this answer that is before the House was signed on 1st March meaning there was ample time for these agencies to actually provide me with adequate information mainly the analysis as a result of them taking the samples to the Government chemist.

I have not received this information. I have been trying to get this information from yesterday morning. In fact, that is the reason why I walked in here late. I still do not have this information. It is very frustrating, but since you have ruled that this matter will be answered on Tuesday, I will make sure that I personally take it upon myself to get all this information, so that by that particular day, I will be able to give a satisfactory answer. On my part, I would say it is very frustrating. It normally happens when the answer is not within your Ministry because you have to rely on agencies that fall outside the Ministry to get the information. Otherwise, I am extremely sorry for walking in here late.

Mr. Deputy Speaker: Hon. Members, whereas the Chair has already directed that this Question be deferred, it is upon the Government side to ensure that a Question by Private Notice is answered within 48 hours. This is more so supposed to be enforced by the Leader of Government Business, who is none other than the Vice-President and Minister for Home Affairs himself. Why would a Question by Private Notice be listed on the Order Paper three times over a period of not less than two or three months? How long is it since you first asked this Question, Dr. Otichilo?

Dr. Otichilo: Mr. Deputy Speaker, Sir, I asked the Question in the second week of February, 2011.

Mr. Deputy Speaker: Since there is no prescription of what refusing to answer a Question is – this can be expressed, but it can also be implied – the Chair might proceed to, in future, as per the practice and in order for us to take the business of this House seriously; decide that if a Question is not answered for more than two times, that also amounts to refusal.

So, I direct that the Question appears on the Order Paper on Tuesday, next week. I hope that the Minister will have the answer then.

(Question deferred)

Question No.703

REHABILITATION OF MARIACH CENTRE BOREHOLE

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

(a) whether she is aware that the borehole, which is the only source of fresh water for Marich Centre, broke down;

(b) what steps she is taking to ensure that the borehole is repaired; and,

(c) what plans the Ministry has to drill a second borehole in the area.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, first, I want to apologise for coming late. I hope the Questioner will understand given that this is the first time I have come late to answer Questions.

Mr. Deputy Speaker: Do not come late a second time.

Please, proceed and answer the Question.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House? It is true that he usually comes early, but he also leaves early. If you recall, sometime back, I raised a matter which he was supposed to attend to. He would be in the House but whenever the matter was about to be transacted, he would disappear. Is he in order?

Mr. Deputy Speaker: Proceed, Assistant Minister!

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the borehole at Marich had broken down, but technicians were dispatched to attend to the problem.

(b) The borehole was repaired on 4th February, 2011 and is now operational.

(c) The water demand from the borehole exceeds supply and the Ministry will drill an additional borehole in the area in the next financial year.

Further, the Ministry has deployed a technical rapid response team, which is based at Kapenguria, to attend to emergency breakdowns in the North Rift, including Pokot, Baringo, Elgeyo Marakwet and Turkana Counties.

Mr. Litole: Mr. Deputy Speaker, Sir, I want to thank the Minister for that response. When I brought the Question to the House, they reacted immediately. This should not be the case. They should always be there for the people.

I want to request the Ministry if they can also provide electricity to the borehole, so that water can be pumped to the local schools, the hospital and the police station. That way, people will have access to water in their neighbourhoods and thereby solving the problem of members of the school communities and officers from the police station having to walk for a kilometre to access water.

Mr. Waititu: Mr. Deputy Speaker, Sir, my Ministry has eight projects in the constituency and I would advise my fellow Member of Parliament to put the proposal of

providing electricity for that borehole in his district's priority list for the next financial year.

Mr. Litole: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to ask me to do that? The Ministry is supposed to budget for that provision, and not the Member of Parliament!

Mr. Waititu: Mr. Deputy Speaker, Sir, our Ministry acts on proposals from the districts, and those proposals are normally brought to us by the District Development Officers (DDOs). If they wish to supply electricity to the borehole, that is a proposal which should come to us through the District Development Committee (DDC).

Mr. Anyanga: On a point of order, Mr. Deputy Speaker, Sir. I have heard the Assistant Minister mention the DDO on water issues. How does the DDO come in on water issues? Is he in order?

Mr. Deputy Speaker: The DDO is the District Development Officer!

Mr. Anyanga: Yes, but the DOOs normally deal with Constituencies Development Fund (CDF) matters. They do not deal with water matters.

Mr. Deputy Speaker: The DDOs deal with all development matters!

Assistant Minister, you do not have to respond to that one. It is common knowledge that those officers are District Development Officers, and not "District CDF Development Officers".

Mr. Kigen: Mr. Deputy Speaker, Sir, what is the Ministry doing to ensure that funds become available in the event that public boreholes break down unexpectedly? I have similar cases in my constituency right now. Boreholes broke down during the dry spell. The people have continued to request that the boreholes be repaired, but the Ministry has not made any effort to fix them.

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that during the dry spell, so many boreholes break down. This is because the boreholes operate for 24 hours a day. However, my Ministry has provided some money to various areas. I remember talking to the hon. Member on this matter, and I requested him to come, together with his District Water Officer, to the Ministry Headquarters, so that we can look into the matter of fixing the boreholes in his constituency.

Mr. Kigen: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that they have set aside some funds to address the concern and yet they know that that money was only meant for ASAL areas, which exclude areas like Nakuru?

Mr. Waititu: Mr. Deputy Speaker, Sir, for the hon. Members who came to the Ministry Headquarters and raised their concerns, we have taken action and given out some money from the Ministry Headquarters.

Ms. Karua: Mr. Deputy Speaker, Sir, I am disappointed with the manner in which the Assistant Minister is answering questions; asking the hon. Member to go to the DDC, so that the DDC can approve the use of electricity to pump water. The Ministry knows very well that for some boreholes, they will need electricity to pump the water. He is also telling hon. Members to go to his office. Could he tell the House whether the Ministry does not know that it is its duty to give water services to the people and, therefore, plan for the distribution of that water without requiring hon. Members to go and kneel down before them or make unnecessary journeys to their officers or sit in DDCs to pass matters which are obvious?

Mr. Waititu: Mr. Deputy Speaker, Sir, the Ministry has been operating through the proposals that come from the DDCs. Such proposals go through the water services boards for onward transmission to the Ministry Headquarters. Right now, we are in the process of restructuring the Ministry, so that we can have constituency water committees, in which Members of Parliament will be represented. Those are the committees which will be forwarding proposals to the Ministry in future.

Mr. Litole: On a point of order, Mr. Deputy Speaker, Sir. This is an emergency where only one borehole is serving a population of about 700 to 1,000 people. Could the Assistant Minister give a directive now that electricity be taken there tomorrow?

Mr. Deputy Speaker: Assistant Minister, water is a necessity in life.

Mr. Waititu: Mr. Deputy Speaker, Sir, I agree with the hon. Member that electricity is more efficient than the diesel engine, and I commit myself that I will act immediately to make sure that electricity is installed in that particular borehole.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I also wish to commend the Assistant Minister for answering the Question properly, repairing that borehole and planning for another one. However, under part (c) of the Question he says that: "Further, the Ministry has deployed a technical rapid response team based at Kapenguria to attend to emergency breakdowns in Pokot, Baringo, Elgeyo Marakwet and Turkana counties". I want the Assistant Minister to appreciate the distances we are talking about. From Kapenguria to Lodwar is 300 kilometres. From Lodwar to Mogila is another 300 kilometres. We are talking about 600 kilometers on a non-existent road. We travel on the shoulders of a road which was formerly tarmacked. Could the Assistant Minister consider that this rapid response team based at Kapenguria is ineffective just due to sheer distances? Could he consider taking a team closer to each county, and particularly ensure that one operates from Lodwar?

Mr. Deputy Speaker: Mr. Assistant Minister, do you realize that, that area is certainly more than a quarter of this country in terms of land mass?

Mr. Waititu: Mr. Deputy Speaker, Sir, yes, I understand that the distance is long, and I will make sure that some of the officers are taken to Lodwar.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while commending the Assistant Minister for responding so well to that Question, could he inform the House what plans his Ministry has to make sure that those dry areas have an adequate number of boreholes, particularly in Lari Constituency where we have Kamuchege, Kitithia and Mbaoini requiring boreholes?

Mr. Waititu: Mr. Deputy Speaker, Sir, I understand that to be a new Question and I would advise the hon. Member to ask a substantive Question.

Mr. Chanzu: Mr. Deputy Speaker, Sir, this is one of the very important Ministries since independence. The other Ministries are very key to our development, but this one is very close to our lives. However, I think it is still being run in a very old and archaic way. That is the reason why we keep on coming here with Questions on a piece meal basis. Could the Assistant Minister tell us broadly what policies the Government has to ensure that there is water? When there is a problem, it should be attended to quickly. This is because there is one water officer in the district who is the Authority to Incur Expenditure (AIE) holder. He is the one who gets the money about which he does not account to anybody; he just answers directly and without any reference to the people who

are served. Vihiga District Hospital currently does not have water, yet it is a very important institution.

Mr. Waititu: Mr. Deputy Speaker, Sir, I appreciate the concerns of the hon. Member, but I have just told the House that the Ministry is in the process of restructuring its operations at the grassroots by forming constituency water committees, which will be similar to the roads committees, and on which Members of Parliament will be represented. They will be big committees that will be deliberating on the problems and the concerns of hon. Members. We think that they will solve the problem; normally there is a breakdown in communication between the District Water Officers and the headquarters and maybe even between them and each Member of Parliament. So, those committees will take care of the interests of the hon. Members.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, could the Assistant Minister inform the House what the Government is doing to make sure that the whole of Kenya benefits from Government funded borehole projects? In Kandara, which I represent, we are struggling to put up a borehole using the meagre resources that we have from the Constituencies Development Fund (CDF)? When we hear that other areas have benefitted from Government-funded projects, we are actually surprised.

Mr. Waititu: Mr. Deputy Speaker, Sir, in our restructuring, we want to make sure that in our next financial year every constituency is allocated some funds for water as a way of guaranteeing that activities will take place in every constituency. I think the constituency water committees will be prioritizing what they want to do in their constituencies.

Mr. Deputy Speaker: The last supplementary question on the same by hon. Litole!

Mr. Litole: Mr. Deputy Speaker, Sir, Sigor is a dry part of this country. Could the Assistant Minister consider giving a water booster to the District Commissioner in either Sigor or Pokot Central, so that in case of shortage of water within that district, this water booster can ease the problem?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that Sigor is a dry constituency, and I will take up the request from the hon. Member that we give them a water booster.

Mr. Deputy Speaker: Next Question by hon. Lang'at.

Question No.705

DELAY IN CONSTRUCTION OF KERICHO
FRESH PRODUCE MARKET

Mr. Deputy Speaker: Any good reason why hon. Benjamin Lang'at is not in the Chamber this morning? The question is dropped. Next Order!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. On the Question by hon. Benjamin Lang'at, I am aware that there is a presidential visit. So, he must have gone there.

Mr. Deputy Speaker: He will explain his case to the Chair, and the Chair will consider it on its merit at the appropriate time.

