

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19<sup>th</sup> October, 2011

The House met at 9.00 a.m.

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

### PRAYERS

### NOTICE OF MOTION

#### ESTABLISHMENT OF SELECT COMMITTEE ON DEPRECIATION OF KENYA SHILLING

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, aware that Kenya is the East Africa's biggest economy and regional economic hub, noting that Kenya is facing a spike in inflation and her currency has plummeted to its weakest level and is now recorded as the continent's worst performer this year despite being fairly stable for the last four decades, concerned that the Central Bank of Kenya has maintained a "watch and see attitude" and has publicly admitted that it cannot control the currency slip citing that some commercial banks are holding foreign currencies and has asserted that the problem may persist for another six months, considering that the taskforce established by the Rt. Hon. Prime Minister to help stabilize the Shilling, the efforts by the Monetary Policy Committee and the interventions by Treasury have not succeeded in addressing the situation; aware that this depreciation trend has made many Kenyans and foreign investors incur massive losses and the cost of transacting business unduly expensive; this House resolves to constitute a Select Committee to comprehensively investigate the cause(s) of the drastic and steady decline of the Kenya Shilling against the foreign currencies and make recommendations on the way forward, and that the Committee shall comprise the following and shall table its report within sixty days of its appointment:-

1. Hon. Adan Keynan, MP
2. Hon. Charles Kilonzo, MP
3. Hon. Benjamin Langat, MP
4. Hon. Shakeel Shabir, MP
5. Hon. Peter Kiilu, MP
6. Hon. Moses Lessonet, MP
7. Hon. Emilio Kathuri, MP

8. Hon. Benedict Gunda, MP
9. Hon. Rachel Shebesh, MP
10. Hon. Shakila Abdalla, MP
11. Hon. Ntoitha M'Mithiaru, MP
12. Hon. Martin Ogindo, MP
13. Hon. Yusuf Chanzu, MP
14. Hon. (Dr.) Erastus Mureithi, MP
15. Hon. Abdul Bahari, MP

## QUESTIONS BY PRIVATE NOTICE

### DETENTION OF MSF WORKERS BY UGANDA SECURITY AGENCIES

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that two Kenyans (Messrs. Mussa Hassan Bulle and John Lodong), employees of MSF, Switzerland, were detained by Ugandan security agencies on 5<sup>th</sup> June, 2011?

(b) What reasons led to their detention?

(c) What measures has the Minister taken to secure their release?

**The Temporary Deputy Speaker** (Mr. Ethuro): Is the Minister for Foreign Affairs not here?

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I am aware that the Minister for Foreign Affairs is away because of what is happening between us and Somalia. He is unlikely to be here to answer this Question. I will request that you defer it to next week.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do appreciate the intervention by the Minister of State for Planning, National Development and Vision 2030 regarding the absence of the Minister for Foreign Affairs. We are all aware that he is out of the country, but the Ministry has an Assistant Minister and the matter I have raised is of concern to this country because it happened a few months ago. So, there is need for the Chair to direct that the Assistant Minister be available in the House to answer this Question in the absence of the Minister, or any other Minister for that matter, including the Minister of State for Planning, National Development and Vision 2030.

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, unfortunately, even the Assistant Minister is away! I promise to answer the Question next week on Tuesday, if they will not be available.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You are aware that we amended the Standing Orders to create the positions of Leader of Government Business and Deputy Leader of Government Business, so that there is always somebody sitting in the House specifically to take care of situations like these, so that we do not avoid collective responsibility of the Government under the guise that Ministers are out of the country. Is it in order for Ministers simply to stand up and say

that because one Minister or an Assistant Minister is away, Questions or the business of this House cannot be transacted?

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, that is why I am here; to just inform the House that, unfortunately, the two Ministers are not in. But I have requested that you give the Front Bench time. If they will not be available by the end of the day, I will answer the Question next week on Tuesday

**The Temporary Deputy Speaker** (Mr. Ethuro): The Question is not even before the House. Hon. Members are entitled to express themselves. The Chair is informed that the Assistant Minister was to be away. It is also aware that the Minister was to be away yesterday and not today. So, there is really no excuse why the Minister is not available. However, given the prevailing circumstances, I will take what the Minister has committed himself to. I would have deferred it until tomorrow, but it being a public holiday, let us give the Government up to Tuesday.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I appreciate your ruling. We accept it. However, I wish to inform the House that I am not even in receipt of a written answer from the Minister. Ordinarily, it should have come through their office.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Affey! How do you expect the answer when the Minister is not there?

Next Question!

#### NUMBER OF BAGS OF MAIZE TO BE HARVESTED IN 2011

**Dr. Otichilo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) How many bags of maize are estimated to be harvested during the 2011 long rains season?

(b) How many bags have the National Cereals and Produce Board (NCPB) projected to purchase during the period and how much money has been allocated for the purpose?

(c) What plans have been put in place to ensure that farmers are paid on the spot for deliveries to the Board and what action will the Ministry take to ensure that uncontrolled importation of maize does not create a glut in the local market?

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

(a) At least, 29.3 million 90-kilogramme bags of maize will be harvested over the 2011 long rains season.

(b) The NCPB has planned to purchase 1,053,000 90-kilogramme bags of maize at prevailing market prices of Kshs3,000 per bag worth Kshs3.1 billion of which 333,000 bags will be for the Strategic Grain Reserve (SGR) and 720,000 bags will be for commercial stocks.

(c) The NCPB has provided funds in advance to depots currently open to purchase maize and to ensure that farmers are paid cash on delivery. The country's maize balance sheet is being monitored on a monthly basis before the expiry of 31<sup>st</sup> December, 2011.

**Dr. Otichilo:** Mr. Temporary Deputy Speaker, Sir, first, I want to thank the Assistant Minister for a brief, but concise answer. However, why are we buying only one million

bags of maize when Kenyan farmers have done a good job and we expect to get 29 million bags? Why is the Ministry not buying adequate maize from the farmers given that our projected SGR is over eight million bags, but we are only buying 333,000 bags for the SGR?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, it is not really the Ministry of Agriculture that buys maize for the SGR; rather it is bought with the money given by the Ministry of State for Special Programmes to the NCPB. They were given---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ndambuki! You cannot run away from the responsibility of Government. When we come to this House, we expect answers. You may be the target Ministry, but you should also communicate within Government and get us the answer. The Chair cannot entertain the statement that the SGR is not for the Ministry of Agriculture and yet, your Permanent Secretary sits in the same Committee. So, at least, you ought to know.

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I said that the NCPB received Kshs950 million just a few days ago from the Ministry of State for Special Programmes to buy maize for the SGR. That is what they are doing. The NCPB will borrow Kshs2 billion from the Kenya Commercial Bank (KCB) to buy commercial maize which they will sell.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, the figures by the Assistant Minister for Agriculture simply do not add up. It is a declared policy by this Government to have SGR at eight million bags. The little they are buying now, is it part of the eight million bags or are we just about to fill that number? Our domestic consumption of maize currently is at 3.5 million bags per month. Looking at these figures, we are talking of just 10 per cent and that is exactly what the vulnerable ones, that is, the ones who rely on famine relief would require per month.

Basically, the Government is doing nothing and it is not prepared to buy the stocks and we are exposed again---

**The Temporary Deputy Speaker** (Mr. Ethuro): It is Question Time, Mr. Mututho! What is your Question?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, when is the Government going to meet its obligation in achieving the eight million bags for the SGR?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, currently, we have 2.2 million bags of maize in store. As I said, 333,000 bags are being purchased now. We have requested for more money from the Government. The money is coming in bits and once we get it we will be in a position to purchase the maize. For the commercial bit, the NCPB is borrowing the money.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it right for an Assistant Minister to say that they have applied for money from the Government? What are we talking about here? He has said that he is asking the Government to provide money! Where is he from? Is he not from the same Government?

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ndambuki! And more fundamentally, the SGR, at any one point, must be a combination of the commodity in actual bags or the value in money at any one time. So, when you talk of 2.3 million and

333,000 bags of maize, that is about 2.5 million bags of maize which is below the eight million bags required!

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, as a Ministry, we get an allocation. These monies are released by the Treasury in tranches. So far, we have received Kshs950 million. We are borrowing another Kshs2 billion so that we can continue purchasing maize at the moment. As I speak, the farmers' stock as at 30<sup>th</sup> September, 2011 stands at 8.3 million bags. The trader stocks are at 1.5 million bags; millers, 1.1 million bags; NCPB, 2 million bags; and the total number of bags at the end of September, 2011 is 13 million bags of maize.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, I can see that the Assistant Minister is struggling to answer this Question. If you go down the countryside, you will realize that at the moment schools are lacking maize to feed their students, which is very unfortunate. I recall well that Kshs10 billion was allocated for the purpose of purchasing maize this financial year. Where has this money gone?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, since the last financial year, the NCPB has not bought a single bag of maize for commercial purposes. They have just been buying maize for the SGR using the money from the Ministry of State for Special Programmes. Now, they have been given the authority by the trustees to go ahead and borrow---

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Assistant Minister say that since last year the NCPB has not bought a single bag of maize for commercial purposes. Is he in order to mislead the House when, indeed, we know that from previous presentations they have bought---

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Mututho! It is at the end of the last financial year and not last year.

Proceed!

**Mr. Mututho:** Is the Assistant Minister in order to continue running the NCPB as an entity, whereas he knows that not a single school can access any maize from the NCPB because it does not have any commercial stocks?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I totally agree that they do not have, but now, they have borrowed Kshs2 billion to buy commercial stocks which can be accessed by schools or any other person.

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, I hope the Assistant Minister is aware of what we went through early this year, when we were buying one bag of maize at over Kshs1,000. But now, since our farmers have been blessed and there is a bumper harvest in most parts of the country, what measures is the Government taking to buy all the maize from the farmers? At what price will the Government buy the maize because we have a feeling that, if the Government does not take appropriate action, farmers will be discouraged from farming next season?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I have said that, currently, the depots in the areas where harvesting is going on have received money from the NCPB. There will be prompt payment to those who will deliver maize. The maize will be bought at the current market price.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! We have taken a bit of time on this for understandable reasons. But we cannot really continue---

**Mr. Pesa:** On a point of order, Mr. Speaker, Sir. You heard me remind the Assistant Minister that Kshs10 billion was released by the Government to buy maize. Can he confirm or deny that fact because it is very important for this country? If that money has been used for other purposes, we want to know! If he cannot answer, then he should go back and consult with other Ministries so that he can come with a more comprehensive answer.

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I am not aware of any Kshs10 billion that has been released! But I am aware of Kshs950 million which has been released to buy the current harvest.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Since the answers to the supplementary questions are inviting more questions than solutions, I would order that this Question be deferred. Mr. Ndambuki, you have heard hon. Members. We do not really need to wait and run out of stocks and yet, food prices are going up; then we wait for a Committee of Parliament on the cost of living! We do not need to go through that route because the Government has the power and capacity to handle these issues. So, I defer this Question to Tuesday so that you can come with proper answers. You should do consultations within the Government so that you can give us the correct Government position.

*(Question deferred)*

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

**The Temporary Deputy Speaker** (Mr. Ethuro): What is it Dr. Otichilo! I have just directed that your Question be deferred!

**Dr. Otichilo:** Mr. Temporary Deputy Speaker, Sir, I want to thank you for your direction because I was not happy with the answer that the Assistant Minister has given. I would like him to conduct intensive consultations with the Ministry of State for Special Programmes, and Treasury, so that he comes up with a comprehensive answer. This is a very important matter!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Dr. Otichilo! You are just repeating what the Chair has already directed. Next Question, Mr. Yakub!

## ORAL ANSWERS TO QUESTIONS

*Question No.733*

NON-COMPLIANCE WITH COURT DIRECTIVE IN CIVIL CASE NO.711

**Mr. Yakub** asked the Attorney-General:-

(a) whether he is aware of the judgement delivered in Civil Case No.711 of 1992 in the Principal Magistrate's Court at Mombasa on 11<sup>th</sup> October, 1994 and the court's ruling in favour of the Plaintiff; and,

(b) what steps he has taken to ensure the directive from the court is complied with.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, I would like to inform you that I have not received a written reply.

**The Temporary Deputy Speaker** (Mr. Ethuro): Is the Attorney-General not here?

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I cannot see the Attorney-General around. I request that you defer this Question and the next one to a later time, so that we can give him more time. He might be on the way.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Once again, it is painful that I should be rising on a point of order to ask where the Ministers are, when they know that the business of the House is being transacted from 9.00 a.m. Is it in order for the Minister to direct you to defer a Question instead of providing a reason why nobody in the Government is prepared to answer the Question?

**The Temporary Deputy Speaker** (Mr. Ethuro): That is a fair point of order, but you should also not misrepresent the Minister! He did not direct the Chair! He requested the Chair! I agree with you on the second part that it is not enough to "request", hon. Minister, you need to give reasons why Ministers are not in the House!

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In fact, the Minister Mr. Imanyara is talking about is none other than the new Attorney-General. This is the Attorney-General who, just the other day, tried and succeeded in impressing the nominating panel that he was going to perform! This Parliament overwhelmingly approved him knowing that he was going to go out of his way to make sure that he does not repeat what Wako used to visit this House with. The new Constitution has also relieved him of the burden of appearing in court. So, he has time to come to this House! Yesterday, he did not come and we were told that he was enjoying lunch at State House. When he came late, he asked for two weeks. The Chair must send a clear warning to the new Attorney-General that this is the Parliament of the Republic of Kenya!

**Hon. Members:** *Sawa!*

**The Temporary Deputy Speaker** (Ethuro): Order, hon. Members! Hon. Ministers, it is not enough to say: "It is *sawa*". This House must be treated properly and responsibly by the Executive. While I may not agree entirely with all the sentiments of Dr. Khalwale on the new Attorney-General, my problem is to do with the leadership of the Government on the Front Bench that should ensure that Ministers are available to answer Questions in Parliament. Therefore, I direct that the Attorney-General needs to bring an appropriate apology to this House before he transacts any other business!

Next Question, Mr. Bahari!

*Question No.763*

LEVEL OF GIRL-CHILD ENROLMENT IN  
MARSABIT/ISIOLO COUNTIES

**The Temporary Deputy Speaker** (Ethuro): Is Mr. Bahari not here? Any indication of the whereabouts of Mr. Bahari? I will revisit the Question later. Next Question by hon. Member for Kieni!

*Question No.1136*

ALLOCATION OF MONEY TO MWEIGA  
PRIMARY SCHOOL

**Mr. Warugongo** asked the Minister for Education:-

(a) to state to the House how much money the Ministry has allocated to Mweiga Primary School since 2008 both for development and Free Primary Education respectively; and,

(b) whether he could provide details of all development projects that were earmarked for implementation since 2008 and indicate whether the same were fully implemented?

**Mr. Warugongo:** Mr. Temporary Deputy Speaker, Sir, I do not have a written reply.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Minister for Education! Mr. Oparanya, do you have any mandate from the Leader of Government Business to represent him.

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): It is collective responsibility!

Mr. Temporary Deputy Speaker, Sir, unfortunately, I do not see the Minister and his two Assistant Ministers. I do not have an answer as to why they are not here. But I request that you also defer the Question until the second round.

**Mr. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. From the experience we had yesterday, Questions by hon. Members who were not in the House were dropped by the Chair. If the Chair drops Questions when hon. Members are not in and no action is taken when Ministers are away, we need guidance from the Chair.

