

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2nd March, 2011

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

**Mrs. Odhiambo-Mabona:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Immigration and Registration of Persons the following Question by Private Notice:-

(a) Why has the issuance of the national identity cards stopped in most parts of the country?

(b) Is the Minister aware that the interruption violates Article 12(1) of the Constitution?

(c) What steps is the Government taking to resume the registration and ensure compliance with the Constitution?

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The issuance of the national identity cards has not been stopped in any part of the country, but has been scaled down due to low levels of production materials for the identity cards. This has been occasioned by expiry of contract for supply of materials which the Government had with the current suppliers.

(b) I am aware that the interruption violates Article 12(1)(b) of the Constitution.

(c) Registration exercise is still going on all over the country, but production and issuance of identity cards has gone down as explained here above. However, the Government is in the process of executing the contract to address the problem.

**Mrs. Odhiambo-Mabona:** Mr. Deputy Speaker, Sir, the Minister is indicating that the process has not stopped but has scaled down. The process of scaling down means that you have effectively stopped in relation to some people. I am glad that you have indicated that you are violating the Constitution. What are you going to do to immediately redress that violation because we have several young men and women who are not able to get their identification which is a right under the Constitution?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, this is regrettable. We had a contract with the company that has been supplying us with materials and who have been producing the identity cards for this country since 1995. That contract was for ten years, which ended in 2005. From 2005, we have been kind of extending this contract against our wish, because the intention was that we move to the third generation identity card which would have been much more secure. It would have had a chip which could be usable for many other uses including voting, NHIF, NSSF, KRA and all those things that

an identity card would do. But the process of the third generation identity cards contract has been slowed down by court cases, appeals to the Public Procurement Oversight Authority (PPOA) and we have been frustrated several times. So, we have been extending this contract against our wish since 2005 to date.

This time round, the Cabinet decided that we cannot extend it any more. We must decide to move to the third generation. Consequently, in the last Cabinet meeting, I was directed that we proceed with the third generation identity card and stop this contract. Stopping the contract means that we therefore do not have materials and the production facility. So, for the time being, Kenyan people will bear with us. We cannot be able to produce the identity cards. I want you to bear with us for at least three months as we process the third generation contract.

**Mr. Midiwo:** On a point of order, Mr. Deputy Speaker, Sir. I am worried about the direction the Minister is taking. The issue of issuance of identity cards across the country is a big problem. People cannot get jobs. We now have people who have finished Form Four but cannot get identity cards. This is in the Constitution which supersedes anything the Minister may think.

I have heard the Minister talking in funerals expressing his frustrations. Is he in order to come here and assume that it is okay to break the Constitution which he himself was out there singing “*bado mapambano*” for people to pass it?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, of course, it is a violation of the Constitution, but on the other hand, I have explained the kind of predicament we are in if we are going to secure the production of the identity cards. In the meantime, we have to engage somebody to do it. The engagement of that somebody means that we have to follow the procurement rules – that is also in the Constitution. That is the process that we have started vigorously. In the meantime, we are going out to continue with registration. I want us to distinguish the two things; that we are going to continue registering Kenyans. What we may not do is to give them the identity cards because the materials are not available.

*(Mr. C. Kilonzo stood up in his place)*

**Mr. C. Kilonzo:** I am not on a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Fair enough! Hon. Kabogo, what is your point of order?

**Mr. Kabogo:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has already told the House that this matter is unconstitutional, and yet he wants to go on and tell stories about his problems. This is collective irresponsibility that he is attempting to cover up!

*(Applause)*

Mr. Deputy Speaker, Sir, would I be in order to ask this Minister to confirm to the House that he has already asked for funding, because that is the issue? This Government is able to fly all over the country in helicopters doing campaigns, and yet they cannot find money to fund the issuance of identity cards, which is a constitutional right. Would I be in order to request that this matter be referred to the relevant Departmental Committee in order for it to take it up immediately?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, let me separate the two issues. First of all, it is a right for every Kenyan to have an identity card and I will not argue about that because it is already in our Constitution. Even if it was not in our Constitution, we still penalized Kenyans for not registering, if they have not registered on time. So, it has been in our law and there is no question about that. The issue is not even money because I have money. The Ninth Parliament allocated my Ministry Kshs2 billion to continue with registration, and I have not utilized that money because of procurement problems. So, I want to say that---

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

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, what order have I broken?

**Mr. Deputy Speaker:** Order! Proceed, Mr. Minister! The Minister is responding to a point of order!

**Mr. Kajwang:** Thank you, Mr. Deputy Speaker, Sir. We must distinguish between additional questions, which we have a right to ask and points of orders. I must be given time to explain what I want to explain before they ask further questions which I will answer.

The materials are not there or, at least, they are not sufficient. We are in the process of procuring those materials. The company that will procure them must be contracted. We have been told that the contract that we entered into cannot be extended any further and we must procure the materials afresh. We are going to a third generation identity card, which is a bit secure and more complex than the one we have now. In the process, registration will continue. I will ask the Deputy Prime Minister and Minister for Finance to allocate us more money so that we can go to every village, location, chief's camp and school to give identity cards.

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. While I appreciate the many words that the Minister is trying to put across to justify the inaction on the part of the Government to issue identity cards to deserving Kenyans, the Minister should have realized that we are approaching elections which will be illegitimate if deserving Kenyans are not registered because that is a constitutional requirement. Is it in order for the Minister to give us the details, and yet we are interested in knowing exactly when Kenyans will get their identity cards? We do not want to know what the Minister does within the Ministry. We want Kenyans to have identity cards.

Mr. Deputy Speaker, Sir, this matter, as requested by Mr. Kabogo, should be referred to the relevant Departmental Committee so that it can be looked at into details. So, I am requesting the Chair that this matter needs to be given more attention. The Minister is not telling us all. He is facing frustration from the Government and he does not want to own up!

*(Applause)*

So, we want to help this Minister by referring this matter to the relevant Departmental Committee so that it can deal with it expeditiously within two weeks so that we can---

**Mr. Deputy Speaker:** Order, Mr. Mbadi! You have made your point!

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, of course, that was a point of comment and a point of debate and not so much of a point of order. However, let me say this. We have Kshs2 billion which this House voted to the Ministry in order to proceed with the

buying of materials. Incidentally, registration has not stopped. We can continue with that whether we have a company supporting us in production or not. So, going from one village to the other has not stopped. What makes the exercise slow is the fact that we need some money to do an emergency registration. I would like to inform the Member for Gwassi that that will not be frustrated.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to be concentrating on a question that he has asked himself and is answering? Issuance of identification cards to deserving Kenyans is a right under the Constitution. We want to know how the Minister will issue those cards and not how he will write people's names in some documents which are kept in chiefs' offices. This is because you cannot use the register of the chief to go and look for a job. People use identification cards to look for jobs. So, is the Minister in order to answer his question that nobody has asked him?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, registration is not the identity card. Registration is capturing your data into a database, which we already have.

**Mrs. Odhiambo-Mabona:** We want identity cards, Mr. Deputy Speaker, Sir!

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, production of an identity card is printing of information which is in the database. I know that you want identity cards, and I know that I should give out identity cards. I am saying that that we will continue with registration and issue identity cards when the materials are available. We are in the process of doing that.

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

**Mr. Deputy Speaker:** Order! Order! Could you ask supplementary questions? Proceed, Mr. Mungatana!

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I have been listening to the Minister and I want to take this to the next level. The Minister knows that Government of Kenya paid billions of shillings to a French company for the contract for the production of identity cards. We want an assurance from the Minister. Is it not possible for him to have an interim arrangement with a Kenyan company? The problem has been that there is over-reliance on this Government and over-confidence on foreigners at the expense of locals, whom he can sit and agree with, because they suffer like we do. They can understand and issue those identity cards and wait to be paid even in 2012. Could the Minister enter into such an arrangement with a local company so that these billions do not get out of the country?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, this "thing" is not about local or foreign. This is about a contractor who has the capacity to deliver. The French company we are talking about has the capacity to deliver as much as he has been here too long and we have extended his contract for too long and people are just fed up. So, we will enter into a new contractual arrangement and we have already advertized. If there is a Kenyan who has the capacity to supply identity cards, he or she can come to my office and buy the tender document.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. In Sudan, an identity card is a nice piece of paper which can be produced by any local company. What

is it that the Minister has to go to the French and if not French, the Americans? Why not the Pokomo?