(Question dropped)

Mr. Deputy Speaker: Next Order!

POINT OF ORDER

CAUSES OF FISH DEATHS IN ATHI RIVER

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. You will recall that before we went on recess, I had asked for a Ministerial Statement from the Minister for Environment and Mineral Resources touching on the issue of dead fish in Athi River. The Chair said that in the next Sitting, the Statement would be brought to the House.

Mr. Deputy Speaker: I think the hon. Leader of Government Business has taken note of that.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I was in consultations with the Clerks-at-the-Table. I did not hear what the hon. Member said.

Mr. Deputy Speaker: Mr. C. Kilonzo, could you repeat your point of order?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, just before we went on recess, I requested for a Ministerial Statement from the Minister for Environment and Natural Resources on an issue touching on dead fish in Athi River; this occurred during the short rains, which fell in March. The Chair instructed that the Statement be brought to the House in the next Sitting.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, we will be in touch with hon. Michuki urgently. I happen to know that Athi River is, probably today, one of the most populated rivers in this country, and I think the matter needs urgent attention. So, I think this could be put for Tuesday, next week.

Mr. Deputy Speaker: Fair enough! The Chair directs that Ministerial Statement be issued on Tuesday next week.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I am rising to seek your direction. The week we went on recess there were very many Questions and Ministerial Statements that the Chair deferred to either Wednesday or Thursday afternoon.

Given that we went on recess, we would like the Chair to direct when those Questions and Statements should be put on the Order Paper.

Mr. Deputy Speaker: The Chair directs that all those Questions and Ministerial Statements that were deferred at that time be placed on the Order Paper in a staggered form next week and the week after.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER NO.38

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion.

THAT, this House orders that the Business appearing in today's Order Paper be exempted from the provisions of Standing Order No. 38(1), being a Wednesday Morning, a day allocated for Private Members' Motions.

Mr. Deputy Speaker, Sir, in moving this Motion, I take cognizance of the fact that it is only yesterday when we reconvened and the House Business Committee (HBC) was not able to meet before yesterday in order to take into account the various Motions by Members of Parliament which would keep us busy this morning. It is also the procedure and practice that after the Presidential Address, we normally go for this kind of Motion in order to combine all the allotted time so that hon. Members can direct their minds to the issue of the Presidential Address. Therefore, I ask hon. Members to support this Procedural Motion so that we can move on to the next Order.

I beg to move.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to second the Procedural Motion.

(Question proposed)

(Question put and agreed to)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Deputy Speaker, Sir, I beg to move the following Motion.

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.

Mr. Deputy Speaker, Sir, it will be recalled that after the address by His Excellency, the President yesterday, I gave notice of the Motion that I am now happy to move. This is a momentous time. I think it is in order that we realize that we are literally in a new political dispensation and that we are truly beginning to see the effect of the decision that Kenyans ably took which led to the promulgation of our new Constitution on 27th August, 2010. I want to thank His Excellency, the President for taking leadership at that critical time when it looked like some of us were not clear on the sense of direction. The President literally blazed the trail, campaigning for the new Constitution along with many of us. Eventually, not just the country but also the region and the world did applaud the very bold step this country took. To rewrite and promulgate a new constitution anywhere in the world today is a monumental achievement. However, it is not enough to promulgate the Constitution without breathing life into this document. I am on record as saying that this august House - the Tenth Parliament - has the historic opportunity of moving this country forward in terms of the reform agenda.

I am sure that each hon. Member has received a copy of His Excellency, the President's Address. The job before us is well-cut out. We have to act in the interest of time.

(Mr. Mungatana looked at Mr. Musyoka)

As my learned friend, the Member for Garsen is looking at me, I am sure he agrees that time is extremely of the essence. This nation is waiting, and I will not say with bated breath, but it is looking to us to be able to implement this Constitution. I think the language is implementation, implementation and implementation of the new Constitution. This will be a very exciting time. I am sure that in answer to the call by His Excellency the President, this House will rise to the occasion and go down in the annals of history as the reform Parliament. I have no doubt in my mind that the Tenth Parliament is, indeed, the reform Parliament. This is the Parliament that brought change to this country. In order to sample this change, we have to be transformational leaders. I was very encouraged when I heard the Speaker also speak about transformational leadership. Therefore, I urge that we move with all the necessary speed to implement this Constitution.

Mr. Deputy Speaker, Sir, as the President said, we already have in place three key commissions. The Commission on the Implementation of the Constitution is already in place and it is working as it should. I have noticed that they have already been able to establish the critical linkage between themselves and the Office of the Attorney-General. Therefore, we will not experience delays in having legislation brought before this House. I also want to urge the country to be understanding because all of us in this Parliament without exception are really committed to doing our work. There will be moments when we will disagree as we go to the nitty-gritty of the various pieces of legislation. That should not be construed by Kenyans to mean that this House is prevaricating on the all important responsibility of breathing life into our new Constitution. I urge that there be sobriety as we discuss this and even as we go out there and address our fellow citizens.

I am very encouraged that this country is on the right track. As a result of what happened last year, nobody should be surprised that our Gross Domestic Product (GDP) is on a rebound again. I will not be surprised if the figures go beyond 6 per cent this year. If we achieve a double digit economic growth then it will be viable and realistic for the youth of this country who are unemployed and the poverty that bedevils our people to be alleviated. Everybody will begin to appreciate that there will be change in the quality of life of our people. I am told that two or three countries in Africa are already beginning to go beyond the threshold of the middle income category.

In terms of Vision 2030, we hope to be there in just under 18 or so years. I think it is possible. A country like Ghana is arguing with the United Nations Development Programme (UNDP) to be allowed to categorize itself as a middle income country. We know that Botswana is already in that category. The people of Botswana have one big advantage; that is huge resources and a big country with a population of under two million people. Because of fast population growth in this country, it has not been easy for us to make sure that every Kenyan access employment. However, the President quoted Article 55 that the youth have a right to employment. Therefore, this is the time to feel confident as Kenyans. I used to be very skeptical one time when we used to say: *“Tunajivunia kuwa Wakenya”*. At that time some of us were saying: *“Si kujivunia bali Tunavumilia kuwa Wakenya”*.

I think the time for everybody to feel proudly Kenyan is here with us. Therefore, I want to encourage hon. Members to play their role. As I said, there will be differences of opinion. But those differences of opinion when validly expressed, and with the clear conscience guided only by what is in the best national interest of this country, I am sure they will be understood properly and put in the correct context by the Kenyan people.

Mr. Deputy Speaker, Sir, therefore, His Excellency the President needs to be congratulated, because yesterday, he did not come to open a new session. I hope hon. Members realize that we are in a continuing Session. This Session will continue until the end of this House's term. We, therefore, are not going to have a Fifth Session. Ordinarily, we would be going to the Fifth Session. However, because we did away with provisions of Article 59 of the old Constitution, the President could not even prologue Parliament. This is why this time the Government requested the Speaker to convene this Special Session of Parliament. The President came to address a Special Session of the Tenth Parliament. These are momentous times; what was undertaken yesterday by the President was precedent setting. Clearly, he will have occasion again next year around this time to address a Special Session of Parliament. Therefore, reform is here with us. We cannot take it for granted. We have to ensure that we act collectively. It is very exciting; I think it is also important for Kenyans to understand that with the Grand Coalition Government, there will be people pushing their party ideology and others pushing their own interests. Of course, all of us are very clear now on this.

The President said that in less than two years, there will be a general election. I tried to do a quick calculation in my own mind, and I think the President was absolutely smart. All that he said was that before March 2013 there shall be an election. This still leaves this question of when the next general election will be. I think since we met at the Kenya Institute of Administration (KIA), Kabete, many people have been able to see for themselves that clearly elections should properly under this Constitution be held not later than December next year. Although I know my learned friend, Prof. Yash Ghai, wrote a very serious article on this matter, disagreeing with the interpretation by the Commission on Implementation of the Constitution (CIC)--- Whichever way, I think the country will be ready for an election next year. It is important we act urgently. Today, we do not have even delineation of constituency boundaries.

Mr. Deputy Speaker, Sir, look at even the bigger challenge of the county assemblies, because there will be county assemblies Members. No Member today can tell me they know what will be the boundaries of each unit to be called the county assembly something. This is different from the current wards. There is a lot of work to be done. Therefore, it is important that we put in place, urgently, the Independent Electoral and Boundaries Commission (IEBC). I think legislation is eagerly awaited in order to be able to move this country forward.

It is clear that we are on the right track. Even the President himself in conclusion did refer to the matter of also respecting our own institutions. I think it is important that we have, as quickly as possible, a new Chief Justice. We have in place a Judicial Service Commission (JSC). I think it is important that we move with speed in order to have the new look Judiciary in this country, including a Supreme Court. As a lawyer and an officer of the High Court, I feel so grateful that for the first time, we are going to have a Supreme Court in this country. These are momentous times. When that happens, I hope Kenyans will now begin to have faith and confidence in our institutions. They should

believe in the rule of law, separation of power because Parliament is going to be Parliament, the supreme law-making institution with an Executive that will always be held to account by the Kenyan people, and a Judiciary which will be independent.

Therefore, even as we now move in that direction, I hope all of us are going to agree that with regard to the very important matter of the ICC trials, we are going to have to have faith in our own institutions, and have Kenyans tried here and not out of this country. I said that I was out on a mission to win, or bring our country back. A number of us did not take that kindly. I want to say that even where there are differences of opinion, the country will understand that some of us act in absolute good faith and are guided only by what is in the best interest of this country.

As I conclude my remarks, I want to urge that we realize that if the rains are not sufficient, let us pray that they will be, the people living in northern Kenya, upper Eastern--- My own home district is at the moment seriously threatened with drought. Let us hope that the long rains come because God almighty will shower his blessings on us. If that happens, we will have averted a serious disaster.

Our hearts go out to those who are suffering like the people of Japan. Yesterday at the party, the Japanese ambassador was able to mingle with us. All of us felt very strongly that we need to stand in solidarity with the suffering people of Japan.

There is a lot of upheaval in the north African countries and in the Arab world. I think it is important that we realize that what is happening elsewhere is important to us in this country. Personally, I prefer a situation where, rather than use brute force to bring about change, we go for negotiations and discussions. Right now, the bombardment of Libya and other places is beginning to look difficult. I think that the way forward even as we encourage Africa, because this is the time for Africa, let us take into account that we should at all times act in a manner that does not make it easy to lose people's lives. This is me; negotiations every time. Let us avoid war at any given time. Let us push for peace and understand that humanity is the same.

I therefore, want to thank you for this opportunity and ask Mr. Githae to, kindly, second this Motion.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the Presidential Address.

Let me take the earliest opportunity to congratulate His Excellency the President for the exposition of public policy. He mentioned that this House will be required to pass at least 21 major laws within the next three months. Therefore, this will be a very busy Session, and I am sure we will be equal to the task. We can expedite things if we stop squabbling. If we are united, focused and determined, we can pass these laws even in a month.