**The Temporary Deputy Speaker** (Mr. Ethuro): The action to be taken can only come from you! The Chair can only direct. You know the Standing Orders. So, invoke the relevant Standing Order. The Chair will be more than glad to support you on actions against the Ministers for gross misconduct! We wait for second round.

Next Question by the Member for Yatta!

*Question No. 885*

RECRUITMENT OF PROFESSIONALS INTO  
KENYA PRISON SERVICE FROM OUTSIDE

**Mr. C. Kilonzo** asked the Vice President and Minister for Home Affairs:-



(a) what justification the Kenya Prison Service had to recruit professionals from outside into the service despite having officers with the same qualifications within its ranks,

(b) why the Prison Service changed their earlier signal dated 13th May, 2010 requesting serving professionals to apply; and,

(c) whether he could provide a list of all the serving officers who applied for the jobs, indicating their respective academic and professional qualifications as well as similar details of those who were recruited from outside the service.

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

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

Hon. Minister, I just said that if you really had the mandate, it also means that you work on the front to make sure that you know the Questions. The Ministers are supposed to answer the Questions. If you determine they are not around, it is your responsibility to look for them. That is what it means. It is not just your responsibility to come and say “second round”.

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, in the meantime, I will look for them. I promise!

**The Temporary Deputy Speaker** (Mr. Ethuro): Well done!

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is the fourth time. Last week, it was deferred, it was brought in today. It appears that the Government is putting its business out there, leaving its priority to the business of this House. It seems it has become a habit of the Government.

Mr. Temporary Deputy Speaker, Sir, since I have the answer here, is there any Minister willing to read it? If they are not willing, you can allow one of my good friends to read for me---

*(Laughter)*

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

**Mr. C. Kilonzo:** Hon. Imanyara is very ready! I did request hon. Ndambuki and even the Minister himself. This is a straightforward answer.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. C. Kilonzo! The Chair would like to take you seriously. You were doing well until you made some suggestions you also know are unattainable. The Back Bench is not responsible for the answers to this House. That is the job of the Executive. However, the hon. Minister of State for Planning, National Development and Vision 2030, in the earlier Question, said he did not have the answer and that if there was an answer he could answer it. Now that there is an answer provided by hon. C. Kilonzo, maybe, you may wish to take the offer to answer in the next round.

Next Question, hon. Millie Odhiambo-Mabona!

*Question No.967*

MANDATE OF FILM CLASSIFICATION BOARD

Next Question the Member for---

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

**The Temporary Deputy Speaker** (Mr. Ethuro): What is it hon. George Khaniri?

**The Assistant Minister for Information and Communications** (Mr. Khaniri): Thank you, Mr. Temporary Deputy Speaker, Sir. I want it to be on record that I am here ready to answer hon. Millie Odhiambo's Question right on time.

It is important that you make it clear that also Members of Parliament have a responsibility to this House. Once you file a Question, it is important that you avail yourself to come and ask your Questions, because we go through so much trouble to look for these answers. Therefore, the sanctions that you are imposing on Ministers, when they do not avail themselves to answer Questions must also apply to Members of Parliament, who are not here to ask Questions.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): What is it hon. Imanyara?

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that he goes into a lot of trouble to search for answers when he is paid specifically to provide answers to this House?

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I support my good friend, hon. Imanyara. Is the Assistant Minister in order to say that he goes into a lot of trouble while we know very well that the responsibility of an Assistant Minister in this country is not to make any decision, but to come and read the answer which has been prepared by somebody else? Where does the trouble come in?

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, do you have a response?

**The Assistant Minister for Information and Communications** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, hon. C. Kilonzo is doing his second term in this House. He has not had an opportunity or the privilege to be an Assistant Minister before. Therefore, he cannot talk about what he does not understand! I know my responsibilities. So, I want him to know that my office is a constitutional office!

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

**The Temporary Deputy Speaker** (Mr. Ethuro): What is it, hon. C. Kilonzo?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to purport that I have not had the opportunity to be an Assistant Minister when I do not go for half things, but full things?

*(Laughter)*

Maybe he is proud to be in Government! Those are things I was offered and I declined. I would go for full Minister! He is a professional Assistant Minister!

*(Laughter)*

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

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Temporary Deputy Speaker** (Mr. Ethuro): Relax hon. Assistant Minister! In any case, we are running late!

The debate on the role of Assistant Ministers cannot be exhausted during Question Time. It is an ongoing debate. However, I just want to comment that first, really, maybe the use of the words “going into a lot of trouble” may be misapplied in this case. While I appreciate your earlier statement that you took responsibility and you have come ready to answer, I wish to commend you. But maybe, the words “going into trouble” are an exaggeration to the extent that it is actually your responsibility.

Secondly, hon. C. Kilonzo does not have to be an Assistant Minister to appreciate the role of an Assistant Minister. There are many experts out there who comment on matters on the basis of their specialized knowledge, not on the basis of practice. All the things that hon. C. Kilonzo actually said about the job of the Assistant Minister are correct and the Chair knows that. At least, I have served two terms. So, you should not take it from him. But let us proceed.

The House appreciates your readiness to answer the Question. Of course, you know the fate that meets a Member when he or she is not available to the House, we drop the Question. But given that we have allowed the Ministers leeway, the Chair would also allow Members leeway in terms of a second round of the Question.

Next Question by the hon. Kiuna! The Minister has indicated to the Chair that he will not be available and has concurred with the Member. So, the Question is deferred to Tuesday, next week.

*Question No.1018*

WILDLIFE MENACE IN LARE

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Ethuro): The second Question by the hon. Dr. Kones is not also possible, because the hon. Member is on a parliamentary business outside the country.

*Question No.1057*

STALLED WORKS AT

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Ethuro): So, next Question by the Member for Mandera East!

*Question No.1157*

RESTRICTIONS ON CHARTERED  
FLIGHTS TO NEP

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

(a) whether he is aware of the many restrictions on chartered flights to North Eastern Province,

(b) why passengers are required to produce IDs/passports when travelling to and from North Eastern Province on domestic flights; and,

(c) what measures he will take to stop the discrimination and ensure flights are allowed to operate normally in the region without restrictions.

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

(a) I am not aware that there are restrictions on chartered flights to North Eastern Province. However, I am aware that flights flying to and from North Eastern, Upper Eastern, Upper Rift Valley and North Coast are required to obtain clearance certificate from police headquarters for purposes of national security and safety of passengers on board.

These areas are within regions which border countries with, or experiencing instability problems. These restrictions are meant to forestall vulnerability to acts of terrorism, external aggression and human trafficking. The clearance certificate is issued free of charge and is effective for three months.

(b) Most flights flying to and from North Eastern province originate from Somalia and land in Wajir Airport where they undergo security screening before they are allowed to proceed to JKIA, or Wilson Airport. The purpose of such screening include amongst other things to:-

1. Verify identity of each person entering Kenya from Somalia or leaving Kenya for Somalia.
2. Identify possible refugees trying to sneak into the country without formal registration as refugees.
3. Check on contents of luggage to ensure no explosives or dangerous cargoes are loaded into the planes. Detect imposters and ensure visitors allowed into the country are not a threat to security and forestall terrorist threats by people allied to *Al-Shabaab* and *Al-Qaeda*.
4. Profile suspects who may be on security watch due to their terrorist activities or their alliance with terrorist groups.

Generally, Mr. Temporary Deputy Speaker, Sir, identity cards and passports are checked by Immigrations Officers to identify and confirm persons flying with any aircraft. Such checks are meant to ensure safety of all persons flying in an aircraft, the safety of our air space and the country. The security checks undertaken on passengers and aircraft are mandatory, in accordance with international safety standards, and are not discriminative in any way at all.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. M.H. Ali:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am not quite happy with the Assistant Minister's answer, because whereas in part "a" of the answer he says that he is not aware, he is again admitting in the body of the answer that the same is applied.

Secondly, Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is talking about flights from Somalia. I am not interested in flights from Somalia. All I am interested in, and want answers for, is flights from Kenya to north eastern; that is if north eastern is not part of Kenya. There are flights from Nairobi, or from Wajir, to Mandera and back to Nairobi. These are local or domestic flights. This is all I am interested in and not flights to or from Somalia. What I know is that if I have to travel to Mandera and there are chartered flights, I must produce an identity card or a passport at Wilson Airport. Am I not a Kenyan? Am I not entitled to travel? Because when I am travelling to Kisumu, Eldoret, Kitale or even to Lodwar, nobody asks for an identity card. I have also travelled to north coast and nobody asked me for an identity card.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to my brother, Mr. M.H. Ali, is he in order to mislead the House? In an effort to give us even more security – including us when we are going to Kakamega by flight – we are asked to produce our identity cards before we are given tickets.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, this is a serious matter; it is a matter of national security---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! I appreciate your point of order, Dr. Khalwale, but let us give the Front Bench an opportunity to respond to the hon. Member before we can appreciate your sentiments.

**Mr. M.H. Ali:** Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me. I think the identity card--- The document requested at the airport is very different. When somebody has got an e-ticket and he or she is told to identify himself or herself, that is a different matter all together. What I am worried, or concerned about is a police officer; not an Immigration Officer, not the airline agent, asking me for the identity card. Are we in a different country? This is my question and I want the Assistant Minister to come out clean. Please, do not even bring the issue of Somalia flights to Kenya; I am not interested in Somalia flights.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I do sympathize with the hon. Member, who is also a good friend of mine.

Mr. Temporary Deputy Speaker, Sir, I want him to listen to me very carefully. One, I will never compromise on security; I will never compromise on the security of a Kenyan. I will never. You can ask somebody to avail an identity card to check whether it

belongs to hon. M.H. Ali; even if you were to ask that particular question to Ojode, who is in charge of internal security, I would produce it for the following reasons: one, I want him to go to Wajir and come back alive. Number two---

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

Mr. Temporary Deputy Speaker, Sir, can you protect me?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, hon. Members!

The Assistant Minister is giving reasons why you should produce an identity card! Just listen to him!

Proceed, Mr. Assistant Minister!

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

What is it, hon. Duale?

**Mr. Duale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This Assistant Minister must abide by the Constitution and by the rule of law. Article 39 is on freedom of movement and residence and we must follow the Constitution. It says: "Every person has a right to freedom of movement within the country."

Mr. Temporary Deputy Speaker, Sir, it is only the people of northern Kenya who are required to produce an identity card when they want to fly. Is it in order to contravene the Constitution?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order! Order, hon. Duale! That is an argument. Hon. Members, let us be patient. We know what is happening in our country. The Assistant Minister is giving reasons; let us challenge the reasons, but you cannot just rise in order to put up an argument.

Proceed, Assistant Minister.

**Mr. Ojode:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to say this; that restrictions and requirements will still be there and I am not going to remove those restrictions for purposes of maintaining safety in the concerned places.

Number two, Mr. Temporary Deputy Speaker, Sir, you are aware of what is going on; this is like a big animal with a tail in Somalia. We are still fighting the tail while the head is resting here in Eastleigh.

Mr. Temporary Deputy Speaker, Sir---

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! What is it, hon. Keynan?

**Mr. Keynan:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to go on record that the issue of the security of the Republic of Kenya cannot be compromised. Is it in order for the Assistant Minister to trivialize the issue of the identity cards when we know that the very reason he has put requirement is for it to act as a toll station to enable him collect money for corrupt purposes?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order! Relax, hon. Keynan!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, Assistant Minister! Actually, the Chair agrees with the hon. Members. In any case, how do you go for the tail and leave the head, if you know where the head is?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I would have thought that my colleagues would support our initiatives to bring safety.

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

Mr. Temporary Deputy Speaker, Sir, just protect me, so that I can finish.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Yes, Mr. Affey

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a serious matter; it is, indeed, a grave matter. It is about the security of this country and the Assistant Minister cannot afford to make it trivial. Is he in order to impute improper motives on the hon. Members of this House by suggesting that we are not supporting the initiative of the Government to maintain law and order in this country? Can he withdraw and apologize?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you are aware of what is happening now within our borders. I was just saying that those restrictions will remain in place for purposes of achieving the safety which we require. I am not, in any way, going to remove those restrictions. The restrictions are good for Kenyans; the restrictions are good for them and even for hon. M.H. Ali; they enable him to come back to Nairobi alive. Again, I would request that all my colleagues support this initiative. I will never compromise on anything to do with security.

Mr. Temporary Deputy Speaker, Sir, I also want to announce here that after the Somalia raid, we are going to do a mother of all operations in Nairobi here in order to get rid of *Al-Shabaab*, *Al-Qaeda* and all those people who are creating chaos in Kenya; I am going to do it here in Nairobi.

*(Applause)*

Then, Mr. Temporary Deputy Speaker, Sir, I would also request that my colleagues stand by us and support our initiative to let Nairobians sleep in peace. I know for sure that when we do operations, there will be some discomfort. Yes, the discomfort will be there, but for just one or two weeks. Then the rest will be living in happiness.

Thank you, Mr. Temporary Deputy Speaker, Sir.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! I want to entertain valid questions rather than points of order.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Assistant Minister for the efforts the Government is making to ensure that people flying to those parts of the country do so in safety. Because it has succeeded, could the Assistant Minister answer two aspects of my concerns namely; how are you going to help Kenyans of Somali origin who do not have IDs so that they are not unfairly treated?

The second arm of my concern is that, because it has succeeded with flights, are you considering introducing the same measure on buses so that people traveling by bus are equally secure?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, that is a good question. Already when coming from these areas in buses, people must be vetted. The vetting is for purposes of identifying whether we are bringing in *Al Shabaab* or any other person who is suspicious. This is going to be good for our country. I have ordered the police that all buses plying the route of Upper Eastern and Upper Rift Valley and even *matatus* have their passengers vetted.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members!

Assistant Minister, you are basically agreeing with the hon. Member that you are being discriminatory. If this country is at war, then you cannot afford to apply those measures to particular areas and regions. Apply them across the board! That is the only thing the Chair can accept.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if it is for a just course, I do not think there will be discrimination.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, in part “b” of the answer given by the Assistant Minister, he claims that most of these flights that ply to or from north eastern originate from Somalia. I want to believe that the Kenya-Somalia border is closed. How do you allow flights from Somalia to land in Kenya?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the hon. Member knows that we have porous borders. There are those who come in and allege that they have refugee status. Those are some of the *panya* routes we want to seal. In the course of crossing into the country, they find their way to Nairobi and other towns. That is why we are keeping those restrictions in order to eliminate the intentions of these people.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister must get very serious. I indulge the Chair that the people of northern Kenya voted 98 per cent for this Constitution. The Assistant Minister cannot use the war on *Al Shabaab* to discriminate against the people of northern Kenya.

Mr. Temporary Deputy Speaker, Sir, you, many Members of this House and I fly to Malindi, Eldoret and Mombasa and you are not asked for ID cards. As much as we support the Government and the Assistant Minister in the war on *Al Shabaab*, we will not allow the Assistant Minister to say in this House that under this period he is going to apply a discriminatory law on the people of northern Kenya.

Section 30 of this Constitution does not allow that. Section 39(3) says:-

“Every citizen has the right to enter, remain in and reside anywhere in Kenya”.

We support the war in Somalia but this should not be used to discriminate our people. Does the Constitution allow what the Assistant Minister is doing when people from northern Kenya fly from Nairobi to Mandera and Garissa?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the same Constitution he is referring to which says that he has the right to live as any other Kenyan also says that I have to protect his property. I am within the law to protect him from any aggressors, his property and let him live in peace.

(Applause)



**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Let us be orderly! I know this is a grave matter. However, Mr. Duale from where you read, I do not think the Assistant Minister has prevented anybody from leaving or entering. They have just imposed some restrictions which have not barred entry or exit.

