

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd March, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOME TO VISITING MEMBERS OF PARLIAMENT FROM UGANDA

Mr. Speaker: Hon. Members, I wish to make a Communication. I want to introduce to you and welcome a delegation of Members of Parliament from the Parliament of Uganda who are seated at the Speaker's Row. They are as follows:-

Hon. Ngalule Safai, MP

Hon. Bintu Jaaja, MP

Hon. Muulize Norman, MP

Hon. Kitata Abaudi, MP

They are accompanied by two members of staff: Mr. Manzi Victor and Ms. Lubulanza Florence.

Hon. Members, they are Members of the Committee on Equal Opportunities from the Ugandan Parliament on a study tour to the Kenyan National Assembly to learn about our programmes and activities that promote equal opportunities in the Kenyan society.

On behalf of the House and on my own behalf, I wish the delegation a fruitful and happy stay in Kenya.

Thank you.

PAPER LAID

The following Paper was laid on the Table:-

Supplementary Estimates (Recurrent and Development 2010/2011)

(By the Deputy Prime Minister and Minister for Finance)

NOTICE OF MOTION

SUPPLEMENTARY ESTIMATES
(RECURRENT AND DEVELOPMENT 2010/2011)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

(i) THAT, a sum not exceeding Kshs27,466,736,720 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2011 in respect of Supplementary Estimates of 2010/2011 Financial Year (Recurrent) having regard to the proposed reduction of Kshs6,956,804,940 therein appearing.

(ii) THAT, a sum not exceeding Kshs8,590,461,320 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2011 in respect of Supplementary Estimates of 2010/2011 Financial Year (Development) having regard to the proposed reduction of Kshs22,604,931,358 therein appearing.

(His Excellency the President has given his consent to this Motion)

ORAL ANSWERS TO QUESTIONS

NUMBER OF YOUTHS UNDER KKV PROGRAMME IN BURA CONSTITUENCY

Dr. Nuh asked the Minister for Youth Affairs and Sports:-

(a) if he could provide a list of names of youths who worked under the Ministry's *Kazi Kwa Vijana* Programme in June and July 2010 in Bura Constituency, indicating the location of work, number of days worked by each person and amount of money owed to each one of them.

(b) if he is aware that the said youths have not been paid their dues; and,

(c) what has occasioned the delay in payment and when they will be paid.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, this Question had been answered and further information had been sought. I have that information regarding the payment schedules. I wish to lay those schedules on the Table.

(Dr. Otuoma laid the documents on the Table)

Mr. Speaker, Sir, further information has come to me and I have shared this with the Member for Bura. I asked him to give me up to next week when I will be able to add to this information that extra information that has come to my notice.

I beg that I be given time up to next week to add more information that I have collected.

Dr. Nuh: Mr. Speaker, Sir, indeed, the Minister has shared that information with me and I have no problem with that.

Mr. Speaker: Shall we then defer this up to Wednesday, morning?

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, as you have directed.

(Question deferred)

Question No.676

TRESPASS INTO PRIVATE PROPERTY BY APS

Ms. Karua: Mr. Speaker, Sir, I have agreed to the Minister's request subject to the Speaker's approval that it be answered next week on Tuesday. However, I am available to ask the Question. I am given to understand that the Minister had travelled and he has just arrived.

Mr. Speaker: Thank you, Member for Gichugu for your understanding. Indeed, the Minister reported to me that he had been sent out of the country and he only arrived just about 12.30 p.m. today. He is, therefore, not able to answer the Question this afternoon.

I direct that the Question is deferred to appear on the Order Paper on Tuesday, next week in the afternoon.

(Question deferred)

Question No.678

STEPS TO EASE TRAFFIC JAM IN NAIROBI

Mr. Nyamai asked the Minister for Roads:-

(a) what concrete steps the Ministry is taking to ease the frequent traffic jam in Nairobi;

(b) what the progress is of the Nairobi Toll Road Concession Project; and

(c) what plans the Government has put in place to ensure that the project is completed without any further delay.

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

(a) My Ministry is responding in the following ways to ease the traffic jam in Nairobi City:

(i) Increasing the traffic capacity of the major arterial roads by adding extra lanes. This includes the recent widening of the road from the Jomo Kenyatta International Airport (JKIA) to Nyayo Stadium; the ongoing addition of a second carriageway on the road between Athi River and JKIA; and the ongoing expansion of Thika – Nairobi Highway, which also includes construction of interchanges at various intersections for grade separation of traffic.

(ii) Construction of bypasses so that the traffic that is not destined for Central Business District (CBD) can be diverted from the city centre. This includes the ongoing construction of the Eastern and Northern bypasses and the Southern Bypass which is supposed to commence shortly after we have completed the financial agreements.

(iii) The construction of grade separated interchanges also known as flyovers so that the capacity of our junctions can be enhanced.

(iv) The Government is also seeking funds for dualling the Athi-River to Machakos Turn Off junction of Mombasa Road; expansion of Kenyatta Hospital – Adams Arcade Road; and construction of several missing links within the city.

(b) The Nairobi Urban Toll Road was conceived as a concession through participation of a consortium trading as a Nairobi Motorway Group. Following the World

Bank's communication to the Government on the outcome of their compliance review of the consortium which indicated that the World Bank would not be financing the consortium as constituted, my Ministry made a public announcement to the effect that the concession was not going to be feasible any longer.

(c) My Ministry is exploring alternative ways of executing the project which include redesigning and restructuring of the project.

Mr. Nyamai: Mr. Speaker, Sir, could the Assistant Minister explain to this House the number of the missing links that they have worked on so far? It seems he has concentrated a lot on that.

Mr. Mbuvi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Member for Makadara?

Mr. Mbuvi: Mr. Speaker, Sir, it is a nightmare to reach town from my constituency which is just about ten kilometres away. Could the Assistant Minister explain the measures his Ministry is taking---

Mr. Speaker: Order, Member for Makadara! Please, resume your seat! You may be on course, perhaps, to ask a question, but the Assistant Minister has yet to respond to the question asked by the Member for Kitui West. So, we will take that first and then we will come back to you.

Mr. Mbuvi: Much obliged, Mr. Speaker, Sir.

Mr. Kinyanjui: Mr. Speaker, Sir, my Ministry came up with the Nairobi Urban Transport Master Plan that was conducted by Japan International Cooperation Agency (JICA) in 2006 and identified the existence of missing links in the city transport network, especially within the CBD and its immediate environs. The missing links were identified as follows:-

Accra Road extension which joins River Road to Ngara Road; Mpaka Road in Westlands; ML36 and 730 on the upper parts of Nairobi; Muratina Road on General Waruinge Street to Juja Road; Milimani Road to Ralphe Bunche Road and State House Road; Likoni Road extension, that is, Enterprise Road to Mombasa Road; Ring Road, Parklands which joins Waiyaki Way and Limuru Roads; Ring Road, Parklands which joins Limuru Road to Thika Road.

Lastly, Quarry Road Extension that joins Landhies Road to Quarry Road. Works have already began on these sections. Hon. Members will bear testimony that in areas where this has been completed, traffic jam has greatly been eased.

Mr. Mbuvi: Mr. Speaker, Sir, I would like the Assistant Minister to explain what measures his Ministry is taking to ease traffic jam at and around the following points: the City Stadium roundabout which serves Landhies Road, Lusaka Road and Jogoo Road. Two, the junction between Jogoo Road and Buru Buru which serves Jogoo Road and Rabai Road. Three, the Donholm Roundabout which serves Jogoo Road, Outering Road and Lunga Lunga Road. Four, the DT Dobie Roundabout which serves Enterprise Road and Lusaka Road.

Mr. Speaker: Very well. You asked your question very brilliantly. You covered four areas in one question, quite clever.

Mr. Kinyanjui: Mr. Speaker, Sir, I want to concur with the hon. Member that we have serious congestion challenges in the points that he has indicated. My Ministry is working very closely with other donor agencies and more so, the Japanese Government, with an aim of expanding Jogoo Road and Outering Road. For Outering Road we have

already advertised for the designs. As soon as we have the designs complete, we will be looking for financing of those particular roads.

Mr. Speaker, Sir, it must also be noted that in all the areas that the hon. Member has cited we are actually talking about the City Stadium roundabout and all the junctions. In future, we hope that we will be able to ensure that we do not have the roundabouts as we have them today. Instead we will be able to have interchanges for smooth flow of traffic as is the case on Thika Road where from Nairobi to Thika, it is one continuous express way.

Mr. Kombo: Mr. Speaker, Sir, this is a very important Question. It is actually cross-cutting. It is not just the Ministry of Roads, but also the Ministry of Transport, the Ministry of Nairobi Metropolitan Development and the Ministry of Local Government should be involved. Could the Assistant Minister tell us whether the Government has a strategy to work together with all these Ministries to ensure that they do not just improve the roads, but perhaps, to also introduce other modes of transport to ensure that we reduce traffic jams that exist in the town?

Mr. Kinyanjui: Mr. Speaker, Sir, it is true that roads are just one aspect of the solution towards reducing the congestion that we have in the city. If we are to have any long lasting solution, we must involve all other stakeholders. I want to assure the hon. Member that all other Ministries concerned, including the Ministry of Nairobi Metropolitan Development, Ministry of Transport, the police department and all others, are involved in this exercise.

The Ministry of Transport in particular has been trying to look at the possibility of reducing the 14 seater *matatu* and increasing the capacity. This is one of the challenges that we have. We have so many vehicles, but the numbers of people they are carrying are fewer. So, I believe as the hon. Member has alluded that we need a more comprehensive approach in terms of dealing with the congestion that we have in the city.

Mr. Olago: Mr. Speaker, Sir, the withdrawal of the World Bank from Nairobi Toll Road Concession Project is shrouded in mystery and suspicion. In some quarters it is being alleged that the contractor for the project was blacklisted. In some quarters it is being alleged that senior staff and politicians in the Ministry are involved in corrupt dealings. What is the real reason why the World Bank withdrew?

Mr. Kinyanjui: Mr. Speaker, Sir, the World Bank did not withdraw from the Nairobi Urban Toll Road. It actually withdrew from financing the consortium that had won. This means that if any other consortium whose record had no problem had won the tender, we would not have had a problem. So, the World Bank has no problem with the Ministry, but the consortium as was constituted. The World Bank had been involved in the project from procurement to the last stage. Therefore, the allegations by the hon. Member about senior staff of my Ministry or any other Government body having had an interest in that consortium are completely misplaced.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to attempt to answer the question without actually addressing what I asked? What is the real reason why the World Bank withdrew from the consortium?

Mr. Kinyanjui: Mr. Speaker, Sir, it is because of the integrity issues raised regarding the consortium which had actually won the Nairobi Urban Toll Road Project.

Mr. Njuguna: Mr. Speaker, Sir, while commending the Assistant Minister for responding so well to the Question, I would urge him to inform the House what

precautionary measures he is taking because currently workers are reporting late to their places of work. For them to avoid being victimized by their employers, what measures has he already taken to reduce traffic jam in this city?

Mr. Speaker: Member for Lari, do better next time. Do not take advantage of an opportunity to ask a question to make a speech. If you look at our Standing Orders, they bar you from doing that.

Mr. Kinyanjui: Mr. Speaker, Sir, I do agree with the hon. Member that it takes much longer for people to commute from their residences to their places of work. This has been of great concern in terms of productivity. Many will agree that the management of traffic by the Kenya Police sometimes has been a major solution. We hope that in the short term we will be able to use their services before we come up with a master plan on how we can be able to reduce traffic jams and completely eliminate the time wastage that occurs on our roads.

Mr. Chanzu: Mr. Speaker, Sir, the question that I want to put up as a follow up to Mr. Kombo's question is that in the reply by the Assistant Minister he indicated some long term solutions. We are talking about situational problems like congestion. Could his Ministry not work very closely to ensure that there are Traffic Police in these places during times when there are traffic jams, so that they clear these traffic jams? This is because when they are there, traffic moves. Could this Ministry not work closely with the Ministry of State for Provincial Administration and Internal Security to ensure that this traffic is cleared all the time? This problem is not just prevalent in Makadara alone, it is found all over town, including Langata Road and so on.