In fact, I was just reading some literature in countries that have formulated new constitutions. There are some which have done them in a very fast manner. They first pass the laws and then afterwards, if there are amendments, they are done later. That can be done. We do not have to go through the whole works. We agree with His Excellency the President for the challenge he has given us and I am sure we will not let him down. We will not even let Kenyans down. That is our duty.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, you remember that in 2007, the annual growth of this country was 7.1 per cent. We messed up things in 2008 when we refused to accept the results of the General Elections.

We refused to petition those results, called for mass action and said that we wanted to make the country ungovernable. The GDP growth went down from 7.1 per cent to 1.7 per cent. I am happy that now again, we are now at 7 per cent. Hopefully, if we continue at that rate, we will reach 8 per cent. For that, we are grateful to His Excellency the President as the Head of State and Government.

Again, if you look at the infrastructural projects that are currently going on in this country, in the last four years, we have constructed more roads than we have ever done in the last 40 years. Clearly, something was not happening. We have wasted a lot of time particularly on infrastructure. Infrastructure is the key to development in this country that we must emphasize. I am glad to say that if you go to every part of the country, there is a road being made or recarpeted, potholes being removed, *etcetera*. In almost all the parts of this country, there is something happening. We are grateful for that.

Mr. Temporary Deputy Speaker, Sir, again, with the new Constitution, we have an opportunity to formulate county assemblies and their headquarters. In Kirinyaga, we have decided to go for a totally new well planned county city. This is a city that would be relevant even in the next 200 years from now. The generation that will be there after 300 years from now will say: "Yes, these guys knew what they were doing". It does not have to be done in one year. We have decided as Kirinyaga County, that, first of all, we are going to construct a new office for the Governor and the commissioners, a county assembly which will be better than this one where we are. I want to assure you that it will be a historical building, then we will go for the Governor's residence, the county high court building, a county secondary school, a county primary school, a county university, a county police station, a county station *etcetera*. So, we are starting afresh and we want to have a well planned new city in Kirinyaga County.

Therefore, I would like to urge Members of Parliament to seize this opportunity because most of our towns are not planned at all--- It is just structures that come up from anywhere and everywhere. They have an opportunity to have well planned new cities with modern concepts.

Mr. Temporary Deputy Speaker, Sir, if you look at the bypasses that are being constructed; the northern bypasses is almost ready, the eastern bypass is almost ready and I have actually used it. I am told that a contract will be awarded for the construction of the southern bypass within the next two months. So, things are happening. We are grateful to His Excellency the President for that. We are also grateful to the President for that public undertaking that he will always follow the Constitution and the law; that in his Government, the rule of law would reign supreme. However, we are messing up things by this early campaign. We still have almost two years to go. Why have we started this early campaign? Can we sustain it? We are losing focus! Let us reduce the political rhetoric in the country and stop early campaigns. Let us stop public rallies and concentrate on what we are required to do; passing laws. Elections will come and go. If

we start now, we are going to lose focus. Let us reduce the political temperature so that we can pass the laws that are required. Let us stop some of these theme songs; “*bado mapambano*”. Which *mapambano* is this now? The days of *mapambano* are over! If every time we disagree, we are going to go for mass action and demonstrations, then we shall be perpetually on the streets!

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Minister for Nairobi Metropolitan Development (Mr. Githae): You can see the *mapambano* I am talking about!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Minister!

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member, who is a lawyer and a former Assistant Minister for Justice, National Cohesion and Constitutional Affairs, in order to mislead Members of the House and the public? I have heard him say it twice, by inference, that mass action is wrong, when it is constitutional! It is a right under the Bill of Rights!

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I have said clearly that under the new Constitution, this is a new thing that we are trying to implement. If every time you have a difference of opinion, your solution is mass action and demonstrations, then we shall perpetually be on the streets. What I am saying is that if you have a difference of opinion, let the courts do the interpretation.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think you have heard the Minister confirming what I have said. If we thought mass action was wrong, as a House we sat and passed it in the Constitution as a constitutional right! He had an opportunity to stop providing for mass action in this House by convincing us that it is wrong. But now that it is constitutional, is he in order to mislead the country and this House that if you engage in mass action, it is wrong? The Constitution allows you to engage in mass action from morning to evening, Monday, Tuesday, Wednesday, Thursday and Friday! It is a right in the Constitution!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! I do not think the Minister was saying that it is unconstitutional to engage in mass action. But he was opining that maybe every disagreement should not lead to mass action. I think it is his opinion and he is allowed.

Proceed, Mr. Minister!

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, lastly, I would like to congratulate the Vice-President and Minister for Home Affairs on his shuttle diplomacy. He is doing a wonderful job trying to bring the sovereignty of this country back to us. It would be a shame if we let our fellow Kenyans to be tried outside this country. We have competent courts and competent prosecutors. So we can do it here. I would like to urge him to continue and get back our sovereignty. Please, let us try the Ocampo Six in this country.

I beg to support.

(Question proposed)

Mrs. Shebesh: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. I really want to thank the President for speaking about the landmark legislation that needs to be passed by this House. Some of the landmark legislation, unfortunately, has not been given a shorter time frame within the five years.

The President, in his speech, referred to the young people so many times. I did not hear the President mention women in his speech; I am sure it was an oversight. In spite of this, much of the landmark legislation that we are supposed to pass is to allow for that affirmative action and the provisions that the President really emphasized on. So, I am pleading with the Leader of Government Business and the Cabinet to fast track the Bills that have to do with affirmative action where young people are allowed to take their rightful place and especially because of the affirmative action on women which calls for one-third representation of women in all spheres of this country including in Parliament.

I heard the Leader of Government Business speak about rains. I think it was also referred to yesterday. I really want to speak as somebody who has been in the forefront speaking about climate change. I want to tell the Leader of Government Business that the rains that will come will be floods and, therefore, we will again be faced with a disaster and yet we are still experiencing drought. The time for the Government to be ready for disasters is now. As we pass various laws in this House, we need to ensure that every Ministry is prepared to handle disasters. We saw what happened in Japan. In fact, we add our voices to the condolences that have been sent to the people of Japan. They are much more prepared than we are. This is because they put a lot of money in disaster preparedness. Their road network has been devastated and their livelihoods destroyed. Here in Kenya, we still hope that we can cope with floods and drought. We know that there is a phenomenon called climate change which is not about to move away from us – it is here to stay. We must start dealing with disasters in the perspective of climate change being here to stay. I would really like to see a change in the tone of Government when we talk about rains and drought.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the Red Cross Society with regard to this matter. I am sure that there are Ministries that are tasked to look at the issue of disaster preparedness, but I believe that the Red Cross Society has proved to be credible. The Government should give more money to the Red Cross Society so that they can train Kenyans on disaster preparedness because I think they are the best placed to do that.

Mr. Temporary Deputy Speaker, Sir, I have also been provoked to talk about--- Although it was not part of the President's Speech, he spoke about our dealing with the issue of post-election violence. The Leader of Government Business has indicated that we really must congratulate him. I am sorry that I still cannot congratulate the Vice-President and Minister for Home Affairs on the issue of shuttle diplomacy. I will continue to hold onto my very strong view that if we are to have this process in Kenya, we must have a credible judicial system. What we should be asking for is a referral. The position of ODM has been that the cases should be tried in Kenya. When we ask for a deferral, we are asking for a one year pause in this process that must happen. I do not see what a one year pause will help because after that, we will still go back to face the ICC.

We want the ICC to refer the cases back to Kenya. With the goodwill that we are speaking about here and the new language we are talking in terms of having consensus and agreement, we must set up a credible judicial system that has the confidence of

Kenyans because we speak a lot about the Ocampo Six and not the victims. We never speak about the IDPs and the people who were killed. These people must have confidence in this judicial system that will be set up. Since we have lobbied the international community through shuttle diplomacy, they must be confident about our---

The Minister for Nairobi Metropolitan Development (Mr.Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): What is it, Mr. Githae?

The Minister for Nairobi Metropolitan Development (Mr.Githae): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to mislead this House by saying that ODM prefers referral to deferral and yet they wrote a letter to the United Nations (UN) saying that those guys should be taken to The Hague and hanged there?

(Laughter)

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I really know I am not out of order. You know Mr. Githae said that we should be tolerant and that we talk--- You can see he is already being the first one and I am not going to play to his game! We are on record and we take minutes of our National Executive Committee (NEC) meetings. It is clear that we have asked for a referral. Our Party Leader has been expressly clear. We want the cases referred to Kenya. When we say that we want a referral, we are looking at both the Ocampo Six and the victims. This is because we believe we represent both sides and not one side. It is obvious that, when you talk of deferral, you are only thinking about the Ocampo Six. When we talk of referral, we are looking at not only the Ocampo Six, but also the victims.

(Laughter)

I want us to be clear! There should be no rhetoric, games or hidden cards under the table. Let us put all the cards on the table. Let this House pass legislation for setting up a credible local judicial system that is in tandem with what international courts are willing to see us do because we have already gone to the international community when we were lobbying them. They will obviously want to see what Kenyans, especially the victims---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Shebesh! I thought that you may also wish to clarify that the letter did not talk about hanging anybody!

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I said that I do not want to be provoked. I also do not want to be provoked by you! I do not want to dignify Mr. Githae's remarks with anything that I can add to that. I said that we have minutes of our party meetings. We are very clear on this matter.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! You have a responsibility to this House to contribute only what is factual. That is what I thought, hon. Shebesh, you would either confirm that the contents of the letter were like that or not and then, you demand an apology from the hon. Member who is misrepresenting your views.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I am aware that I should ask Mr. Githae to withdraw and apologize for saying that ODM wanted people to go and

hang, but I believe that will be playing to the politics he wants. This is because he wants us to continue talking in a negative manner rather than coming out positively on these issues.

I want to conclude by saying that as we are discussing this issue, we must remember that---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could hon. Githae, before he leaves, please, withdraw his remarks and apologize to this House because ODM did not ask anybody to go the Hague and hang?

(Mr. Githae withdrew from the Chamber)

Hon. Members: He has already left!

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, he has actually heard me! He has run away! I, therefore, want to move that he be named because that is disrespect to this House. He is the one who said, "Do not be vague, go to The Hague".

The Temporary Deputy Speaker (Mr. Ethuro): Order! Proceed, hon. Shebesh!

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, you can see the kind of behavior I was avoiding to engage Mr. Githae in. He is one of the persons who were engaged in shuttle diplomacy for Kenya. I really do not understand.

With all due respect to this House, if we are to debate the comments made by the President yesterday, we must be true to what history has taught us so that we move forward with our new light. The new light is that if, indeed, we are sure that we are committed to this process, then we need open and transparent negotiations and consensus building. We do not need to hide cards under the table. I have spoken enough on this issue and so I support.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I want to join those who have said that there was good public exposition on things that this Parliament needs to do for purposes of taking the Constitution forward.

Mr. Temporary Deputy Speaker, Sir, while listening to the exposition of public policy by His Excellency the President. I was very disappointed by the fact that things that are affecting us, a nation, right now, were not given the necessary weight. If you look at what is killing us, right now, it is the economy! Last week, I went to buy a packet of *unga*. The price of flour has shot up to Kshs89 per 2-kilogramme per packet. I expected the question of food prices to be an issue for public policy exposition. We are very disappointed that this Government is not putting the issues that are affecting this nation seriously on top of the agenda.