**Mr. Olago:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): You cannot inform anybody!

Mr. C. Kilonzo, please, proceed!

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, this matter is apparently serious. It is only that it is pitting Members of Parliament from northern Kenya *vis-a-vis* Members of Parliament from other parts of the country. However, the Assistant Minister has taken this matter very lightly.

I as a Member of the Departmental Committee on Defence and Foreign Relations, we looked at the names and the people who were involved in the bombings in Uganda, the majority were people from upcountry; from Central and Nyanza. Therefore, if you are not going to ask for an ID from someone flying from Kisumu to Nairobi who could be an *Al-Shabaab*, is it not discriminatory to ask somebody flying from northern Kenya to provide it?

The Assistant Minister has confirmed that the head is in Eastleigh. When that head is flying from Eastleigh to go and bomb Kampala, he is not asking for the ID. Is that not discriminatory? Could the Assistant Minister truly come out? If it is a matter of ID, let everybody produce an ID. I want to be comfortable when I am flying from Nairobi to Mombasa. I do not want to fly with the head from Eastleigh without an ID. Let everybody, including myself, produce an ID not a particular ---

Mr. Temporary Deputy Speaker, Sir, you will indulge me. I had a personal experience in 1994 with my own wife, traveling from Garissa in a bus. She was wearing a *bui bui* because it was dusty. She did not have an ID, but what saved me was Kikamba. Is that not discriminatory? Those people who were not Kambas and did not have IDs were left on the road. The Assistant Minister should take this matter very seriously.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I really enjoy the sentiments from my colleagues. However, we should also realize that we are talking about the security of this country. I have not denied anybody free movement---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister! The Chair cannot allow long-winded answers. The question is specific!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I have just insisted that we have to know the person who is travelling by asking for his or her identity. Identity can be done through a passport, ID and other ways.

I would also want to---

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The problem with our good friend here is that he takes matters very lightly. The question here is; is it not discriminatory to ask IDs from people from a particular area who are travelling? If it is a matter of national security, let everybody produce an identification document. Do not target the Somalis only!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if he were to wait for two minutes, I would answer that.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister! That is the kind of time that the House does not have. So go straight to the answer!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, even my colleague knows that we do not discriminate while asking for IDs. In fact, the police on the street can stop anybody and ask them to produce their IDs. This happens even in Kisumu, Ndhiwa or Mombasa. They do that everywhere. Therefore, we are not discriminating.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is unfortunate that the Assistant Minister has veered off the concern of Mr. Hussein, by going into issues that are currently happening and which, as Kenyans, we all support. But we, hon. Members, have been victims of those flights, particularly the ones coming from Somalia. It is important that the Assistant Minister knows that. Flights that come from Somalia - according to his answer - first land in Wajir Airport. Now, Wajir is part of Kenya; it is not in the Somalia territory. Now, Wajir has Immigration Officers and police officers. We allow them to check every passenger coming into our airspace and land in Wajir because Wajir Airport is as good as Jomo Kenyatta International Airport. What happens is that, after they do that in Wajir, we, the residents of Wajir are allowed to board those flights. We pay because there are no ordinary flights that go to Wajir and Mandera. When you get to JKIA, as hon. Members, Mr. Elmi and I will confirm, they take you to the terminal for foreigners as though an international flight has arrived. They do not consider the fact that the flight has already been checked and passengers have been screened in the Kenyan territory of Wajir. Why do we have to be screened again – and that is how the element of discrimination comes in – after we have been screened in Wajir? I was once a victim. Together with all the foreigners who were actually screened, we were kept in a certain corner and checked again. After I protested, even those Kenyans from Wajir were allowed exit into the City. Why must you allow that to happen at both Wajir and JKIA, if it is not discrimination? If it is not, could you check on it and correct that imbalance?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, let me say this: One, the restrictions will still be there. For the purposes of his safety, we have to give restrictions; we have to vet those who are coming and those who are boarding the planes. We are not going to discriminate.

*(Applause)*

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

**The Temporary Deputy Speaker (Mr. Ethuro):** Hon. Members, you have allowed this--- You can only ventilate in a Motion and not in a Question. You can re-introduce the matter in that format.

*(Mr. Musyoka entered the Chamber)*

*(Several hon. members continued standing in their places)*

Hon. Members, the Acting Leader of Government Business has done a good job and brought the Substantive Leader of Government Business from a meeting. He needs to answer a Question and I think we should not squander that good opportunity for the Government to react to your concerns.

**Mr. M.H. Ali:** Mr. Temporary Deputy Speaker, Sir, I wish hon. Members of this House to appreciate that we support the Kenyan effort to make sure that all Kenyans are safe in Kenya. This Question as raised here has nothing to do with the security measures taken by the Government. We support the security measures taken by our Government to protect our citizens. This is just a matter of harassment and which also borders on corruption.

**The Temporary Deputy Speaker** (Mr. Ethuro): Question!

**Mr. M.H. Ali:** Mr. Temporary Deputy Speaker, Sir, my question is: If the Assistant Minister is interested in keeping the security of this country in top gear, we support that, but when will he stop those discriminatory restrictions in the northern part of this country?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if you go through the Question itself, it borders on security matters. Indeed, I am happy to say here that the Questioner and I did travel to Mexico some time back. Not only did they ask us to give them our passports, but he was forced to even remove his belt because we were going to board a flight to Mexico; which is another country. Those are the restrictions they have put and we also have ours in order to have safety and live in peace. So, there is no discrimination there! We do not discriminate and we will not discriminate, but security cannot be compromised.

**The Temporary Deputy Speaker** (Mr. Ethuro): We will go back to Question 885 by Mr. C. Kilonzo.

*Question No.885*

RECRUITMENT OF PROFESSIONALS  
INTO KENYA PRISONS SERVICE  
FROM OUTSIDE

**Mr. C. Kilonzo** asked the Vice-President and Minister for Home Affairs:-

(a) what justification the Kenya Prisons Service had to recruit professionals from outside into the service despite having officers with the same qualifications within its ranks;

(b) why the Prisons Service had to change their earlier signal dated 13th May, 2010 requesting serving professionals to apply; and,

(c) whether he could provide a list of all the serving officers who applied for the jobs, indicating their respective academic and professional qualifications as well as similar details of those who were recruited from outside the service.

Mr. Temporary Deputy Speaker, Sir, I am asking this Question for the second time!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, even as I beg to reply, I want to apologize for the fact that this Question has been on the Order Paper for quite a while and, at some stage, I sought the indulgence of Mr. C. Kilonzo. I want to thank Mr. Oparanya for trying to get to me, but I was actually watching the proceedings on the television. I need to beg the

indulgence of this House because by 9.00 a.m. I was supposed to open an international conference on tourism. I am sure we all know how important this is at this particular time when the country is facing some of these challenges. So, I had to seek the indulgence of Mr. Balala to rush to the House, answer this Question and then rush back to KICC to open the conference. That is how serious I take the business of the house.

With that, Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry recruited professionals from outside Prisons Service due to a shortage of professional expertise in the service to meet the demands of the ongoing reform programme. Additional officers were, therefore, required to enhance the professional capacity of the service. Serving officers with similar qualifications acquired prior to or after the recruitment are eligible to apply for re-designation, promotion or upgrading, subject to the authority of the Public Service Commission (PSC).

(b) A preliminary signal communication dated 13<sup>th</sup> May, 2010 was corrected following consultations with all the relevant Government agencies, where it was advised that the envisaged recruitment exercise was restricted to direct entry candidates. Nevertheless, the Ministry recognizes officers who have independently taken their own initiative and made the sacrifice to attain higher educational and professional qualifications. I am sure you know that, even as I speak, many prisoners - leave alone serving officers - are busy doing national examinations. A few others joined the department as warders, but failed to declare that they possessed higher qualifications such as university degrees. Such officers usually receive priority consideration for promotion and many have recently been upgraded to chief officer ranks. The Ministry has also made a skills inventory of all officers and it shows that officers continue to attain diploma, certificate and degree qualifications. Those officers will be considered for upgrading once our authorized establishment is expanded.

(c) The list of all the serving officers who applied for the jobs as well as the details of officers recruited from outside the service is hereby provided. I beg to present this list together with the Question.

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

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I wish to thank the Vice-President and Minister for Home Affairs for the answer. But my question to him is this: Does that not demoralize officers who are more qualified, have experience and are professionals in the service, when they see professionals with lesser experience within the Prison Service come in directly and get better services and they are denied that opportunity? He should answer that bearing in mind that it is the Prison Service that had a strike. I do not know whether to call it a strike or a mutiny - just barely few months ago.

**Mr. Musyoka:** Mr. Temporary Deputy Speaker, Sir, when I came to the Ministry, indeed, the service was - I must accept - demoralized and, as a result, a mutiny took place. That was a very painful thing because those are men and women bearing arms. However, since then - and you have the freedom to check with the Commissioner for Prisons - you will appreciate the fact that, in the last few months, we have had so many of them promoted to the next ranks, chief officers and others. I want to confirm that the morale in the Prisons Service at the moment is very high.

Those with degree qualifications are getting priority when it comes to promotion but I can assure you that the morale in the Prison Service right now is at its highest. We hope we can continue with this spirit even as we seek to deepen the prison reforms that were initially started by the then Vice-President and Minister for Home Affairs; hon. Moody Awori. We have now taken those reforms very seriously to the next level.

Thank you.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Mr. K. Kilonzo!

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, it is one thing to assure the House and another to deliver. This Question is in this House on behalf of those professionals who felt that they were left out. In order to encourage people to continue with studies in order for them to improve in service delivery, could the Vice-President and Minister for Home Affairs assure this House and the affected officers that the Government will ensure that the welfare and the opportunities they were denied will be availed to them at the shortest opportunity possible?

**Mr. Musyoka:** Mr. Temporary Deputy Speaker, Sir, indeed, the answer is a very firm “yes” but, of course, we have to work within the established practice under the Public Service Commission (PSC). Even the Commissioner of Prisons joined the Service at a grade which was not acceptable, and my Permanent Secretary (PS) wrote to the PSC to ensure that the matter is dealt with. However, I want to assure this House that the welfare of those men and women servicing in the Prison Service is being taken care of because they do a very important job. As I said, in addition to the fact that they are equally trained, we will go out of our way to ensure that they are not left behind when it comes to promotion on merit.

Of course, recently, all our members of the National Defence Forces were very well treated. The Prison Service is dealing with correctional services. I want to thank the Chief Justice because I have seen his statement, where he talked about inmates. These are people who are being taken care of by our serving prison officers. Therefore, their morale is important. As I said the other day, in an answer to another Question there is in place the housing and the rapid results initiative. We are doing the best we can to get rid of bucket toilets. When I was in the university, I went to visit a relative at Nairobi Remand Prison, and officers were using bucket toilets.

Mr. Temporary Deputy Speaker, Sir, I think the Member for Imenti Central might know this, because I think his father himself had something to do with these things.

**Mr. Imanyara:**---(Inaudible)

**Mr. Musyoka:** Yes, of course, when I was at the university. Believe me, even when I took over, the bucket toilets were there but we have since gotten rid of them.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Vice-President and Minister for Home Affairs was my year-mate and classmate at the university. I am surprised that even as the Vice-President and Minister for Home Affairs, he has not taken the trouble to visit prisons. He can only talk about his days in the university and going to see inmates. Is it in order for him to trivialise these matters in this way?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Imanyara!

**Mr. Musyoka:** Mr. Temporary Deputy Speaker, Sir, my learned friend did not even take the trouble to listen to what I was saying. I have even visited Meru Prison, which is in his home county. Out there, they are doing fantastic things, including

development of a biogas system. The point I was stressing is that we have now gotten rid of bucket toilets. We have even made sure that inmates are now given toilet papers. Hon. Members will be surprised to know that until very recently, inmates had to cut pieces of the blankets that were supplied to them for use as toilet paper. All these things have since changed because this is time for change. Therefore, I want to assure the Member of Parliament for Yatta and, indeed, the whole House, that we are very serious about prison reforms and the welfare of serving officers.

Thank you.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, we will follow the sequence of our events.

Yes, hon. John Pesa.

*Question No.1176*

NUMBER OF TOWNS/MUNICIPALITIES WITH  
FUNCTIONAL SEWER FACILITIES

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

(a) whether he could provide a list of towns/municipalities in the country with a population of more than 90,000 residents, indicating their respective populations and regions;

(b) how many towns have functional sewerage facilities; and,

(c) when the Ministry will construct a sewerage system in Migori Municipality.

**The Temporary Deputy Speaker** (Mr. Ethuro): Deputy Prime Minister and Minister for Local Government.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, again, it looks like there is nobody from the Office of the Deputy Prime Minister and Ministry of Local Government. I would, therefore, request the Chair to defer this Question to Tuesday next week. I will make sure that the Minister comes to answer the Question.

**The Temporary Deputy Speaker** (Mr. Ethuro): Why is he not here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have been here with you. You can give me time to check, so that I can give you a feedback.

**The Temporary Deputy Speaker** (Mr. Ethuro): Why can you not check as hon. Oparanya did?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will do so.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, let us go through the second round of the Questions.

Yes, hon. Yakubu.

**Mr. Yakubu:** Mr. Temporary Deputy Speaker, Sir, before I ask the Question for the second time, I would like to inform you that I have not received a copy of the written reply.

*Question No.733*

NON-COMPLIANCE WITH COURT ORDER  
IN CIVIL CASE NO.711

**Mr. Yakub** asked the Attorney General:-

(a) whether he is aware of the judgement delivered in Civil Case No.711 of 1992 in the Principal Magistrate's Court at Mombasa on 11<sup>th</sup> October, 1994 and the court's ruling in favour of the plaintiff; and,

(b) what steps he has taken to ensure that the court's directive is complied with.

**The Attorney-General** (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, first, I want to apologise to you and the House as I was not here when the Question was first asked. I was trying to finalise a Bill which needs to be published by mid-day today. I want to assure you, Mr. Temporary Deputy Speaker, Sir, of my highest consideration of the House and its Members.

Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware of this judgement---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Attorney-General! The Questioner does not have a copy of the written answer. Do you have an extra copy?

**The Attorney-General** (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, the reason is because this Question was previously answered by my predecessor, the hon. Amos Wako, on 23<sup>rd</sup> May, 2011, but I undertake to provide a copy of the answer.

**The Temporary Deputy Speaker** (Mr. Ethuro): What is your reaction, Mr. Yakubu?

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, it would be better if he could make a copy of the written answer, so that I can go for it.

**The Temporary Deputy Speaker** (Mr. Ethuro): So, do we postpone the Question?

**Mr. Yakub:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Attorney-General** (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I will be happy, with your permission, to answer this Question on Tuesday, and I provide a copy of the written answer to the hon. Member.

**Mr. Yakub:** I am much obliged, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Question is deferred to Tuesday next week.

*(Question deferred)*

Next Question, the Member for Naivasha!

*Question No.920*

STATUS OF PEV CASES

**Mr. Mututho** asked the Attorney General:-

(a) how many cases relating to the 2007/2008 Post-Election Violence (PEV) have been investigated and forwarded to the Attorney General with recommendations to prosecute, how many have been successfully prosecuted and what the status of each case is;

(b) what measures are in place to fast-track all investigations and prosecutions relating to PEV before the 2012 General Elections; and,

(c) what legal measures have been put in place for the protection of witnesses involved in the ICC investigations.