*(Applause)*

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, we are not Southern Sudan. The identity card that we have is a very secure document. In fact---

**Hon. Members:** No!

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, the identity card that we have is more secure than your passport! Even the second generation of identity cards we are migrating from is more secure than your passport. I produce both documents and I know that. So, the Kenyan identity card is one of the most superior identity cards in the world, because Kenya started registration and has been registering her people when nobody else was registering in the world. So, we are very advanced. On the issuance of identity cards, we are a first world. We do not compare with Southern Sudan.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, could the Minister confirm or deny that the actual problem is a conflict between interests in companies being pushed by several people in the Government who are antagonistic? It is these people who are causing this jam.

Mr. Deputy Speaker, Sir, *Nation* Newspapers produces thousands of papers within seconds. This is just a piece of paper. The De La Rue was just around here. Why can the Minister not produce that piece of paper and register Kenyans?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, the hon. Member need to understand that this is not a piece of paper. He will have to understand that the science behind producing the national identity card or ID, is very complex. In fact, even the countries he is talking about do not know about it. Kenya is actually a giant in the production of IDs. It is a complex Information Technology (IT). The IT people will tell you what goes behind it.

Mr. Deputy Speaker, Sir, it is not about conflict of any interest. We have advertised for the production of the third generation identity cards. If you have a company that is interested--- If there is a Kenyan company or if there is a group of companies coming together as a consortium who are interested, they can come and pick those papers. We will assess them. If they have the capacity, we will give them. When that comes to fruition, we will take some time because procurement takes its time. In the meantime, what I will do to make sure that our people do not take me to court because I am sure you will be telling them to take me to court tomorrow, is that we will continue with registering every able bodied Kenyan. The Deputy Prime Minister and Minister for Finance has committed to me that he will give me enough money to do mobile registration in every village. When it comes to taking votes, which you fear, if we do not have the materials by that time, we will issue a printout from our database.

**Mr. Wambugu:** On a point of order, Mr. Deputy Speaker, Sir. The Ministry of State for Registration of Persons and Immigration also issues birth certificates to our children. That is where registration of persons starts. Is the Minister aware that in some regions in this country, especially the Central Province, there are so many children who do not have birth certificates? When their parents go to collect these birth certificates, they queue for three weeks or even one month before they get them.

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, of course, it is not the same procedure. In fact, issuing of birth certificates is much easier. It is actually a piece of paper.

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

**Mr. Deputy Speaker:** Order, Mr. Wambugu.

Proceed, Mr. Minister!

**Mr. Kajwang:** It is actually a special piece of paper. But for the ID, it is a much complex thing.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. From the interactions we have had, you can see clearly that the Minister does not have proper answers. This is a matter of national interest because it borders on breach of the Constitution. Would I be in order to request that this matter be referred to the relevant departmental Committee in conjunction with the Constitutional Implementation Oversight Committee (CIOC)?

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I would really wish to make a plea to the Chair and also the Minister because of the nature of this matter. There is the paper they call provisional paper, as you wait for the ID, which is not recognised within Government offices. I want to plead for that document to be recognized as our people wait for the IDs, the same way provisional licences are recognised as you wait for the licence. If this document is recognized, people can get birth certificates. But as it stands today, it is not recognized even to register as a voter, get employment or register for birth certificates. Could the Minister consider recognizing that particular document?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, I want to thank the Member for Yatta. I can confirm from the Floor of the House today that that waiting document is actually a legal and usable document for the purposes of identifying the person who is carrying it. Therefore, we will use that waiting card as an identity card until the person gets the identity card because it is their fault that they do not have it.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. Thank you for the indulgence. I just want to clarify that my request was in relation to the Committee on Administration and National Security. There are many young people who cannot get jobs, who have just come out of school.

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, if the hon. Member listened to me, there is nothing the Committee will discuss because I have already said that for the purposes of getting jobs and identify yourself, the waiting card will for all practical purposes be the ID.

**Mr. Deputy Speaker:** Indeed, if a Committee wants to carry out its own investigations, or execute its mandate, it does not have to get direction from the Chair.

The Chair directs the departmental Committee on Administration and National Security, which the Ministry of State for Immigration and Registration of Persons and Immigration falls under proceeds and carry out that task.

*(Applause)*

Hon. Members, you realize that we have got a Motion of adjournment today, which cannot start not later than 9.30 a.m. because the House is going to adjourn *sine die*. Under the circumstances, the Chair is not supposed to anticipate the final position of the House as far as the Motion of Adjournment is concerned. The Chair defers the following

Ordinary Questions: Question Nos.456, 625, 703, 705, 709,737, 748, 751, 757 and 772. In the event that House adjourns, these Questions lapse and the hon. Members will be required to file them afresh. If the House does not adjourn, then they will be staggered over the next week.

Next order!

*Question No.456*

NUMBER OF CHIEFS AND ASSISTANT  
CHIEFS IN THE COUNTRY

*(Question deferred)*

*Question No.625*

DELAY TO ISSUE TITLE DEEDS  
FOR LR No.4953/2011

*(Question deferred)*

*Question No.703*

REPAIR OF BOREHOLE AT MARICH CENTRE

*(Question deferred)*

*Question No.705*

DELAY IN CONSTRUCTION OF FRESH  
PRODUCE MARKET IN KERICHO

*(Question deferred)*

*Question No.709*

OWNERS OF LAICO REGENCY HOTEL

*(Question deferred)*

*Question No.737*

CRITERIA TO ALLOCATE FUNDS  
TO ROAD MAINTENANCE IN CONSTITUENCIES

*(Question deferred)*

*Question No.748*

LIST OF SENIOR CITIZENS  
IN GWASSI CONSTITUENCY

*(Question deferred)*

*Question No.751*

WATER HYACINTH MENACE  
IN NYATIKE DISTRICT

*Question No.758*

HARVEST OF TREES  
IN MAU COMPLEX

*(Question deferred)*

*Question No.772*

DISMISSAL OF MAURICE W. SIMIYU  
FROM KENYA POLICE

*(Question deferred)*

### **PROCEDURAL MOTION**

EXEMPTION OF BUSINESS  
FROM PROVISIONS OF S.O.38

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

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

Mr. Deputy Speaker, Sir, as Members will note on the Order Paper, the House Business Committee has not scheduled any Private Members Motions. As you all recall, this was a special session that was called to discuss some specific Bills. I would like to thank this House and Members for concluding these Bills.

Having fallen short of business and to get Members to be re-energized, it was felt that Members need a break and hence today although it is a day for Private Members' Motion, we want to get that exemption, so that we can discuss the Motion of Adjournment.



Mr. Deputy Speaker, Sir, this is a straight forward Motion. I beg that Members support that we vary the business of the day to accommodate the Motion of Adjournment that I will be moving shortly.

With those few remarks, I beg to move.

**Mr. Midiwo** seconded.

*(Question proposed)*

*(Question put and agreed to)*

## **MOTION FOR ADJOURNMENT**

### ADJOURNMENT OF THE HOUSE *SINE DIE*

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

THAT, this House do now adjourn *sine die*.

Mr. Deputy Speaker, Sir, this is a special session of Parliament. Hon. Members were recalled from recess for purposes of passing some Bills. I wish to take this opportunity, first of all, to thank hon. Members for the time they have put into the matters that have been before the House. I recognize the fact that they cut off their recess to come and carry out this national duty.

It is time that that we went back to our constituencies today to take credit values from our people. It is time that we went back to review what is happening within our Constituencies Development Fund (CDF) projects. It is time we went back to study clearly what will happen in the next session. I know the time may be short but that break is well deserved and the mood in the House has been evident in the last couple of days that hon. Members ought to go and congratulate students who have performed very well in their schools and also go and assess what has happened in some of the schools that did not perform very well. We need to have that break so that we can all perform our own duties outside the House in addition to the Committees that will be sitting.

I do not need to belabor the issue. I would like to take minimum time to allow as many hon. Members as possible to contribute within the three hours that we have for this Motion.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move that the House do now adjourn *sine die* and ask Mr. C. Kilonzo to second.

**Mr. C. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir. I wish to second this Motion.

It is true that hon. Members need time to go to their constituencies and address issues of development. At the same time, the Government needs time to look at itself. I would like to suggest that the Government takes this opportunity and takes the Cabinet for a retreat. During the retreat, the two principals should read the riot act to the Ministers. I have a very powerful suggestion that one principal reads the riot act to two Ministers, in particular, Mr. Kenyatta and Mr. Samoei. The other principal should read the riot act to Mr. Kajwang and Mr. Orengo. People are tired of seeing wars and wars within the Cabinet.