Mr. Kinyanjui: I want to agree with the hon. Member that we need to extend those services to all possible areas to ensure that we minimize the time that is wasted on traffic jams. I also want to assure the hon. Member that in all conceivable junctions and roundabouts we actually have Traffic Policemen from morning to evening when we have traffic jams. They ensure that whenever there is an accident which sometimes is caused by the traffic jam, it is sorted out within the shortest time possible.

Mr. Nyamai: One of the oldest link roads in Nairobi is Outering Road. The Minister has not stated what plans he has got to sort out the traffic jam along Jogoo Road. Another road which experiences traffic jam is Ngong Road. He has not mentioned whether he is doing anything to ease the traffic jams on these roads, particularly building dual carriage roads. What is his Ministry doing with regard to those two roads?

Mr. Kinyanjui: Mr. Speaker, Sir, I want to agree with the hon. Member that we have long term plans for Outering Road and Ngong Road. The two roads have actually been identified for funding by the Japanese Government. Before the disaster we had in Japan, we were supposed to go and do the final signing of the agreement for those two particular roads. I am sure that as soon as the situation normalizes, we will be able to continue with the process and those two roads will be included in our programme.

Question No.688

PROMOTION OF WESTERN CIRCUIT AS TOURIST DESTINATION

Mr. Olago asked the Minister for Tourism:-

(a) what concrete tourism marketing strategies the Ministry is employing to promote the upcoming Kisumu International Airport as a destination of choice for local and international tourists;

(b) what steps the Ministry is taking, in liaison with the Ministry of National Heritage and Culture, to ensure that the burial site of Okore Ogonda, the ancestral hero of the Kogony clan next to the airport, is converted into a shrine; and,

(c) how else the Ministry is engaging the local tourism industry players, so that Kisumu and the surrounding areas of the Western Tourism Circuit make maximum gains from the airport.

The Assistant Minister for Tourism (Ms. Mbarire): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry and tourism stakeholders in the region are working together to brand and position the Western Kenya Tourism Circuit as a destination of choice. Development of Kisumu International Airport will go a long way in easing transport to the destination. In this regard, the Ministry of Tourism has put in place marketing strategies to promote the circuit in general, and the airport in particular.

Growth in tourism arrivals is spearheaded by publicity through the media and travel agents from the various source markets. To promote the Western Tourism Circuit, the Ministry organised familiarisation trips for foreign media and travel agents from the USA, UK, Germany and Japan to tour the region. These trips have helped to create awareness amongst the consumers and travel agents on what Western Kenya has to offer. The Ministry will continue to organise other trips for these organisations from both our traditional and emerging markets to ensure that growth is sustained.

Identification of existing and potential tourism attractions in the region is an ongoing process where the Kenya Tourism Board (KTB), the Ministry of Tourism and stakeholders in the region work together to identify uniqueness of the region in terms of tourism, which will be used to brand and position the circuit. The Ministry of Tourism and the KTB organises periodic workshops and seminars to share information on new development in the region; address issues affecting the stakeholders, share market intelligence and chart the way forward. The latest forum was held on 1st December, 2010 at Kisumu Hotel.

Tourism features on Kisumu and its environs have appeared in both print and electronic media, including national daily newspapers such as *The Daily Nation* and *The Standard* as well as on magazines, and on television feature programmes such as *Out and About* on KTN, which also featured Kisumu and its environs.

In order to help promote the region, the KTB is developing a western Kenya brochure, which will highlight the diverse tourism attractions available in the Western Tourism Circuit. The brochures will be distributed locally and abroad at trade and consumer exhibitions that the KTB will attend.

(b) The burial site of the late Mzee Okore Ogonda, the ancestral leader of the Kogony clan, is currently not a gazetted national monument or shrine. However, the Ministry of Tourism will liaise with the Ministry of National Heritage and Culture to take the necessary steps to determine whether the burial site qualifies to be declared a national monument or shrine.

Thank you, Mr. Speaker, Sir.

Mr. Olago: Mr. Speaker, Sir, the answer by the Assistant Minister seems to imply that extreme marketing measures are being undertaken with the international media. What about regional and domestic tourism markets? In that regard, therefore, what steps is the Ministry taking to ensure that actually the Ministry of State for National Heritage liaises with the Ministry of Tourism to look into the factors that surround the death of the late Okore Ogonda and how his burial site can become a shrine?

Ms. Mbarire: Mr. Speaker, Sir, as I have said the Ministry is going to liaise with the Ministry of State for National Heritage. In fact, the Minister is going to write a letter. I will make a follow up and ensure that the letter goes to the Minister of State for National Heritage. I will then inform the Member of Parliament accordingly once that letter is replied to.

Mr. Njuguna: Mr. Speaker, Sir, could the Assistant Minister indicate to the House what steps the Ministry is taking to ensure that the land that has been set aside for Kisumu International Airport is not encroached upon or grabbed?

Ms. Mbarire: Mr. Speaker, Sir, that is a good question, but I do not think our Ministry is the one in charge of the airports. However, it is in our interest that Kisumu Airport is expanded, so that it can be an airport for international arrivals for tourists.

Mr. Ogindo: Mr. Speaker, Sir, I want to thank the Assistant Minister for the answer. However, I wonder how effective the marketing strategy she is talking about is given that Rangwe is part of the Western Tourism Circuit but ever since I became a Member of Parliament, I have not seen tourists there? We have Lambwe Park, the Ruri Mountains, and a geothermal site there. So, how effective is this marketing strategy?

Ms. Mbarire: Mr. Speaker, Sir, the marketing efforts are very effective in that we have seen a rise in the number of tourist arrivals in Kenya. We have now surpassed the 1.2 million tourists mark since the last general elections, when the number of tourists coming to Kenya was very low.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. The hon. Member for Rangwe has made a very serious allegation, which I feel, should not go unchallenged. He said that he has never seen tourists in that area, and that may be misconstrued to mean that tourists do not go to Ruma National Park, which we share with him, and the bulk of which is in Gwassi. Is the fact that hon. Ogindo has not seen tourists in his area a matter of national concern? Could he withdraw the serious allegation that tourists do not go to Ruma National Park?

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! I have heard you, Member for Gwassi but I am afraid that you are out of order! Your concern was what the Member for Rangwe said, but that has already been overtaken by events in the sense that the Assistant Minister was already responding to the question raised by the Member of Parliament for Rangwe. So, your timing is wrong.

Proceed, Assistant Minister!

Ms. Mbarire: Mr. Speaker, Sir, I want to inform the Member of Parliament for Rangwe that tourists are not necessarily white people. I have been to Rangwe myself. When I went there with hon. Millie Odhiambo-Mabona, I was a local tourist. So, I was there. He probably did not see me. I am sure that many other tourists have been there.

On a serious note, we have seen American tourist arrivals rise---

(Mr. Ogindo stood up in his place)

Mr. Speaker: Order, Member for Rangwe! Let that matter rest where it is.

Ms. Mbarire: Thank you, Mr. Speaker, Sir. We have seen the number of American tourist arrivals rise to the second highest in Kenya so far. This has been partly been contributed by the campaigns we conducted after Barack Obama was elected the President of the United States of America. Most of the American tourists come to Kenya to go to Kogelo. So, we have asked the hon. Member for Rangwe to sit down with his community to identify the particular tourist sites in his area, get in touch with the Ministry of Tourism; and we will ensure that those sites are included in the brochure we are developing. He should then ensure that he is at home, so that he can see the tourists when they arrive. I am sure that he will like it.

Dr. Otichilo: Mr. Speaker, Sir, I wish to know from the Assistant Minister the key tourist attraction areas in Western Kenya where people have been visiting. Particularly, I would like to know whether the Ministry has taken the trouble of sensitizing the local people, so that they can build hotels and other facilities to accommodate tourists in that zone.

Ms. Mbarire: Mr. Speaker, Sir, that is a question which needs a comprehensive answer but to mention but only a few, we have Kogelo; which is one of the most popular tourists sites, especially with American tourists. We also have Kakamega Forest, which is also very popular with eco-tourists; and many more tourist sites which I would wish to bring to his attention, if he could ask a substantive Question.

Mr. Pesa: Mr. Speaker, Sir, tourism is very important for this country, and so is the marketing that is being undertaken by this Ministry. Could the Assistant Minister confirm whether the Ministry has taken trouble to ensure that they involve the stakeholders, especially the Members of Parliament from that region, so that we can also give in our feedback on what needs to be done in the western part of this country?

Ms. Mbarire: Mr. Speaker, Sir, that is a very important question, but when we held a sensitization workshop In Kisumu last year, we actually invited hon. Members from the Western Tourism Circuit but we did not get a very good response from them. We hope that when we do it again this year, because it is a continuous process, the hon. Members will come out. I want to say here that many hon. Members do not think that tourism is a critical sector for the growth of this country. As a result, we also do not get many questions coming our way on the floor of the House. That shows either disinterest or lack of concern about the sector. We urge hon. Members to ask many questions about the sector unless, of course, you are saying we are very efficient and we appreciate that too.

Mr. Wambugu: Mr. Speaker, Sir, I believe this Kogony clan land is that which is next to the airport. I was visiting Kisumu and doing some inspection at that place, but I found that there were some people who had dug graves and left them uncovered. What is the Assistant Minister doing to make sure that this practice, especially about sand harvesting around the graves, is stopped?

Ms. Mbarire: Mr. Speaker, Sir, one of the things that we are very keen on as a Ministry is the conservation of our tourism attraction sites; that concern by the hon.

Member has been noted. I also wish to undertake, if the hon. Member will agree, that once we liaise with the Ministry of Culture and National Heritage, we can actually undertake a visit to these burial sites and then move on from there.

Mr. Shakeel: Mr. Speaker, Sir, the Assistant Minister says in her answer that they have involved the tourist industry in western Kenya. Is she aware that tourist operators in Kisumu have been raising concern with the Ministry, which is that they have not been involved in tourism activities? Is she aware of that situation and if so, what does she intend to do to make them aware and make them part and parcel of her project?

Ms. Mbarire: Mr. Speaker, Sir, I do not know who told this hon. Member that they are not involved, because we had a very big workshop in Kisumu on 1st of December and all stakeholders were present. So, it is my view that stakeholders who feel left out should visit our regional office, and talk to the officer in charge so that in future, we can contact them when we have a similar activity.

Mr. Olago: Mr. Speaker, Sir, the hon. Assistant Minister has said that opening of the airport is going to ease access to the whole region, which is true. She also says the Ministry of Tourism is engaging local tourism industry players by financing tourism facilities through loans from the Kenya Commercial Bank (KCB) and funding of community-based tourism projects. However, the complaints of the local people is that those who are being financed are not from the region. Could she kindly table before the House the identities of the persons who have been financed through the Kenya Tourism Development Corporation, or who have been funded through the Tourism Trust Fund?

Ms. Mbarire: Mr. Speaker, Sir, I do not have the list of those who have been financed, but we do not finance just you because you are from the region. We finance you if you are in business in that particular region. Even if we find somebody from another region who wants to put up a hotel in Kisumu - with the increased tourist arrivals we need more accommodation facilities - we will finance them. However, we would appreciate those who are interested in the support, especially community groups; they should bring their proposals to my office and I will ensure that they are looked into.

Mr. Olago: On a point of order, Mr. Speaker, Sir. The Assistant Minister had earlier on indicated that she would be willing to have me accompany her team to the shrine of the late Okore Ogonda. Is it in order for me to tell her that I am ready and available to do that?

Ms. Mbarire: Mr. Speaker, Sir, that is very good. I am also ready and available. We shall agree on a date and I will be available to accompany the Member of Parliament to the site.

Mr. Speaker: Very well! Next Question by Mr. C. Kilonzo!

Question No.724

INDISCIPLINE IN TRANSPORT INDUSTRY

Mr. C. Kilonzo asked the Minister for Transport what measures he is taking to ensure that discipline is instilled in the transport industry, particularly among the Citi Hoppa and Kenya Bus Service (KBS) vehicles.

The Assistant Minister for Transport (Mr. Ogari): Mr. Speaker, Sir, my Ministry is aware of indiscipline in the transport industry, including in some of the

drivers of the mentioned companies, Citi Hoppa and Kenya Bus Service vehicles. In order to address this challenge, the Transport Licensing Board has instructed the owners of these companies to take full control of all buses operated by them, including those under franchise. In addition, the Traffic Police have been asked to enforce the law and impound any buses, including those belonging to these companies found to be operating contrary to the law. The TLB will in future review the licences issued to such operators with a view to withdrawing them, where the operators continue to disregard the law. This is one of the reasons why my Ministry is encouraging the formation of SACCOs and companies in order to enable them manage and discipline their members.