**The Attorney-General** (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I would like to seek your indulgence that I provide an answer to this Question next week, the reason being that the material required to answer this Question is available only to the Director of Public Prosecutions. Hon. Members will remember that, that office became an independent office in the middle of this year, and all these files are available there. At the same time, the Witness Protection Board is an independent body, and I will seek to get an answer from them. If you permit me, I will be happy to answer this Question on Tuesday.

**The Temporary Deputy Speaker** (Mr. Ethuro): What is your reaction, Mr. Mututho?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I have no difficulty in waiting until next week. Indeed, I would wish him to have ten days because I have waited for five months for the answer. So, he may have ten days, so that he gives an answer which will be acceptable.

**The Temporary Deputy Speaker** (Mr. Ethuro): Given that I have deferred many Questions to Tuesday, can I suggest that you bring the answer on Thursday, hon. Attorney-General? The hon. Member is also for an additional ten days, anyway.

**Mr. Mututho:**---(Inaudible)

**The Temporary Deputy Speaker** (Mr. Ethuro): Do you want it answered on the Tuesday of the other week?

**Mr. Mututho:** Yes!

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Attorney-General, you are even luckier. So, we will put it on the Order Paper for Tuesday after next week.

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, hon. Bahari is away on Parliamentary business. Therefore, the next Question will be deferred until he comes back.

*Question No.763*

LEVEL OF GIRL-CHILD ENROLMENT IN MARSABIT/ISIOLO COUNTIES

*(Question deferred)*



*Question No.1136*

ALLOCATION OF MONEY TO MWEIGA PRIMARY SCHOOL

**Mr. Warugongo** asked the Minister for Education:-

(a) how much money the Ministry has allocated to Mweiga Primary School since 2008 both for development and Free Primary Education respectively; and,

(b) whether he could provide details of all development projects that were earmarked for implementation since 2008 and indicate whether the same were fully implemented.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, I will not like to organize the Government. However, I think we should create space for the Ministers responsible for answering Questions.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, may I, first, apologize for coming late.

However, I beg to reply.

(a) The Ministry has allocated a total of Kshs2,490,600 for development through the School Infrastructure Improvement Programme; Kshs1,501,236 for Free Primary Education and Kshs184,260 for support to most vulnerable children and early childhood development to Mweiga Primary School.

(b) The school did not have a clear development plan and the specific projects earmarked for the implementation. The infrastructure funds were, therefore, used arbitrarily and without following the laid down procedures and guidelines.

The details and status of all projects undertaken by the school since 2008, most of which were not fully implemented, are as follows:

On 21<sup>st</sup> February, 2008 the Ministry disbursed Kshs400,000 to the school and it was used for purchase of 70 desks, 48 metal doors and completion of classrooms.

On 11<sup>th</sup> July, 2008, the Ministry gave the school Kshs1.4 million which was used for construction of two eight door toilet blocks for boys and girls; one gate, 65 desks, two doors for classrooms and general maintenance. Out of the allocated amount, Kshs500,000 could not be accounted for.

On the same day, 11<sup>th</sup> July, 2008, the Ministry gave the school Kshs200,000, which cannot be accounted for.

In the same year, the Ministry gave the school Kshs320,000 which was supposed to be used for purchase of 130 desks and repair of desks at semi-permanent classrooms.

In 2009, the school was given Kshs490,000 for construction of administrative block which was not completed. Iron sheets worth Kshs64,250 meant for this project were allegedly stolen.

In the course of our assessment and audit of the school projects, it was found out that a total of Kshs700,000, which I have actually indicated there already being part of the funds allocated to the school, could not be properly accounted for. The Ministry has initiated the process to follow up the matter.

**Mr. Warugongo:** Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for giving us an elaborate answer owing to the position of money allocated to

this school. However, I would like to inform this House that the school has 736 students who are using only eight toilets as we talk now.

It has got three classrooms which could collapse any time now. The staffroom is also in bad shape. I want the Assistant Minister to tell us what action he is taking to recover the lost or unaccounted for money which belongs to that school.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, the issue is very challenging to the Ministry since the head teacher who was running the school has since retired. But we are following up the issues with the officers who cleared them at retirement while they had not accounted for the Government money properly. We shall look into ways of having the money recovered. The Ministry is following up the issue as I have indicated there. It is a fairly challenging task, but something will be done.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that this school does not have a development plan and that is why the money was misused. What criteria do they use when they are giving infrastructure funds if a school has no development plan? Do they just give money arbitrarily to a school? What criteria do you use to give schools infrastructure fund?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, in the case programme of the Ministry of Education some districts were selected for the regular infrastructure funding. The district in which this school is one of those earmarked districts to benefit from this kitty. Some committee members were trained on how to come up with development plans and also how to use infrastructure funds if they received them. They were well trained, but unfortunately, when they gave the Ministry their requisition, they received the money, but the money was not used as such. This school fell in those districts which had been selected by the Ministry for that programme.

**Mr. Mwadeghu:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister explain to this Parliament how come that there was a programme on infrastructural funds for the Ministry of Education primary schools and they disbursed the funds in the first instance, then they have stopped disbursing the funds after saying they will continue for two, three, four years? Why have they stopped disbursing funds to certain primary schools?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, the Ministry has not stopped disbursement of the infrastructure funds programme for schools. However, we give the infrastructure money when funds are availed to us. In the last financial year, the money which was supposed to be used for infrastructure funds was passed in this Parliament through Supplementary Budget for alleviation of famine and drought in other parts of the county that were affected. So, we did not have money to give out to schools for infrastructure support.

**Mr. Warugongo:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister arrange to send some emergency funds from his Ministry at least to construct or finish the classrooms and the toilets for the children?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, we have given this school quite a lot of money which cannot be accounted for. We still have to ensure that the school management committee and leadership which we have to change now can handle the money which the Ministry gives it. But in the meantime, we also have CDF which could also help the school.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, you said the responsible head teacher was retired. You have also said the SMC has been changed. Then there is no reason why you cannot give money to the new ones as you investigate those old cases.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, we shall look into options of giving it additional support, but I also would like to request the MP that there is also CDF which has emergency support which can also be used to support the school.

**The Temporary Deputy Speaker** (Mr. Ethuro): The other Question was by hon. Odhiambo-Mabona. The Chair has indication that she is away on parliamentary business. Apologies to the Minister! We will have the Question when she comes back.

*Question No.967*

MANDATE OF FILM CLASSIFICATION BOARD

*(Question deferred)*

*Question No.1176*

NUMBER OF TOWNS/MUNICIPALITIES WITH  
FUNCTIONAL SEWER FACILITIES

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

(a) whether he could provide a list of towns/municipalities in the country with a population of more than 90,000 residents, indicating their respective populations and regions;

(b) how many towns have functional sewerage facilities; and,

(c) when the Ministry will construct a sewerage system in Migori Municipality.

Mr. Temporary Deputy Speaker, Sir, I do not have a written answer to the Question.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, first of all, let me apologize to the House because we should have responded to this Question earlier. My colleague who was designated to respond to the Question may have been held up somewhere. So, I had to rush in when I realized he had not arrived. I really apologize to the House for this.

I beg to reply.

(a) I wish to table a list of all the towns and municipalities that have a population of more than 90,000 residents according to the 2009 Population Census.

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

(b) The following towns have functional sewerage facilities, namely, Nairobi, Mombasa, Kisumu, Nakuru, Eldoret, Meru, Embu, Nyeri, Muranga, Bungoma, Thika, Kisii, Machakos, Mavoko and Kakamega.

(c) My Ministry has no immediate plans to construct a sewerage system in Migori Municipality because the function was transferred to the Ministry of Water and Irrigation. Currently, my Ministry does not have any budgetary provision for this function.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for that answer because it is important for the people of Migori. However, he is a friend of Migori and I know that this Friday, he is coming to Migori to hand over a bus park which has been constructed by the Ministry. I want to thank him and tell him to feel welcome. Whereas he has said that this is going to be done by the counties, I would urge him to talk to the relevant agent, namely, the Lake Victoria Water Project, to hasten putting up this facility in Migori. The population in Migori has now grown to an extent that it cannot do without a sewerage system. I know the Ministry may not have the money, but the Lake Victoria Water Project has money donated, which is meant for some municipalities, including Migori. If they can work together, maybe they can fast-track this project, so that the people of Migori benefit from these funds.

**Mr. Mudavadi:** Mr. Temporary Deputy Speaker, Sir, the concerns of the Member are very valid. Indeed, the issues of sewerage and water used to be functions of the local authorities until the Water Act came into place. However, it may be important for the House to know that the Constitution which we passed is now transferring back these functions to the county governments.

However, I will take up the challenge that the Member has brought up that we collaborate with the Ministry of Water and Irrigation to look at Migori in terms of sewerage even in planning stages. We need to start looking at it on a forward plan basis, so that even when the county governments take over, it will have the ability to continue with those programmes.

I wish to confirm that I will be happy to be with the Member in Migori on Friday. I will take the opportunity to reiterate what I have said here to the people of Migori.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Ogindo, this seems to be a fairly straightforward matter and we should conclude it.

**Mr. Ogindo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to even make it more straightforward. I want to thank the Minister for that answer. Similarly, the Homa Bay sewerage system which has been operating in the past has stalled. There have been various attempts to resuscitate it. Could the Minister make an undertaking that he will consult with his colleagues to ensure that the Homa Bay sewerage system is also undertaken?

**The Temporary Deputy Speaker** (Mr. Ethuro): I do not know how straight that can be than Migori.

**Mr. Mudavadi:** Mr. Temporary Deputy Speaker, Sir, I will be glad take it up as well.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, we shall solve the rest with the Minister when he comes to Migori.

**The Temporary Deputy Speaker** (Mr. Ethuro): Well done. That is the end of Question Time.

Next Order!

**The Minister for Medical Services** (Prof. Anyang'-Ny'ong'o): Mr. Temporary Deputy Speaker, Sir, let me apologize that I was not in the House yesterday to deliver this Statement as was agreed. I apologize to the Member for Juja who was here and expected me to do so. Today, I am ready.

This Statement regards the deaths of four children at Thika Level 5 Hospital between 4<sup>th</sup> and 6<sup>th</sup> August, this year. The Member for Juja, hon. Kabogo, requested a Ministerial Statement on the deaths of four children at the Thika Level 5 Hospital between 5<sup>th</sup> and 6<sup>th</sup> August this year. I am further aware---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! Since you were late yesterday and I know the Member is around the building on another matter that is coming up, if there was another Statement, I would request your indulgence that you allow it to be made first while we look for the Member. It would only be better.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have a Statement which was sought by hon. Simam. Apparently, she called me and said that she would want the Statement to be delivered next week on Wednesday in the morning, although I am ready with the Statement. So, it is the discretion of the Chair to decide.

**The Temporary Deputy Speaker** (Mr. Ethuro): Let us do it on Wednesday morning next week. That has just allowed the Member for Juja to come in. Proceed, Minister!

## MINISTERIAL STATEMENT

### DEATH OF CHILDREN AT THIKA LEVEL FIVE HOSPITAL

**The Minister for Medical Services** (Prof. Anyang'-Ny'ong'o): Mr. Temporary Deputy Speaker, Sir, hon. Kabogo has now come in with apologies. I was saying that I am further aware of media reports of 5<sup>th</sup> and 6<sup>th</sup> August this year alleging that six children died at the Thika Level 5 Hospital due to lack of oxygen. I would like to take this opportunity to state the facts concerning the matter.

The children who died between 5<sup>th</sup> and 6<sup>th</sup> August, this year, the period specified by hon. Kabogo, were actually three. Their names are the late Fidelis Wanjiru aged 11 days; the late Salome Njoki aged 11 months and the late Lydia Wangui aged 8 months. A fourth child by the name Ann Mumbwa aged 13 years died in the week but this was earlier on 4<sup>th</sup> August, 2011, at 2.30 p.m.

I will now explain the circumstances surrounding each of these four deaths. Fidelis Wanjiru, the 11 day old baby, was admitted to the hospital on 1<sup>st</sup> August, 2011. She presented with complaints of refusing to breastfeed and difficulty in breathing for a period of two days. On examination, she was found to have sunken eyes, a low skin pinch and respiratory distress. Diagnosis of neo-natal sepsis and severe dehydration was made. She was put on oxygen therapy and medication. She was also fed on breast milk via a cup and spoon. Her condition did not improve much and on 5<sup>th</sup> August, 2011, unfortunately, she developed difficulties in breathing and her condition deteriorated. She passed on at 5.45 a.m. despite efforts to resuscitate her. Medical staff in the ward gave her cause of death as neo-natal sepsis.

Mr. Temporary Deputy Speaker, Sir, on the late Salome Njoki Mwaura, aged seven months, was first admitted to the hospital on 16<sup>th</sup> July, 2011. She presented complaints of vomiting, diarrhoea and severe dehydration. A diagnosis of severe dehydration and pneumonia was made. She was treated and discharged on 23<sup>rd</sup> July, 2011. Salome was readmitted to hospital on 28<sup>th</sup> July, 2011. She presented complaints of vomiting, diarrhoea and difficulty in breathing. On examination, she was found to be conscious but sick-looking, weak, dehydrated, with mild anaemia and sunken eyes. A diagnosis of severe pneumonia and meningitis was made. Salome was put on oxygen therapy and medication. However, on 1<sup>st</sup> August, 2011, Salome had an episode of convulsions and for the next three days, she was put on additional medication, including second line anti-meningitis. However, on 5<sup>th</sup> August 2011, Salome's condition deteriorated and she started gasping. Resuscitation was done but it was unsuccessful and she passed on at 6.30 a.m., that day. Medical staff in the ward gave the cause of death as severe pneumonia and meningitis.

Mr. Temporary Deputy Speaker, Sir, on the late Lydia Wangui, who was eight months old, was admitted to the hospital on 22<sup>nd</sup> July 2011. She was presented with complaints of diarrhoea and refusal to eat for four days prior to admission. On examination, she was found to be weak, dehydrated and with sunken eyes. A diagnosis of severe dehydration and malnutrition was made. Treatment was started immediately. Between 22<sup>nd</sup> and 25<sup>th</sup> July 2011, Lydia was put on IV fluids and antibiotics. She was put on oxygen therapy on 26<sup>th</sup> July, 2011 after she started coughing and grunting. While in the ward, Lydia was found to have meningitis which was confirmed through a lumbar puncture and she was put on appropriate medication. Lydia convulsed. She was given medication to calm her down and then continued the antibiotics and feeding. She was also started on Vitamin D. However, on the 5<sup>th</sup> of August 2011, Lydia's condition deteriorated. Resuscitation was initiated but was unsuccessful and she passed on at 7.45 a.m. Medical staff in the ward gave the cause of death as meningitis.

Mr. Temporary Deputy Speaker, Sir, on Anne Wambua, 13 years old was admitted to the hospital on 3<sup>rd</sup> August 2011. She presented with complaints of fever, fatigue, palpitation and difficulty in breathing for a period of 14 days prior to admission. On examination, Anne was found to be sick-looking, weak, grunting and difficulty in breathing. She also had central cyanosis; that is, having blue tongue, evidence of poor oxygen circulation and moderate pneumonia. A number of investigations were done, including full haemogram, blood grouping and cross matching, liver function test and blood culture. A diagnosis of infective endocarditis, rheumatic heart disease with moderate anaemia was made. Anne died on 4<sup>th</sup> August, 2011 at 2.30 p.m. while undergoing investigations and treatment. Medical staff in the ward gave the cause of death as infective endocarditis rheumatic heart disease and moderate anaemia.