Mr. Temporary Deputy Speaker, Sir, the dollar has gone up. If you ask the dollar exchange rate today, we are talking about Kshs85.12. This means that our imports are extremely expensive. Therefore, if you look at any company right now, which is manufacturing in Kenya, the cost of manufacturing has gone up, which means the ordinary mwananchi will pay more. There was nothing talked about this in the exposition of the public policy. There was nothing said about the measures that we need to take to make this country a more comfortable place to live in.

Mr. Temporary Deputy Speaker, Sir, it was alive in the speech about the rise of the prices of oil in Kenya. We know what ripple effects it has across the entire economy. Nothing was said in the exposition of public policy speech about what the Government

will do to help us in Kenya when the fuel prices are shooting over the Kshs100-mark per litre. Nothing was mentioned about this. These are the things which are putting us out of employment. These things are affecting companies. These are the things that are closing shops down and nothing was mentioned about them in the exposition of public policy.

Mr. Temporary Deputy Speaker, Sir, this was a special session and, in fact, the Speaker said it very clearly that there will not be another opportunity for His Excellency to address from the Chair of State, only as Member for Othaya. We expected more as a country. We expected to hear, what will happen to the kerosene prices. People are suffering. All that we are talking about is passing laws. I am not belittling that because that is our job and it has to be done. What about the things that make us live in this nation? Something needs to be done about our problems and the economy. It is not enough for us to stand here pat our backs and say that the economy is growing at 7.2 per cent. What is happening in our houses? People are not managing. Life is not the same the way it was five years ago. Life is difficult. This Government is not telling us what is happening. The President and Prime Minister and other leaders who are running this Government need to pay attention to these things that are affecting us, as ordinary Kenyans. It is not enough for us to stand here and pat our backs while Kenyans are suffering. Kenyans watch us and ask themselves whether we do not belong to this country. More needs to be done to address these issues.

Yes, it is true that Parliament will do its work because we are committed to passing these laws. Administrative steps needs to be taken for us to contain the economic life in this country which is becoming impossible for us. This Government cannot escape censure. A cursory look at the Auditor-General's Report says the growth of the economy is so much per cent. We are told that the nation is doing well. Two or three years ago, we were doing a GDP of Kshs1 trillion. Now we are doing Kshs2.5 trillion. We are being sugar-coated. If you have a cursory look at the Controller and Auditor-General's Report, over 85 per cent---

The Controller and Auditor-General is refusing to issue certificates to Government Departments. He is not saying he is confident of the way money is being utilized within the economy. The Government has not been prudent in the utilization of funds that we vote in this Parliament. It is not enough for us to be told things are okay. Things are not okay. We want the management of the economy to take a centre stage.

I am surprised some Ministers are here talking about counties. We in the Committee of Budget received a paper from the Director of Budget saying that the way they understand the Constitution, there is no provision for demarcation of the 15 per cent and re-investing of that 15 per cent for the counties until the next general elections. It is written. But here, we are talking about counties and painting heaven around. The reality is that there is a huge misinterpretation within Treasury, seeking to control and keeping in control the money that we say should go to the counties.

Mr. Temporary Deputy Speaker, Sir, in fact, the way they want to interpreted the process of Budget making it is to deny the counties, the 15 per cent. They do not want to talk about the Equalization Fund, which is 0.5 per cent. We are being taken for a ride, if we do not open our eyes into the issues of the economy. We are being taken across the nation. Things are being blinded on us. We are being told that things are okay. Things are not okay. I urge hon. Members to look more carefully. We have voted for this Constitution to take power to the people. Treasury, which is used to managing things

from a central place, does not want to give that power to the people of Kenya. We must be very vigilant. The Equalization Fund, which is meant for the people from Tana County and other northern counties that have been left behind, is not forthcoming. This fund is supposed to help us to catch up with the rest of the country. It is a pity that we are being told there will be no such fund until the elections are held. What will happen? Where will the governor sit? Assume you have been elected today as a governor of a given county, which office will you sit? There is no money voted for the Governor. We hear some people say that they will build offices for their governors or county assemblies. Maybe, they know something we do not know. Maybe, they have the funds. What about some other counties which do not have funds? What will happen to those counties? We are talking about equal development in this nation. This House must be vigilant. There are things that are affecting us. This Speech ought to have brought to light those issues, which affect the economy of this nation.

Mr. Temporary Deputy Speaker, Sir, on the issues of expounding public policy that affect Kenya, as we stand today, that Speech failed miserably. It just told us what Parliament should do. Parliament will do its work. What about the issues of public policy that needs to happen today? We have been elected in this House not to be symbols for people in power. We must say the truth. I urge Members to look around and look particularly at the economy, and you will see that we are in a problem.

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

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I beg to support the President's Speech. Those of us who have known our President for a long time know that he means well for the people of Kenya. However, he might be surrounded by some of the graduates of KANU whom he may not want to shed off. Those are the people who are trying to drag us backwards.

In his Speech, the President said that the new Constitution has renewed our sense of nationhood and given us hope for a bright future. That statement is very clear. We know that the President means well for us. However, is that the case in our institutions? It is not! In his Speech, he talked about Agenda 4, which deals with the issue of historical injustices. That issue was clearly raised. But you will find that people who come from marginalized communities and minority tribes have, indeed, suffered in the last eight years since President Kibaki came into power. Previously, when former President Moi was in power, you could find a person from Teso community, which is a minority tribe, being appointed a permanent secretary or even an ambassador. You could find somebody being appointed from the Suba Community. However, since His Excellency came in, the trend has been to ensure that people from minority tribes--- The likes of Dr. Machage, who have been charged with minor offences, are dropped from their ministerial positions. People like hon. Kamama were also dropped from positions in favour of people from bigger tribes. Somebody like hon. Kapondi was taken to court just because he is from a minority tribe. I do not know what they want to demonstrate. The issue of sidelining the minority and marginalizing them more should have been addressed in detail in the President's Speech. The Constitution has given us some rights. We also need to be represented in the positions of power and leadership just like other people.

I wish to concur with hon. Mungatana that things are not good. Those of us who visit villages and enter households know that the poverty in rural areas is very high.

Teachers and clerks cannot pay school fees for their children or even feed them. So, what are we talking about when we say that the economy is growing? Is it growing among the people who are doing shuttle diplomacy or among the citizens?

Mr. Ngugi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for an Assistant Minister in the Government to contradict his principal's statement that the economy has grown to an extent of 5.4 per cent? Is he in order to do that?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, our Constitution guarantees us the freedom of expression. So, unless you want to suppress my freedom to express what I think---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! You will do well to bear in mind what hon. Ngugi has suggested. What is the distinction between the Member for Amagoro and the Assistant Minister for Labour, especially on a matter that the President has made a pronouncement? Proceed!

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, it might be that the President was expressing that. But as I had indicated earlier on, he means well for Kenya. He might not have said that if he was surrounded by reformists. Maybe, the speech he was given emanated from the graduates of KANU as I indicated earlier on.

The President highlighted a myriad of problems that are affecting our people and which should not be wished away. For instance, he talked about the food shortage in the country. This is a country-wide problem. I come from western Kenya where we now have rains. People have prepared their farms. However, they have not received the subsidized seeds or fertilizer that they require. The President should move fast and tell the Minister for Agriculture to reach out to areas which are having rains now so that the people there can be supplied with seeds, fertilizers and other farm inputs. That way, they can grow food for themselves and the rest of the country.

On the issue of counties, we support their creation. However, as we make laws that will govern the counties, it is important that we look at exactly how the interests of minority groups will be catered for. Recently, we held a meeting in our county to decide on the location of our headquarters. It was not easy. It took us almost five hours to decide because the people were pulling in different directions. However, just because we were starting, everybody feared. In Busia County, we agreed that the current Busia Headquarters remain as the county headquarters. However, it was not an easy task. We foresaw that there will be problems in future. So, when we are making laws, hon. Members must remember that there are minorities in the counties and we should enact clear laws to cater for them. The governors will have very many powers. The county assemblies will have too much power in adjusting the boundaries. We should have very strict laws so that the powers of the governors and county assemblies are checked.

With regard to education, the President said that we should provide our youth with education. If you go to the villages now, what kind of education can you provide under trees where there are no classrooms? What kind of education can you provide when Free Primary Education Funds (FPE) are being mismanaged? The funds do not even reach the schools. What FPE are you providing when text books do not reach the pupils in the rural areas? The Government has to pull up its socks, move forward and start providing all secondary students with bursaries. As a Member of Parliament, you cannot move freely in the constituency because everybody wants money for bursary and school

fees. The Government should come up with a clear policy and announce that majority of Kenyans cannot afford school fees and take care of Free Secondary Education once and for all, just as it has done with FPE.

There is the Economic Stimulus Programme (ESP) which was to set up centres of excellence. I do not know what happened to those projects. It was only carried out in one financial year. Most of the projects have now stalled. It was our wish, as Members of Parliament, that in each financial year, every Constituency should get a centre of excellence or a primary or secondary school so that we create learning facilities for our pupils.

With those few remarks, I beg to support the Speech by the President.

Mr. Yinda: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I would like to thank His Excellency the President for his Speech. As my colleagues have said, the Speech should have covered a lot more areas and, more so, areas to do with the economy of this country. However, the most important part of the Speech was about the implementation of the Constitution. I think it is our right and duty as Members of this House to ensure that we implement the Constitution fully, as expected by the people of this country.

Mr. Temporary Deputy Speaker, Sir, we have many problems in this country. If we have to move forward, we cannot ignore the state of our economy. The question that comes to light when you talk about the economy is: Who controls the economy in this country? As long as the economy is not in the hands of Kenyans, we are doomed. If you look at the construction industry in this country, you will know who really controls this industry. If the funds that this Government provides for contracts do not remain in this country, as a country we are doomed; we are going nowhere. It is, therefore, in the interest of the Government to ensure that contracts go to local companies. If they do not have the capacity, it should be built so that our local industries and people can get involved in construction, road building, property development and so forth.

Mr. Temporary Deputy Speaker, Sir, as politicians and more so as hon. Members of this House, at times when you are outside and listening to hon. Members of Parliament contribute in this House, it is like the House is a war zone. With this kind of behaviour, it will be impossible for this country to move forward positively. As Members of Parliament, we should have the people of this country at heart because they elected us so that we can lead them. However, we can do this if we are also truthful to ourselves. We are in a Coalition Government and it is a difficult coalition. We are stuck together. Let no one imagine that one part of the coalition can make things happen in this country without the other. We need each other. So, for this country to move forward, both partners of the coalition have to pull together. We will go nowhere if we continue to pull in different directions.