*(Applause)*

We do not want Ministers to describe each other negatively or insult each other. We want Ministers who are united. The two principals should know that by holding the positions they are holding, they have a lot of responsibility and must lead from the front.

With those few remarks, I beg to second.

*(Question proposed)*

**The Assistant Minister for Public Works** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I stand to support this Motion. I do so because last time, we were supposed to break for more than two or three months but we came back because we had a very important agenda. I want to thank hon. Members and congratulate them for rising to the occasion. At least, we have now jumpstarted the process of making sure that we shall have a new Constitution. Therefore, we must cool the temperatures. Hon. Members will now have time to go and listen to their people or constituents. There are some very important issues that must be addressed. For example, today morning, there was a Question by Mrs. Odhiambo-Mabona with regard to ID cards but that is not even more pressing. If you look at the distances our people travel every day to go and look for birth certificates, then hon. Members must speak with one voice. We must ensure that we facilitate the Ministry of State for Immigration and Registration of Persons so that, at least, the district commissioner will go and pick the birth certificates and take them to the chiefs and sub-chiefs so that our people can go and pick those certificates from the chiefs and sub-chiefs. You can imagine that our people are still moving to the old district headquarters to get birth certificates. They spend the whole day. They use a lot of money for transport and lunch while the Government can completely decentralize the issuance of birth certificates. It has enough officers to do that.

It is high time that hon. Members, especially the young lawyers like Mr. Mungatana and Mr. Wamalwa, to take the issue of Kenya School of Law seriously. It has become a reserve of the rich. You cannot imagine to access the Kenya School of Law after you graduate. To be admitted to the Bar, you have to go the Kenya School of Law and every semester, a student must pay Kshs90,000. That means that every year, they pay Kshs180,000 . Therefore, they will do it for two years. This is discrimination of the highest order. It is against the Constitution and I wonder what Mrs. Odhiambo-Mabona is doing to interpret that. There is no way we can say that students from poor families will ever access courts because they are being discriminated against. This Parliament must decide on this issue because, if it continues, it means that those children from poor families will never become lawyers in this country. It is not only in the Kenya School of Law. It is also in other disciplines in this country. It is high time the curriculum of this country is reviewed to make sure that those issues are settled once and for all.

Mr. Deputy Speaker, Sir, we have heard we are abolishing the minibuses; the *matatus*, which carry 14 passengers. We have not been told how those in the transport industry are going to be facilitated by the Government so that they can access funds and buy the big buses. Are we saying that the poor of this country will be completely left out of business in this country? We agree that we should have buses operating in towns but

for the rural areas and other towns, let us still have the minibuses until the Government lays down the procedure where people can access money. Otherwise, this Parliament is already being condemned because we are not taking care of the poor.

There are some of us and those in leadership and high positions who only thrive on upsetting the order. They cannot have anything to say unless they are rattling Kenyans and making sure that there is no peace in this country. They have no agenda! How can they say they have an agenda while, for the last one month or so, all what we hear out there are politicians attacking each others? All those who are pretending to be presidential candidates and presidential material do is to chest thump. We are tired of that! We must make sure that if it is about the Constitution, all of us are not casting the anchor. We must make sure that we are moving together. You cannot pretend that others are sabotaging you while you are on the front line. You cannot come here and pretend that you are drinking water while you are taking wine. At the end of the day, thieves have no honour. If that is how they want to treat us, everybody has a couple of --- We shall open them up if that is how they want us to do it. But it would be unfortunate for us if that is what the leadership of this country wants to treat Kenyans.

With those few remarks, I beg to support.

**The Member of Parliament for Kirinyaga Central** (Mr. Gitari): Mr. Deputy Speaker, Sir, my name is Joseph Gachoki Gitari, the new Member of Parliament for Kirinyaga Central. I want to take this opportunity to thank the people of Kirinyaga Central for having faith in me and electing me as their leader.

I would like to say this to my supporters in Kirinyaga Central who woke up very early in the morning to elect me, may God bless you. For those of you who voted for my opponents, I need you most. Come back so that we work together for the benefit of people of Kirinyaga Central Constituency.

Mr. Deputy Speaker, Sir, clearly, I cannot say where I am coming from, but I know there are various challenges facing Kirinyaga Central. For example, insecurity tops the agenda. In the last two years, we have lost 33 people. Out of this, 70 per cent were women. They were killed under very funny circumstances, but so far, nobody has been apprehended.

In my constituency, there is only one main road that connects Karatina and Kutus. However, that road is in a pathetic condition. I joined politics after looking at the challenges facing the people of Kirinyaga Central.

I would like to take this opportunity to inform the House that I am a qualified surveyor from University of Nairobi. When I joined politics, I thought it would be very easy for me. However, it has proved to be very difficult. When I was campaigning, I heard some people saying that I had not gone to school. So, I would like put my record straight. I am a graduate of University of Nairobi. I have been licensed to practice as a surveyor in this country. You might not be aware, but there are only 73 licensed surveyors in this country. In this House, there are only two licensed surveyors; that is, Mr. Lenny Kivuti and I. Currently, I am practicing as a surveyor.

I would like to appeal to Mr. Njeru Githae, Ms. Martha Karua and myself from Kirinyaga County to swallow our pride and work together. We must develop our county together just like the way other leaders are doing in their counties. It is a pity to see some of them still campaigning as if the by-election is not over. We should all join hands and work for the people of Kirinyaga County.

Mr. Deputy Speaker, Sir, I am pleading with everybody who assisted me to continue doing so, even in getting to learn about the procedures in this House. Before I came to this Parliament, I was used to a system that had some guidance. It has been very chaotic for me, but I will catch up very soon.

I fully support the Motion of Adjournment because it means that I will have enough time to go through the Standing Orders and also go back to my people and tell them what I have learnt in our Parliament.

I urge Members of this House that if you see me stranded somewhere, please, come to my rescue. These are my first days in this House and you also know that when you first came to this House, you also needed time to acquaint to the rules of the House.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I rise to support this Motion and also welcome Mr. Gitari to the Club of the 222 Members.

I want to begin by saying that this recess is much needed. A lot has been going on. Generally, hon. Members are fatigued. More importantly, we have spent the last two or three months, coming in and out of this Parliament, without achieving much. This was a special session called to pass the Vetting of Judges Bill and the Judicial Service Bill. We should have done that and gone back to work for our people.

This recess may be important for hon. Members because over 70 per cent of hon. Members are new in this Parliament. Because of the events of this 10<sup>th</sup> Parliament, we had an unfortunate start. Even though we are parliamentarians, I think we are required to be seen in the constituency.

Personally, I wish to apologise to the people of Gem that these events do not allow me as much time to see them as I had in the previous Parliament. I think many of us will pay for it when the elections are called. So, it is important that we are not here on taxpayers money when we do not need to be here. I am sure we need this recess.

Mr. Deputy Speaker, Sir, as we go home, one issue that members of the public will be raising with their hon. Members is that they want to be given a chance to join the police force. I am happy that Mr. Ojode from the Ministry is here. The Ministry of State for Provincial Administration and Internal Security has said that they are recruiting policemen. He should tell me how many will be recruited in Gem Constituency. When he does so, he should tell me who he has recruited. We are tired of begging for the rights of our people. We are very tired. This Government must move with the times of the day. The Government must move to the 21<sup>st</sup> Century. If they will recruit people across the country, they should not do it in darkness. That is our past. We are moving to the future.

Mr. Deputy Speaker, Sir, with regard to the Economic Stimulus Package (ESP), we want the Office of the Prime Minister to issue an all-inclusive circular of what is expected of the hon. Members as their role. Some of our roles are being usurped by civil servants. Much of this is now engulfed in a lot of corruption. I think that was not the intention of ESP. We must do the right thing and get a circular as we go home. We want to know how we will implement the road funds, the market funds and the *Jua Kali* funds, so that we can watch what these people are doing. These things have turned into cash cows for some very senior civil servants. We cannot accept that. Our work is already difficult and we must try to make it easier.

Lastly, I want to comment on the issue that keeps bringing quarrels across the country, particularly amongst the politicians. I am glad that the Leader of Government

Business is here. The Prime Minister and the President must put and hold this country together in the spirit of the National Accord.