Mr. Temporary Deputy Speaker, Sir, I would like to state that before the media allegations, the Medical Superintendent of the Hospital had already reported the deaths to the Director of Medical Services, as normally required which report was followed by media allegations that the four children died---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Minister! I hope you are concluding.

**The Minister for Medical Services** (Prof. Anyang-Nyong'o): I am concluding.

This report was followed by media allegations that the four children had died from lack of oxygen. Immediately after the report, senior health officials and others from the Medical Practitioners and Dentists Board immediately visited Thinka Level 5 Hospital to determine whether the deaths had occurred due to lack of oxygen. For the purpose of ensuring objectivity in the investigations, the Ministry requested the Medical Practitioners and Dentists Board, which is the corporate body that regulates the professional conduct of doctors, to take the lead in determining whether hospital staff had caused the deaths. Officials from the Medical Practitioners and Dentists Board and the Ministry examined treatment records for the four babies. They also recorded statements from hospital workers who were involved in the management of the patients. They further recorded a statement from one patient as others did not turn up, despite being invited to come forward.

Mr. Temporary Deputy Speaker, Sir, the findings, as I conclude, are the following:

One, that the Medical Practitioners and Dentists Board found that the children did not die from lack of oxygen or professional negligence, but from the severity of their illnesses as described above. Therefore, the Ministry of Medical Services regrets the deaths of the four children, which occurred due to unavoidable circumstances despite the efforts of health workers to save their lives. The health workers in the country are working under very difficult conditions to care for patients within their professional mandate. We wish to advise the House and members of the public that treatment for children under five years is free in public hospitals, and anybody charging children is doing an illegal thing. We, therefore, urge parents and guardians to take advantage of this facility and present their children for treatment in good time to avoid complications and death. Quite often people go to hospitals when it is rather late and when it is only God who can come to our help. We can try to treat but God heals.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, let me thank the Minister for that Statement, although it has been long overdue. You have heard that the Minister has put very technical language in that report, making it very difficult for a layman like myself, to challenge any of the facts he has made. I would wish that he kindly tables the report that was done by the Medical Practitioners and Dentists Board.

Secondly, when we visited the hospital with the hon. Beth Mugo, there were allegations that these children were left under the care of trainee doctors. So, it will be important for the Minister to comment on that matter and to also clarify whether he himself, as the Minister for Medical Services, is satisfied with the condition that the Thika Level 5 Hospital is in, where you find very sick young children, of even two weeks old, piled up on one bed, three or four of them suffering from different illnesses.

Mr. Temporary Deputy Speaker, Sir, thirdly, on the issue of lack of oxygen, when we visited the hospital, there was one almost empty container of oxygen. What is the Ministry doing to make sure that this sensitive ward has all the necessary equipment in place to be able to cater for these very vulnerable children?

Thank you.

**The Temporary Deputy Speaker (Mr. Ethuro):** Mr. Minister, just take one more from Dr. Khalwale, so that you can respond to them at the same time.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the Minister has admitted that he is aware that our hospitals are in deplorable conditions. I just have two little points. One, obviously, if he is aware of that, he must be rolling out a masterplan of how to upgrade our hospitals. If you are so doing, what is the policy in terms of identifying the hospitals that will benefit? That is because it is of great concern to us, as leaders of this country that, after the good services in Nairobi and putting up yet another hospital which I understand is called Mama Lucy Hospital; you have again decided to engage development partners, so that you can build a Kshs3.5 billion referral hospital in Nyeri. In view of the super highway from Nairobi, Thika up to that place, why do you not take that Kshs3.5 billion to another part of the country, so that, that part of the country can have referral facilities?

Mr. Temporary Deputy Speaker, Sir, finally, could the Minister tell us what he is doing to attract medical professionals? That is because we train doctors and nurses in this country and, because the Minister is unable to pay them, we lose them to other countries like Botswana, even Britain and the United States of America.

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

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

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I wish I could have a bank from which I can pay doctors but, unfortunately, it is the Treasury which releases money to all Government Ministries. But let me address these issues---

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to trivialize my concern by suggesting that I meant he should pay them from his bank account? I know that Prof. Anyang'-Nyong'o has a family which he is taking care of. I was saying that he should approach the Cabinet and ensure that the welfare of medical personnel is taken care of. My doctors do not want you to pay them a salary. You cannot afford paying my colleagues. You can only afford our bills, maybe.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Khalwale, you have made your point!

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, if the HANSARD is referred to, it will be discovered that hon. Khalwale actually said: "This Minister has failed to pay them." That is in the HANSARD already and what I was referring to. That was the statement that he made right in front of me, unless I have some hearing problems; which I do not.

Mr. Temporary Deputy Speaker, Sir, I think hon. Kabogo has raised some very fundamental issues regarding the state of the hospital in Thika. As hon. Kabogo has demanded, I will table the report of the Medical Practitioners and Dentists Board which is contained in the letter they have written to the Medical Superintendent at the hospital. I think hon. Kabogo needs to go into the details to see what the Board did.

*(Prof. Anyang'-Nyong'o laid the document on the Table)*



**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, if that is the position, then should we not be giving hon. Kabogo time in which---

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Not really, Mr. Temporary Deputy Speaker, Sir. This is because most of the issues that---

**The Temporary Deputy Speaker** (Mr. Imanyara): Just a moment, please. Hon. Kabogo, were you seeking the tabling of the Statement in order to get time to study it because of the language in it or what was the purpose?

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, you are right. That was just to give me an insight of what it is the Board said, so that I could interrogate the Minister's Statement. So, if you kindly rule that I peruse through it in a few minutes.

**The Temporary Deputy Speaker** (Mr. Imanyara): The Minister agreed with you that you raised very important points that are contained in that Report. If that is the case, Mr. Minister, should we not be taking these clarifications at another time, so that you can handle all of them at the same time?

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, please, allow me this. I have addressed most of the issues that are in that Report in the answer that I have already read, and which has been given to the hon. Member. I am doing it in the spirit of transparency because I would not like to hide anything from him. I assure him that most of the issues that I have read in the Statement are actually from that Report. So, it is just like giving him an annex to my Statement. Both of us should be concerned about the improvement of the condition of the hospital and the service therein. So, hon. Kabogo and I can always get together and go through these things and understand them. I think that, that is the spirit in which I am giving that Report.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to combine hon. Khalwale's question with that of hon. Kabogo. Hon. Kabogo said that, at the Thika Level Five District Hospital, you will find three or four kids in one bed. That is not only at Thika Level Five Hospitals but in many other hospitals in this country. The reason is that over the last 25 years, we have not invested effectively in the medical delivery system in this country. Most of those hospitals were built in 1936. For example, the Old Nyanza General Hospital and Nyeri Provincial Government Hospital were formerly military barracks and not much has really been done to improve the infrastructure therein. In terms of modern healthcare delivery, those structures are not really suitable for modern technology and the way healthcare is delivered today. Given that, and recognizing that the infrastructure, equipment and so on, is inadequate, over the last three years, we have done a complete baseline survey of the Ministry in terms of infrastructure, equipment and human resources.

Mr. Temporary Deputy Speaker, Sir, I have said this year in this House that, that Report is being discussed and once is ready, I will bring it here to Parliament as a strategic plan. We have determined that the Government of Kenya needs not less than Kshs85 billion over the next three to five years to rehabilitate and revamp our hospitals and deliver healthcare as, indeed, is required by the Constitution, Vision 2030 and modern healthcare. If we do that, then we shall be able to do away with that problem. It is a shame to find people suffering from various diseases being lumped in one bed. But that is just the tip of the iceberg. The much more important thing is that we do not have

adequate diagnostic services in many of our hospitals. Dr. Khalwale knows that without proper diagnosis, there is no medical science. No healthcare can be delivered. So, my emphasis has been that, while we are trying to modernize our health systems, let us improve diagnostic services in all our hospitals. In that regard, with the little money that we have, especially from the development partners, we do try to identify certain hospitals every year to begin rehabilitation. That job of rehabilitating hospitals goes on all the time. At the moment, we have finished about 23 and are starting another 25 very soon using development partners. Those are major rehabilitation projects going on and are done in almost every province in the hospitals that we choose. Thika District Hospital is one of the hospitals where we have really tried our best to rehabilitate and build new structures.

Mr. Temporary Deputy Speaker, Sir, second to that is management systems in hospitals. Indeed, you can have equipment and diagnostic services, but if you do not have proper management and attitude in the hospitals, then you are doing very little. That is another thing we are working on. But let me answer hon. Kabogo's second question. What we are doing at the moment is not to depend on buying oxygen cylinders from BOC. We are trying to make sure that in all our Level Five hospitals, we manufacture or make oxygen on site. I think Thika is one of those that are going to be the beneficiaries of that. I assure you that in this case, the investigation done by the Medical Practitioners Board revealed that there was no lack of oxygen at Thika District Level Five Hospital on that day. Once we have oxygen manufactured in every hospital and piped to all the wards, then we shall prevent or avoid the crisis that we sometime have---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Minister! I am sorry I have to interrupt you. We must commence the business of the House. So, you have two minutes!

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, hon. Khalwale's other question was the fact that we are building a modern hospital in Nyeri, we have put up Mama Lucy Hospital here and we are not doing it elsewhere. It is true that we have done them. But that does not mean that we are not going to do it elsewhere. As I speak today, if you go to Kisii Level Five District Hospital, you will find that it is completely modernized. The same applies to Kericho, Migori and Meru district hospitals. We have built a brand new eye hospital in Kitale and so, nationally, we are trying to distribute our modernization system as far as we can.

We are also trying, together with the development partners, to have all our referral hospitals by next year with some kind of resources at the provincial level. That will put them at the same level as what we are trying to do in Nyeri. However, that depends on whether our public/private partnership project works when the money becomes available.

**Mr. Kabogo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have just quickly perused through the Report. There are about 15 recommendations on various cases in this Report. Could the Minister undertake that those recommendations will be adhered to and, in fact, implemented?

**The Temporary Deputy Speaker** (Mr. Imanyara): Indeed, he said that that is a matter you and him can follow up on afterwards after you get the Report.

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, just a commitment to the House because it is a matter for this House.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, Mr. Kabogo is right. I give him my commitment and that of the

Ministry. The very reason why the medical practitioners went there was with Terms of Reference (TOR) given by us that they make recommendations to improve service delivery at the Thika District Level V Hospital. Those recommendations will be implemented.

## MOTION

### ADOPTION OF REPORT OF COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON FAMILIARIZATION TOUR OF KENYA EMBASSY IN SOMALIA

THAT, this House adopts the report of the Departmental Committee on Defence and Foreign relations on the Familiarization Visit to Kenya Embassy in Somalia laid on the Table of the House on Tuesday May 3, 2011.

*(Mr. Keynan 18.10.2011)*

*(Resumption of Debate interrupted on 18.10.2011)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Chairman of the Departmental Committee on Defence and Foreign Relations, you had just begun and so you have 55 minutes!

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, this Motion is coming at a time after we have had a heated debate on a certain Question that has had an overlapping effect on the same. The issue of security or any issue that touches on the national security of the Republic of Kenya is an issue that all of us regardless of our regions, religion, or party affiliation, we must all jealously guard. To this extent, we must at all times not trivialize very important and sensitive issue like the security of the Republic of Kenya.

One of the reasons why Kenya as a premier nation has a lot of stake in the peace and stability of not only Somalia, but also the whole region is because Kenya as a leading nation has the moral duty to lead from the front. This means providing leadership as a very responsible member of the United Nations (UN), African Union (AU), IGAD, East African Community (EAC) and COMESA. As a result of being a member of this regional block and the international organization, Kenya has gained reputation as a diplomatic, communication, infrastructural, security, humanitarian, and economic hub of not only East Africa, but also in the whole of East, Central, Horn of Africa and Southern Africa. As a country, we must defend this very important perspective of the Republic of Kenya.

Mr. Temporary Deputy Speaker, Sir, before I proceed, on behalf of the Members of the Departmental Committee on Defence and Foreign Relations and my own behalf, I would like to send condolences from the Floor to the five gallant sons of the Republic of Kenya who were serving in the Kenya Defence Forces and who lost their lives in pursuit of criminal gangs who were hell bent to cause mayhem along the Kenya/Somalia border. Even with the slightest differences in opinion, this is a matter nobody should fail to appreciate. We must appreciate the unique role performed by our Armed Forces and other security agents. To this extent, we should also not use historical stereotypes. We are all familiar with the making of the Republic of Kenya. It is not by mistake. It is not our

choice that we have communities that live along the border. We have communities that live along the borders of Lake Victoria. They have linguistic similarities and even general features. The same is true at our border with Ethiopia in Turkana; and also at the Mandera/Wajir/ Garissa border with Somalia. This is part of our national heritage.

Last year, I want hon. Ojode to listen to this very carefully. A number of Kenyans were sent to Uganda. I do not want to prejudice the Report which is about to come. However, out of the 13 who were sent to Uganda, only one was a Somali. That gives you an idea that when *Mungiki* is found in Turkana, nobody has the audacity to say that all the members of the Kikuyu Community are members or sympathizers of *Mungiki*. Therefore, we have to deal with organized crimes if we have to deal with criminals. Criminal responsibility is an individual phenomenon. Nobody should be allowed in the Republic of Kenya under the guise of whatever law to insinuate any bad motive on any particular community. This is because the war against terrorism requires all of us to rally behind our flag and that we jealously protect the sovereignty of the Republic of Kenya. This cannot be debated. This is not negotiable. It is something all of us have sworn to do. All of us have said that we will protect our country.

Therefore, the issue of requiring travelers to produce identification documents is an international phenomenon. When the Minister in charge of internal security attempted to respond to that particular aspect, the obvious answer would have been that this is an IATA requirement. Therefore, what we should guard against is anything that will infringe on the civil liberties of individuals. Asking one to identify themselves at any entry point, in my opinion, is legitimate. It is right for as long as it is done properly. Indeed, it is an international requirement. It does not matter which nationality you come from, because if you travel anywhere, that is a requirement.

However, that notwithstanding, we must also be conscious of one fact which is that ours is a nation of many nation-states. We have communities which constitute the backbone of the Republic of Kenya. Any aspersion or the slightest negative imagination on any particular community is not accepted constitutionally. Therefore, as the leadership of the Republic of Kenya, we will not accept that.

My Committee had an opportunity to visit the border between Kenya and Somalia. We also visited a number of hospitals. In the next few weeks, we will be tabling close to eight Reports on different aspects and areas that we visited. To that extent, we are familiar with what is going on in every part of the country. We have given our support to those gallant sons and daughters who are guarding our borders. It is the cardinal responsibility of the leadership of the Republic of Kenya not to be a complaining machine every now and again. The protection of our internationally recognized borders is an important ingredient of the existence of the Republic of Kenya.

Recently, we have had problems in Migingo, Turkana and elsewhere. These issues must be resolved through internationally accepted mechanisms. That is why the United Nations (UN) has given all independent states time to conclude all issues touching on their borders by the year 2012. I wonder whether the leadership of this country has put in place any measures that will ensure that we have beacons in all parts of our internationally recognized borders. That hinges on our sovereignty and, therefore, this matter should not be trivialized.

Secondly, I want to commend the citizenry of the Republic of Kenya. We have invested heavily and paid dearly for the lawlessness, social, economic, political and

cultural and religious crisis in Somalia. It is not the choice of the people of Somalia. That has happened because of poor leadership. So, as citizens, we must guard the nation against the same poor leadership in the Republic of Kenya. It is due to poor leadership, lack of institutional role and functions that today, for close to 20 years, our neighbours and brothers in Somalia have been in a permanent and perpetual political turmoil. One of the reasons why we have decided to open a mission is to lead from the front and show the international community that, notwithstanding the instability in Somalia, as a nation, we are duty-bound. That is why we have hosted many internationally driven peace initiatives.