Mr. C. Kilonzo: Mr. Speaker, Sir, indiscipline in public transport, especially within the Citi Hoppa and Kenya Bus Service--- A good example is the roundabout at the Inter-Continental Hotel where at five o'clock in the evening these buses are driven in an anticlockwise manner. The Assistant Minister has spoken about the TLB, which gives permits to these companies. Could he tell us the basis on which the TLB gives permits since they do not have a training school, or objective evaluation criteria for giving these permits?

Mr. Ogari: Mr. Speaker, Sir, first, I agree with the hon. Member; as I had said earlier, we are aware of indiscipline. It is not only in the area which he has mentioned but is all over. First of all, it is important to note that both these companies were licensed to operate in the Central Business District (CBD) as companies, but later on they gave out franchises. We later on came to notice that they were not in charge of the buses apart from franchising their colours and their company name. Therefore, they are not in control of the buses that operate under their name; we find this irregular and we are trying to work on it. On the question of TLB, it has its own mechanism of evaluating the buses or vehicles that qualify for issuance of a licence. I am happy that my colleague from the Ministry of Roads is here. The Inspectorate Unit is under the police and, as I said, they have their own mechanism of evaluating the road worthiness of the vehicles that are issued with the TLB licences.

Mr. James Maina Kamau: Mr. Speaker, Sir, is the Assistant Minister aware that travelling from Globe Cinema Roundabout as you head towards Forest Road and Murang'a Road is a nightmare because of the confusion created by the buses and *matatus* that ply that route? Is it possible for him to organise the City Council *askaris* so that people are able to travel and there is easy flow of traffic towards that side? It is actually difficult to drive on that road.

Mr. Ogari: Mr. Speaker, Sir, as the hon. Member might be aware, my Ministry is more of a policy Ministry and transport is a multi-sectoral issue that cuts across many Ministries. If we listened carefully to the answer given by the Minister for Roads, we will discover that he also covered a similar question. In conjunction with other Ministries and other Government bodies, we are in the process of trying to establish joint bodies. One of those bodies, and a Bill will be coming to the Floor shortly for enactment, is the National Road Safety Authority. At the moment, we have no powers to instruct the Commissioner of Police although he is the one who enforces and arrests people who break traffic rules. We understand and agree with the hon. Member. We are trying to do something jointly with other Ministries.

Mr. Kombo: Mr. Speaker, Sir, part of the indiscipline is when these buses are driven over pavements. Could the Assistant Minister consider changing the law to ensure

that there are stiff penalties meted out to the drivers who drive on pavements? The law should also ensure that the owners of the buses are fined as well.

Mr. Ogari: Mr. Speaker, Sir, I thank the hon. Member for that. In my earlier answer to another Question I had told the House that we are drafting the Traffic (Amendment) Bill which is almost ready to be brought before the House. I am sure that the issues that he has raised have been addressed adequately. If they are not addressed adequately, hon. Members will get a chance to give their input.

Mr. Ochieng: Mr. Speaker, Sir, could the Assistant Minister tell us what they are trying to do on some of these vehicles which emit very thick smoke while moving on the roads? What control measures have they put in place to make sure that these vehicles do not emit thick smoke?

Mr. Ogari: Mr. Speaker, Sir, again that takes us back to the Ministry of Environment and Natural Resources. That is why we are trying to form this authority which will comprise of officials from all the Ministries. We have asked the police to arrest the drivers of these vehicles. That is the much we can do at the moment. Once we form an authority which will come up with policies and implement them, maybe, we shall get there and we are on the right path.

Mr. Shakeel: Mr. Speaker, Sir, the Assistant minister has admitted that both the Citi Hoppa and the Kenya Bus Service buses do not comply with the conditions for which they were issued the licence to operate. This is because they are not the owners of the vehicles. Could he inform us whether he is now prepared to cancel the licences for Citi Hoppa and Kenya Bus Service or suspend them until they are properly regulated?

Mr. Ogari: Mr. Speaker, Sir, I have confessed that we are aware of the operations that the two companies have been doing. They might not be legal but are irregular as I have said. Lately, we have partnered with the Ministry of Co-operative Development and Marketing and we have issued instructions to all vehicle operators to join SACCOs so as to eliminate transport cartels and reduce congestion on the road. We do not want to paralyse the transport industry and that is why we have taken the soft approach. We have had consultative meetings with the Ministry of Co-operative Development and Marketing and the operators of these buses and *matatu* organizations and we have agreed on the way forward. One of the conditions is that they have to form SACCOs. If Kenya Bus Service has to operate then each of its members has to comply, first, with the rules of the co-operative society that he has joined and of course with the law. So, we are also on the right track working on that.

Mr. Speaker: Last Question, Mr. C. Kilonzo!

*(The Rt. Hon. Prime Minister was
applauded as he entered the Chamber)*

Mr. C. Kilonzo: Mr. Speaker, Sir, I want the Assistant Minister to tell us the rules and regulations the TLB has established to govern the franchise operations. Could he also explain what measures the TLB has taken to ensure the master franchise holder is able to regulate and control the operations of the franchise on this matter?

Mr. Ogari: Mr. Speaker, Sir, I will not be in a position to enumerate the rules and regulations right now because I do not have them with me. However, on franchising, I have said that my Ministry has been overtaken by events. This is because we are

formulating new rules under the SACCOs and companies that the transport operators have formed. We extended the registration of these SACCOs and companies up to the end this month when we should come up with a blue print of the new rules and regulations that will be followed in the transport industry.

Mr. Speaker: Hon. Members, Question No.777 is deferred to Tuesday, next week at 2.30 p.m. because the Member for Garsen has had reason to visit a doctor this afternoon and we wish him well.

Question No.777

COMPLIANCE WITH ARTICLE 203(2) OF THE CONSTITUTION

(Question deferred)

Mr. Speaker: That brings us to the end of Question Time. Let us move on to the next Order.

The Rt. hon. Prime Minister, we are now into your time so you may proceed and deliver your Statement.

PRIME MINISTER'S TIME

PRIME MINISTERIAL STATEMENT

STATE OF KENYA'S ECONOMY

The Prime Minister: Mr. Speaker, Sir, I rise to make a Statement on the state of the economy of our nation.

Last year, our economy grew by more than 5 per cent. The growth was robust and broad-based with agriculture, industry and the service sector expanding at a healthy pace. Inflation declined from over 15 per cent in early 2009 to close to 3 per cent by the end of last year. The Nairobi Stock Market boomed with Nairobi Stock Exchange index nearly doubling from the low of 2,500 in early 2009 to nearly 5,000 at the end of last year. This strong recovery was due to a degree to the rolling out of our economic stimulus programmes with aggressive execution of our infrastructure projects and a skilful monetary management of the Central Bank of Kenya. We were also blessed with good rains but even more important, it was the optimism about the future of our country that the promulgation of the new Constitution engendered among all of us, Kenyans that boosted confidence and hence increased investment.

Mr. Speaker, Sir, we were poised to further accelerate our economic growth to close to 6 per cent this year with inflation remaining well within the single digit. The economic outlook is now subject to some downs and risks.

Indeed, I want to repeat that our economy is now faced with some downside risks. I am, however, confident that those of us in the Executive branch of the Government, Members of Parliament and our citizens remain united to focus on the implementation of the Constitution, and to address any risks ahead of us, the economy of our nation will continue its strong recovery and achieve the goals of Vision 2030.

There are some disturbing developments which will impact negatively on our growth in the following ways.

(i) The price of crude oil in the international market has risen substantially to a level well above US\$100 per barrel. While much of the recent drives in the oil price originated from the disturbances in North Africa and the Middle East, for a policy maker it would be imprudent to assume that the higher prices would be short lived. If the price remains at US\$100 per barrel for the rest of the year, Kenya's oil import bill will be higher by about US\$700 million, or two per cent of our GDP.

(ii) We are not expecting severe drought in this long rain season but rainfalls may well be uneven, and somewhat lower than normal. The international commodity price index has surpassed the peak recorded in June 2008. Our national food bill will, therefore, rise. On the other hand, international prices of some of our major export commodities are projected to fall considerably this year. The higher oil price, together with the lower international prices of coffee and tea, are estimated to lead to a deterioration of our terms of trade by 12 per cent in 2011 compared with 2009. This means that Kenya needs to spend US\$12 more of our export earnings to buy US\$100 of imported goods.

Mr. Speaker, Sir, these external shocks will certainly give rise to downward pressures to our economic growth and an upward measure to inflation. However, the Government will take appropriate measures to cushion Kenyan households and Kenyan industries from these shocks. I assure you that the Government will ensure that there will be enough food and oil in the country. We will protect the lives of the poor and the vulnerable people. We will not allow Kenya to go back to the period of double-digit inflation. We will not allow a free fall of our currency, the shilling. We have adequate foreign exchange reserves, and if necessary we can quickly augment them. The Government is prepared to act, and act decisively.

Mr. Speaker, Sir, I have instructed all the relevant Ministries and the Central Bank of Kenya (CBK) to formulate measures that will sustain our economic growth to maintain economic stability and protect the poor and vulnerable. The Office of the Prime Minister will coordinate the implementation of these measures, and formulate a comprehensive programme of action for adoption by the Cabinet. We will then present this programme to Members of Parliament for their input.

Mr. Speaker, Sir, in my view, even the more important reason for keeping our economy on track is to assure all Kenyans, and the world at large, that the political situation in our country will remain stable. Whatever the wrangles there are at present, the political leaders, you and us, should not allow it to divide the nation. All of us must remain focused on enhancing the welfare of ordinary Kenyans. We must pledge ourselves to the Kenyans that we serve; that we are committed to fully implementing the Constitution. It is our Constitution that has given us the hope and optimism for our country. Fundamentally, it is the confidence that drives the economy. It is the confidence in our stability that invites local and foreign investment. It is new investment that will create jobs for our people.

I want to finally continue to appeal to Members of Parliament to give clear signals to the nation, that whatever differences that may exist between us, we will not tear this nation apart. We are still several months away from the next elections. If we keep the political temperatures too high they will continue to scare investment. We need to give

the clear signs to potential investors that the stability that we have enjoyed will remain, so that they do not adopt the policy of wait and see till after the elections. This is my appeal to hon. Members of this House.

(Applause)

Mr. Speaker: Clarifications? Let us start with the Member for Yatta!

Right hon. Prime Minister, please, take notes.

Mr. C. Kilonzo: Mr. Speaker, Sir, since it has come from the Prime Minister's own words that we need to keep political temperatures down, it is only fair that he and his own office and the PNU wing bring these temperatures to the rock bottom.

There are two major events taking place in the world, which, obviously, are going to impact negatively on our national economy. One of them is the revolution taking place in the Arab world, particularly in oil producing countries. The other one is the earthquake in Japan. One of them is going to affect the cost of fuel, which, obviously, is going to increase the rate of inflation in this country. The other one in Japan is going to affect the cost of motor vehicles. I need to know what measures the Government is taking to address these two issues which are affecting the economy.

Mr. M'Mithiaru: Mr. Speaker, Sir, I would like to thank the Prime Minister for the report on the status of the Kenyan economy as of now. I would like the Prime Minister to tell this House, since drought is a major player in any economy, especially where the nationals go hungry, what elaborate measures the Government has put in place to mitigate the effects of drought, ensure that Kenyans have enough drinking water and that we do not over-rely on relief food.

Mr. Yinda: Mr. Speaker, Sir, I would like to thank the hon. Prime Minister for the Statement on the status of the economy of this country. My clarification is on irrigation. What plans does the Government have in place to create a policy whereby irrigation is going to be mandatory in all farming areas in this country, so that we are not affected by drought?

Mr. Kombo: Mr. Speaker, Sir, I also want to thank the Prime Minister for the platitudes he has give about the economy. My worry, however, is that the shilling is currently weakening very heavily. The CBK seems to be unable to do anything about the weakening shilling, and this is hurting the economy on the one hand. On the other hand, banks lend at very high interest rates but on deposits they give very low rates. This, obviously, is affecting the economy. What is the Government doing about this situation?