No Kenyan is willing to see Kenyans tried in a foreign land. We would like to sort ourselves out here like it was done in South Africa and is being done the world over, so that we can move together as a country. Going to Gaddafi or Mubarak, we will not help, if we are not together.

I want to plead with the Vice-President and Minister for Home Affairs to take the higher moral ground. We are human beings and we are paid by taxpayers' money. He can call us so that we talk and see where the rain started beating us. Let us not say: "So-and-so is interested in taking Kenyans to The Hague.; so-and-so is not interested in doing that." Kenyans died and people must get justice even if---

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** On a point of order, Mr. Deputy Speaker, Sir. I do not wish to interrupt my friend, Mr. Midiwo, but I heard him say that going to Libya and Egypt will not help this matter. It is important for the record that the House notes that the reason His Excellency the President sent me as his special envoy to Libya, at that particular time, was because Libya was the chair of the African Peace and Security Council.

Two, I went to Egypt at the same time on this mission. Eng. Rege will remember this because he was in Egypt at the same time. The Prime Minister had also gone on an official visit four or three months before I visited the country bilaterally. So, let us separate these issues. It is important that there is no confusion over this matter. However, I am very happy about what hon. Midiwo has said; that we should act as one Government even as we go for the next round of the International Criminal Court (ICC) Deferral matter. I am happy that the Minister for Justice National, Cohesion and Constitutional Affairs is also talking the same language in Geneva. I think this is the way forward. We said we needed our country back and that is the language that Mr. Midiwo is using this morning. I thank him for that.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I have always spoken that language and my colleagues will bear me witness. The Vice-President and Minister for Home Affairs need to know that we have issues in this country. People are dying of hunger. He spent Kshs30 million which could have helped my people. Let us do this in the spirit of the National Reconciliation and Peace Accord. There is only one Government in this country. Having an action that connotes that there is a President Kibaki Government and a Raila Government in this country is not helping this country.

I wish to conclude and support this Motion.

**The Assistant Minister for Lands (Mr. Bifwoli):** Thank you, Mr. Deputy Speaker, Sir, for allowing me this opportunity to support the Adjournment Motion. We have been here for a long time and it is time we went to meet our constituents. We are so tired that when you say a word, people will interpret it to mean something else. As you sit there, the same way your colleague, Mr. Speaker, sits, when we ask you to make a decision on a matter, that should not form the basis of debate every day. You are a human being and you are bound to make mistakes. Mistakes will always be there. However, someone here will say that if you smile at me, then you should be censured. When you laugh at me, you should also be censured. We should refrain from censuring so-and-so because of saying (a), (b) or (c). We should move away from people who say that President Kibaki should not meet with Mr. Raila because it is a mistake. What is the

problem if they meet and differ? Human beings will always differ. It is only angels that do not differ in heaven! Otherwise, when we are in this world, we will always differ.

Hon. Members should understand that wherever there are human beings, there must be differences. Differences can be sorted out when people are willing to sit and discuss. I will give one example. My younger brother, the Attorney General, gave his advice. However, some of us came up and said that he should be censured. I do not know what the world is coming to. When you are an adviser, you can either give good or bad advice. The Attorney-General just gave his advice. If the advice was bad, the Government should have rejected it. Why would you want to censure him? Is it because he is from the Luhya Community? Can we take this matter lightly? Those who are dreaming of censuring ---

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. You heard the Assistant Minister for Lands, who has declared his interest to run for the presidency of this country, reduce the Attorney-General of this country to a particular community. Is he in order for him to reduce the Attorney-General to his corner, when the Attorney-General is an officer of the Republic of Kenya?

**The Assistant Minister for Lands (Mr. Bifwoli):** Mr. Deputy Speaker, Sir, I want to admit that I am a presidential candidate but that fact does not remove me from being a Luhya. In the case of Amos, it is not his mistake that he was born a Luhya. It happened that his father and mother were Luhyas. Therefore, he had to be a Luhya and he will die a Luhya. He will go to heaven a Luhya!

*(Laughter)*

With those many words, I beg to support.

**Ms. A. Abdalla:** Thank you, Mr. Deputy Speaker, Sir. I wish to join my colleagues in supporting this Motion of Adjournment.

I would like to speak on matters that have been in the limelight for the last few days. I wish to talk on the issue of tribalism. We speak a lot about tribalism when it is the majority that we are attacking. We have not been speaking about ideological minorities in the different tribes that we have. I would like to say that if Alnashir Visram was from any majority tribe, the issues that were being raised here would not have been as vicious as they were. Even from the evidence that was brought to the Committees, it was very clear that nobody had anything to say about Githu Muigai and very little to say about Kilukumi but a lot to say about Alnashir Visram because he is an ethnic minority. Similarly, there were issues being said about Kirwa. As much as he is from a majority tribe, he is an ideological minority in his tribe. We must be able to go above these issues.

Kabisa---

**The Assistant Minister for Foreign Affairs (Mr. Onyonka):** On a point of order, Mr. Deputy Speaker, Sir. As you are aware, Visram is from Kisii. However, is it in order for an hon. Member, even after the courts have ruled that the appointments were unconstitutional, to argue that the reason why his nomination was challenged was simply due to tribalism issues?

**Ms. A. Abdalla:** Thank you Mr. Deputy Speaker, Sir. I would only have wished for him to have stood defending Alnashir Visram as he defended Omosa in this House. He would then have convinced me that Alnashir was Kisii enough for him to stand.

Mr. Deputy Speaker, Sir, I really want to focus on the issues---

**Mr. Deputy Speaker:** Order! Order! Hon. Amina Abdalla, the conduct of the person Alnashir Visram has never been a matter of discussion on the Floor of the House. It might have been discussed at the Committee level but not on the plenary of the House.

**Ms. A. Abdalla:** Mr. Deputy Speaker, Sir, all I was trying to say is that there is a problem with ethnic minorities and ideological minorities. As hon. Members, we need to move away from that.

*(Mrs. Odhiambo-Mabona stood up in her place)*

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

**Ms. A. Abdalla:** You have been rising on a lot of points of order!

**Mrs. Odhiambo-Mabona:** Yes, I will, Mr. Deputy Speaker, Sir, especially when a Member is giving misleading information.

At the Committee level, we did not go into vetting of personalities. We only looked at constitutional issues. So, is the hon. Member in order to mislead the House by inference?

**Ms. A. Abdalla:** Mr. Deputy Speaker, Sir, the guilty are afraid. The HANSARD is there. She needs to look at that.

Mr. Deputy Speaker, Sir, having finished with that---

**Mr. Deputy Speaker:** Order, hon. Amina Abdalla!

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

**Mr. Deputy Speaker:** Order, hon. Millie Odhiambo!

**Mrs. Odhiambo-Mabona:** On a point of order.

**Mr. Deputy Speaker:** What is your point of order, hon. Millie Odhiambo?

**Mrs. Odhiambo-Mabona:** Is the hon. Member in order to infer that I am guilty? What am I guilty of? I am not guilty of anything and the HANSARD will bear me out. We did not look at the character of Visram. They are the ones who were intending to do a vetting and we refused as a minority. It is on record in our minority Report which she was vigorously seeking--- She even sought your opinion to have it expunged from the records of this House.

**Ms. A. Abdalla:** Thank you, Mr. Deputy Speaker, Sir. She wants to push me to the end because there is evidence because he is from my ethnic group.

**Mr. Deputy Speaker:** Order! Order!

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I am rising on an issue of procedure.

**Mr. Deputy Speaker:** Order! Order! Not on the same. We are not going to reduce the House into a diatribe between two Members of Parliament. Could you conclude your contribution and steer away from anything personal?

Proceed!

**Ms. A. Abdalla:** Mr. Deputy Speaker, Sir, the reason why I am talking about this issue of tribalism is because that a lot of time, we invoke sections of the National Cohesion and Integration Act when it affects a particular section. However, we do not do the same when it involves our own regions. So, it is important that we look at these matters more progressively.

*(Maj-Gen. Nkaiserry interjected)*

I would like protection from this “tired General”.

*(Laughter)*

**The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaiserry):**

On a point of order, Mr. Deputy Speaker, Sir. First and foremost, hon. Amina Abdalla will have to apologize. I am, first and foremost a Maasai. Maasais are not abused by women. That is point number one. Point number two is that I am a Military General who retired honourably. Point number three is that I am the only champion marathoner in this House. So, I am not tired. Point number four is that I want to challenge Ms. Amina Abdalla to a contest to see who is tired.