At this juncture, on behalf of the Committee and Parliament, I want to acknowledge the unique role played by one of us here, Mr. Affey. Mr. Affey was the first Ambassador to be posted to Somalia in the midst of that crisis and he single-handedly managed. Due to that initiative, other countries also followed suit. Even if they could not have a functioning diplomatic mission in Somalia, they have managed to have missions that were accredited to the Government of Somalia, but they were based elsewhere due to security reasons. Therefore, I want to commend Mr. Affey for the work he did. Our mission is located here. At that time, Mr. Affey was an ambassador but today, he is a Member of Parliament. Therefore, there is nobody amongst ourselves who has a better institutional memory than Mr. Affey. I want to thank him on behalf of the Committee.

Mr. Temporary Deputy Speaker, Sir, the reason why we pay a colossal amount of money on the maintenance of that mission annually is because of the unique role that, that mission is expected to play. Of late, we have seen the resurgence of piracy. Piracy is a product of lawlessness, whatever name you call it. How has it affected the people of Kenya, businesses and the international community? Piracy, which started as a small fishing menace along the coastline of the international water of the Indian Ocean, has now grown to be an internationally organized crime. That has made the cost of doing business to rise up, the cost of insurance has sky-rocketed and even investment avenues have closed because one of the benchmarks that an investor looks for is the security situation of a particular area. Ships that ought to have used a shorter route to come to our coast now use a longer route. We must also applaud the initiative of the European Union under a programme called Al talata Operation. That initiative has the support of the international community and is based in the Indian Ocean. Due to their operations, piracy has greatly reduced. At this juncture, I want to encourage us to look at what the international community has done for countries like Somalia, Lybia and others with difficult security situations. The international community, through the United National Security Council, has moved with speed to establish a UN judicial mechanism to try those who have engaged in violations of human rights, including those who have raped, maimed, murdered or those behind human trafficking and abductions. That is why today, I want to call upon the UN, the Government of Kenya and other peaceful nations to urge the International Criminal Court (ICC) to move to Somalia and bring those suspects to justice. Otherwise, we will have failed as responsible members of the international community to address the unique peculiarity of the Somalia situation. If the international community could move with speed and have the Libyan, Ivory Coast, Tunisia and Rwanda security crises brought under control, why have they remained mum on the Somalia security crisis to the extent that neighbours like Kenya, Ethiopia, Uganda and others have been left to do that very difficult task on behalf of the international

community. I want to urge the Government to pressurize the UN on the matter. That is because criminals have turned the war in Somalia into an enterprise. The criminals are not only in Somalia but also in Kenya and elsewhere. Those individuals must be dealt with decisively so that they do not benefit from the security situation afflicting the people of Somalia.

Mr. Temporary Deputy Speaker, Sir, I want to say that the people of northern Kenya remain the most peaceful part of the Republic of Kenya. I want to appreciate that the Chair is very familiar with the history of the people of northern Kenya. I know you have represented a number of them in defending their civil cases and liberties over the years. Northern Kenya remains the most peaceful part of the Republic of Kenya. I want to be challenged by the Minister of State for Provincial Administration and Internal Security. How many thuggery and banditry incidents have been reported? The problem is along the border between Kenya and Somalia. So, any aspersion or slight statement linking the people of northern Kenya to the insecurity in Somalia would be highly misguided, totally misplaced and unconstitutional.

Therefore, we need to separate the two issues. When you talk about northern Kenya, you are not talking about Somalia. It is just like when you talk about Nyanza, you are not talking about Acholi. When you talk about Turkana, you are not talking about the Merile and so on. Those historical distinctions must be made. Therefore, any generalized aspersions, regardless of the intentions, will not be accepted. I want to say that even when there were belated attempts to put legislative framework in the late 1960s, early 1970s and in 1980s, that were hell-bent to deny the people of northern Kenya their rights have not worked. I urge the Government to operate within the Constitution and the existing legislative mechanisms. Let all of us unite in fighting against organized crime. It is in our interest and it does not matter who is the perpetrator. As a country, and in particular the leadership, if we reduce incidences of corruption, tribalism and negative ethnicity, I can proudly say here that we have the best security apparatus in the world. So, how we use them is what is going to determine the outcome. We are in a crisis right now. This crisis must be handled in the most professional manner, in the most institutionally allowed manner and in the most legal manner. That is the only way that we can protect our sovereignty and jealously guard the civil liberty of the people of Kenya and nab criminals using the available legislative mechanisms.

Mr. Temporary Deputy Speaker, Sir, one of the reasons why Kenya, as a premier nation, decided to have a mission in Somalia is because all the nations were not sure. It was like moving from the known to unknown. The known was that Somalia was in a civil war. Very few countries wanted to commit their resources to have a functionless mission. I am sure that very soon, our mission would be one of the first one to move to Mogadishu. That way, we will lead by example. Right now, many countries have their missions there. Mogadishu is secure because it is firmly under the control of the internationally recognized transitional Government. I hope very soon we will lead by example and ask our mission staff to relocate to Mogadishu because they will be safe. There is no job that is completely free from occupational hazards. Therefore, we must be prepared as a nation to lead by example and ensure that our representation also goes close to where we are supposed to serve the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, when we also visited those areas, there are a number of issues that we recognized as a group. The essence of foreign policy is to

reflect the aspirations of the citizenry of that particular country. The aspirations are supposed to be reflected in three perspectives. First of all, these aspirations must be anchored on the sovereignty of the Republic of Kenya. That is completely free from the day to day petty politics. It is completely free from the petty and partisan political interests of the day. It is also free from the ever competing interests of the bourgeoisie class. You know this is a unique class that we have in the Republic of Kenya. The issues captured under any foreign policy are the issues that one can literally say capture the aspirations, thinking and constitutionality of any citizenry of any republic.

Mr. Temporary Deputy Speaker, Sir, our foreign policy must at all times, project, promote, protect and articulate these unique commonalities. What are the commonalities? We have one Constitution. We have the flag, currency and the sports. These are issues that unite us. We have our map. Minus all these, minus the map, minus the currency, minus the Presidency, minus the flag, minus all these, minus the sports, we would all degenerate into our individual nation states. Which are these nation states? We have the Somali nation, the Meru nation, the Luo nation, the Kikuyu nation, and you name them. They are 43. Therefore, what puts us together - and these are the commonalities - are the Constitution, our internationally recognized borders, our currency, the Presidency and our sporting activities, on all these things that transcend beyond any particular community's thinking. These issues must not be politicised. This is the point I am trying to drive at. These issues must not be politicised. Politics will remain an event of the day. However, the sanctity and existence of the Republic of Kenya, the existence of the sovereignty of the people of Kenya is something that goes beyond any imagination of any politician of the day.

Mr. Temporary Deputy Speaker, Sir, I want to ask the Ministry of Foreign Affairs, let us walk the talk. Three days ago, I had an opportunity to participate in a COMESA meeting. Shockingly, and I want my brother here to deliver this message. We must accept that diplomacy is all about economic diplomacy. Before 1991, before the collapse of the Soviet Union, diplomacy was all about political engagement. However, today the parameters of diplomacy have been redefined. We cannot just limit diplomacy to the traditional thinking of the political representation. Diplomacy today constitutes parliamentary diplomacy. It constitutes, first and foremost, economic diplomacy. Before recently, parliamentarians were considered as unnecessary irritants in the management of the desires of the Republic of Kenya to the extent that their views and activities were only limited to either coming to the Floor of the House, or pursuing issues, which were unique to their constituencies. That dynamic and thinking is retrogressive. It has completely changed. That is why today, you have developed countries such as the United States of America. Even in all the hot spots, some of the diplomats who are sent are parliamentarians, with first-hand knowledge on that particular region. Therefore, one of the things that I want to urge the Government is to make proper use of the rich knowledge of some of the parliamentarians here who are very familiar with some of their international diplomatic engagements.

Mr. Temporary Deputy Speaker, Sir, our emphasis is economic diplomacy. Shockingly, our Ministry of Foreign Affairs was not represented at COMESA. COMESA is a very important regional economic block. Therefore, we failed to put up the map of Kenya when Ministers of Foreign Affairs were meeting. We do not have a diplomatic engagement with Malawi. Our mission is in Lusaka. But we met over 300 Kenyans, who

were residents of Lilongwe. That, in itself, is a clear indication that Kenyans are people who are adventurous. Kenyans are people who are clearly business minded. Therefore, what they need is the institutional mechanism of the Government of Kenya to help them legitimately pursue their economic engagements. One other thing that I learnt is that the interest rates amongst the COMESA nations are seriously in favour of Kenya. Is it not something that we should be proud of and defend and ensure that we have footholds in both the SADEC and COMESA dominated areas and East Africa? I want to say this without fear of any contradiction, and it is not that I am supporting the amendment. One of the things, the authors of the current Constitution fail to appreciate is that 67 per cent of the GDP of the entire East African Community bloc is Kenyan. Therefore, as a nation, anything that is going to interfere with the Budget cycle of the East African Community is greatly going to disadvantage Kenyans. Therefore, we will have to think, whether really to eat politics, or really we are going to pursue our economic interests. It is one of the things that we must in a very sober manner, clearly reflect on, because the East African Community today, comprises of member states that were formerly of francophone, members states who were formerly Anglophones.

Five years ago, our number one trading partner was the United Kingdom (UK). Today, our most valued trading partner is our neighbour Uganda. Six years ago, if you look at the volume of trade, Tanzanians were doing more business with South Africa than Kenya. Today, Tanzania remains our number four most important trading partner. Rwanda is number eight. Therefore, there is a total shift from the traditional countries that we used to do business with to emerging markets. Look at the volume of trade between Kenya and China. Six years, ago, it was almost non-existent. Look at the volume of trade between United Arab Emirates and Kenya. Therefore, we must be dynamic in our thinking. We must be dynamic in our foreign policy. This tells us, we must avoid a situation where we will have an ad hoc foreign policy, or economic policy. It is because of this that we must be present. For us to implement the generous constitutional dispensation under the current Constitution, this country's economic growth must be between 6 to 15 per cent. Otherwise, we will be borrowing from the local markets, and every day, we will have an increment of the domestic debts. You know the domestic debts? I know we have been struggling over the last few years to externalize this. This is one of the reasons that have even contributed to the rising inflation and other things. Eventually, Kenyans we will learn that we have more to gain from pursuing economic diplomacy.

Therefore, my plea to the Government is any diplomatic representation must be economic diplomatic oriented. Secondly, it must be security oriented. You move from economy to security. The time when we used to have diplomatic engagements for prestige is long gone. In the Kenyan context, I can proudly say here that we have the highest number of diplomatic representation after Cairo and South Africa.

Because of the recent events in many parts of the world, Kenya remained again a focus point. To this extent, we must jealously protect our position, as we have done. First of all we have completely liberalized all the regulations that govern investments. But one thing that we have failed to do is that there is no country that has 100 per cent liberalized its forex business. This is one of the things that the planners today must learn. That there is no country, go to UK, if you have to send more than 1,000 pounds, you have to sign



and do this and that. These are issues that you must address so that we do not invest in economic collapse.

Mr. Temporary Deputy Speaker, Sir, we have two of our missions in Nairobi. Maybe, many Members do not know it. We have the Kenyan mission to Somalia, which is housed at the NSSF Building. We also have the Kenya mission to the UN, which is also housed in Gigiri. These are two missions. One of the things we have learnt when we visited as a Committee and we hope the Government will address is we have two rules, one for our diplomatic staff who are out of the country, and another one for those serving here. This needs to be synchronized. Once you have been given a title, it is just like being appointed a Minister or Assistant Minister like my friend Ojode--- Let me say the ever happy, brilliant Assistant Minister for Provincial Administration and Internal Security. I do not want to cast aspersions, but the title still remains. Therefore, one thing that I am trying to drive at, those who have been given assignments either out of the country, or here in the name of representing this country, must be treated fairly.

One of the things we learnt, when we visited this mission, these people do not have even their own accounts. They have to rely on the Ministry headquarters for even their petty cash. This is one of the things we said must be addressed. These people must be allowed to function as a fully fledged--- This is one of the issues we are recommending to the House. The clarity of this particular mission and the one of the United Nation (UN) must also be appreciated.

Mr. Temporary Deputy Speaker, Sir, we have also recommended that in the process of--- We are likely to have many locally-based missions, and the Ministry should also have regulations that are specific. For example, what are the unique common features of the Kenyan Mission to Somalia? There are issues; there are security challenges, there are economic challenges, infrastructural challenges, communication challenges and these must be addressed in that unique manner.

Mr. Temporary Deputy Speaker, Sir, we have also looked at the involvement of competing regional interests in the affairs of the people of Somalia. Kenya, as a leading nation in the region, must also show leadership and ensure that the poor victims of the civil war in Somalia get the necessary humane treatment. This is a role that Kenya can effectively play.

Mr. Temporary Deputy Speaker, Sir, the issue of pirates has also been alluded to. Piracy requires an international approach. These days, one of the things we have learned is that we have mother ships. You can imagine, if truly piracy is a Somali phenomenon, where do we get the mother ships? This means that there has to be an international element, may be based in Nairobi here; maybe it is based in London; maybe it is based in Dubai or elsewhere. This is why we are recommending, as a Committee, that the Government of Kenya must urge the other like-minded nations to have a UN-driven judicial mechanism to try these particular individuals.

Mr. Temporary Deputy Speaker, Sir, finally, I know quite a number of hon. Members have interest in contributing to this Motion. I want to say that there is an issue that came up on the Floor of the House this morning, in particular the issue of daily flights.

Mr. Temporary Deputy Speaker, Sir, one of the things that we do not want to resent is an attempt that is tailor-made to ensuring that the people of Kenya are secure; that is something that we will whole-heartedly support. But one of the things that we will

not accept, regardless of anything, is anything that is going cast aspersions on a section of the citizenry of the Republic of Kenya.

Mr. Temporary Deputy Speaker, Sir, I do know, over the years, you have also represented in court a number of individuals whose civil liberties have been denied. On the issue of security, the Government must make sure that provision of security services is completely free from corruption. This is a cancer that is going to destroy our nation. How can that be achieved? That can be achieved by paying our security officers well, because they risk their lives, they miss their families; they do a very serious job on our behalf. Therefore, I want to go on record – this is one of the things that we have done – that in a very accountable and responsible manner, our police officers must be paid well; our police officers must be housed; our police officers must be given risk allowance; our police officers must get insurance; our police officers must be given vehicles, enough transport and communication equipment to ensure that they do their jobs. If they lack these, how will they perform?

Mr. Temporary Deputy Speaker, Sir, one of the things that completely contributed to the recent abductions, or why we failed to nab the culprits was because some of our officers on the ground did not have the necessary tools like vehicles.

Mr. Temporary Deputy Speaker, Sir, our armed forces have over the years participated in a number of UN peace-keeping missions and initiatives, and have emerged at the top. If they can do so well in the international arena, then the obvious thing is that they can do better at home. As leaders – and I want to pray and plead with my colleagues – let us not politicize the functions of our security apparatus. That must remain completely out of even the slightest imaginations of any of the politicians, or any party, so that they remain solely accountable and loyal to the sovereign people of the Republic of Kenya. In that way, even when we quarrel, they will not be partisan; even when we disagree, they will not take sides; therefore, their loyalty will be to our flag, to our map, to our existence; this is one thing that we must jealously guard.