The previous speakers have mentioned about the International Criminal Court (ICC) case. The ICC issue is not a PNU or an ODM issue. It is a national issue. The only way we will move forward even in the ICC issue is by this House and this country moving together. In order to move together, we must stop cheating each other. We must accept to speak the truth which never rots. As much as we want to think that we have control over the ICC, we have no control whatsoever. It is a clock that is ticking. So, we are just wasting our time and unless we work together, it will be a total waste of effort.

My party has come out openly and clearly that we support the referral to the ICC and there is no debate about this. Right from the beginning when the issue came up, as a party, we supported the setting up of the local tribunal so that the cases could be heard locally. That position has not changed up to now. If, at the time we were debating the setting up of the local tribunal we were not satisfied that we had the systems in place that could try these cases, what is it that we have done today that can convince anybody that these cases can now be successfully tried in Kenya? I feel that we should take a lot of time to ensure that we put credible systems in place and, after that, we jointly go to the ICC and talk to our friend, Mr. Ocampo and convince him that we are ready to establish a local tribunal in Kenya. At the moment, I am afraid that there is no system in place. We can continue cheating each other and playing games but until we set up these systems in this country, it is a total waste of time.

Mr. Temporary Deputy Speaker, Sir, Kenya is one nation. We are one people, we belong to one country and we need each other. That is the most important thing. The Party Leader of ODM, the Rt. hon. Raila Amolo Odinga, has consistently tried very hard to show the right way for us to move as a nation if we want to help our six brothers. That has not changed. Even as late as yesterday, as a party, we are still saying what we said before that let us support the referral that we have always supported and let us work together to form a credible system in this country so that we can take care of our issues as a nation. When you see people move around spending Government money seeking for deferral of the cases one wonders what the motive is. We have already been told here that deferral mean absolutely nothing. It only means let us put the cases behind by one year. What will happen after one year? The cases will resurface and continue. What we are saying is that, we want to handle that locally.

We have to speak the truth and stop playing little political games that we are playing in this House and in this country because this will take this country nowhere. We have so much personal interests in this country that overrides all the national interest. As long as when we stand here as leaders, we only think about ourselves, we are doomed to fail. I do not even think we will go anywhere with the implementation of the Constitution. There are many laws that we need to put in place and we do not have much time. But until and unless we hold together as a nation, we are doomed.

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

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise in support of the Motion, but with some reservations. The President's Speech largely focused on the legislative agenda that the Government is supposed to spearhead in Parliament. He covered widely areas that we require urgent reforms. I am happy that among the areas mentioned were the Judiciary, the police and the electoral systems and laws. We are waiting to see commitment from the Government to match the President's pronouncement. It is easier said than done. We want to see the Government action reflecting the reform mood.

We know that appointments have been made after this Constitution was promulgated, which have not reflected the reform mood. Several key appointments made by the President ought to have come to this House for approval like the Director General of the National Security Intelligence Service (NSIS). The President has continued to make appointments as though we are under the old Constitution. We want his good words to be matched by actions. When we come to police reforms, we expect not only

acceleration of the reforms, but to see serious change. I am posing a question here for Members and the leaders of this country including myself: Are we being seen to reform if we hurriedly re-appoint those who were there and presided over the last elections which were a fiasco? If security was not okay, do we not need to vet and re-vet those who were in charge of security before we re-appoint them? Who is fooling who here?

We are now aware that sections of the police were deployed to perform political roles. We have seen in this Coalition Government sections of the police and sometimes intelligence playing political roles during normal times and sometimes during by-elections. Do we not need to interrogate the track record of these individuals before we re-hire them? Are we going to go to the next election with security forces being deployed to perform political roles? We need to get serious in this House. You may think it is okay if it is happening to somebody else and not you, but I can assure you that the same will be visited upon you when the time comes. When you make good laws and insist on credible processes, you protect yourself and the future.

I have been dismayed to notice in the Press that the Ministry of Public Works is asking people to express interest in the construction of county headquarters. Why is the Government treating the incoming counties as though they were districts? How can the Government start making critical decisions for a government that is yet to come? It is good that we plan and funds be set aside for use by the counties, but the truth of the matter is that this Constitution gives the counties autonomy. It is the duty of the county government to prioritize issues within the county. This Government must note that it cannot purport to spend money on behalf of the counties in advance. It can lead the public to discuss their favourite areas for headquarters. That decision cannot be firmed until the county government is in place. Let this Government match its actions with the reform tone that the President had yesterday.

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

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

Mr. Temporary Deputy Speaker, Sir, the Speaker yesterday did remind us, as Parliament, to concentrate on the reforms that are necessary to avoid side shows. I just want to call on us, as Members of Parliament, to really dedicate our time to doing something for the country. We have been preoccupied with the issue of the ICC Six and it is okay for friends and relatives of the Ocampo Six to empathize with them, but Government machinery and resources cannot be deployed on the defence of the ICC Six forgetting the IDPs who the President did not even mention yesterday and their resettlement. We cannot forget those who died and those who are languishing in camps. We cannot forget that the issue of justice is balancing the competing interests. The victims need justice. The behavior of the Government regarding the matter does not inspire confidence in the majority of Kenyans and in me as well, that it is capable of letting a tribunal in Kenya handle the matters.

We need to accelerate judicial reforms. We started on a false start with the attempted appointment of the Chief Justice contrary to the law. We need now to get into

the process and stop manipulating the appointments. We need a Chief Justice, not for ODM or PNU, but a Chief Justice of Kenya. We need key officers, not for the ruling Coalition, but for the greater coalition of Kenyans and the voiceless majority. We are cautioning the Government that we are going to remain very vigilant and will not fail to speak out when we see the implementation of the Constitution being compromised. I want to commend the Commission on the Implementation of the Constitution (CIC). It has just come on to work minus even the basic facilities, but has done very well so far, in pointing out the direction we should take. I want to urge them to look at the Constitution and provide us with a to-do list with the quick things that we can do without waiting to be prompted.

I want to end by saying that my reservation is about failing to mention the IDPs, failing to concentrate on the voiceless majority and proving to Kenyans that this is a Government for the rich by the rich, forgetting that democracy is about a Government of the people by the people and for the people. I urge parliamentarians to be the voices of the voiceless majority, make democracy work and speak for the voiceless. Every elected Member should remember that we are here not to defend ourselves or represent our interests, but to represent those who sent us here. That should be the guiding light.

I beg to support with the reservations I indicated.

The Temporary Deputy Speaker (Mr. Imanyara): I am told by my previous Chair that Mr. Ngugi is next on the line.

Mr. Ngugi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance, which I have waited for for the last one hour. I want to support the exposition of Government policy by the President yesterday. As I do so, I want to congratulate my friend, hon. Ojaamong, for speaking his mind. It is only when we have Members of Parliament who can speak what their consciences tell them that this country can move forward.

In supporting the President's Speech, one clear fact is that he is focused on implementing the new Constitution. His Speech was mainly about that. If all of us who have a part to play in the implementation of the Constitution can be as focused as His Excellency the President, then this country can change for the better. What might derail the implementation of the Constitution are the side shows that we have seen. Instead of the Government, Parliament, politicians and the country focusing on the implementation of the Constitution, we derail the process by focusing on issues that are not important for the country, but are only important for individuals. In this respect, I am referring to the issue of the ICC and the Ocampo Six.

With all sincerity and humility, with all the goodwill to the Ocampo Six, and most of them are my friends, that this country is larger than them. Even the Ocampo Six themselves have said so time and time again, that this country is for 40 million people. This country ought to address itself, focus and spend its energies and resources on addressing the welfare of the 40 million. We should address ourselves to the future of this country.

When we fail to implement the Constitution and in the process we are derailed day in day out, by discussions about the Ocampo Six, then I see that we have lost focus. I have no doubt in my mind that courts are there for people to be charged. Those ones who will be found guilty will be convicted. However, those who will be found innocent will be set free. This is not different for the International Criminal Court (ICC). The six have

been summoned there. We need to go to court and seek our justice. I believe the Ocampo Six want to see justice done to them.

Mr. Temporary Deputy Speaker, Sir, the Ocampo Six would want to see justice done quickly. As the saying goes, justice delayed is justice denied. I do not see why the cases should be deferred for a year because the Ocampo Six would want to see swift justice. The victims would want to see swift justice. So, let us be sincere and honest. Let us have no hypocrisy. We want justice done to the Ocampo Six and the 1,300 people who died. We also want to see justice for thousands of people who were displaced and lost their property. It is justice for the country whose economy dipped because of the post-election violence. Unless we are honest with ourselves and are clear on what we want for this country, then we will just be going round in circles and we will not make any progress.

All of us have had a chance to travel outside our country. Some of us have travelled to Rwanda, Brazil, Turkey, Israel, Singapore and Malaysia, among other countries. We have seen politicians in those countries focused on improving the welfare of their people. It pains me to see here we only care about our stomachs. We want to waste the future of our children like we have wasted ours, or like ours was wasted by the politicians before us. Time has come for us to say with all sincerity that we must address what is important for the country. We must sacrifice so that our children and the future generations can live in peace and in better conditions.

Mr. Temporary Deputy Speaker, Sir, in this respect, I hope that even as the President is focused on the implementation of the Constitution, the various Ministries will be focused on their mandates. If it is the Ministry of Water and Irrigation, I would want to see a policy here on water conservation, harvesting and usage. That is what that Ministry should be doing, so that year in, year out, we do not have to hear about hunger in Turkana, North Eastern Province and floods in Budalangi.

Mr. Temporary Deputy Speaker, Sir, we want to see the Ministry of Energy concentrate on its mandate so that the fuel prices do not have to skyrocket like they have done. If there was forward planning and a long-term plan for energy, the prices would not be where they are now.

I want to see the Ministry of Agriculture doing research, giving this country the best methods of producing, storing and marketing food, so that we not only feed our people, but also export our produce to other countries.

Mr. Temporary Deputy Speaker, Sir, security is an important aspect for the country. Security is important for us to attract investors. It appears we cannot guarantee the security of our ordinary citizens such that day in, day out, we hear that some people have been taken out of *matatu* and killed. The next day, the police issue statements saying that they were not involved. We could give them a benefit of doubt, we could listen to them, but it is the responsibility of the police to maintain security in this country. If it is not them, then who is responsible for these deaths? Who is involved? If it was done without their knowledge, then they have failed in their duties. We would want to see security guaranteed for all of us in this country.

Mr. Temporary Deputy Speaker, Sir, I would want to see this country as one country despite the fact that we are 42 tribes with different diversities. I would want to see true reconciliation so that all the tribes of this country can live together. It is upon us, as leaders, to genuinely work together, so that this country can enjoy perpetual peace.

With those few remarks, I support the Presidential Address.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this very important Motion.

In the President's Speech, he laid down quite a number of policy issues which are very important for this country. He dwelt very much on the electoral process and reform process. To me, that is very important.

He also brought out some very important challenges facing this country. In his Speech, he highlighted the issue of high inflation rate, high cost of fuel, depreciation of the Kenya shilling, prolonged drought, food shortages, less pastures, especially in the north eastern part of the country, loss of livestock due to drought and persistent drought. So, those are the challenges that he mentioned in his Speech.