Thank you.

**Mr. Deputy Speaker:** Order!

**Ms. A. Abdalla:** Thank you, Mr. Deputy Speaker, Sir. Whereas I agree with all his four points, I only disagree with the issue that he referred to my gender. I do not mind getting a challenge with him on an eating contest. I am sure I would defeat him.

However, I would really---

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this debate.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Minorities have to be protected in this House!

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Deputy Speaker, Sir. I know that the male hon. Members fear giant women but I am up to the task. I want to say that as a country, we passed the Constitution and nobody said that implementing it would be easy. Therefore, the challenges that we are seeing ahead of us have been the teething problems in implementing the Constitution. I would like to urge hon. Members to be vigilant. In everything that we do, we should ensure that we follow the letter and the spirit of the Constitution implementation. I want to laud hon. Members that despite the challenges, sometimes we beat ourselves too hard that we forget the good things we have done. We managed, during this period, to pass the Judicial Service Bill and Vetting of Judges and Magistrates Bill. That is a milestone in terms of reforms in this country. I know there are many challenges ahead of us, but we have managed despite the fact that we started on a wrong note as Parliament. We have managed and I have a message of optimism that, as a country, we can.

Within this period, many hon. Members have raised issues of insecurity in this country. I want to encourage the Minister of State for Internal Security and Provincial Administration to listen to Members. I was a victim, even though that issue was challenged by the Commissioner of Police. I would like to take this opportunity to table before Parliament two statements that I recorded at Mbita Police Station on 14<sup>th</sup> February and on 15<sup>th</sup> February the night after I was attacked. I want to clarify that the Police Commissioner indicated that I was at my sister’s place, who is called Jane Akello. I have no sister by the name Jane or Akello. So, you will notice who is giving which



information. In my statement, I did not say that my phone was stolen or that we had gone to a hotel and left. So, I do not know where the Police Commissioner is getting that information. I would also want to tell the Minister that I was with the Commissioner for Integration where we were talking about integration and healing in this country and despite the challenges we face, I will still speak that language. He can speak to the Commissioner, I was with her, including the Officer Commanding Police Division (OCPD); a very wonderful Kalenjin woman married to a Kikuyu, who was speaking with us the same language in the communities we were working with. I will not be deterred in speaking that language because there are some of us who need to speak it.

*(Mrs. Odhiambo-Mabona laid the document on the Table)*

I want to talk about a very encouraging thing in the Constitution that covers the rights of the young people. For those who are legally young at 35 years and those who are young at heart like me, who are beyond 35 years old, let us exalt the freedom that we are given in the Constitution in all its manifestation, but above all, exalt the rights of young people when they are abused. Let us speak more on issues of young people on this Floor, more so when their Houses are razed to the ground and are violated by the police. Let us speak about that even as we express our youngness in all forms.

I would like to speak to the issue of drought. It is a big problem even as we are going on recess. There are parts of the country that have not been covered. As I was speaking to my mother this morning, I told her that I was asking the Minister of State for Immigration and Registration of Persons about the issuance of identity cards. She told me: "Please, also inform him that cows are dying by the lake in Suba". I told her that we do not go that far, but I would like to inform the relevant Minister that in many parts of this country, many people are dying of hunger. Please, let us prioritize these two weeks to remember the women and children in northern Kenya and other parts of this country who are dying of hunger.

Mr. Deputy Speaker, Sir, I want to congratulate the Minister for Education. From the beginning of the year, I have stated that there are parts of this country that are marginalized in terms of education. We are seeing an improvement. He has invested in those areas even though they have not reached the same level as other parts of the country, for instance, northern Kenya and Nyanza. There was some significant improvement. I want to thank the Minister for Education, Prof. Ogeri, for the excellent work he has done. We will continue to support him. In Central Province, there was concern about the falling levels of the boy child education. The Minister has done a lot of work and boys have done very well in Central Province.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I want to take this opportunity to wish my hon. colleagues well during the next two or so weeks. It is a recess that is very well earned. When we resumed, as a Special Session, our mission was very clear. It was necessary for us to pass the Judicial Service Bill as well as the Vetting of Judges and Magistrates Bill. Both of these Bills are now awaiting Presidential assent and I am sure by the time this House gets back after two weeks or so, His Excellency the President will have assented to these very important pieces of legislation.

I want to call upon the Attorney-General to give this matter his best in terms of dedicating time to make sure that His Excellency the President is put in a position to sign these two pieces of legislation. They constitute the very best that we have done in terms of implementing the Constitution. The Government is fully committed to the full implementation of the Constitution. I want to agree with hon. Odhiambo-Mabona that although there will be hiccups here and there, we should not lose sight of the fact that we have done very well. By passing these two pieces of legislation, the country is now in a position to move to the next level, which is to have a fully-independent Judiciary within the expectations of the Kenyan people. I have no doubt that after we appoint the judicial officers, we will be seen to be one country again when it comes to the practice of law and independence of the Judiciary.

Mr. Deputy Speaker, Sir, I want to urge that we all exercise maximum restraint. This is because Kenyans in the diaspora are not able to follow the nitty gritty of politics and so they think that we are not committed as a legislature to the implementation of the Constitution. Therefore, let us give all Kenyans full confidence wherever they are. They need to feel that this House is taking leadership with regard to the all important matter of implementing our Constitution. We are basically set, but let us know that the country, at the moment, is faced with serious challenges. There is drought in many parts of the country. We still have Internally Displaced Persons (IDPs) and we need to resettle them so that they can go home and get on with their lives.

It is important to draw the hon. Members' attention to the fact that the Commissioner of Police gave a full alert because of what is happening across the Kenya/Somalia border. It is important that Kenyans take heed of that precaution and be careful about where they gather. Young people like to go to Nakumatt Junction and so on. As they do that, they should take into account the need to be extra vigilant. If there are suspicious characters, they should be reported immediately to the Commissioner of Police. We cannot expect to deal with drought and at the same time some elements that are hell-bent on creating disharmony and insecurity in this country. It is important as leaders to take that into account even as we break for the next two weeks.

I want to urge that we speak with one voice. Even on this matter of establishing a local tribunal, I am happy that we are now beginning to talk together again. Let us ask ourselves: "Where did this rain begin beating us?" If you are a political leader and you are in the habit of acting in a manner that is disrespectful to your colleagues, it is time to use these two weeks to reflect. We are all birds of the same feather. We need to appreciate that this is our country. Everybody has a right to live peaceably with each other. Therefore, let us respect each other and use language that is not demeaning to any of us. I do not think it is appropriate to brand Kenyans, "this-and-that" and yet we believe in the principle of law. This is a country that now wants to be seriously guided by the rule of law in all that we do.

I also want to challenge the National Cohesion and Integration Commission to deal with these matters.

I beg to support.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I wish to support this Motion. I do not think that we really need a Motion of Adjournment for the Government to get organized just as when we are not in the plenary; we have time to do committee work. So, that cannot be the reason for us to seek this break.

The only good reason is that Parliament will now have the opportunity to interrogate some of the matters that have appeared before the House. The Government should deal with the matters of drought and famine. We are celebrating the third anniversary of the Coalition Government. The Government needs to demonstrate to this country the benefits of a Coalition Government. The Government has spent a lot of time trying to play against each other. The time to play political games in this country is over. Let us use the remaining one-and-a-half years to deliver what we agreed on.

If you look at the issues at the time the two principals were signing the agreement, the first one was to stop the post-election hostilities. We achieved that one. We then embarked on Agenda IV which was about the long-term issues. We now have got a new Constitution and it is awaiting implementation. These things are important to us as a Parliament. The Government cannot take for granted that 1,500 Kenyan lives were lost. Are we telling Kenyans that it is okay for them to lose their lives as collateral damage for the sake of us getting into power? This break of two weeks will be necessary for the Government.

The Government must know that we pay them to perform the job of Government. It must realize that there should be no competition between the President and the Prime Minister. You will notice that every time one of them is travelling, the other one is also travelling in the other direction. Talk about shuttle diplomacy, and to me that is a waste of public funds.

With regard to assessing drought, there is no assessment being done. We are just using the opportunity to move around to campaign for ourselves. It is high time we ensured that if we assess drought, then let it be so and not a matter of conducting political party meetings. If it is shuttle diplomacy let us do what is good for this country. None of us is greater than the Republic of Kenya, regardless of whether you are the President, the Prime Minister or the Vice-President. Let us do what is good for this country.