Mr. Konchella: Mr. Speaker, Sir, the concern of many Kenyans today is the prices of basic food commodities, particularly the ones which our people are feeding their families on like bread, flour, and *Sukuma Wiki*. These commodities are becoming totally unaffordable to our local people. The most crucial commodity is kerosene. Could the Prime Minister consider removing Government taxes on kerosene so that people are able to cook food for their families?

Mr. Lessonet: Mr. Speaker, Sir, I want to thank the Prime Minister for coming up with this very important Statement on the current state of the national economy. However, I am not satisfied with the Statement the Prime Minister gave. The Prime Minister told us about the capital markets. While I thought the Prime Minister would come and tell us how many Kenyans have gone above the poverty index, got access to

healthcare and clean water, how many good roads have we done during this period and whether we have accessed clean energy.

I would like the Prime Minister to tell us the scenario not in terms of the NSE index but in terms of the poverty index, how many Kenyans have succeeded to get out of the poverty they are steeped in.

Mr. Twaha: Mr. Speaker, Sir, the success of any economy and the continued investor confidence in our capitalist system is based on the sanctity of a title deed against which banks offer loans. I am glad the Prime Minister brought up the issue of investor confidence. The Minister for Lands has been casually going around nationalizing people's properties without offering any compensation, thus exercising powers that he does not have by saying that he is revoking title deeds. Could the Prime Minister clarify whether he is aware that this is undermining investor confidence in this country?

Mr. Speaker: Rt. Hon. Prime Minister, please respond to those and then we will do another round of five and come to the end.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member for Yatta was concerned about the impact of revolutions that are taking place in the Middle East and northern Africa on the cost of fuel and the general impact on our economy. I have said in the Statement that I think that this is a temporary effect, and that these events which are taking place in the Middle East are not going to be permanent. We therefore, do not think that the effects will be very long lasting.

This is the first opportunity we have to express our solidarity with the people of Japan, following a very unfortunate event that has devastated the economy of that island. Experts say that the island has shifted by as much as four inches from its original position as a result of this earthquake and *Tsunami*. The loss is very devastating; grave indeed. Apart from loss of life, experts estimate that loss to property will be close to US\$500 billion. So, we therefore, express our sympathy with the people of Japan. It is very hard at this moment in time to estimate how much that is going to affect our imports. Talking to the Ambassador of Japan yesterday, he believes that Japan has got the ability to deal with this issue, but members of the international community have expressed solidarity with Japan and have offered assistance in any way. Even we as a Government have offered to provide whatever little assistance we can give to Japan to help them to mitigate the impact of this very unfortunate incident.

Mr. Speaker, Sir, as I have said, we have given instructions to line Ministries to come up with clear policy guidelines on how to deal with the impact of the situation that is evolving around us. This is one of the issues that we will take into consideration as we evolve that policy. Mr. M'Mithiaru and Mr. Yinda were concerned about the impact of drought and what mitigation measures the Government is likely to take to deal with this. There are short term, medium term and long term measures that we intend to take in order to deal with the issue of drought. We now know that it is a cycle that we are living in, because we know that as a result of the climate change, we now have the twin sisters of *El Nino* and *La Nina*. The *El Nino* comes with heavy rain that is associated with flooding that destroys property, lives and so on. When it leaves, it invites its twin sister *La Nina* which then comes and takes over. That is associated with long spells of drought again visiting a lot of destruction to our economy.

Mr. Speaker, Sir, one of the short-term measures is to deal with the issue of providing food, medicine and clothing to the people who are affected by flooding and

also by drought. Again, we have done better than at any other time in the history of this country. Hon. Members from areas which have been affected by drought will attest to this. We have taken measures to ensure that food is available to all these people who are affected.

Mr. Speaker, Sir, the medium and long term measures is to come up with interventions, first, to deal with flooding, create facilities that will help to mitigate the flooding. The hon. Member for Budalang'i, which is one of the areas that is prone to flooding, can testify that adequate measures have been taken to deal with that.

We have given provision to the Ministry of Water and Irrigation for construction of dams for harvesting of rain water so that when it rains very heavily, we are able to harvest this water and store it for future use, so that when *La Nina* comes, there is sufficient water for human and animal consumption and for irrigation of land.

Mr. Speaker, Sir, hon. Kombo was concerned about the weakening Shilling. I said that we are not going to allow the Shilling to go into a downward slide. The Government is very much seized of this matter and when the times come for intervention, it will definitely intervene, but that time has not arrived as yet. However, we are equally concerned about the gap between lending and deposit rates, which has been huge enough. The Governor of the Central Bank of Kenya has taken measures aimed at ensuring that banks do reduce these rates. This is because some of them are extortionate, with the gap being too huge. Recently, I had occasion, together with the President, to meet with the President of the Barclays Bank International and the issue we did raise with him was the different rates in terms of the lending and deposits. I want to assure the hon. Member and the House in general that the Government is seized of this matter and it is pushing it to ensure that the rates are in consonance with the practice all over the world.

Mr. Speaker, Sir, hon. Konchella was concerned about the commodity prices. I also did indicate that we are concerned as a Government because we do not want the prices of essential commodities to increase beyond the reach of our people. He particularly talked about kerosene. I want to assure him that the Government is considering that issue of removing tax on kerosene so that the price does not increase.

Mr. Speaker, Sir, the Member for Eldama Ravine was concerned about the poverty index. I want to assure the hon. Member that there has been a lot of improvement. About four per cent of Kenyans have moved from below the poverty level. We started at around 52 per cent and, according to the experts, it has now come down to 48 per cent and we are moving on.

Mr. Speaker, Sir, the Member for Lamu West is concerned about revocation of title deeds. I want him to understand that the Government does not just arbitrarily revoke title deeds. That is not the policy of this Government. We know that there is sanctity of titles. We also know that people use title deeds to secure loans, so that even banks themselves are stakeholders in this matter. We do not want to take measures which will discourage investment. But what the Government is doing is taking back the properties which were illegally and corruptly acquired.

Mr. Twaha: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Prime Minister to mislead the House that it is the function of one *nusu mkate* Minister sitting in his office to decide that a title is legal or illegal? The Minister is the custodian of land records. He is also a senior counsel and knows that he does not have the powers

to do so. There is a process to be followed and the Prime Minister should, in fact, tell him. They should go to the courts.

An hon. Member: Can you declare your interest?

Mr. Twaha: Shut up!

Mr. Speaker: Order! Order! Order! What you have just uttered against another hon. Member is unparliamentary. Could you, please, withdraw and apologize?

Mr. Twaha: Mr. Speaker, Sir, I withdraw and apologize. He should also wait for his turn on the Floor!

Mr. Speaker: Order, Member for Lamu West!
Proceed and address the House!

(Loud consultations)

Mr. Twaha: Mr. Speaker, Sir, I will address the Chair. I would appreciate it if you protect me from the hecklers.

Mr. Speaker: Order! Order! Member for Lamu West, that is gross disorder!

Mr. Twaha: Mr. Speaker, Sir, I apologize.

Mr. Speaker: Please, resume your seat! You will have to once again withdraw and apologize unreservedly. Any further breach, I am afraid you will face sanctions.

Mr. Twaha: Mr. Speaker, Sir, I withdraw unreservedly. The point is that there is a process of cancelling title deeds. It is not for a Minister, sitting in an office, to decide by himself to be the prosecutor, jury, judge and executioner. It is only the High Court of Kenya that has the power to cancel a title deed. Please, tell your Minister that! He has no powers to cancel any title deed anywhere!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I do not need advice from the hon. Member as to the process, because this Government is very well versed in the process that is to be followed. I wonder whether it would be proper for the hon. Member to declare his interest in this matter as required by the Standing Orders.

(Applause)

Mr. Twaha: Mr. Speaker, Sir, I was a victim of this Minister and the High Court sitting in Malindi last week vindicated me and reinstated all my titles. My only interest now is the obvious interest, as a representative of my people who are also farmers and own land. People who want to invest in Lamu have been discouraged from doing so because of the arbitrary actions which are populist and cheap politics. They know that they do not have the powers to do this, but they are victimizing people and abusing their offices. It is a crime!

Mr. Speaker: Order, Member for Lamu West! Please, relax!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I have said that this Government knows the process to be followed. We will not be intimidated by the use of the Judiciary which we are in process of reforming. The hon. Member will not come here and chest-thump and tell us: "The court reinstated these titles." The Government will investigate properties---

Mr. Twaha: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Lamu West!

Mr. Twaha: It is this contempt of court that resulted in the post-election violence! There was violence and people died because of contempt of courts!

Mr. Speaker: Order! Order, Member for Lamu West! I am afraid, that now is a gross breach. You are ordered to leave the House for the following two Sitting Days. Proceed and leave immediately.

Mr. Twaha: My pleasure, Mr. Speaker, Sir.

Mr. Speaker: Leave immediately!

(Mr. Twaha withdrew from the Chamber)

Serjeant-at-Arms, will you, please, ensure that the Member leaves the precincts of Parliament?

Order, hon. Members! We will now take another round of five clarifications.
Member for Mutito!

(Loud consultations)

Mr. K. Kilonzo: Mr. Speaker, Sir, hon. Members are consulting loudly.

Mr. Speaker: Order, hon. Members! Let us hear the Member for Mutito!

Mr. K. Kilonzo: Mr. Speaker, Sir, from the outset I want to thank the Rt. hon. Prime Minister for the Statement on the current state of the national economy. This statement is, indeed, timely because the economy of Kenya is under threat. Beyond the *tsunami* in Japan, the war in Libya, what is affecting the Kenyan economy most – and I am happy that the Prime Minister has referred to it – is the altercations between politicians, more so, the Principals and the party leaders in this country.

Mr. Speaker, Sir, the Principals and party leaders in this country are doing the same. I have just come from South Africa. If you mention that you are a Kenyan Member of Parliament, they ask you: What is going on in Kenya? Will the country hold? We are being asked this simple question by investors. They are not sure whether to invest here or not, because of the anticipated trial at The Hague and the fact that the two sides of the Coalition Government are reading from different scripts.

Mr. Speaker, Sir, the party led by the Prime Minister, the ODM, has been talking about deferral and referral. This issue is affecting the country. Could he tell us the position of his party, which is a partner in the Coalition Government, on deferral since it affects this country? Are they for deferral or referral? Have they changed their tact? It is important for investors and Kenyans to know the ODM position, rather than change like chameleons!

Hon. Members: Hague! Hague!

Mr. Speaker: Order! Order! That last part, I am afraid is not Parliamentary! Members of Parliament do not change like chameleons!

You have referred to Members of the ODM, including the Right Hon. Prime Minister. Please, withdraw that part and apologise!

Hon. Members: Shame! Shame!

Mr. Speaker: Order! Order, hon. Members! Order, Member for Mutito! Let us have some decorum, please!

Mr. K. Kilonzo: Mr. Speaker, Sir, I want to withdraw and apologise.

I just want the hon. Prime Minister to tell us the position they stand for on this matter because they are part of the Coalition Government.

Mr. Speaker: On that part you are clear. You have done very well.

Mr. Kathuri: Mr. Speaker, Sir, I want the Prime Minister to clarify on the issue of taxes. We know that a healthy nation is a wealthy nation. The other day, we read about tax increase on drugs and medicines. We know that there is cost-sharing in our hospitals. If we are to realize economic growth, then we need to have a healthy nation. Could he tell us whether it is possible to withdraw taxes levied on drugs and medicine? Is it also possible to withdraw the cost-sharing element in Government hospitals?

Mr. Speaker: Member for Gatundu North!

(Applause)

Mr. Waibara: Thank you, Mr. Speaker, Sir.

What has the Government done with regard to the practice of money-laundering, which greatly affects the national economy?

Mr. Mbadi: Mr. Speaker, Sir, I want to find out the from the Prime Minister, given that Kenya factors in quite a bit of revenue coming from customs duties; with the move to the integration of the East African Community, we are likely to lose the revenue from custom duties. What is the Government doing to ensure that we lower interest on custom duties?

Mr. Speaker, Sir, the Prime Minister answered the question raised by hon. Kombo on the weakening of the Kenya Shilling. But I expected him to tell us what the Central Bank of Kenya says is causing this trend. Without that, the CBK cannot address this issue. Could he go a step further to explain to this country, why the Kenyan Shilling is weakening, and whether it is linked to what is happening in the Arab World, that Kenyans are bringing money that had been stashed out there back to the country and causing this scenario to develop?