What was lacking – I speak here as the Member for Kajiado Central because my people are affected - were the mitigation aspects to address the challenges. I would have expected the technocrats who wrote the President's Speech to dwell on the solutions of these problems. If we have shortage of food, how can we provide adequate food? We have heard farmers in the North Rift complaining that they have plenty of food in their stores, but that the Government has failed to purchase the food at the right price.

Mr. Temporary Deputy Speaker, Sir, if the economy has grown to 2.5 trillion shillings, then why are the people of Turkana suffering due to lack of adequate food? Why has the Government not restocked their lost animals? Why has the Government not bailed out livestock farmers by paying for them outstanding Agricultural Finance Corporation (AFC) loans? Why has the Government failed to restock the lost animals for the pastoralists? If indeed the economy has improved by that much, why is the Government not doing this, so that we spread out the economic gains through the country?

I would like to concur with hon. Mungatana and hon. Ojaamong on the sentiments they have raised. There is something called "equity" and "fairness". As political leaders, we are here to ensure fairness and equity in this country. The laws we pass here are for this nation. Those laws are supposed to enable this country to be united and enable Kenyans to move forward together and develop to the same level.

Mr. Temporary Deputy Speaker, Sir, we have created two levels of government, as contained in our new Constitution. We will have the national government and the county governments. Those two levels are coming up. It is the responsibility of those in government at the two levels to prioritise what they want for their governments. So, the issue of development of mansions or offices for governors should be left to the respective counties. Once the county governments are elected, they should be responsible for the monies that will be allocated to them, and not the current Government.

It is also important that the Registrar of Political Parties responds to the request made by my political party: That indisciplined political parties should be removed from the register of political parties. The only way we can do this is by ensuring that political parties have proper discipline, and that members of political parties toe the line of their political parties. We cannot afford to have some members going against the lines of their political parties; not even in terms of voting in this House. So, I want the Registrar of Political Parties to respond to my letter, so that we reign in the indisciplined members of political parties.

Mr. Temporary Deputy Speaker, Sir, the issue of security is paramount to this country. It is the responsibility of any government to provide security and protect its citizens and their property. This Government is trying to do this but you realise that the security organs in this country have not been well funded to enable them to effectively deal with the insecurity situations emanating from across our borders. One of the problems is the Kenya/Somali border. We want the Government to ensure that, in the next Budget, the security organs of this country are well funded, so that they can be able to match the threat that is coming from across our borders.

I will now dwell a little on the issue of the Constitution and say that implementation of the new Constitution is very important. With all the Bills that the Government has listed for debate and enactment into law, it is imperative that we commit ourselves to passing them, so that we can deal with the issues of impunity and corruption, which are actually impeding development in this country. We have a lot of corrupt people in the current system. You realise that several Bills for the creation of several commissions have been prepared but none of them has been brought to this House to be debated. So, in order for this House to move forward the agenda of constitutional reforms, we need to implement the new Constitution so that we can reign in on the issue of indiscipline and deal with corruption and impunity.

Mr. Temporary Deputy Speaker, Sir, again, on the issue of equity, if you look at Government appointments, you will realise that the interests of minority communities have not been taken care of. In all the commissions that exist today, you can hardly see a person from my community. I am not saying that I am a tribalist. I am saying that minority communities should be given their fair share in this country. We are 42 communities in this country, and each community must be given its fair share. The House will recall that when we were forming the Grand Coalition Government, the appointing authority had to demote a Cabinet Minister from a minority community, so that we could bring on board persons from communities with bigger numbers. That was unfair, and it should not have happened in a civilised country like ours.

On the issue of the International Criminal Court (ICC), we believe, as a party, that referral is very important, but with a credible judicial system in place, so that we can carry out legal procedures without any manipulation.

Mr. Temporary Deputy Speaker, Sir, as far as the issue of development is concerned, there is no equity in the distribution of infrastructure funds. There is no need of treating all constituencies equally when some are highly developed and others have no infrastructure at all. We need to change this policy, so that other parts of this country can come to the same level with the highly developed areas.

Internally Displaced Persons (IDPs) are an eyesore in this country, and they need to be resettled. The Government should take these people back to where they came from and provide them with security. For the new IDPs from the Mau Forest, the Government should provide them with alternative settlement because they were removed from their settlements, in the forest, by the Government. So, they should be given alternative land to settle on.

With those very few remarks, I beg to support.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to contribute to the Presidential Address.

First, I would like to thank the President for making a very visionary statement in this House yesterday. In addition, let me thank the Speaker of this House because he also made a well loaded statement, cautioning the performance of hon. Members in this House. By extension, I also remember to thank the ODM part of the Grand Coalition Government for its statement on the establishment of a local tribunal to try the Ocampo Six. That is the proper direction to take if peace is to be maintained in this country.

Mr. Temporary Deputy Speaker, Sir, while commending the President, I wish to note that he is also a strong constitutionalist of our times. He vigorously led the referendum campaigns. After assenting to the new Constitution, he is now very eager to make sure that the same Constitution is implemented as per the wishes of the Kenyan people and thus assuring the Kenyan nation that we will have a brighter future. To me, that is a very big statement because it will translate to better investment by foreigners and lead to rapid growth of our economy.

Concerning the social sphere in our country, I wish to note that *wananchi* still experience a lot of difficulties in accessing medicines in our hospitals. It is, therefore, important that more drugs are made available to our hospitals, so that the poor in this country can access them.

Mr. Temporary Deputy Speaker, Sir, concerning the alcoholic drinks control law, in some areas, this law is not being implemented properly. Entrances to bar premises are locked, but people inside those premises continue to drink beyond the allowed hours. Therefore, security agencies must address this development.

Mr. Temporary Deputy Speaker, Sir, concerning the resettlement of the IDPs, this is a phenomenon that was created by the current political predicament in our country. In my observation, all the IDPs in this country must be resettled before the next general election. This is because we realize that they are really suffering in the sense that they are worn out. They are under-feeding their children, and are sick at times. Therefore, it is important that before two years lapse, all IDPs are in their homes.

Mr. Temporary Deputy Speaker, Sir, concerning rampant crime, in this country determined efforts must be made, so that incidents of carjacking and kidnapping are brought to an end. We have noted even recently that people have been kidnapped and killed, and a lot of money has been demanded by gangsters. You realize that recently people have started hanging themselves in different parts of this country. We need to ask ourselves, as a country: What is really happening? People have started hanging themselves; they are committing suicide unnecessarily? This is an issue that needs to be addressed by our Government.

Mr. Temporary Deputy Speaker, Sir, concerning the revival of illegal groupings that were banned recently, a lot of effort must be made to address this new menace.

Mr. Temporary Deputy Speaker, Sir, I wish to support the recent shuttle diplomacy executed by the Vice-President, because, in my view, the Inter-Governmental Authority for Development (IGAD), the African Union (AU) and the United Nations (UN) have already heard the position of our Grand Coalition Government. They are now responding to that. It is, therefore, important that we also express our gratitude to the South African and Chinese governments, which have already taken positions to support the position taken by our Government.

Mr. Temporary Deputy Speaker, Sir, the *matatu* industry is likely to start increasing fares as a result of the high prices of fuel. This must be addressed properly; we

need to make sure that our roads are safe, because quite recently we have had a lot of accidents and loss of lives of innocent Kenyans.

We have talked about supporting the agricultural sector in this country. Where is the cheap fertilizer? It should be made available.

Mr. Temporary Deputy Speaker, Sir, concerning the labour laws, a Bill must come to Parliament, so that we can review the workers' working conditions, because they have given their contribution to the improvement of the economy of this country. Workers have been underpaid for a long time and we need to improve the quality of their lives, and even facilitate the education of their children.

Mr. Temporary Deputy Speaker, Sir, concerning the National Land Commission, we still note that there are people who have not been settled for quite some time. People from emergency villages have not been settled; also to be settled are slum dwellers who have recently been affected by fires. Why are fires breaking out among the very poor living in the slums? This is an issue that the Government must address very seriously.

Mr. Temporary Deputy Speaker, Sir, concerning access to education, it is important that the issue of shortage of teachers in our primary and secondary schools is given more funding, thought and attention, so that quality education is guaranteed in our schools.

Mr. Temporary Deputy Speaker, Sir, concerning the implementation of our new Constitution, good work has been started by the Commission on Implementation of the new Constitution (CIC), and I wish to take this opportunity to thank the chair of that commission.

On corruption and impunity in many Government departments, we want the Government to address them through the Kenya Anti-Corruption Commission (KACC), and make sure that our institutions are accountable and transparent, so that Kenyans will realize the benefits that they have been yearning for. The biggest impediments are the major reforms that we require in the police force and the Judiciary. *Wananchi* have been complaining of unnecessary arrests and harassment by the police. Once reforms are carried out, these issues will be addressed and the nation will be happier.

Mr. Temporary Deputy Speaker, Sir, concerning reforms in the Judiciary, we have noted that cases have taken decades in the courts before being determined. Therefore, putting in place a new judicial system will address these issues and reduce the current number of pending cases; these are almost one million. It is the desire of the Kenyan people to make sure that we have a meritorious court system in this country. Therefore, the sooner Bills are brought to this House, the better, so that our nation can achieve the desired goals in terms of taking the country forward.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I support the Presidential Address.

Mr. Pesa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this time to support this Motion. From the outset, I want to say that time has come for Kenyans to get the new Constitution. Secondly, if we had a credible judicial system during the last elections, we would not be in a Coalition Government. The aggrieved party could have gone to court to challenge whatever they felt was wrong, but because both parties, I am sure, believed that the Judiciary was not credible, we were forced to get into this "marriage" which you have seen has been very difficult to run. So, I think

modernization of the judicial system is paramount; we should start with that, so that we can move ahead with building this nation peacefully.

Mr. Temporary Deputy Speaker, Sir, when we talk about our brothers who are supposed to be going to The Hague, our party the Orange Democratic Movement (ODM), and it has been stated here, was for the referral of the cases. If somebody went to HANSARD of this House they will see that I personally voted for a local tribunal, and that is on record. It is very unfortunate that some of the hon. Members who were against a local tribunal at that time are now shouting that it is ODM that is taking their brothers to The Hague. Even as recently as yesterday, we had a meeting and we resolved that we still feel that Kenyans should be tried locally. However, of course, that can only happen if we have a credible Judiciary. Kenyans should get justice and the international community should feel that whatever investments they make here will be safeguarded.

Mr. Temporary Deputy Speaker, Sir, with regard to police reforms, this is another issue that was mentioned by the President and all Kenyans agree that we need to have reforms in the police. We want the police to know that they are servants of our people and that they must make sure that they protect Kenyans wherever they work so that we have peace and protection in this country.

I want to commend the President of this country for the way he wants this country to move. At the same time I also want to commend the Prime Minister who is the other Principal. However, I feel that in order for us to successfully move on with the current constitutional changes the two should move at their own level and give better guidance to Members of Parliament. Kenyans look upon Parliament as an agent of change and we are here so that we can make change in this country. Without this change, the next election which will be held within the next 24 months may not really be the election that we want it to be. So, we need to make these changes but without the two Principals taking the lead in their actions, apart from the laws that they are telling us to implement here, we may not move very smoothly. So, I ask the two at their own level to talk and ensure that Members of Parliament move at the speed that Kenyans expect. This is because we have spent a lot of time arguing here and there and actually wasting Kenyans' time instead of implementing the Constitution as we are supposed.