Mr. Deputy Speaker, Sir, it is now the fourth year since the IDPs went into camps. The Government made a commitment that by December, 2010, all IDPs would be resettled. I want the Front Bench to commit itself. The new deadline of 30<sup>th</sup> June, 2011 shall never be extended. It is embarrassing that four years down the line we still have IDPs. Those people are there because of us! Furthermore, there are 3,000 households of IDPs in Turkana and yet we in Turkana did not participate in post-election violence. However, we have given them land.

The Government agreed to give the IDPs some money and building materials. However, it has not resettled people who are not living on controversial land. We have accepted those people and we have told them not to go back where they came from. We have hosted them and they are not going anywhere. They will be in Turkana even with all our problems. Is that too much to ask of a responsible Coalition Government? Is it a coalition of confusion and “it-is-our-turn-to-eat”?

Mr. Deputy Speaker, Sir, we have taken a decision as Parliament. Under the Parliamentary Select Committee, we want to ensure that all those IDPs are resettled. Failure to do so, we will interrogate this matter on the Floor. The Standing Orders give us capacity to deal with Ministers who fail to implement the resolutions of the House.

This Parliament has performed. I am actually surprised that the Government Whip could say that we have not performed. We have performed! We have sent Ministers

packing! That is good accountability. We have never lacked quorum and if you noticed, in the last few months, the quorum has been so huge.

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

**Mr. Mwachima:** Bw. Naibu wa Spika, nimeshukuru sana kwa kunipa nafasi niichangie Hoja hii.

Kwanza, ninataka kuwashukuru Rais wa nchi hii, na Waziri Mkuu, Bw. Raila Odinga. Viongozi hao wamekaa pamoja na kutuweka sisi, Wabunge wa Bunge la Kumi, kwa makini sana. Ninataka kuwalaumu wachochezi walioko kwenya Bunge hili, ambao wamewapeleka vibaya viongozi hao. Bunge la Kumi limechangia pakubwa. Tumekaa vizuri kama ndugu. Hata sura zetu zinafanana na tunafanya kazi pamoja. Zile “chuchuchu” ndogo ndogo ndizo zinazotaka kutuharibia Serikali.

Bw. Naibu wa Spika, sisi, kama watu wa Pwani, tulikuwa na malalamiko kuhusu bandari. Rais na Waziri Mkuu wako tayari kukubaliana nasi lakini wachochezi wenye tamaa wanajaribu kutuharibia. Katika Bunge hili la Kumi hatufai kuwa na hali kama hiyo. Katika mwaka wa 2008, tulikuwa katika shida kubwa sana, mpaka Mumarekani akaja kutupatanisha. Kwa vile sisi ni ndugu, tukapatana lakini tulipoanza siasa za uchaguzi wa mwaka wa 2012, fitina na uchochezi mwingi zikaanza. Sasa hatuna mwelekeo wowote. Hakuna njia ya maana.

Ningependa kuomba kwamba, sisi, Wabunge ambao tumechaguliwa kutoka sehemu mbalimbali, tushikane tufanye kazi pamoja tukijua kwamba wakati wa uchaguzi utakapofika tunaweza kurudi Bungeni ama tusirudi, lakini tuhakikishe kwamba tumeiweka Kenya vizuri. Hivi majuzi, tulikuwa na shida ya uteuzi wa maafisa wakuu wa umma. Tukavutana mpaka sasa tumefikia mahali ambapo shughuli hiyo inaendelea vizuri.

Bw. Naibu wa Spika, langu ni kusisitiza kwamba sisi, tukiwa Wabunge, tufanye kazi na watu vizuri ili tuweze kuwa na Serikali nzuri. Itakuwa aibu kubwa kwetu sisi viongozi tuliochaguliwa kama tutashindwa na uongozi, kama kwingineko Barani Afrika. Viongozi kule Misri wameshindwa na uongozi licha ya kwamba wao siyo makabila mengi. Sisi tuko makabila 42 lakini tumeweza kusikizana na tunaishi vizuri.

Ninaiunga mkono Hoja hii ili turudi tukafanye kazi nyumbani. Kuna Mawaziri ambao wanakazi wanazostahili kufanya. Tunataka kurudi makwetu tukaone wamefanya nini. Masuala ya usajili wa watu na ulinzi, yamezungumziwa. Kwa hivyo, ni muhimu turudi makwetu tukaone kazi hizo zinafanyika namna gani.

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

Bw. Naibu wa Spika, ninajua kwamba Wabunge wengi wanataka kuchangia Hoja hii, lakini ninawasihi wanisikize kidogo kwa sababu sijawahi kuchangia Hoja kama hii mbeleni. Ningependa kuichangia Hoja hii kwa sababu ningependa tutakapoondoka hapa twende tukakae pamoja tuzungumzie masuala muhimu ili tusuluhishe matatizo madogo madogo yanayoleta uhasama miongoni mwetu.

Bw. Naibu wa Spika, nikimaliza mchango wangu, ningependa kukufahamishwa kwamba sisi, wakazi wa Pwani, hatukubaliani na mpango wa Serikali wa kuibinafsisha bandari. Hata tukiambiwa kwamba tutachinjwa tusipouachilia msimamo huo, hatutakubali. Ni afadhali tuchinjwe sote, lakini bandari haitauzwa. Ujumbe huo upelekwe kwote mahali popote pale, hata ikiwa Ulaya; lakini bandari haiuzwi.

Ahsante.

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion of adjournment.

I support the Motion because it is time we took a break to go and reflect and perform one other function which Parliament must do, namely, oversight. We have a lot of programmes which are going on. We have the Constituencies Development Fund (CDF) programmes and the Economic Stimulus Programme projects, which we must all go and look at.

Mr. Deputy Speaker, Sir, I want to also urge hon. Members that we use this break to reflect on the Constitution. From the day the new Constitution was promulgated, we have not had time to even reflect on it individually because of the tight programme we have had. We need to reflect on what the new Constitution says and what its spirit is, so that we can implement it smoothly. We have no other opportunity but now, as the Tenth Parliament, to ensure that we smoothly transit from the old Constitution to the new Constitution.

There are many structures which have to be put in place. We have to talk about devolution and make sure that we have structures in place, because it is not just a matter of putting up the buildings that the Minister for Public Works was telling us about but rather about how we are going to relate on the ground. So, it is very important that we go and look at what provisions are in the new Constitution that require our attention. As leaders, we must provide leadership on the ground. So, I urge my colleagues that we go and start the civic education programme that has been talked about.

I also want to appeal to the Minister for Justice, National Cohesion and Constitutional Affairs, who promised Kenyans during the promulgation of the new Constitution, that civic education would take place; that he now takes the programme of civic education very seriously during this break, so that we can help our people to understand what the new Constitution brings in, what the Bill of Rights gives them as privileges and what other chapters bring in, especially in the area of devolution.

Mr. Deputy Speaker, Sir, this opportunity should also allow us to address some of the pertinent issues. I know that in my Ministry, we are looking at issues which have been pending in this House, including visits to mining areas and some of the environmentally sensitive areas. This is our opportunity to attend to those issues.

I would also like to remind the Minister of State for Provincial Administration and Internal Security what he was told yesterday about insecurity in Eldoret Town. Apart from addressing that issue in Eldoret, he needs to spend this time to understand why the country is becoming more insecure than before. In Eldoret, we have had more than six robberies in the last two months and you can ask yourself why nobody has been arrested for those crimes. It is time the Minister tried to understand the complications that have come up in the security sector.

So, I urge my colleagues that this is an opportunity for us to re-look at our Ministries and sort out some of the issues that have been disturbing us in this House. It is time for stock-taking.

Mr. Deputy Speaker, Sir, I would like to congratulate the President for the decision he made the other day. I want to congratulate him because it was a very wise decision to retrieve the names of the nominees that had been forwarded to this House. On

that day, I thought that the President was becoming as much of a hero as former President Moi when he went to Kasarani and repealed Section 2A of the old Constitution. It is only good that a leader can change his mind at a time when the country is in a very difficult position. So, the President needs congratulations for that action.

More than that, what is the role of this House when it comes to dealing with transitional issues like what we had last time? It is very important that we, first, be sober, as Members of Parliament. This break also gives us time to reflect within ourselves and between ourselves, because it is very important that we are sober when implementing the new Constitution. We must ensure that we do not take sides just for the sake of taking sides but rather we do what is right.