Mr. Njuguna: Mr. Speaker, Sir, I wish to thank the Prime Minister for giving a very reassuring statement on the prevailing status of our economy. But could he give measures that the Government intends to put in place to save mature trees in Government forests worth more than Kshs10 billion, in order to avoid waste of this important resource?

Mr. Speaker: Finally, Member for Nyakach.

Mr. Ochieng: Mr. Speaker, Sir, for this economy to grow even more, we need to operationalise the 24-hour economy. To do this, we need proper security in this country, so that we can go about doing our business throughout 24 hours. What is the Ministry of State for Provincial Administration and Internal Security doing to install surveillance cameras everywhere within the City and other Cities within the country, so that security is enhanced?

(Dr. Machage stood up in his place)

Mr. Speaker: Order! I see the Member for Kuria is determined to seek a clarification. But I am afraid; your position is not yet clarified to the House. Maybe, the Prime Minister will deal with that. But before that address, I will not see you.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I am very much aware that this ruling was made earlier - actually sometime last year - on the rights of the hon. Member for Kuria to participate in the proceedings of this House. Could we have a timeline, because it is a bit unfair---

Mr. Speaker: Order! Order, Member for Gwassii. That is certainly out of order! You will attract some sympathy, but otherwise, you should just take maximum punishment. Please, refrain yourself. Just do what you ought to do lawfully.

Right hon. Prime Minister, please, proceed to respond.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member for Manyatta---

(Prof. Olweny stood up in his place)

Mr. Speaker: What is it, Member for Muhoroni? You had better tread very carefully!

The Assistant Minister for Education (Prof. Olweny): On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! You cannot give information before the Prime Minister begins to respond!

(Prof. Olweny stood up in his place)

Order, Member for Muhoroni!

Right Hon. Prime Minister proceed!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir---

(Prof. Olweny stood up in his place)

Mr. Speaker: Order, Member for Muhoroni! I am afraid, you will have to leave!

(Applause)

Member for Muhoroni, for the rest of this sitting, you will not be allowed in the House!

(Prof. Olweny withdrew from the Chamber)

Proceed, Right hon. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, hon. Emilio Kathuri, MP for Manyatta wanted to know about taxes on medicine. To my knowledge, we do not levy any taxes on medicine or even medical equipment imported into the country.

Mr. Speaker, Sir, the issue of cost-sharing is a policy that we will review at an appropriate time, as our economy continues to improve

Hon. Waibara was concerned about the issue of money laundering. Money laundering is a crime. The hon. Member needs to know that it is only last year that we passed a law, here to deal with the issue of money laundering. Before that, we did not

have proper instruments to deal with that very serious crime that continues to rob us of our resources. We even have the Serious Crime Unit within the police that deals with crimes like money laundering.

Hon. Mbadi was concerned about the loss of revenue as a result of going into common markets. There are a lot of benefits that can accrue as a result of the country getting into a bigger market. We are going to have more access into those other markets. Our goods will be more affordable in those markets as opposed to the time when duties were being levied against our goods and yet, they were competing with goods from other markets. The benefits that accrue to us as a result of getting into markets like those far outweigh the little revenue we were getting as a result of remaining alone.

The shilling will weaken due to several factors. One is because of the decrease in the prices of our own exports and investors withdrawing, for example, their capital from our own market. That, therefore, means that we will have less money to chase goods in the economy. There are several factors that are responsible for the weakening of the shilling. As I said, this is also associated with the rising prices of crude oil which we have to import from outside the country.

The hon. Member for Lari wanted to know what the Government is doing with mature forests. We have plantation forests as opposed to indigenous forests. The ban that the Government has imposed is basically on indigenous forests which we want to protect. The plantation forests, when they mature and are not harvested, just decay in their own way. The Government is going to lift the ban on logging of trees in plantation forests which are mature for harvesting right now.

The hon. Member for Nyakach said - and I agree with him - that it is a 24 hour economy that will help us to achieve Vision 2030 objectives. That can only work if the people are enabled to work for 24 hours and feel secure within their own country. A lot of effort is being put towards that direction and Closed Circuit Televisions (CCTVs) are being installed. Contracts and money have been given through the police to put up CCTVs in strategic parts of the city and other towns in our country to help in the fight against crime in our country.

Finally, the hon. Member for Mutito was concerned about the different positions that have been taken by coalition partners on the issue of the International Criminal Court (ICC). Differences within coalition governments have not been invented in this country. They have existed for as long as coalitions have existed. That is because there are differences in terms of policies and, sometimes, compromises cannot be reached. What they used to do, in the Grand Coalition Government that has just ended its term in Germany more than a year ago, is that on issues over which the coalition could not agree, they were ring-fenced and put aside. That enabled the coalition to move on. So, I want hon. Members, in this House, to understand that we are not unique in this country.

With regard to the issue of the ICC, we have differences in opinion; on the issue of the deferral or referral. Deferral is provided for in the Rome Statute under Article 16. Article 16 is the one that states that a party in the Government can apply, through the UN Security Council, for deferral of cases which are brought against its subjects if - and there is a condition to it - the security situation in the country is not endangered if the trials are carried on, or it will endanger the international security, meaning of a region, for instance.

Our view was that those conditions do not exist in this country. That deferral can only be done for one year. In other words, if you apply and the UN Security Council agrees, then the cases are deferred for one year. Our position was: How does that help the accused persons if the cases are deferred for one year? They will just be there with charges hanging around their necks for one full year and experiencing the stigma. So, we did not find that route being helpful to this country, and we stated as much. We felt that it was costing this country a lot of taxpayers' money unnecessarily. First, we went through the AU. I did not see why it was necessary to do the "shuttle" diplomacy, running around the continent, talking to some leaders who either have cases, or are potential candidates for the ICC. We stated that very clearly and that has to do with Article 19 of the Rome Statute which states that a country can apply to the ICC if the subjects have been charged and if this country has a credible process in place.

(Applause)

If, for example, it has a credible judicial system that meets the international threshold, it can apply to the ICC for referral of those cases to its internal jurisdiction. That is the difference. In other words, what we suggested is that we can move ahead and create a credible judicial system or process in this country. We should have a credible court or a Tribunal competent enough to try the suspects. Once that is in place, we can go and apply for referral. That means that we have the capacity to investigate independently and prosecute.

(Applause)

As things stand right now, the Kenyan Police cannot investigate the post election violence itself because it stands accused of having perpetrated violence through the order of "shoot to kill". So, we must have an independent, competent investigative authority. It was being suggested that we can either go for the Federal Bureau of Investigations (FBI) or the Scotland Yard to come and carry out those investigations. Having done that, then we can recruit the prosecutor transparently. That is why we said that we cannot accept the Director of Public Prosecution to be recruited in the manner that was being attempted. We should have a competent prosecutor who will prosecute them. We can then have a competent Judiciary which will have been vetted or an independent tribunal that will try them.

Mr. Speaker, Sir, something must be said here. About 1,300 innocent Kenyans died. This is something that is all the time being forgotten. We are only concerned about the six suspects and are not talking about the 1,300 people who died. There were people who were burnt alive in a church. Others were burnt alive in Naivasha. People were shot like rats in Kibera, Kisumu and all over. Why are we not talking about these people?

(Applause)

If the six are innocent, then there must be other six or ten who are guilty. So, we must, therefore, look for the culprits of this heinous crime that was committed in our country. We cannot all the time just be talking about suspects, if they are innocent. If they

are innocent in the Hague, then they are also innocent in Kenya. There is no point, therefore, of setting up a court here to try them if they are innocent. That innocence must be proved through a fair and competent judicial process. That is what we are talking about. We have friends and colleagues who have been mentioned. Even if Raila Odinga was mentioned, I have to go through that process. For the information of this House, I was charged with treason and I spent six months in Kamiti Maximum Prison, where you are only allowed two minutes to go and throw your waste in the toilet and get back. You are only to shower once in two weeks when you are being brought to court for mention. You do not shower at all for two weeks. They open the door in the morning just to throw *uji* for you, then at 11.00 o'clock to throw *ugali* and *sukuma wiki* and at 3.00 o'clock to throw *ugali* and *maharagwe* for you. For six months, I was living in those conditions and my conscience was clear. I knew that I was innocent. I did not have to shout it. So, if you are a suspect and you are being charged, do not tell us that: "I am innocent! I am going to tell the people about So and So". No! Go and clear your name there!

That is why we are saying that we are not for a deferral and ODM has never contradicted itself. Do not listen to what the media said yesterday. The position that was stated yesterday by the joint NEC and PG meeting of the ODM is the position that we have held since this matter started and we will not change that position.

(Applause)

Mr. Speaker: That brings us to the end of the Prime Minister's Time. We will now take requests for Statements beginning with the Member for Makadara.

POINTS OF ORDER

SALE OF KENYA RAILWAYS HOUSES IN SOUTH B

Mr. Mbuvi: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Transport on the sale of the Kenya Railways Corporation (KRC) houses in South B. In the Statement, he should clarify the following:-

(i) Whether the KRC has abided by the Inter-Ministerial Committee recommendation that the initial tenants be given the first priority in the sale.

(ii) How many houses have been sold so far and how many initial tenants have benefitted from the same, giving their names.

(iii) What action he is taking to avoid the catastrophe arising from the forceful eviction.

(iv) Whether he is aware that the tendering process is obviously flawed and marred with irregularities as follows:-

(a) The houses were advertised as plots and not houses in a bid to hoodwink the public and lower the value of the houses.

(b) The tenders were opened on 11th March, 2011 even before informing the tenants of the outcome of their bids. On 15th March, the Corporation wrote to the tenants giving them a one month notice to vacate the houses. This clearly shows that the tendering process was in bad faith, aimed at achieving predetermined results.

(v) Whether he is aware that senior officials of the KRC were given a commission of Kshs5 million by the aliens, who are the buyers of these houses.

Mr. Speaker: Hon. Mbuvi, resume your seat for a moment. I know that the Minister for Transport is out of the country and that he does not have an Assistant Minister, but there is an acting Deputy Leader of Government Business. Hon. Mugo, will you, please, indicate when this Statement can be available? The Minister had expressed to me that he is leaving his brief with his team. That is why I am picking on you.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, I am not quite sure exactly when he will return, but we could have the Statement by Thursday next week.

Mr. Speaker: Very well! So directed! Thursday next week at 2.30 p.m.! Proceed, Mr. Mbuvi!

CAUSE OF FREQUENT FIRE OUTBREAKS IN MAKADARA CONSTITUENCY

Mr. Mbuvi: Mr. Speaker, Sir, I wish to seek a Ministerial Statement from the Minister of State for Special Programmes on the frequent infernos in Makadara Constituency especially in Maringo Ward, Uhuru Market and within the slums of Marigu-ini, Fuata Nyayo, Kanaru, Mukuru Kayaba, Commercial, Kenya Wine, Maasai Village and Viwandani. The Minister should clarify the following:-

(i) Whether she is aware that over 5,000 families have been rendered homeless as a result of the inferno that occurred on 28th February this year. The affected families are in urgent need of temporary shelter and not maize and beans.

(ii) Why the Government has not honoured the promise by the Minister to donate sheds and tents to 2,000 victims of a fire outbreak which destroyed Uhuru Market one month ago.

(iii) Whether she is aware that over 7,000 victims of the inferno intend to hold peaceful demonstrations to the Office of the President and that of the Prime Minister and camp in those offices until they are provided with temporary shelter.

(iv) What measures are being taken in order to mitigate the suffering of the victims who are currently sleeping out in the cold.

Mr. Speaker, Sir, the last is just a two-sentence Statement.

Mr. Speaker: Order! I have approved two Statements and you are well aware of that. Hon. Mugo, I do not see the Minister of State for Special Programmes. Maybe, you want to hold her brief.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, give us until Wednesday next week.

Mr. Speaker: Very well! Wednesday morning?

The Minister for Public Health and Sanitation (Mrs. Mugo): That is fine, Mr. Speaker, Sir.

Mr. Mbuvi: Much obliged, Mr. Speaker, Sir.

Mr. Speaker: Very well! That brings us then to the end of that Order! Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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

(By the Vice-President and Minister for Home Affairs on 23.03.11)

(Resumption of Debate interrupted on 23.03.2011)

Mr. Speaker: Who was on the Floor? Mr. Shakeel, you have another five minutes to go.