Therefore, Mr. Temporary Deputy Speaker, Sir, I want to plead with my colleagues-- Because of the current set-up; because of the current heightened security alert, let us give moral support; let us support our armed men and women to protect the people of Kenya, and to serve us well. We do know that is a voluntary job that requires somebody with a big heart and total dedication to the protection of our Republic.

Therefore, Mr. Temporary Deputy Speaker, Sir, one of the things that I will be rooting for in the next Budgetary dispensation--- Right now Parliament is part and parcel of the budget making process. One of the things we agreed on as a Committee in a very responsible and accountable manner is that all the institutions are accountable to the sovereign Republic and people of Kenya through the Constitution and the Kenya National Assembly.

Mr. Temporary Deputy Speaker, Sir, with that, let us be generous to our security institutions; let us also make them accountable. If we achieve this we will have a highly modernized, highly motivated and highly prepared security apparatus; therefore, we will have no reason to worry and we will be assured that our country will always be protected.

Mr. Temporary Deputy Speaker, Sir, I want to call on hon. Martin Ogindo to second.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Ogindo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second the Motion, that this House adopts the report of the Departmental Committee on Defence and Foreign relations on the Familiarization Visit to Kenya Embassy in Somalia laid on the Table of the House on Tuesday May 3, 2011.

Mr. Temporary Deputy Speaker, Sir, allow me from the outset to join my Chairman in sending my condolences to those patriotic Kenyans who died in the course of duty as they were trying to defend the territorial integrity of this country.

Mr. Temporary Deputy Speaker, Sir, allow me also to say that the issue of Somalia is a very serious issue, particularly to our great country, Kenya. As a human being, I do not choose my relatives. I have a choice of who my friends will be, but as a country, you do not choose your neighbors. Every country finds itself with neighbours whom it does not choose. One of our neighbours is Somalia, among others. It is important that we take responsibility to ensure that we live very well with our neighbours.

Mr. Temporary Deputy Speaker, Sir, allow me to point out that I was privileged to have been part of the Kenyan delegation to the last UN General Assembly. During that meeting, I was in the company of his Excellency the President, and his Excellency the President took that opportunity to seriously mainstream the issue of Somalia. That demonstrates the great lengths to which this country is prepared to go, to ensure that there is peace and stability, law and order in Somalia.

Mr. Temporary Deputy Speaker, Sir, I was also in the company of the Right Honorable Prime Minister as he was trying to mainstream the issue of Somalia. As a Committee, we visited the Kenyan Embassy in Somalia, which is here in Kenya. We believe that it is important that the Ministry of Foreign Affairs, through the Kenyan Embassy to Somalia, now plays its rightful role.

Mr. Temporary Deputy Speaker, Sir, this can only be done if the mission is functional. As it is today, this Embassy is bordering on dis-functionality. It is important to have a serious focal point that is able to relay to this country what is happening in Somalia. In order to do that, the Embassy needs adequate personnel and funding. These two elements form part of our major recommendations.

You realize that there have been serious abductions. There have been serious incursions on piracy. This would have been easier dealt with if we had a significant presence of a mission in Somalia.

Mr. Temporary Deputy Speaker, Sir, during the United Nations (UN) Assembly, several countries offered to open their missions in Mogadishu. It is only that way that the world can see what is happening in Somalia.

I want to commend the Government of Kenya for having taken this decisive action to pursue the *Al Shabaab* deep into Somalia. I want to encourage that it is now time for Kenya to rally the international world and redefine their mission there. This time round, it should be to ensure that there is a functional Government in Somalia. The solution to this problem lies in ensuring that there is a functional Government there. I have seen the international world come out on a need-be basis. There is a very strong presence of the international world in Libya. I think if fairness was to be the name of the game, NATO should have been first in Somalia before they went to Libya. But it is never late. I think it is important for the entire world to rally their forces because the stability in Somalia is important to us Kenya as the neighbours, this region and naturally to international stability.

Mr. Temporary Deputy Speaker, Sir, I know that this House is very much familiar with the happenings in Somalia, the dangers it poses to this country and it is on that account that we want to have a structure and framework of dealing with the issues of Somalia.

I want to urge this House to adopt the Report of the Committee which made several recommendations that will go a long way in strengthening our Embassy in Somalia. This will go a long way in ensuring that we have a mechanism of dealing with the Somalia issue.

With those few remarks, I beg to second.

*(Question proposed)*

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Assistant Minister, do you want to respond immediately? Who is going to speak on behalf of the Government? I can see you are the only Government representative there.

Mr. Litole, please, proceed while we sort this out!

**Mr. Litole:** Mr. Temporary Deputy Speaker, Sir, from the outset, I want to thank the Kenyan Government for going into Somalia to pursue the *Al-Shabaab*. However, for me it is a bit late.

The Kenya Government takes a lot of time when issues arise. Recently, we heard about something called Mombasa Republican Council (MRC). Instead of nabbing the problem in the bud, the Kenya Government takes a lot of time to react. If the Government reacted on the Somalia issue earlier as advised by our Committee, I am very sure things would not be the way they are now.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the international community who want all refugees to come to Kenya. They are keen on them coming to Kenya but when small issues like what has happened now arise, they issue travel advisories to say: "Never come to Kenya". This happens while we know that in some parts of East Africa there are issues that have taken place in other countries yet they have not given those advisories. Why should they be our friends and at the same time stab us in the back?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security is here and I wish the Minister for Foreign Affairs was also here. The Somalia Embassy here should not be part of the Ministry of Foreign Affairs. It is not a desk and therefore they should be given full independence as an Embassy elsewhere.

On a personal note, if the international community was able to curve Southern Sudan to make it a Republic, we have Somaliland with its capital at Hargeisa, why can the international community not curve it out also so that we zero in on the *Al Shabaab* in a small area? After all, Somaliland has been there for the last 20 years and has its own currency. I hope that the Ministry of Foreign Affairs which is represented here by the Assistant Minister, Ministry of State for Provincial Administration and Internal Security, should recommend in the Cabinet that this country be curved so that we have the 54<sup>th</sup> African State.

Mr. Temporary Deputy Speaker, Sir, to summarize my contribution; it is unfortunate that there was a problem in Somalia and people ran into our country. We have accepted them but are we sure that we are not chasing shadows going into Somalia when the warlords are here? I want to agree with my Chairman that an International Criminal Court (ICC) must be set up so that those criminals in Kenya and elsewhere are taken to court. I want to ask the Government that those who are here but are against the Transitional Government should be relocated to a third country. When they are here, they always contribute to the instability in Somalia. What are we doing? Why should you go to Somalia to chase some young boys who are looking for money in the sea when we are leaving the warlords here?

I ask the House to adopt this Motion.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Ojode, I will allow you to speak on condition that you will undertake to bring the Leader of Government Business or a representative of the Ministry of Foreign Affairs in the House to take the House business seriously.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Most obliged, Mr. Temporary Deputy Speaker, Sir. I will do exactly that.

Mr. Temporary Deputy Speaker, Sir, allow me also to add my voice on the adoption of this Report. However, if you look at the Report itself, there are some amendments which need to be done before we continue discussing something which has a wrong date.

If you look at the first page it says: "The Report of the familiarization visit to Kenya Embassy in Somalia on the 11<sup>th</sup> November 2011".

Then if you go to the third page entitled "The Familiarization Visit", it says: "The Committee undertook a visit to Kenya Embassy in Somalia on the 11<sup>th</sup> November, 2011". Whether it is a typographical error or not, it is---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Keynan, are you able then to correct it now while the Assistant Minister is at it?

Assistant Minister, let the Chairman correct that.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I want to apologize because this must be a typing error. It should read, "11<sup>th</sup> November, 2010". I sincerely apologize.

**The Temporary Deputy Speaker** (Mr. Imanyara): Ensure that there is an amendment to reflect that change.

Mr. Ojode, you may continue!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have listened to my colleagues contributing to this particular Motion. They raised cardinal issues which are included in this Report. One of the issues which are captured very well is on page 6. It says the relations are guided by the need to protect Kenya's sovereignty and territorial integrity, security and political stability and enhancement of peaceful co-existence and good neighbourliness. I have heard my colleagues talk. When a Question arose here in the morning and I was answering it, you saw the pressure that, that Question brought. The pressure was just about the identification of the particular individuals who are traveling. I mentioned - and lucky enough you were also in the House - that the IATA regulations and rules must be followed to the letter. I do not think that constitutes any discrimination.

We must have rules; even in Parliament we have our rules. We have our Standing Orders and one of them is Standing Order No.1. It is the Speaker's discretion to exclude or include a Member in the House or to do anything within his powers. That is Standing Order No.1! It gives the Speaker's powers even to exclude Mr. Affey from this House. By the time the Speaker is ordering Mr. Affey out, that is not discriminative at all. We should not go back to our rules and ask: "Why should the Speaker expel Mr. Affey who is coming from North Eastern Province?" No!

*(Applause)*

The rules are very clear! We are dealing with an issue of security and we cannot compromise on the security of this country. My primary and cardinal duty is to make sure that all Kenyans are safe. How do we make all Kenyans safe? We do so by removing the bad elements within the society. That is why when you are boarding a plane from Wajir, you must prove that you are a clean person by just giving your identity card or showing your Passport or any form of identification. That is not discriminatory! There is one thing which is important: It is upon us, as a country, to support the laid down initiatives and procedures for us to secure our country and have peace. What is wrong in asking Mr. Ojode to produce his identity card? Why are some of my colleagues getting it wrong? Why do you want me to impose a curfew in a place which does not warrant a curfew? That, if we need to ask for permits or identity cards, then why can it not be all over? Why? In Mexico which borders America---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Ojode, we have rules of relevance. Please do not mis-interpret the information that was given. They were addressing the perception that the policy appears to be discriminatory of a particular community. They were not talking about individuals or safety.

*(Applause)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): That is true, Mr. Temporary Deputy Speaker, Sir. That is why I was giving an example of the Mexican borders. The border is a no-go zone. The Canadian border with Americans has no restrictions. What I am trying to say, and building up here, is that there are certain areas with porous borders where some regulations must be seen to be imposed. The reason why I am saying that is because some of my colleagues are saying that we are discriminating against others; apart from those who are boarding flights in Kakamega, Kisumu or elsewhere. But that notwithstanding, let me move away from that issue though I am still saying that we have---

**The Temporary Deputy Speaker** (Mr. Imanyara): Will you please be relevant to the Motion?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we have numerous problems as indicated in this report. The issue of instability in Somalia is what is now bringing us to impose those measures; bringing some sanity to prevail.

You will agree with me that one example is the issue of refugee camps. In Daadab, itself--- The camps were designed to have only 30,000 people per camp. That

translates to 90,000 people in total. But now, as we speak, we have 580,000 people in those three camps. Ordinarily, that is quite explosive! We cannot afford even to provide enough security to guard 580,000 people in Daadab. That is why I had suggested that we should move some of those fellows inside Somalia. That is because they are not running away because of insecurity now. No! Those people are running away so that they can be provided with food, medicine and schools. As the Kenyan Government, we are saying that we are going to build camps there with everything else: with schools, hospitals and everything so that our international partners who are donating some food can do the same in Somalia as opposed to Daadab.

On the issue of pirates, you have realized that we have managed, as a country, and as security teams, to minimize the problem of piracy. But we have not eliminated at all the issue of piracy. Now comes in another animal in the name of kidnappers. I would suggest what Mr. Ogindo said; that instead of NATO going to Libya, they should have targeted the restoration of Somalia. In fact, it requires the AU and IGAD to come in so that we can restore the Somalia Government.

Mr. Temporary Deputy Speaker, Sir, you are aware that the cardinal responsibility of this Government is to provide an enabling atmosphere where the citizens of this country can walk freely without any problem. I would also urge my friends; having done a good report on the issue of security--- I want my friends and colleagues to support the initiatives of the security team. If we do not politicize what is happening now, we are going to achieve a lot. I want to congratulate the Chairman for having come up with a wonderful report. I want to encourage him to continue supporting the initiatives of the security team in order for us to have peace in this country.

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

No, I still have time! I have to make sure that we bring that very security which is required by Kenyans. I want Kenyans to walk freely in the streets. That is why we are going to carry out an operation that will be “the mother of all operations” in Nairobi. After Nairobi, we will move on to Mombasa. We are saying that those who are still holding onto illegal guns, let them surrender those guns. What are you doing with a gun if you are not a thug? If you want to use that gun, why do you not go and apply for a permit? Why do you not licence your gun? So, we are saying that for those who are holding illegal guns, the law will catch up with them. I am saying that they should surrender those guns before the operation starts.

*(Applause)*

We will have the operation! The operation is going to be there. I would urge Nairobians to bear with us for the time being. There will be some discomfort as I said earlier, but that discomfort will only be there for a week or two and later on, they will live in peace. I want to request that during that time, they should also avail information, if they have any, to the police and the intelligence people. That is why we introduced community policing!

Mr. Temporary Deputy Speaker, Sir, we are not targeting any community. We will never target any community. That is why I was requesting my colleagues to support our initiative. I do not want a situation where people who receive protection money later

on come out and say: “The police are taking bribes!” If you ask such a person: “Can you just identify one of the policemen taking bribes?”; he will not do so.

**An hon. Member:** That is hearsay!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if it is hearsay; let me also say that there are those who are protecting these bad people in Nairobi. I do not have any evidence. So, what we are basically saying is that this country belongs to us. If you are asked for identification material, please, produce it. Does it cost you any money to produce identification? I have been asked several times, and I did it.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Ojode! It is important for you to remember that whatever operations you carry out, you are guided by the Constitution. So, do it in compliance with the law.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I agree with you.

The Chairman also stated that the north eastern region itself is very secure, which I accept, except within the border areas. I cannot condemn the north eastern region as a whole. It is not possible. There is a lot of security in the north eastern region. We have never had any problem within the central part of the north eastern region, only at the border areas.

Mr. Temporary Deputy Speaker, Sir, I was in Garissa recently, where I advised my police officers that there was no need of running around to look for loitering youths and leave the human beings being trafficked into the country. So, the police there agreed that they will never interfere with the youths again.

Again, we are talking about borders without beacons. Right now, we have a team of surveyors, which is moving round. They have started with the Kenya/South Sudan Republic, where they are identifying the beacons within the borders. I hope that this team will do a good job and bring lasting harmony within those borders.

With those few remarks, I beg to support.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I thank you very much for giving me the opportunity to support this very important Motion.

At the outset, I want to say that fully I support all the recommendations that this Report is asking us to do from a point of knowledge. I happen to be the person whom President Kibaki appointed as Kenya’s Ambassador to Somalia, after almost 20 years of Kenya’s diplomatic absence in Somalia. I want to thank the President for having given me the opportunity to serve my country in that capacity after our long diplomatic absence in Somalia.

I would also like to thank the Chairman of this Committee for all the kind words he has said about the role I played in Kenya’s efforts to restore peace in Somalia. I would like him to know that, in fact, as a result of what we did, the President recognised my contribution by awarding me Moran of the Burning Spear medal at that time.

Mr. Temporary Deputy Speaker, Sir, this Mission played a very fundamental role. It was meant to respond to the challenges that the Somali situation poses to our country. The single issue that is most critical to the survival of Kenya today is how we handle the situation in Somalia. I want to thank the Government, and particularly the people of this country, for being kind to the Somalis when the government there collapsed. We hosted thousands of refugees. We played a very important role in taking care of them by giving



them a second home and, perhaps, a second chance. This particular gratitude goes to the Kenyan people.