Mr. Temporary Deputy Speaker, Sir, there are areas that we need to accept but also need to be considered at this time. While we continue making these laws, there are certain urgent issues in Kenya that also needed to be addressed in yesterday's Speech. As Mr. Mungatana has put it in this House, the food situation in this country is a problem. We need to cushion Kenyans on the way they will feed themselves and their families. Food prices have gone up due to inflation. That is the point that the Government has the right and power to take steps to cushion Kenyans so that the poor Kenyans can get food on their table.

The other thing is that development may not be successful in any country without proper education. Here I am talking about education in this country. The Government has done a very commendable job in ensuring that we have infrastructure funds to build our schools. It has not been enough so far but at least there is every indication that the Government has done its best to ensure that we improve the infrastructure in our schools.

However, we still have a big problem with regard to staffing in our schools. Teachers in most of the schools are inadequate. If you go to rural schools, you will find that in some schools we have as low as three teachers manning eight classrooms. All of

you have gone to schools and you can understand that three teachers manning eight classes cannot successfully perform the job they are supposed to do. That is another issue that the Government and the relevant Ministry must ensure that it is improved within the shortest time possible. In fact, there are teachers in the countryside but the problem is that the Government has not given enough money in the Budget. We are now about to come up with a new Budget and I expect the Government will allocate funds to employ more teachers in the next financial year. That is very important.

Mr. Temporary Deputy Speaker, Sir, the problem of high fuel prices may not be biting to Members of Parliament because we earn salaries but our *boda boda* operators in the reserves like in Migori really feel it. In turn the people they ferry to those centres are the ones who meet the cost. I ask the Government to consider taking up this issue and ensure that it, at least, cushions that industry so that our people who meet the cost of high fuel prices and are poor do not suffer any more.

We are talking about equitable distribution of resources. I think this is one area where the Government has been very unpredictable. There is this road from Mai Mahiu through Narok, Migori up to Isebania border. Sometimes people talk about the letter “O” meaning something very much in the Republic of Kenya. If you travel from Mai Mahiu to Kisii up to the Tabaka junction, you will find that there are bumps all over. However, from Tabaka junction; that is when you enter the “O” region up to Isebania, there are no bumps. People have lost lives because the Government has deliberately decided not to provide bumps in areas like Uriri, Migori, Awendo and Rongo maybe because of that letter “O”. This is not what we expect at this time. I would like the Government, through the relevant Ministry, to ensure that bumps are erected between Tabaka junction and Isebania so that lives which have been lost, especially in Migori Municipality can be safeguarded.

With those many remarks, I support the Motion.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also thank His Excellency the President for his exposition of public policy outlined in his Speech that he gave yesterday. I also want to congratulate him for his effort and the guidance he has given this country.

In his Speech, the President outlined the work ahead of us in this House in enacting laws in order to give a framework to the constitutional implementation. The President showed the importance of this House working diligently and with unity in order to complete the work cut out for us before the next general elections which he also added will be held on time. We are grateful because we do not want Kenyans to have any anxiety over the coming elections. I urge this House to pass the Bill that deals with Electoral and Boundaries Commission. We should scrutinize that Bill properly and make sure that the issues that made us reject the Interim Independent Boundaries Review Commission (IIBRC) Report are addressed so that we do not delay the elections. So, it is up to us to be fair to every corner of this country and not to discriminate any area when it comes to boundaries. We should follow what is outlined in the Constitution with regard to delineation.

Mr. Temporary Deputy Speaker, Sir, having said that, I also want to focus on the issues that have been hotly debated in our country recently especially the ICC cases which we cannot divorce from our national interests. This is because they affect a big

proportion of our country. As I thank our brothers in the ODM for the stand they took yesterday after realizing that the best judgment can come from our soil and not from somebody else's house--- I have said before that even when we want to discipline our children, we do not send them to our neighbours, we discipline them in our houses. That is why we were very concerned when some of our colleagues issued statements to the effect that we must go to The Hague. The people who said they wanted The Hague at that time were aware that we have a new Constitution. The same reason that made ODM feel uncomfortable going to court at that time is the same reason that made the people who supported The Hague oppose local tribunal. These people were not comfortable with the way the Judiciary operated at that time.

So we must stop passing the buck and always saying, "We said Hague, you said what..." Whatever was said at that time does not hold anymore, because we have a new dispensation. We are making our institutions credible. We must make use of them, so that the whole world can see we have moved.

Mr. Temporary Deputy Speaker, Sir, I only have a problem when the ODM says that they do not support deferral. I feel that it is double standards. If you do not support deferral and the cases are started at The Hague, because we cannot wait for that one year, it will mean that we cannot move the cases here. It would be difficult to move the cases because judges, who are not in our jurisdiction, will have already started the cases. I do not know how that can be done. I would ask our colleagues in the ODM to reconsider that position. Saying that you will support deferral for one year does not mean losing the case in any way. It just means that we realized that we can have those cases here; the only way to have them here is for us all to ask for deferral, so that they are not started there and then later on we try to move them here. This is not practical. I hope that the ODM will also communicate the same message to the ICC and the Security Council of the United Nations (UN), so that as Kenyans we are seen to be talking with one voice. This would make us more credible.

Mr. Temporary Deputy Speaker, Sir, moving to accidents on our roads which concern my Ministry, we are supposed to protect lives. Recently, my Ministry, with the support of the World Health Organization (WHO), launched road safety programme in Naivasha at a hotspot there. This programme is also supposed to cover Thika Road. The WHO and other donors gave equipment to the police to check speed given that most deaths result from over-speeding. There is also a programme for *boda* riders; they are expected to wear helmets. We supplied helmets to two routes. This is a programme we hope to replicate in the whole country, especially at hotspots, so that we can reduce deaths. We want to ask our road users, especially *matatu* drivers to take care and know that they carry lives. Many pedestrians are killed, especially children, when crossing roads going to schools. As drivers, we have to practise care. The law can only do so much; the rest remains with us as individuals. Therefore, I want to urge road users, especially drivers of public service vehicles, to be extra careful so that we can reduce the number of deaths on roads.

Kenya is rated among the 15 countries with the highest deaths from road carnage. That is not something we can be proud of. We must get out of that list. We have been given very good roads. Road networks are working everywhere, and more are being constructed. They should promote road safety and not more deaths.

Mr. Temporary Deputy Speaker, Sir, I also want to touch on the IDPs and commend the Government. This is because it is true that a large number of IDPs has been settled. I was with some of the people who came from Eldora, Noriega Farm, Burnt Forest and Kiema and they are saying new houses have been reconstructed on their own land. Now they are able to work on their land and make use of the rain to plant more food. We also want to accept that there are those who have not been settled, and urge the two Ministries to make more effort to settle the few remaining IDPs, so that come end of this year we will not have IDPs in our country. As we keep on saying, that is part of giving them justice. I still hold that giving justice is Kenya's responsibility.

Also on reconciliation, they were narrating to me how they are promoting reconciliation on their own. We can give more support to this group.

With those words, I support.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion on the Floor.

When the President was giving his Address yesterday he reminded this nation of the work this Parliament has done. We have passed so many Bills. Parliament has been legislating all along. However, when you listen to the civil society, read what is in the media, they keep on accusing Parliament of not performing. Let them tell us which Bills are pending in this House. Do we have a backlog of work that is already on the table for us to do? When I was at the university, at the graduate school, one of the things I was told while being trained is that you must appreciate what others do and what others have done. If you do not, you are not worth being in the graduate school. That is what I learnt.

This Parliament has been doing so much work; we have been legislating, we have been approving the Budget for this country and the country is working; is there a backlog of pending Bills or unapproved Government Budget? It is not there! We keep reading in the newspapers, and when we listen to the FM stations callers keep on accusing Parliament of not working. To me, those people do not deserve to do whatever they are doing, because they do not appreciate what others have done.

Mr. Temporary Deputy Speaker, Sir, my colleagues have talked about this ICC issue; The Hague. Those who supported The Hague are in the record of this House – the HANSARD. It is clear. As a Member of this House, I supported the local arrangement to handle the post-election violence suspects. I remember I talked of, if someone was taken to The Hague, we would need to consider the cost of travel, the cost of ferrying lawyers and witnesses; it is expensive. Some of the people whose names have been mentioned--- We have permanent records in this House and nobody will remove them. Mr. Ruto supported The Hague. He said, "Do not be vague. It is The Hague". Now, today, The Hague has come---

The Temporary Deputy Speaker (Mr. Imanyara): We are not discussing Mr. Ruto, please!

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I am just reminding ourselves of what is in the HANSARD and other records. We are not discussing anybody, but these are in the records of this House. So many of us supported The Hague, and today we are saying, "Ooh, we are being taken to The Hague. Someone is against us. They want to take us to The Hague". Let us not change our goal posts. Let us be faithful leaders of this country. What you have said you

must stand by it. The position you have taken, let it be the real position you have taken. Let us not change goal posts when things change.

So many hon. Members of ODM were for the local arrangement. I know and remember Kofi Annan reminding this country that The Hague alternative was not the best. He urged Kenyans to go for the local arrangement in handling the post election violence crimes. He kept repeating it. That is why it took that much time. It took so long for him to hand over to the ICC the envelope that had been given to him by the Wake Commission. The ICC also took a lot of time before they could take over the cases because they wanted Kenyans to go for the local arrangement. But anyway, we still hope that, that issue will be handled locally. Let us have a credible system to handle that matter.

Mr. Temporary Deputy Speaker, Sir, we should implement the Constitution to the letter. We should have good political goodwill which must come from the two Principals. They should consult. I will remind them of what happened last month. If they do not consult, things will not work out. This Parliament is not a rubberstamp. It will not just pass things that are pushed here if they do not consult well and if Parliament feels that whatever is being brought here is not good for this country. We shall return whatever they will not have agreed on back to them.

For the implementation of the Constitution, our leaders should be faithful. We want political goodwill. Our leaders should be truthful and everybody should consult so that we can implement the Constitution that will help this country. All of us are here to help in legislation. Implementation of the Constitution is part of our business here and I think we shall do it. However, we shall not do it simply to rubber-stamp what certain individuals in this country want done their way.

Mr. Temporary Deputy Speaker, Sir, it is high time this country avoided issues that embarrass us. If you look at the hunger situation in Turkana and some Arid and Semi Arid Lands (ASAL) of this country, it is pathetic. Hunger is something that can be avoided. In this country, we have a lot of food. In my constituency alone, we have so much rice which has not been bought by the National Cereals and Produce Board (NCPB) or the Ministry in charge of relief; the Special Programmes Ministry and yet Kenyans are dying of hunger. Famine can be prevented because Kenya has water and we can do irrigation and produce more food. So, we need to be more serious. We should not allow Kenyans to die the way they are dying in Turkana. Hunger is not a disease and neither is it an emergency; it comes gradually. It starts with drought, then the stock of food goes down and then people have too little to eat and finally totally nothing to eat. That is when somebody dies of hunger. It takes a long time for the body to switch off because of lack of food. We know of people who have undergone hunger strikes and it takes them a long time to die. So, it is unfortunate that this is happening in this country. We should do a little bit more as a Government to stop the preventable calamities that we can handle because other people are handling them across the world.