Mr. Shakeel: Mr. Speaker, Sir, in my contribution this morning, I congratulated the President for a very good speech and the comments that he made.

I want to continue and speak about other issues that he has raised which I think are very important. We, in Kenya, have been suffering under the outdated Companies Act. I am very pleased to note that the new Companies Bill, Insolvency Bill and the Partnership Bill will be coming to this House within the next three months.

Devolution has been a very important element and a cornerstone of the Constitution. However, it appears that the devolution is not proceeding as planned. Its implementation is only partial in so far as it protects certain interests. It is in our interests to allow devolution to go the way it is meant to be.

Mr. Speaker, Sir, I urge His Excellency the President to honour the order of the former President Daniel arap Moi who actually gave a Presidential Order that Kisumu be inaugurated as a city. All that was required were the instruments. I remember as the former mayor delivering drafts of the instruments to the Attorney-General for his approval and forwarding. However, nothing has ever happened. So, I am urging that in the process of devolution, it should be very clear which are the cities in Kenya. As far as I understand, there are only three cities in Kenya. These are Kisumu, Mombasa and Nairobi. So, I am urging for the implementation of that Presidential Order. I urge the Government to sign those instruments because, as a former mayor, I handed them to the Attorney-General.

Mr. Speaker, Sir, the local authorities have over time developed into an order of themselves. I hope that devolution will be able to break that and take on the good elements and positives rather than dwell on the negatives. For arguments sake, a *mama mboga* in Kisumu is charged Kshs30 every day. That is over Kshs12,000 a year, whereas a *dukawalla* is charged a licence fee of between Kshs7,000 to Kshs10,000. It appears that the *mama mboga* is the one who pays every day and the *dukawalla* gets away for a very small fee of Kshs7,000 to Kshs10,000 yet we are saying that we are trying to give the poor a step up. I think the local authorities and devolution will bring that to order where people must pay according to what they do and their contribution to the country.

Mr. Speaker, Sir, the other issue I was very pleased to hear in the President's Speech was about our national interests. Allow me to quote from his Speech. He said:-

“We have in the past not given priority to unveiling the system of set of values and principles that can define or become our national interest.”

It is very important to be clear what our set of values and principles are. We do not even have a national dress as the Ugandans and Tanzanians. It appears that we have left the elephant to go out of the door and we are interested in the fleas of the den. We have not had a national dress. I know an attempt was made to design one, but that did not come through. I talked to Mr. Balala about it, but it appears that we were not able to crystallize on one of those. It makes a terrific impact, especially when you go abroad. I had the honour of being at the tourist fair in Berlin. We saw everybody walking around in their national dresses except the Kenyans.

The other thing that I would like to bring to our attention is that some of the Bills we are looking forward being brought here must be for the people. I am very concerned about the way the youth and the elderly seem to have been left consistently out of the law. I think that is one important issue for the youth because of the future and the elderly because of the past.

I was very concerned to hear yesterday that maybe one or two hon. Members of Lancaster House were alive. One of them was Mr. Shikuku who was not allowed to come through the gate until he started fighting with the guards whose job was to look at the card.

Thank you, very much.

Mr. Wetangula: Thank you, Mr. Speaker, Sir, for giving me an opportunity to say a few things in lauding the President’s Speech which was focused, timely and which set the mood for what this House is to do within this session.

Mr. Speaker, Sir, the success of the legislative agenda that we are setting upon will entirely depend on how you, as our Speaker, will steer this process. There is always a tendency when you have such a heavy legislative agenda the House may be in a mood to just channel out Bills into law without carefully scrutinizing them.

Some of these Bills are getting a very heavy input from sectoral interests which have very heavy vested interests that may not end up giving us the desired legal structures that we want to implement in the Constitution.

You have been hearing, for example, the Office of the Deputy Prime Minister and Ministry of Local Government purporting to be trying to roll out legislative issues for the reform of the local government structures. Certainly, there will be vested interests. Some of them want to be preserved while others want to modernize themselves and look like they conform with the Constitution when we are in fact perpetuating what we are running away from.

Mr. Speaker, Sir, I want to urge you and your office that in the process of looking at these Bills, you do what you have always done even before you became Speaker in the last Parliament; call out hon. Members for a retreat and let us have a band of five Bills that we can all go through very painstakingly. When we come on the Floor of the House quite often, the issues that we articulate in the Bills are not necessarily for the good of the framework of the law that we are trying to bring to the House.

This will help Members of Parliament, some who have got better knowledge, training and professional founding than others to scan through these Bills and have an informal discussion that will enrich the Bills to bring them in sync with the spirit and letter of the Constitution. Otherwise, we might end up having institutions in the country

heavily influencing the reform process, not because they are reform-minded, but because they want to perpetuate themselves and live as if there is no change.

One very critical Bill that I would urge us to consider within this session is the Devolution Bill. Certainly, the President outlined very clearly on pages 11 and 12 the 10 Bills that are on their way here. One of them is the Devolution Bill that is so critical in taking care of issues of devolution. What are these counties? What are the county assemblies going to look like? What is the membership of the county assembly? What are the electoral units for the county assemblies? How are the county assemblies going to live side by side if at all, with the local authorities as currently established? How are we going to balance the electoral units of Parliament and county units?

I think the relevant Departmental Committee together with the Commission for Implementation of the Constitution should urgently look at the devolution law that will guide us in implementing devolution. Unless we do that, we will find it very difficult as we go along to see whether we will maintain the local authorities as currently established. If we do, how do we reconcile them with the devolved units? How do you have a county council in Bungoma County that will run concurrently with the devolved assembly? How will we have a Nambale Town Council within the Busia County and what will they do against each other.

Devolution is good but we must also make sure that it does not become a heavy burden on the Exchequer. We must have devolved units which will spend the resources from the centre to serve the people rather than units which will spend the resources from the centre for remuneration and other recurrent services.

Mr. Speaker, Sir, more importantly, as we go on with these reforms, it is so good that the Grand Coalition Government has held to-date. I have no doubt that it will hold to the end. However, the heightened rhetoric in the country – this came out very clearly in your Speech and in the President’s Speech – and the reckless political manoeuvres we are seeing are not good for the country. As I heard somebody say, you cannot stop politicians from talking politics. That is something they will do always, but we want people to exercise diligence, caution and care by watching their language and treating each other with dignity. We have seen politicians at various levels throwing very unhelpful break bats at each other; break bats which do not help to bring together Kenyans to embrace the spirit of the new Constitution so that we can reap its benefits.

Mr. Speaker, Sir, as politicians, whatever we say; wherever we say it, and to whoever we say it, matters. When we have politicians running around the country, abusing each other with total abundance, it does not help to bring peace to this country. This country went through a very frightening experience. Many African countries which tested what we tested for even shorter times, went completely off-gear and took decades to recover. Cote d’Ivoire and Chad are some of them. We are lucky that the Kenyan leadership came together very quickly and realised the need to hold our country together. We do not want to go that route again. We do not want to create a situation where, as leaders, wherever we go, we are engaged in discussions and speeches that do not help to embrace peace in the country. As the newly elected party leader for my party of FORD (K), I will play my role and my party will contribute fully towards the creation of an enabling environment in this country so as to have peaceful engagements and for politicians to carry themselves with dignity and responsibility, so that we can achieve the spirit we all fought for in this new Constitution.

Mr. Speaker, Sir, I end by urging you once again; that how you handle us and bring us together to look at these legislations will determine the quality of the legislations we are going to give the country. It is not enough to roll out Bills and turn them into Acts of Parliament. They must be Bills of quality. They must be Bills which reflect the spirit of the new Constitution, and which must reflect the interests of the people of this country. They must be Bills devoid of negative sectoral interests which may be driven into the Bills to just protect cocoons of interests instead of serving the people of this country.

With those few remarks, I beg to support.

Mr. Speaker: Very well! Trust me to handle you ably.

Yes, Member for Kuria!

Dr. Machage: Bw. Spika, shukrani kwa kunipa nafasi hii ili nitoe usia wangu kuhusu Hotuba iliyotolewa na mhe. Rais kwenye kikao cha jana cha Bunge hili. Nikiitukuza Hotuba hii, kuna jambo moja au mambo mawili nitakayoyazungumzia.

Rais alitupa mwongozo kwamba Bunge hili lina jukumu na kazi nzito ya kufanya haswa kupitisha Miswada kadhaa. Alitoa mifano ya Miswada kumi. Unapoiangalia Miswada hiyo, utaona kwamba mingine inarudiana. Miongoni mwa Miswada aliyotaja ni Mswada wa Tume ya Haki za Binadamu na Usawa. Mswada wa nane ni Mswada wa Tume ya Utoaji Haki. Hizo Tume mbili zinazonuiwa kubuniwa kupitia Miswada hii zingewekwa pamoja na kuwa Tume moja ili tuokoe hela ambazo zingetumika kwa minajili ya kazi nyingine nchini badala ya kuajiri watu kwenye Tume ambazo zitakuja kupigania nafasi ya utekelezaji wa kazi hapa na pale. Hata hivyo, tutajua yaliyotendeka na kujua tutaenda wapi. Hatuwezi kujua matokeo kwa sasa. Hivi sasa, tuko chini ya Katiba mpya, ambayo imeratibishwa na nchi hii kwa haraka. Kutakuwa na shida hapa na pale, tukijaribu kuitekeleza Katiba hii kwa mambo kadhaa. Kenya ni nchi katika eneo la Afrika Mashariki, na iliunga tangu hapo awali kwenye Jumuiya ya Afrika Mashariki. Hivi sasa, tumeratibisha Katiba mpya, ambayo inasema tutasoma Bajeti yetu katika mwezi wa tatu kila mwaka.

[Mr. Speaker left the Chair]

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

Bw. Naibu Spika wa Muda, kwenye Katiba mpya, tunasema kwamba Kenya inaheshimu mikataba yote ambayo imefanywa na nchi nyingine pamoja nasi. Mkataba wa Jumuiya ya Afrika Mashariki unasema kwamba mataifa yote wanachama wa Jumuiya hiyo yatasoma Bajeti zao wakati mmoja, katika mwezi wa sita kila mwaka. Sisi, Kenya, tumeshaweka kidole na kukubaliana na kipengele hicho. Hivi sasa, mhe. Raila amekuwa akitueleza jinsi tulivyopiga hatua kwenya mambo ya kiuchumi.

Tukisoma Bajeti yetu mwezi wa tatu na mataifa mengine wanachama yasome Bajeti zao mwezi wa sita, tutakuwa tumeutupilia mbali Mkataba wa Jumuiya ya Umoja wa Afrika Mashariki. Je, itakuwaje? Hilo ni suala ambalo ni lazima lifikiwiwe na maafikiano yafikiwe kwa sababu tayari tumevunja Mkataba huo. Hata hivyo, iwapo tutaisoma Bajeti yetu katika mwezi wa tatu na kuwapa nafasi wenzetu kuisoma na kuelewa Bajeti hiyo halafu watoe mapendekezo yao mwezi wa sita, uchumi wetu utaathirika namna gani?

Bw. Naibu Spika wa Muda, haya ni baadhi ya mambo ambayo niliyazungumzia wakati baadhi yetu tulipokuwa tukipinga mambo fulani kwenye Katiba hii, lakini Katiba ilipitishwa. Tukasema ni sawa, wengi wape lakini mambo haya yatakuja kutuathiri. Majuto ni mjukuu! Tunaongea mambo ya haki kila siku. Tunapozungumzia uchumi, tunazungumzia haki. Tunapozungumzia polisi, tunazungumzia haki. Je, haki hiyo itatekelezwa jinsi viongozi wanavyosema?

Mimi niliathirika katika mwaka wa 2007/2008, kufuatia fujo za kura. Baadhi yetu hapa hawajui maana ya kuathirika kufuatia fujo hizo. Isingekuwa Mungu ananipenda, ningekuwa kule vijijini kama waathiriwa wengine. Watu wengine wanaona kwamba hili ni jambo la mzaha. Mimi nilipoteza mali nyingi, lakini basi sivyo. Jambo ni kwamba, je, haki kwa mnyonge itatendeka?