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

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

The diplomatic leverage that Kenya required to host the Somali peace process in Kenya, which went on for two years, was as a result of the fact that we had never interfered in the Somali conflict in terms of supporting any particular group in that country. Hon. Members will remember that after the collapse of the government in Somalia, there emerged thousands of small organisations which wanted to control the country. While other countries in the region might have been accused of aiding one particular group, this country has always stayed away from interfering in the internal affairs of Somalia. That is a credit for us because it accorded us the opportunity to host the Somali peace process.

Madam Temporary Deputy Speaker, today, in their minds and their hearts, the ordinary Somalis in Somalia have deep respect for this country. We are not talking about terrorist groups or other criminal elements. The majority of the Somali people trust and have faith in the Kenyan people. As hon. Members may have realised, even as our National Defence Forces move into Somalia, there is no hue and cry about the fact that they have gone into Somalia. The ordinary Somalis in Somalia appreciate the role of Kenya, and they know that we mean well for them.

As we go in, it is important that we buy the support of the Somali Transitional Federal Government (TFG) because if we do not do so, we face a risk because that country has a legitimate Government in whose establishment we participated. That country is not in full control of the country and so it requires the support of Kenya. In that regard, I want to congratulate the two Ministers who visited Mogadishu yesterday to just make sure that they get the concurrence of the Somali authorities in whatever we are doing in Somalia.

Madam Temporary Deputy Speaker, Sir, there are challenges we have faced, which necessitated our Government to establish this Mission. The first challenge was insecurity. I was personally on record. If the Kenyan Government did what it is doing today, particularly in supporting the communities that leave across our border with Somalia---

Every country has a strategic interest in the neighbourhood. Kenya's first strategic interest in Somalia is to make sure that Somalia is peaceful and secure, so that Kenya can also be peaceful and secure. The greatest region that poses the security challenge for us in Somalia is the Juba Region, where our National Defence Forces are now operating, trying to assist the Somali security forces in terms of maintaining law and order. Six years ago, I particularly recommended something like this to the Kenyan Government because Ethiopia had created a buffer zone next to her territory and, therefore, there were no incursions from Somali militants. In our country, we wanted to do the same.

Madam Temporary Deputy Speaker, we recommended this but we had to wait for seven years to do what we are doing now, after our tourist industry was affected adversely and after our own military was attacked. As we speak, we have information that two of our officers have disappeared into Somalia. This could not have happened if the area across our border was secure enough and we played a constructive role six years ago in making this part of the country quite secure. Now that the Government has started supporting a programme of restoration of the region across our border called “Azania”, it is important that that programme is completed to the satisfaction of the Somali TFG and the communities living across because the programme is key to the stability of Kenya. The areas that now pose challenges are areas we can manage if we have the right policies.

The second most important issue after security for us is our economy. Our economy has been devastated by pirates. In 2008, some Kenyans were hijacked by pirates along the Somali coastal line of the Indian Ocean. I personally travelled to Somalia three or four times in order to secure their release. They eventually released them, but the issue of pirates has disrupted the flow of traffic of goods to the port of Mombasa and, generally, to our coastline. Therefore, it has brought about serious challenges.

Madam Temporary Deputy Speaker, one of the things that were said in the Report is that this mission does not receive any support from the Ministry of Foreign Affairs. I want to agree that this mission was established to help secure our interests. There is a lot of apathy, particularly at the leadership of the Ministry of Foreign Affairs towards this mission.

Right now, with the presence of the African Union troops in Mogadishu, the Kenya Government should have actually moved this mission or part of the staff of this mission to Mogadishu and even housed them within the African Union headquarters so that they can provide us with proper intelligence information about what is happening in the country. However, because we do not want to decide, we are keeping them here. I am sure the ambassador and his team would like to have a physical presence in Somalia, but they require resources.

Their account is still managed at the headquarters. This is an account that the ambassador himself, like any other ambassador should have managed and used in order to secure our interests across.

Madam Temporary Deputy Speaker, at one time I remember, I was an ambassador then, the mission bought a Mercedes Benz for use for the Ambassador. Once we brought it to the mission, the following day it was recalled because the Permanent Secretary wanted to use that Mercedes Benz. Because of the fact that that Mercedes Benz was present in Nairobi, then it was easily recalled to the headquarters. Therefore, there are a lot of challenges that this particular mission is facing. We need to support this mission.

One of the things we did was to train. I remember we signed an agreement with the Transitional Federal Government to train the police officers. We trained the first batch of 200 officers in Manyani. I can tell you today they are the foundation of a disciplined security force in Somalia. Our engagement should be to secure and train, not only the security forces, but also other elements.

Madam Temporary Deputy Speaker, finally, I want to say that regarding the comments given by the Minister for Internal Security this morning as we deal with this situation because this situation is quite delicate and it touches on our security as a

country, let us not have a situation whereby we have collective punishment. We want to go on record and say that not all Kikuyus in Kenya are *Mungikis*. Not all Somalis in Kenya are sympathizers of the *Al Shabaab*. Identify the crime and the criminals, but do not punish a whole community just because their physical appearances are similar. That is the risk of the operation the Minister wants to undertake.

I want to ask him to do an operation after thorough intelligence work has been done. He must have sufficient information, so that he does not use the information to punish innocent citizens or aliens who have a right to stay properly here. We have a reason and responsibility to protect them.

Madam Temporary Deputy Speaker, I want to thank this Committee for a job well done and to request that as a country and particularly this afternoon we will ask the Prime Minister what Kenya has done to push the international community to be more robust because I know that the international community has failed Kenya, Somalia and the region.

If it were not for some of the interventions particularly from my own knowledge, if it were not for the interventions by the American Government--- I remember at some stage in order to fight terror in Somalia, the Americans used warlords to look for potential terrorists. But that had the effect of making the whole society radical. That is why the situation now is what it is because of negative engagement. Therefore, I think that we need to engage the international community in a more firm way and they have a responsibility to help us deal with this situation.

I beg to support.

**Mr. Konchella:** Thank you, Madam Temporary Deputy Speaker, for allowing me to also add my voice to this problem of Somalia. Let me start by thanking the Committee for the Report that is quite good.

Let me start by sending my own personal condolences to the soldiers who perished the other day because of a helicopter crash when they were defending the country and trying to stabilize that nation of Somalia. I want to support the Government and encourage it for the bold decision they have taken to address this matter.

Madam Temporary Deputy Speaker, it has taken us so many years as a nation to wake up. We have watched Somalia deteriorate. We have watched this country going down the drain. We have watched everybody running out of Somalia. We have watched the buildup of refugees in Daadab and other places. These people have now overflowed into the country and now they are everywhere in Kenya.

They are doing whatever is possible to ensure their own survival by acquiring Kenyan identification documents. Most of them are now Kenyan citizens. I think we as a nation must be able to secure the security of this country. We can only do so, if the Government is serious about protecting the future of Kenya. The only way I can see the security of this country being enhanced is to address the issue of Somalia.

I want to also encourage the Somalis who have come to Kenya because they live almost everywhere in our constituencies. They are peaceful people. However, there are a few elements who are now undertaking poaching; they are killing wildlife. There is that matter with the Mara Game Reserve. We are addressing the matter and telling them: Please, let us live in peace and co-existence because our wildlife and our tourism is the mainstay of Kenya's economy. To allow people then to come because they have no education and they are poor, and allow them to use firearms which they are smuggling

into this country to come and kill our wildlife is something the Government must address very urgently.

I want to thank our armed forces because as they push into Somalia this is not a time to stand back. It is now time for the Kenya Government to ensure that we stabilize Somalia once and for all, for the good of this nation and the future of East Africa.

We have a lot of residents of Somali origin here. Some of them are warlords or previous warlords. They are doing a lot of businesses. They are bringing a lot of money through piracy or whatever. Some of this money may not be genuine. They are cleaning up their money here in Nairobi or in Kenya and other parts of the country. They must be told in no uncertain terms that as they come to look for peace and tranquility in Kenya, they should not use their money to destabilize our country. They should not use their money also to destabilize the Transitional Federal Government (TFG) of Somalia. They must support our Government's efforts to stabilize that country so that Somalis can live in peace.

I urge the Kenya Government to mop up firearms that are in the wrong hands. We should tighten our border points. We must screen all the people coming into our country. Many people from Ethiopia and Somalia find a safe haven here because our own officers are corrupt. The same corruption is what is causing problems because we will address the issue of Somalia if we can address our own issue of corruption. Our officers who are tasked with protecting the country and stopping criminals from coming to Kenya must be serious. We know these people will carry firearms. These are criminals running away from their countries. Of course, not all of them are criminals. They must not be allowed to come to Kenya unless they are properly screened.

Recently, we passed the Refugees Act which is very clear. It stipulates the punishment warlords and those who are transiting humans through Kenya should face. We should use the law to stop these warlords from bringing people into Kenya. This is because these people sometimes engage themselves in criminal activities while they are here.

Madam Temporary Deputy Speaker, the *Al Shabaab* has been carrying on piracy in the Indian Ocean. At the moment, piracy is going down because there is a lot of international intervention, but they have now turned Kenya into a soft target. They have now turned to kidnapping tourists who come to this country to get the same money they would get through piracy. They are deliberately destroying the Kenyan economy and we are not going to allow this. I would urge the Government to work with the Transitional Federal Government of Somalia for the next years, because this is going to take a long time.

We have a huge refugee camp at Daadab. As soon as we stabilize Somalia, this camp should be removed from Kenya and taken to Somalia. The United Nations should support the Government by giving enough funds to set up this camp, so that these people can be moved out of Kenya and be protected and provided for in their own country. It is women and children who are suffering. We can encourage many of them who are in Kenya to go back, so that they can set up their economy and develop their country. Keeping Somalis in Kenya is straining this economy. We should now send them back to Somalia so that they can secure their country, live in peace and harmony in their home.

Madam Temporary Deputy Speaker, there are warlords who are here and they are part and parcel of the Somalia problem. We must tell these people in no uncertain terms

that they either support the Transitional Government or they leave Kenya. Our National Security Intelligence Service should identify those criminal elements who are in Kenya today instead of harassing the community because they are known. We also want to ask the Somali community in Kenya to expose criminal elements among them who are hiding here. Already the *Al Shabaab* are saying that they are going to start bombing Nairobi. How are they going to do that? They can only do that if they are here. Therefore, we want to know those who are here before they damage our economy and kill innocent people. We had problems before in all the bombings which have taken place in Kenya and the same characters were involved. Let us not allow them this time to turn Kenya into a soft target because they want to make a point that they are super and can do whatever they want. They are a bunch of criminals!

Let me thank the Government for moving into Somalia. I want to encourage the Government to work and stabilize Somalia once and for all, so that we can move these people out of Kenya. The United Nations should get involved and provide education for the children. We have to educate the Somali children for the next 20 years before the country stabilizes. The United Nations has to do this. The IGAD should, therefore, move in to reconcile the leadership of Somalia. We should bring everybody on board. You should not discriminate or kill other people because they are not with you. They must understand that they have a nation and they cannot live in isolation by killing others, so that they can enjoy peace. There will not be peace. They should not bring their problems to Kenya. We have been patient enough and have taken care of them long enough. I thank the Kenyan people because there has not been any problem against the Somalis in Kenya. I also thank those people who have come here because they are also working in peace and harmony with everybody else. They are businessmen and there are hardly any robberies involving Somalis in Kenya. These are not the people that we are condemning. We want to support them to go back to their country, but to a peaceful nation, so that they can live in harmony among themselves.

With those few remarks, I want to thank the Committee for doing a good job.

**Mr. Duale:** Thank you, Madam Temporary Deputy Speaker. From the outset, I want to join my colleagues in supporting the current military initiative. It is very unfortunate that the Minister for Foreign Affairs, his deputy and the entire Government are missing. I know that it is only the military that is pursuing the *Al Shabaab* and not the entire Government. I do not know where the entire Cabinet is. We only have two Cabinet Ministers here.

Madam Temporary Deputy Speaker, the Somali geopolitics is very complex. We have lived with them for the last 20 years. The Kenya Government was involved in the formation of a number of governments in Somalia, including the current government of Sheikh Shariff. The Kenya Government initiative will not, in my opinion, solve the Somalia problem. The Somalia problem is a political problem. It will only be solved by the Somalis themselves, including the *Al-Shabaab* and the *Al-shabaab* are not from the Mars. The *Al-Shabaabs* are the people of Somalia. So, for record purposes, the international community, the East African Community (EAC), the Inter-Governmental Authority on Development (IGAD), the African Union (AU) must bring the players in the Somali politics to the table without the exclusion of the *Al-Shabaab*. The Somali problem will not be solved militarily. The Somali problem will not be solved by the Kenyan military or the AU peace-keeping forces. This must be very clear. The Somali

problem will be solved by the people of Somalia – the main political players including the *Al-Shabaab*. Whether you call them a terrorist organisation, an offshoot of *Al-Qaeda* or a criminal gang, they are Somalis and they must be part and parcel of the Somali political process.

Madam Temporary Deputy Speaker, secondly, what is the backlash as we now support the Kenyan military initiative? What will be the backlash for the Somali community or Kenyan Somalis who occupy 22 per cent of this country? We have systems. History will bear me out that in 1994 there was something called the Somali screening card. We hope that this initiative will not be used by the security apparatus to harass the Somali community in Kenya. We want to say it here that as Members of Parliament from northern Kenya and from the Somali community, those who are in Government and those who are in the Back Bench, we will not allow Kenyan Somalis to be harassed. If you go to Eastleigh now, you will see the military patrolling. You ask yourself: Why is the military not patrolling in Lavington and Karen, and why is it patrolling Eastleigh? It is the work of the security agents of this country to know, identify and evaluate the criminals from the Kenyan citizenry.

Madam Temporary Deputy Speaker, when Kampala was bombed, the people who did that – the eight of them who were arrested were Kenyans from Central and Western provinces; the notion that the *Al-Shabaab*, the terrorists are Muslims of Somali descent was farfetched and the records will bear me out. Why should the Government put restrictions in the areas where the Somali community lives? These are the questions that we are going to put to the Prime Minister today. As much as we support the Kenyan military initiative in Somalia--- The Constitution that we adopted, the people of northern Kenya and the Somali community voted for it 98 per cent and we must live with it. Whether it is the Minister of State for Provincial Administration and Internal Security or anybody else in Government, the Kenya government is the same Government that is giving the so-called identity cards and passports to these people. It is not the people. It is the leadership. We do not issue identity cards and passports. We will support the Government in making sure that our country is secure, and that any extreme elements from across the border will not come and kidnap our people.

Madam Temporary Deputy Speaker, the Minister of State for Provincial Administration and Internal Security and the Minister of State for Defence of this Government must be very clear. We will be watching them in the coming days to see how they will carry out their operations in Kenya. However, as we speak here, it is the right of the Kenya Government--- As leaders from the region, we have told them more than ten times to relocate this refugee camp to southern Somalia. We have told them that it is your Government that is issuing Kenyan identification documents to people who are not Kenya citizens. Today we are being taken back to the era of the red screening cards. Today, Kenyans will refuse to get the screening cards, and this must go on record. Is the Somali Judge in the Supreme Court, Judge Mohammed---

## ADJOURNMENT

**Madam Temporary Deputy Speaker** (Dr. Laboso): Order, Mr. Duale! You will have a balance of 15 minutes when this debate comes up next time. It is now time to

adjourn the business of the House; this House stands adjourned until this afternoon, the 19<sup>th</sup> October, 2011 at 2.30 p.m.

The House rose at 12.30 p.m.