Mr. Deputy Speaker, Sir, the new Constitution has outlined a lot of what we should be having and what should be done. It is very important that, as leaders, we show leadership. It has been very sad. I remember that even at that time, people were calling and saying: "Is there really a side to take? It is like the Tenth Parliament has decided to fail now and again."

We must stand for the Constitution and stand for this country. I, therefore, call upon my colleagues in this House to ensure that we are patriotic enough, so that the country can toe a patriotic line. This is a country which has enjoyed peace for a very long time, and we cannot allow small issues of partnerships, or issues of selfishness, to destroy us. It is very important that we make that decision.

Finally, I just want to talk about the issue of drought and food. We still have food in Uasin Gishu. We urge the Ministry of Agriculture to look for ways and means of buying this food and selling it to our colleagues elsewhere.

With those remarks, I beg to support.

**The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):**  
Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important motion. I stand to support this motion. It is very important that we go and see what is happening in the countryside. I want to urge my colleagues that as leaders, we must portray an image of maturity. What comes out of your mouth is determined by what goes into your mouth. The image of this House is under threat. It would be important that we set standards for this House; as the people who have been elected to represent others in this august House we should be people of integrity. We should be people who stand for the truth and unity of this country. We should be people with the courage to speak the truth every time we see wrong things.

Mr. Deputy Speaker, Sir, it is very dangerous to weaken in order for you to strengthen the weak. What is happening is horse trading in the political arena. You weaken a particular wing of the coalition in order to derail the implementation of the Constitution; that is unacceptable. For us in this country, as political leaders, we must always come forward to defend the Constitution we passed.

Mr. Deputy Speaker, Sir, the issue of patriotism is paramount. We have a flag which is one of the national symbols in our constitution. It is a symbol of unity for this country. We do not want people to abuse the flag, which is the country's symbol.

We understand there is drought and we know the Government is not doing enough. We need to increase food provisions for the people affected. We need to do restocking due to loss of livestock. We need to raise the ministry's concern. For example, the Ministry of State for Special Programmes needs to store some food in the affected

areas, so that the schools can get food and consequently children are not sent away from school.

Mr. Deputy Speaker, Sir, the other very important issue is security. I want to assure this House, as the Assistant Minister in charge of Defence, that we do not have foreign troops on our soil. If there are any, one of the things I will undertake is to go to Mandera and ensure that there are no foreign troops there. This is very important, because we want to assure our citizens that the first responsibility of any Government is the security of its citizens. I want to assure Kenyans that we are going to get rid of whoever is on our soil.

Mr. Deputy Speaker, Sir, I want to mention the Economic Stimulus Package (ESP). On the issue of markets, the Ministry of Local Government is sleeping on the job. This is because markets have not taken off in most of the constituencies. I am very grateful to hon. Mureithi for demanding yesterday that the amount of money set aside for the construction of markets under the Economic Stimulus Package should not be returned to the Treasury, but should continue to be used in the current financial year to put up those facilities.

Mr. Deputy Speaker, Sir, I want to mention that it is important, as we go for this recess, that the issue of reconciliation, especially within the political parties is dealt with. We should come back as united parties and not disintegrating parties. We want to ask our colleagues, who have been adopted by the Party of National Unity (PNU), to come back to our party. I am speaking as the Acting Secretary-General of the Orange Democratic Party (ODM); I am giving them the last chance to come back so that we reconcile, otherwise drastic and punitive measures will be taken against them. I am telling them that we want reconciliation and unity of the party, so that democracy can prevail in this country.

With those few remarks, I support.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to also support this Motion of adjournment.

First of all, I would like to start by echoing what my other colleagues have said about our statements as leaders. When you are put in a position of leadership in this country, you are required to weigh what you say in public. What you say goes a long way in either reconciling the public or polarizing them. When I hear our colleagues talk, I realize that they have forgotten what we have gone through. People are talking of leaving the coalition. Others are saying: "Break the coalition". Others are saying: "Yes, go ahead and break it because we are ready for elections". The question I am asking myself is: Are we really ready for elections? The truth is that this country is not ready for elections. This country does not even have an electoral body. This country has no constituencies as we speak. I know many people have spoken about 210 constituencies, but I will tell you that according to the Constitution, we have zero constituencies. That is the reality because the Constitution is very categorical that this country must have 290 constituencies. Therefore, as we speak, we do not know which constituency we belong to. So, if you are telling people that you are going for an election, which constituency are you ready to go and defend your seat in?

Mr. Deputy Speaker, Sir, let us face facts. We do not even have systems of a devolved government, which is now an integral part of our political system and the Constitution cannot be amended. Let us be responsible. Let us nurture this "baby". We

may be very uncomfortable with the Grand Coalition Government, but fate has put us where we are. We have to live with it until the next general election. Let us put structures in place.

Mr. Deputy Speaker, Sir, I am happy that a workshop has just come up with a draft Bill on the electoral management body. It is my wish that when we come back, and before the end of April, we shall have an electoral management body in this country. This is a negotiated document. We sat down as both sides of the coalition. We sat down with the various stakeholders, and we have at least agreed on the skeleton. Just the way we did with the vetting of Judges and Magistrates Bill--- The same way we did with the Judicial Service Bill , let us also do the same with this Bill, so that we can get this country moving. We have several Bills on the electoral body coming to the House. We have other Bills on citizenship and many other Bills, including a Bill of Parliament that will empower Kenyans to recall Members of Parliament if they do not perform. That Bill must be approved by this House and made law before 27<sup>th</sup> of August. These are weighty issues that will really need time to address.

Mr. Deputy Speaker, Sir, I also want to mention about the various actions of state officers in this country. Even where the Constitution is not clear, it mandates, and puts a responsibility on us as leaders, to interpret it in a manner that will promote its purposes, values and principles. So, in cases where it is not very clear to us, we should bear in mind that the Constitution has set a threshold for us as a country. Therefore, when we go ahead to make appointments, it is not business as usual. Impunity has no place in this country anymore.

Even when we make appointments, as a country we have just done with the Governor of the Central Bank--- He could be a very qualified Kenyan, but the Constitution requires that we open all public offices to competitiveness. This is not negotiable. We need to encourage competitiveness and a culture where we do not discriminate against any Kenyan. We need to open up public offices for competition. That is why some of us even feel that, even though the Interim Independent Electoral Commission has done a good job, other Kenyans need to be given an opportunity to be involved in the next course; they should also have equal opportunity to compete fairly with others.

Mr. Deputy Speaker, Sir, finally, I want to talk about the fight against corruption in this country. To me, I am not convinced that this fight has gained momentum as we would like it to. We want the Kenya Anti-Corruption Commission (KACC) to dig deep into mega corruption scandals that have happened in this country. We have cases of Grand Regency and Anglo Leasing which we want investigated and culprits arrested so that this country can start a journey on a fresh path.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I rise to support the Motion of Adjournment. I just want to make three quick points and yield the Floor to the other hon. Members who are also waiting.

The first one is about the nation. Our nation's image is not in the best of light. As we stand today, our nation's image is tattered. The image is tattered because of the bad blood that has been flowing between the two major offices. That is the Office of the President and the Office of the Prime Minister. I want to use the Floor of the House to appeal that during this recess, they should meet more often. When we had the altercation in this House, it was very unfortunate to hear the Prime Minister say that the last time



they met with His Excellency the President was on 27<sup>th</sup> December, 2010. As a result, many things did not go well as far as the nominations were concerned, even though the people involved were highly qualified. I also want to say that the people in the political parties aligned to these two sides should not go in the way of vindictiveness. We have heard rumours and counter rumours of people wanting early elections. We have heard rumours and counter rumours of people trying to get others fired from their Cabinet positions because they have differed. We have heard rumours and even some steps being taken against people being removed from Committees. We have heard rumours about people doing things that will not to help the nation move forward.

Mr. Deputy Speaker, Sir, I plead with all of us that we use this time to calm down and focus on what we need to do; that is to pass the Constitution. We should reduce the spirit of vindictiveness and punishing other people. There must be space for all of us.