Mr. Temporary Deputy Speaker, Sir, I have heard a few of my colleagues criticizing the Government for having put up an advertisement in the newspapers calling for contractors to start doing the county offices. I think it is in order. We should be ready to have the devolved system of Government which is coming next year after the elections. If we do not put up the offices today and the elections are done next year, where are they going to have their offices? Where are they going to have their county

assemblies and rooms to hold their meetings? Unless we put up those facilities then we shall be faced with those problems next year. Next year when the county governments are elected, it will be too late to put up the infrastructure. I wish to oppose those who are criticizing the Government for putting in place mechanisms to have the infrastructure done for the devolved Government next year.

Thank you. I beg to support.

Mr. Magwanga: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute. Allow me to congratulate the President for his Address yesterday. Allow me also to thank Mr. Speaker for his Address yesterday. They actually talked very nicely. They were full of words of wisdom. We need to copy them and discuss the policy statements they issued very ably. Let us actually be concerned of the welfare of the people of this country.

When you see this Parliament having 222 Members elected in this country out of possibly 40 million Kenyans, there must have been something special which the people of this country saw in each and every Member in order to elect him or her into this House. I want to say that Members of this House should be credible and focused in order to articulate issues of this country. This is our country and the only legacy we will leave behind is good laws to defend, protect and run this country for our future generations.

Mr. Temporary Deputy Speaker, Sir, I want to say that the only good thing that this House will leave as its legacy is the new Constitution. The new Constitution that we passed last year has a lot of benefits for this country. It is likely to lead this country to prosperity. On that note, I want to say that the President's Speech articulated issues concerning the legislation of the Constitution which are actually very key. A flawed process is likely to lead this country to hell. I want to say that we do not want to leave this country in bad hands. We do not want to leave this country the way we found it; we need to leave this country a better place to live in. For us to leave it a better place, then we must enact these laws and be faithful to one another, contribute fruitfully, be sincere to one another, be focused, creative and innovative.

Mr. Temporary Deputy Speaker, Sir, the President talked about implementation. One of the key legislations is the Independent Electoral and Boundaries Commission Bill.

This is actually a very important commission for us. In the Constitution, it is stated that we will go for elections with 290 constituencies. Only and only if we pass the creation of that commission shall we go to the elections. I want to urge hon. Members to be sincere with this. It is this House that approved the Interim Independent Boundaries Review Commission (IIBRC). The Commissioners moved across the country collecting views. When they brought their report here, we rejected it. That was actually unfair. We are calling upon everybody to support the one which will be brought by the coming commission.

Even in my constituency, having over 200 primary schools and over 70 secondary schools, when you sit down to disburse the Constituencies Development Fund (CDF), it becomes impossible to do so. A number of children are learning under trees. Some of the patients are not even getting medicine because of inadequate funds. In case you approve that commission, I am sure my constituency will be sub-divided into two and the resources are likely to be enough to serve them.

This country is in the 21st Century, but it is still lacking some basic essential necessities, for example, water. We are still yearning for clean water. This is something

that was in the policies of the 1960s. By the year 2000 we were to have clean drinking water. Where is it? This calls for proper policies and they should be implemented so that this country can have clean water for drinking.

Mr. Temporary Deputy Speaker, Sir, the unemployment rate in this country is staggering at almost 60 per cent whereas those countries that attained independence at around 1963 have an unemployment rate of 3 per cent. This means that we have to do more in order to create employment opportunities for our people. I want to urge all of us to come out and see how best we can move forward.

In 1968, this country was able to donate relief food to other countries. As we speak now, our people are still relying on relief food. It is a sad affair. The Ministry of Agriculture must come up with firm policies to be implemented to ensure that there is food security in the country. Agriculture has collapsed and yet it has been the highest foreign currency earner. If it has collapsed, where are we going to earn our foreign exchange? We need not have an imbalanced trade with other countries. We need to promote exports more than imports to this country. We are talking about a GDP of Kshs2.5 trillion. If the countries which attained independence at the same time as Kenya are talking of a national budget of Kshs25 trillion, ours is actually a sad affair. We must change. This country must start thinking seriously on how we can improve our GDP.

Mr. Temporary Deputy Speaker, Sir, I want to talk about an issue that was not addressed by the President. This is to do with corruption. We know corruption has eaten this country a lot. People are fighting to become richer than the State! This is why we are where we are.

The Temporary Deputy Speaker (Mr. Imanyara): Your time is up!

Mr. Magwanga: Thank you, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Eng. Maina: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. I also wish to congratulate the President for his timely and wise Speech which he gave yesterday. I would also like to congratulate and thank the Speaker for coming out very clear on the various things that we are witnessing in this country and which only us national leaders can bring solutions to.

Yesterday, the President and the Speaker said that there is need for this House to carry out reforms. The President, in fact, said that various Bills should be passed in three months. I support that, but I wish to say that this Parliament has done much more than any other Parliament and we deserve to be congratulated by this nation. We do not deserve the labeling that sometimes is put on us. This is because we have worked very hard and we will continue to work very hard.

Reforms are here with us. There is the issue of the ICC which is facing us. For purposes of being on record, I said that I support the local tribunal. I supported that for only one reason, even when the matter came before the House; I believe Kenya is an independent country. It is good for us to have confidence in our own people and our country. Unfortunately, we are where we are because we never sat down as national leaders to look at what was facing us and ask ourselves about the consequences of this matter - we were just hearing of an envelope. Had we done that, we would be in a better situation. Some of the things we are rushing to do now, we would have done them earlier. It is now upon this Parliament to quickly come up with judicial and police reforms so that we can set up a local tribunal and tell the whole world that we are capable of handling our

own affairs. That is our main duty and we should execute it quickly so that the people who shed blood can be proud of what we are doing.

Let us not forget that it is the leaders who are responsible for putting this country where it is. It is shameful to see a great grandmother in a tattered tent three years after what we witnessed in 2008.

It is upon this Parliament whether it takes Kshs10 billion or Kshs20 billion, to ensure that we put this matter behind us. Some of us are traditional. We believe in curses. Let the insults that are being hurled at the IDPs stop. An 80-year old lady has no happiness living in a tattered tent for all this time. So, let nobody say casually that these are bogus IDPs. Truly, I do not understand how an 80-year old grandmother can live in a tent for this long. What money is she looking for? I asked the media this question, the other day. What can please an 80-year grandmother living in a tattered tent and sleeping hungry? The IDPs are living in the worst climate of this country. They live in Timorous and Naivasha. These are cold places. I appeal to the national leaders to face the reality and solve some of these national problems, without any partisan politics.

Mr. Temporary Deputy Speaker, Sir, let me say that we are talking of Vision 2030. If we are not careful, it will be Vision 3020. We need unity of this country and its leaders. We need unity of purpose to develop this country. To me, Vision 2030 has to do with basic things to every human being. We normally travel to Malaysia and California to observe their super highways. Let us know that Vision 2030 has to do with every Kenyan having a descent meal on his table. Let us know that Vision 2030 should have to do with creation of employment for our youth. There is no point of talking about Vision 2030 to create super highways for people who drive Mercedes Benz. The Vision 2030 has to do with everybody accessing health care in this country. We need to ensure that Vision 2030 has, first and foremost, to do with everybody affording descent education for his children. It has to do with any youth who goes to a university in this country and graduates with a degree being given a descent job, to be what God wanted him to be in this world. There should be no obstacles on the way.

Everywhere you go in this country, we witness hundreds of unemployed youth. This is a time bomb. So, as we imagine those highways we see in Malaysia, California and Dubai which Africans are fond of, let us remember that we have to move this country forward by ensuring that everybody lives decently.

Mr. Temporary Deputy Speaker, Sir, the issue of food should also be addressed by the Vision 2030 as a priority. How does Swaziland afford to feed its people? They took a bold decision and said: "We will subsidize agriculture." They gave their people free fertilizer and seeds. Today, Swaziland is exporting food. It is a shame for this country not to do the same. This country is not dry. We should put water in Ukambani, and we would not need to import oranges from Egypt. So, let us get to these basic things.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Motion on the Floor.

Mr. Shakeel: Thank you Mr. Temporary Deputy Speaker, Sir. I would like to support and congratulate His Excellency the President for the Speech that he made and the responsibilities he gave us, as a Parliament. We all recognize that, that was a historic event. It marks the first time for Parliament to undertake its own responsibilities. It marks the first time that Parliament is set to discuss the issue of appointments. Some of us, including the Temporary Deputy Speaker, have been fighting for a new Constitution for a

long time. We must be proud of that. Seventeen days have passed in this Session. I am sure that if we put our minds to it, we will pass the 21 required Bills in the three months that we have been given. It is very important to know that planning is one issue and implementation is another. I am a planner. I know that without implementation, even the best plans in the world are of no use whatsoever.

Kenya, fortunately, is known to have the best plans and recommendations. However, when it comes to implementation, we fall out. We must be able to discuss and differentiate between personal and national interests. That is, unfortunately, the position that has led this country to where we are. For the first, time, we did not go early for our Christmas break. We worked through Christmas. However, we wasted our time on personal matters. The ICC Tribunal matter was one issue. I was ashamed to see Kshs63 million being spent on that while IDPs are living in a very deplorable state. Why did we spend Kshs63 million when we had been told very clearly that four out of six countries were going to veto it? That is what shows that we are not putting our energies in the right direction.

Vision 2030 is one of the best documents I have ever seen. However, I do not think that many hon. Members – and I want to profess – understand it. If you ask me the meaning of Vision 2030, I will tell you: “Please, stop it!” I will not be able give you a full view of what is going on. I think there are many of us who still need to understand it. We are not completely clear about it. If that is the case, how about the public? Where does that leave members of the public? The members of public are the citizens of Kenya. They are, nowadays, very well informed about the Constitution. The Constitution is a much more detailed document than Vision 2030. Those who deal with Vision 2030 hold meetings in hotels, print T-shirts and hold very expensive launches and yet, the people on the ground do not know anything.

I would like to talk about Rwanda, where there is Vision 2020. If you ask the people on the streets, everybody will tell you what Vision 2020 is all about. I challenge you that here in Kenya, less than 10 per cent know what Vision 2030 is all about. That is a very big mistake.

Recently, we celebrated the World Forest Day. Many people and organizations like United Nations Environment Programme (UNEP) were involved. A lot of money was also spent in that. However, it was realized that our Mau Forest is still not out of danger. We spend more money on ceremonies rather than on actual work.

The Temporary Deputy Speaker (Mr. Imanyara): Member for Kisumu Town East, you will have five minutes when the debate on this Motion resumes.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.