Bw. Naibu Spika wa Muda, kukaja tume ya Kivunja, na nikaathirika; kwa sababu wakati wa mapambano kati ya mirengo ya “Ndiyo” na “La” kwenye kampeini za kura ya maoni kuhusu Katika mpya, nilisema mambo fulani, ambayo yalisabisha mimi kushikwa na kutupwa ndani. Nilikuwa nikijaribu kuutetea mrengo wa “La”, ambayo ni haki yangu ya kikatiba, lakini nilishikwa na kutupwa ndani. Hii ni kwa sababu nilitoa mfano wa kitu ambacho kinaweza kutokea Katiba hii ikipitishwa.

Lakini, tangu wakati huo, nimewasikia viongozi, wengine wakiwa majabali wa kisiasa, wakitusi watu na kusema mambo ya fujo kushoto na kulia. Hata wengine walisema kwamba kutakuwa na vita wakati wa uchaguzi wa mwaka wa 2012, eti kama watu sita hawatapelekwa The Hague. “Kivunja wanyonge” amenyamaza. Mimi niligongwa kwa sababu ninatoka kwa jamii ndogo; na hiyo ndiyo inayoitwa “haki”.

Bw. Naibu Spika wa Muda, ukiangalia barabara vile ziko Kenya hii, na hiyo imepitishwa barabara zinalimwa, na tunajivunia. Tumepiga hatua. Barabara zimelimwa na hospitali zimejengwa. Lakini sasa nauliza: Mimi kwangu kuna nini? Barabara hizi zimelimwa wapi? Uhuru ni nini? Ikiwa mimi ni mchochezi, basi turudi kizimbani. Serikali ya mseto imekuwa Serikali ya kusetiana. Hakuna mwendo mbele. Ombi langu ni kwamba vigogo hao waonyesha mfano bora, waongoze vizuri na wamewekwa hapo na Mungu. Ninataka waangalie wanyonge ili wasinyanyazwe na kukanyagwa, kwa sababu watakuja kujibu siku za kياما.

Bw. Naibu wa Spika, ninakubaliana sana na mawazo ambayo yalitolewa na mhe. Wetang’ula, kwamba kuna vipengele ambavyo haviingiani. Ugatuzi utaleta shida. Sura ya nchi italeta shida kubwa; lakini tumepewa nafasi kama Wabunge kukaa na kufikia maafikiano fulani ili kuonyesha Kenya inaelekea wapi, hasa kulingana na mpango wa maendeleo wa mwaka wa 2030. Tunawajibu, sisi kama viongozi, kutoa uongozi.

Bw. Naibu Spika wa Muda, ningefurahi kama Mzee Kibaki katika hotuba ya jana, kidogo angetaja mambo ya wakimbizi wa ndani. Waziri Mkuu amesema hapa kwa uchungu na hatumlaumu kwamba wale walioathirika wanyeshewe na mvua hii ya masika sasa, na hakuna anayejali kuyasema haya ndani ya Bunge. Yanasemwa kidogo kidogo kule vichochoroni. Tunataka tujue ni wangapi walibaki bila kupewa makao. Si hawa wa juzi tu. Hata kwangu katika mwaka wa 1978, Wakuria walifukuzwa kutoka Trans Mara. Hakuna anayejali maslahi yao katika Serikali yetu. Je, sisi viongozi ambao tumepata nafasi kuwa katika Bunge hili, tutayarekebisha vipi makosa haya? Tunaposhughulikia suala la kuratibisha katiba ya Kenya kwa kuangalia Miswada zaidi ya 25--- Tunatakikana tupitische kama Miswada 10 ili kuje kabla ya kuwa na uchaguzi. Tunaambiwa kwamba uchaguzi utafanyika chini ya miaka miwili ijayo. Wamesema kuwa uchaguzi ujao

utafanyika kama uliwekwa katika Katiba mpya. Walisahau kwamba bajeti ya Kenya inasomawa mwezi wa sita. Je, iwapo bajeti ya mwaka huu na ya mwaka wa kesho haitakuwa mwezi wa sita kwa sababu itakuwa transition, itakuwaje kwamba bajeti isomwe wakati sisi tuko likizoni, au isomwe na hakuna Mbunge wa kuirekesbisha ili Serikali iwe na hela za matumizi? Sisi tunapitisha Miswada tu bila kufikiria mambo fulani. Lakini hatuwezi kufikiria kwa sababu tumeweka vichwa kwa mchanga kama nungu. Lisemwalo lipo, na kama halipo laja.

Asante, Bw. Naibu Spika wa Muda.

Mr. Baiya: Thank you, Mr. Temporary Deputy Speaker, Sir for the chance to contribute to this Motion. I also want to join my colleagues in applauding the Address by His Excellency the President, which expounded quite clearly on the critical legislative agenda that this Session of Parliament must carry through in order for the country to see to the successful implementation of the reforms that were promised to the country by the passage of the new Constitution.

Mr. Temporary Deputy Speaker, Sir, the President's Address has set out clearly the pieces of legislation that really need to be passed. These legislations are also required to be so passed by the new Constitution. They will also help this country to address some of the challenges that we are faced with; indeed, bearing in mind the need to go through the electoral process, particularly in less than two years from now---

Mr. Temporary Deputy Speaker, Sir, it is also important that the President brought out quite clearly the present situation in the country. He noted about the economic performance last year and the achievement of the Government, particularly the growth of the Gross Domestic Product (GDP) since the year 2002. It has grown from less than Kshs1 trillion to about Kshs2.5 trillion. This is a significant achievement.

Mr. Temporary Deputy Speaker, looking at the situation in this country and the political situation, there is no doubt that, as others have said before me, we are faced with quite a big challenge as a country. In the first place, the ongoing inflationary pressure, especially from the oil prices, is something that was not foreseen as far as planners are concerned. This is seriously impacting on our growth prospects. It has also been alluded to this afternoon by the Prime Minister. Even though hopes have been expressed that the situation in the Middle East may settle quite fast, it is also good for us, as a country and as leaders, not to base our policies on the best case scenarios. Effective planning would require that we prepare ourselves even for the worst case scenarios. It is really farfetched to imagine that the crisis going on in the Middle East could be settled in a day. That would be too optimistic considering that the indications are quite clear.

Mr. Temporary Deputy Speaker, Sir, indeed, we are aware that the world is also going through an acute financial crisis, right from the most developed economies. Indeed, the events like the impact of the tsunami in Japan are also anticipated to produce a world financial crisis. We cannot really ignore these issues.

This brings me to the way we are handling out politics at the national level. It is important that I also go on record by expressing concern that we cannot imagine ourselves as leaders in trying to exercise what is our democratic right or to imagine that our system can withstand all manner of political grandstanding positions. Leaders are clearly making inflammatory statements against each other. When we look at it from the point of view of our needs as a country, we have many challenges that we are expected to address. Wananchi look upon the leaders to offer solutions to serious problems but it only

seems that we have the capacity to focus so much attention on issues about 2012 or even about the International Criminal Court (ICC) which in the nature of our interest are temporary distraction from our collective survival as a country.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Baiya, are you reading a speech?

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I am not reading a speech. I can even contribute to this Motion without even looking at this paper. I am saying that even ICC which has generated a lot of tension is an issue that our leaders could have handled much better than they have done. The main problem is that we had an opportunity to set up a tribunal. I was for the local tribunal, which unfortunately we failed to establish. When the ICC beckons to take over this matter, we are now rocked into a lot of controversy. The tragedy is that these matters end up hijacking the political focus of this country into what is not necessarily addressing our interest as a country. There is also a big danger that there are other foreign interests that are creeping in to more or less destabilize this country. If it is the ICC, we know for sure that as much as we would want end impunity in this country, we are aware that this is a court that has only dealt with cases emanating from Africa and part of Europe. What is so special about this region? It is only that there are forces out there who wish to use some of these institutions to stamp their authority among the weak regions. If you look at international politics, you know what has happened in a country like Iraq. We know the principles of Nuremberg and issues to do with weapons of mass destruction as a basis of attacking a country like Iraq. Some people committed crimes but they cannot find their way to the ICC. Those that are weaker are the ones who find themselves in the ICC. The ICC system is a global system that is not meant to uphold the interests of the nations that go there but for some global politics. It is true that we are not necessarily going to achieve our interest of long-term stability or dealing with impunity by going to the ICC.

Mr. Temporary Deputy Speaker, Sir, I take the case in terms of justice. We know through the history of this country how we have fared in terms of justice especially during the colonial system. In the 1950s during the struggle for Independence, Kenyans, especially from Central Kenya produced gallant fighters like Dedan Kimathi and others but the foreign interest saw them as terrorists. Eventually, they were arrested. Although they were heroes to this country, the foreign interests saw them as terrorists. They were tried and hanged. Curiously, even their bodies were hidden and their burial sites remain mysteries even today. The same thing happened during the trial of Mzee Jomo Kenyatta. We have people who confessed that they were paid to give false testimonies. That tells you that the justice systems have not been free from political interests. The same systems are the ones that we are seeking to expose our country to. I want to believe that it will only weaken our political institutions and compromise our independence as a country. If we believe in this country, we should support that we build strong institutions that can combat impunity effectively and punish those who will be tempted to commit crime later on.

With regards to the performance of the economy, the President's Speech was quite clear. It indicated how our economy grew to achieve a growth rate of 5.4 per cent. It is anticipated that that will continue if we carry out all the reforms through the various Bills. It is my strong sentiments that all these prospects will depend on how well we will manage our politics, reforms and the election process. It is still very important that the

leaders tone down on the political campaigns and try to focus more on our country's interest. I have noted with a lot of concern that very many Non-Government Organizations that exist in this country and the so-called donors do not even prefer to use the Government Ministries nowadays---

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

Mr. Baiya: Mr. Temporary Deputy Speaker, I beg to support the Motion.

The Minister for Development of Northern Kenya and Other Arid Areas (Mr. I.E. Mohamed): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Speech. The Speech touched on many issues especially the legislative agenda that is before this House during this Session. This country passed the Constitution on 4th August, 2010 and promulgated on 27th August, 2010 and up to now, seven months down the line, we are grappling with the issue of implementation. There are many issues which are outstanding as far as the implementation of the Constitution is concerned. This Parliament is up to the task because we were together when we passed the Constitution. I think we have been politicking a lot and we have not done as much as we are required. We owe it to Kenyans to fully implement this Constitution in readiness for the much talked about election of 2012 so that all the good things that we have foreseen for this country are put in place. I am surprised when I hear colleagues talk about going for elections and dissolving the Coalition Government and yet we have no system in place to do so.

We do not have the Independent Electoral and Boundaries Commission (IEBC). We do not have electoral laws. I hope in that within the timeframe set by Fifth Schedule, we should be able to pass the required laws, so that we can actually operationalize our Constitution.

The reason is because we have been pulling in different directions depending on which side you are. It is unfortunate that we have become so much polarized in the Grand Coalition. It is important that as leaders of this country, we put this country ahead of everything and push forward. The year 2012 will come and go, but things will depend on how we will put systems in place, so that we have peaceful, fair and free elections, as the President said in his Statement.

Mr. Temporary Deputy Speaker, Sir, if I see myself as Mohamud in that Constitution, I will not be able to pass it. Let us implement the Constitution for posterity and know that this Parliament will be remembered for what it will do. This Parliament has given this country a new Constitution, thanks to the Kenyans and the support we got. Let us take it further, so that it is properly implemented.

The Address talked about the legislation we have passed. It refers to the Alcoholic Drinks Control Act, which we were thanked for passing. I regret that His Excellency President refused to assent to the Indemnity Bill, which is very important and deals with big problems in this country. We are talking about alcohol control, but I think people have their senses and can control their alcohol behavior. But I think the crimes we committed against ourselves in this country--- That law should have been assented to. We still demand that the Government assents to that Bill. I hope that the Office of the Clerk of the National Assembly will bring it back here, we debate it and take it back to the Government.

Mr. Temporary Deputy Speaker, Sir, drought has been mentioned in passing in the Address. Drought is affecting this country and a disaster is looming. We are paying

lip service to it. The Address, and I quote, says, “Parts of this country are also experiencing prolonged drought, food shortage as well as lack of grazing pasture”. No mention is made of water. The biggest scarcity we have today is that of water. In fact, it is not the issue of food but the issue of water. We have scarcity of water and pasture for animals and, of course, food. I think we have not taken this matter seriously. We have paid lip service to it.

We held a meeting with the Ministry of Water and Irrigation and other stakeholders, and we were given some promises about what was going to be done. Unfortunately, nothing is in place. The rains have again delayed. Unless we, as a country, come out and do something, disaster is in the making and very soon, you might hear of deaths of people, not to mention those of animals which have already started dying. We would like to have a strategy for the short-term, so that we deal with this matter. A disaster must be declared. The Government has refused to declare a disaster! I do not know why we are not declaring it. We want this Government to declare it a disaster, so that others come in and help us deal with it.

Mr. Temporary Deputy Speaker, Sir, on the ICC debate that is in the country, it is very unfortunate that we have reduced the disaster in this country today to the ICC. We are not talking about a disaster like drought. We are making the ICC a disaster. It is not a disaster; we took ourselves to the ICC. We willingly referred ourselves to the ICC. It is not the United Nations (UN) which took us there; so, we cannot ask them to defer the cases. We took ourselves there; so, let us deal with it. Let us declare our interests. Let us get justice for the victims and fair trials for the people who are accused. It is important that we tone down on politics in this country. We should cool down, so that Kenya will survive after The Hague. Kenya will continue to be a country. It is our country and we have nowhere else to go. Let us put the temperatures down. Let us try to reduce the level of rhetoric, as somebody has mentioned. Let us stop reckless talk and deal with the matter maturely and soberly. We should not put it in a context that can turn our people against one another.

Mr. Temporary Deputy Speaker, Sir, many Bills have been listed here; I hope we, given the support of everybody, are up to the task. We hope we will not be derailed by a lot of side shows. There are a lot of side shows in this country, but we have a rare opportunity. The President, in his Address, talked about this House having the rare opportunity to participate in the enacting of laws. Indeed, it is a rare opportunity. This opportunity will never come again. We had the opportunity for the Constitution to be passed during our time. We have the opportunity to pass the laws that are required to make this Constitution operational. Let us not squander this opportunity. Let us focus on the Constitution. The year 2012 is not far away. Those of us who will be back, God knows; we do not care who becomes the President of this country. Any Kenyan from Turkana down to the Coast can be the President of this country. Let us put systems in place for Kenyans to have free and fair elections. Let us not be talking about individuals.

The Constitution is bigger than individuals. It is bigger than me and you. It is for Kenyans and for posterity. Let us live up to task as Kenyans; let us move forward and have the Constitution implemented for Kenyans.

With those remarks, I beg to support.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I have been here from 9.00 a.m. I only went out for a short break in the afternoon.

Mr. Temporary Deputy Speaker, Sir, I want to support this Address, which is like an outline the President was giving to guide us as we conduct our business, both here in Parliament and outside. I find the Address was okay. The only thing I find, as in all good written Addresses--- Kenyans have been able to write very good speeches. The only thing is lack of commitment to implementation.

The other things that I really expected to be highlighted in it are two issues. These are the issue of corruption and tribalism. The things we see being talked about as side shows and so on--- If you look at them very keenly, they appear to have roots in ethnicity. This is a national assembly. We come from various backgrounds and get here as leaders in the national assembly. We talk here very well, because we are guided by the Standing Orders but when we get out, we forget it. I think that is where we get into this awkward situation. That is why we are not able to even implement whatever is said here. It looks very easy but you find that when you get to this the commissions that were outlined on Page 11, the Independent Commissions Bill, Commission on Revenue Allocation, the Salaries and Remuneration Commission, the Kenya National Human Rights and Equality Commission and so on. I think the most critical one is number ten, which I think should be coming shortly. That is the Independent Electoral and Boundaries Commission Bill.

We saw what happened when we had the Interim Independent Boundaries Review Commission (IIBRC). Everything we looked at, we did so because of where we come from. That is why we were not able to get its recommendations implemented. I hope when it comes to the people to be appointed members, we will be looking at the people who would be appointed to some of these Commissions as Kenyans and not at where they come from. Otherwise, that is likely to derail things like the situation we are having at hand now; that is the issue of the Chief Justice, Attorney-General, the Director of Public Prosecutions and Director of Budget. We have spent so much time and the matter has not been solved. The clock is ticking very fast. We talk about less than two years to elections and we passed in this Constitution in, I think, August last year. If you count from August up to now, that is already more than seven months, and we have not been able to do anything towards getting these commissions in place.

Mr. Temporary Deputy Speaker, Sir, I think what is lacking amongst us is commitment. When we are talking of this business of security in the Bill here, there are security agencies here like the National Security Council Bill, the Police Service Commission Bill, the National Police Service, the Police Oversight Authority and private security.

I think these are very important and very urgent Bills. We must pass them in this Parliament, because if you look at the security of the country and the various times the Assistant Minister, Ministry of State for Provincial Administration and Internal Security has been answering Questions here, he has been able to give answers to all of them but he has not been able to provide what he mentions in his answers. He has not been able to provide vehicles for surveillance and increase the number of police officers. I think it is urgent that Members of Parliament put aside our own personal ethnic and individualistic views in order for us to be able to pass these important Bills.

Mr. Temporary Deputy Speaker, Sir, there has been a lot of talk about the ICC and the local tribunal. Sometimes I wonder; even the hon. Member who has just finished contributing – I think it is high time, through the Speaker's and the Clerk's offices, that

when such a matter is happening, we get copies of the HANSARD on the contribution of each Member put somewhere where they can be able to refer because maybe they find it difficult to refer to the HANSARD. I note that what people contributed when we were talking about the Hague issue and the ICC process is totally different from what they are now saying. They believe that nothing was recorded. I think that is what is causing us problems. I wonder why the Vice-President and Minister for Home Affairs has been spending so much money on shuttle diplomacy and when I pass Nakuru to Kericho, I see a lot of people still living in camps.

When we talk of somebody going to other countries to seek how they can defend the six, why can they not look the other side? If we are spending Kshs30 million on the suspects, we should also be able to spend Kshs30 million on the IDPs and even compensate those who died. We have been talking about the people who died in Kisumu and Kakamega, while Mbale which is a small area in my constituency has not been recorded whereas about 20 people were killed there on 30th December immediately after the announcement of the results of the elections of 2007. About 22 people were injured out of gunshots and there has been no compensation or talk about it. We have got people who came from other parts of the country to settle there and they are living with friends and relatives. Nobody is talking about their compensation. So, I think we are not being sincere.

Mr. Temporary Deputy Speaker, Sir, we are now talking about referral because deferral is a matter of postponing the problem. We are not saying that we want the referral right now, but until we have credible institutions in place to be able to deal with this matter. So, it is not a matter of changing positions like I heard it from the Press. Nobody is changing position.

Yesterday, the Speaker in his welcome Speech talked about the economy growing at the rate of about 6 per cent. The President in his Speech talked of 5.4 per cent. Today when the Prime Minister was giving the Statement on the current state of the national economy, he talked about the economy growing at about 6 per cent. The majority of us come from rural constituencies. There are few of us who come from cities like Nairobi and so on. I go to my constituency quite a lot and I have not seen the trickle-down effect of this so-called "growth". The Prime Minister talked about cushioning wananchi against price hikes and so on. I have not seen that. I have not seen the specific measures the Government has put in place to cushion wananchi against these price hikes. I have not seen what measures the Government has put in place for ordinary wananchi to benefit from this so-called "high growth rate of the economy".

So, if we just talk about what is happening in the stock market, where maybe there could be a few people who have kept a lot of money and they are able to speculate with it, then we think that is an indication of what the economy is, we are wrong. There are areas the Government needs to put in place and tell us specifically what they are doing to ensure that if there is a rise in the growth of the economy, wananchi are having direct benefit. If there are price hikes like the one that is taking place, and which is going to have a multiplier effect on the increase of prices in everything. Unfortunately because we do not have controls here, the people who deal in these stocks sell off commodities for household use and so on, take advantage. For one single shilling rise in fuel price, there is a 100 per cent increase in food commodities and so on.

With those few remarks, I beg to support.

Mr. Affey: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the President's Speech. It is quite clear that the President put a lot of emphasis on how he can fast-track the implementation of our Constitution. This is a good thing. It shows that the President is ready to provide leadership on this very important matter. Indeed, he has provided this leadership even before. For the President to use nearly three quarters of the time he spoke before his House emphasizing the Bills that are coming before this House and how it is important for us to implement this Constitution within the scheduled time, it is an important thing.

However, I was a bit taken aback in the manner in which the President referred to the current situation, particularly, to parts of the country that are affected by drought. There is a big problem that is confronting a big population of this country. I was surprised that the President or perhaps whoever assisted him to come up with this Speech could be very casual in the manner in which he spoke about the situation that we are facing in the northern part of Kenya and many other parts of Kenya that the drought is currently ravaging. I expected the President to have declared the drought a national disaster because we have been asking this many times. We have sent petitions to Government and visited Government offices including the Ministers', Prime Ministers' and the Vice-Presidents's offices. Many Members of Parliament have also had the opportunity to tour the northern part of Kenya and actually established that there was a real problem. It is unfortunate for the President to refuse to declare the drought a national disaster. I want to plead from the Floor of this House that this should be done as soon as possible.

Secondly, enough resources should be allocated to the Ministry of Water and Irrigation and other agencies on the ground for water tracking. We need food, but for us today, water is more important than food. So, I wish to plead with the Government and His Excellency the President to declare the drought a national disaster so that other agencies and groups can come in and supplement Government effort. Sometimes Government thinks if it declares the drought a national disaster, it is a weakness on the part of Government. It is not! It is a disaster, it is natural, it has befallen us and it is with us. So, if you declare it a national disaster, you will be giving an opportunity to potential donors to come in and support these communities and those who are most affected.

Mr. Temporary Deputy Speaker, Sir, the President said how proud he is that he was able to assent to certain Bills that this House actually approved. Particularly, he spoke about the Alcoholic Drinks Bill, which is an important Bill. But the Indemnity Bill, which this House, in its own wisdom more than one-and-a-half years, decided that it was a good law to remove from our statutes has been refused. I am glad that the Chair itself had an opportunity to contribute on this matter. We are now talking about post-election violence, but the mother and trouble of impunity started way back in the 1960s. We wanted this Bill to be removed from our statutes, so that, in fact, we can celebrate. Right now, we have a new Constitution and there are certain archaic laws, including this one, but the President just refuses, I think on wrong advice by none other than the Attorney-General--- We are happy that the Attorney-General is going. He should go so that we can get a more vibrant, active and sensitive Attorney-General that this country deserves.

Mr. Temporary Deputy Speaker, Sir, we are waiting to enact some of these Bills. I am interested in the Independent Electoral and Boundaries Commission Bill. We know the injustice that the Ligale Commission did. We said it here and people did not want to

listen. At least, now the country knows the truth. I hope that the new Commission, because it will be composed of Kenyans, who are alive to the fact that their predecessor Commission had actually squandered an important opportunity, will be now more sensitive and use the spirit and letter of the Constitution. It is not only the letter that is enough. In fact, the bulk of the usage of the new Constitution must be the spirit, because you cannot put everything in this document.

Mr. Temporary Deputy Speaker, Sir, I want to speak about the taskforce that is going round the country. Of course, they have announced to the country where they are going. They are speaking to the communities at the county headquarters. I hope that when they do a report, it will come to the Floor of this House, so that we can debate its contents. There is danger that it might be implemented without the benefit of the hon. Members debating it.

Mr. Temporary Deputy Speaker, Sir, there is talk about the International Criminal Court (ICC). This is an important matter, particularly what we are going through now as a country. I think for stability to prevail and Kenya to be a viable State, the most important thing we should focus on is national reconciliation and healing. An hon. Member said: "Initially, you wanted the Hague, why are you people complaining?" Yes, at the time when we were saying "let us go to the Hague", we did not have a new constitutional dispensation. In fact, I voted for "The Hague", then, later, after a new constitutional dispensation was realized, none other than the Chair himself, hon. Imanyara, brought a Bill to establish a local tribunal and I had an opportunity to support it. Once we have a reformed Judiciary, then we require to strengthen those institutions. What we are doing now is playing politics with a very important---

QUORUM

Mr. Njuguna: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am concerned about the quorum in the House, aware that this is a very important debate that affects the lives of Kenyans.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Members! I am sure His Excellency the President will be very disappointed by your lack of support for him. There is no quorum. Therefore, we have to adjourn the business of the House to tomorrow Thursday, 24th March, 2011 at 2.30 p.m.

The House rose at 5.40 p.m.