From our region in the Coast Province, I want to reiterate that we are not prepared to cede the Port to private owners, privatization or private ownership. This is not a simple matter, neither is it a joke. The people had a problem in Tunisia because they were denied their right. It started from a gentleman who was denied the right to earn an income by selling his wares. The Port is the single most important economic thing that gives us livelihood at the Coast. Besides that, the new Constitution has said very clearly that ports are a national heritage. It just happens that it is a national heritage situated in the coast. You cannot take a national heritage and mortgage it to other people who are non-Kenyans. It does not matter how much money you want to make. We are not prepared and I am saying that they can follow whatever the Privatization Commission says but we will not accept the privatization of that Port. That is a national asset located at the coast and we will not give it up.

Mr. Deputy Speaker, Sir, finally, when the Prime Minister visited our place, one of the things we told him was that the road between Garsen and Malindi must be recarpeted. This is an economic issue. The Minister for Roads was told that he has to do it but nothing has happened up to now. We want this recess to be used to fix the things that matter to the people. We want this Government to be responsive to the wishes of Kenyans. I pray that they will use this time to respond to the needs of the people. As Members of Parliament, we should do our part. There is no harm with everybody visiting ourselves in our various regions to create unity.

With those few remarks, I support the Motion.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Deputy Speaker, Sir, I also rise to support the Motion of Adjournment. This is a necessary Motion to allow us to go and do extra work on the ground in our constituencies and also to re-engage where we may have disengaged.

From the outset, I would like to appreciate that, indeed, this House has done a lot of good work. We have achieved many milestones. However, there has been disengagement, sometimes noise and disagreement. The greatest achievements that have been recorded by the Tenth Parliament might not be seen because the citizens of this country and stakeholders may sometimes think that this Parliament is about the loud disagreements that sometimes take the centre stage. There are many things that have been passed by this House including the devolution in the areas of administration, particularly in the Provincial Administration. That is every constituency becoming a district; sometimes others being split into two or three. Almost every area has received some

support in terms of infrastructural investment by the Office of the President in order to bring services closer to the people. There may be a number of areas which need more officers, for example, in the issuance of identity cards and birth certificates. However, some important steps have been taken.

Mr. Deputy Speaker, Sir, I urge hon. Members as they go to their constituencies to kindly take time to connect with the District Youth Officers, the newly appointed Sports Officers serving in clusters of two or three constituencies so that they can enable the youth of their constituencies to access the Youth Enterprise Development Fund. Recently, we launched the Rapid Response Initiative to allow faster processing of these loans. Many financial institutions like banks and SACCOs have received public money so that they can pass it over to youth groups. We need political support and facilitation by Members of Parliament and civic leaders so that awareness of availability of this money that belongs to the public is enhanced so that many youths who need support in businesses and enterprises can achieve their goals.

As we adjourn, I also urge the Office of the Prime Minister to co-ordinate and supervise the resettlement of Internally Displaced Persons (IDPs). This has now become a song. In fact, it is becoming a monotony now. We talk about it in political rallies and even in Parliament. It is an important task. No matter what we do, it is a national scar. They may not be in your constituency but it is a national scar. This is the case and yet we have got a Coalition Government which shares power. Sometimes when they disagree they eventually agree on the way forward. There are innocent Kenyans who continue to languish just because we had political skirmishes brought about by disagreements, ethnic fears and ethnic disharmony. However, it is the responsibility of the Office of the President and the Office of the Prime Minister to ensure that this matter is brought to a close. We know we have been given a deadline of June. This deadline needs to be serious. We need a tabulation to be brought to the House.

Mr. Deputy Speaker, Sir, as I conclude, I would like to really plead with all of us starting with myself that the temperatures we are raising in this country because of political disagreements--- What is said in this House is very constructive and very engaging. However, what is said at the lounge is very disengaging, very acrimonious and brings a lot of discord. We are now not caucusing. We have turned the political caucusing into a circus. The political circus is now likely to become a carcass on the grave yard of political history in this country. It is important that we reduce it.

I told you that I would be loathe to say that some of the statements we hear from senior leaders, those who are senior to us, are very disengaging. We hear them on television and on radio. We also read them in newspapers. Just because we disagree, it does not mean that I call you very bad names. Remember in the evening children are watching you. I ask myself, what will become of me if I disagree with you?

With those few remarks, I beg to support.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, let me also add my voice to what my colleagues have said.

My area of concern is security. Quite a number of my colleagues have spoken about insecurity in Eldoret. The new Member of Parliament for Kirinyaga Central has actually spoken about the insecurity there.

Mr. Deputy Speaker, Sir, in anything to do with security, all of us must support the initiatives of the police. We must support police officers. Now that we are going for recess, I would request that we support the police officers who are out there doing beats and patrols in order to weed out thugs who are busy maiming people.

For example, in Eldoret Town itself, in the last two weeks, it has been a den of thugs. However, I want to congratulate the police officers for their work. So far, we have arrested five thugs who have been giving us problems.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mrs. Odhiambo-Mabona) took the Chair]*

I want to share with my colleagues that we have arrested the following:-

1. Paul Irungu Mwangi,
2. Samuel Munyioki Maina,
3. Peter Muchiri, and
4. Ayub Wainaina Waiganjo.

All these cases are pending in court now.

Mr. Deputy Speaker, Sir, ---

**The Temporary Deputy Speaker** (Mrs. Odhiambo-Mabona): It is Madam Temporary Deputy Speaker!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Madam Temporary Deputy Speaker, I am sorry. I did not realize that there was a change in the Chair. I am proud that you are in the Chair.

Madam Temporary Deputy Speaker, on the 23<sup>rd</sup> of November 2010, Julius Simwati was found murdered at Tunen Farm. One suspect, by the name Geoffrey Wanjala Rudinya, was arrested and charged with murder at Kitale.

Again, Benard Kirui Chelule's body was found in a river within Kapsara area on 14<sup>th</sup> January, after he went missing on 26<sup>th</sup> December, 2010; one suspect, by the name Zakayo Orienda was arrested and charged with murder.

Madam Temporary Deputy Speaker, Jackline Nasimiyu was found murdered at Kapsongo Estate on 26<sup>th</sup> January 2011, and a suspect, by the name Nancy Naliaka, was arrested and charged with murder. Robert Wanyonyi was found murdered at Kuriet Farm on 28<sup>th</sup> January, and two suspects, Armstrong Nyongesa Wanyonyi and Margret Nanjala were arrested and charged with murder.

Madam Temporary Deputy Speaker, Irine Cheruytich was found dead with stab wounds at Maili Saba Shopping Centre on the night of 31<sup>st</sup> December 2010 and 1<sup>st</sup> January 2011; a suspect, Henry Kiplagat Chepsir, was arrested and charged with murder.

It is important to note that out of the nine reported cases, investigations have been done and five suspects have so far been arrested. That is a commendable job, according to me, as the Assistant Minister in charge of internal security.

Madam Temporary Deputy Speaker, when we are talking about thugs attacking innocent Kenyans--- We took an oath to make sure that law and order is maintained. We will not maintain law and order with our demeaning utterances or insults. I want to plead

with my colleagues that we check what we say. When you are in a glass house, do not try to throw stones. The law will catch up with those who utter incitement against others.

You will realize that even here in Kiambu, Kahawa Sukari and in Murang'a, there are posh homes without occupants because of insecurity. That will not be there anymore. I want to say here that---

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

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** What are you standing for?

*(Laughter)*

Give me three minutes, Madam Temporary Deputy Speaker.

I want to speak about recruitment.

**The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona):** Finalize!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Let me finalize. Please, hold you horses.

Madam Temporary Deputy Speaker, about recruitment, indeed, we are going to recruit new officers. We have requested the Kenya Anti-Corruption Commission (KACC) officers to be at the venues for recruitment. I want to invite my colleagues who have time to go and witness the recruitment exercise.

With those few remarks, I beg to support.

**Mr. Muthama:** Ninakushukuru Naibu Spika wa Muda kwa nafasi hii. Nanajua tunapochangia Hoja hii ya kwenda likizo, wananchi katika Taifa nzima wametega masikio katika vyombo vya habari kusikia tunagusia nini.

Ningependa kugusia wakimbizi wa kisiasa katika nchi yetu, ama wale tunawaita IDPs. Tunapofunga safari na kwenda nyumbani; tumeamka kwenye nyumba zetu na tutaenda katika nyumba zetu. Lakini kuna Wakenya, ambao ni akina mama, watoto na wanaume, walio katika barabara; wanalala katika viwanja. Swali ninalogusia mimi mwenyewe kila mara ninapotembea, na ninaposikiliza vyombo vya habari, ninasikia kwamba kuna Wakenya ambao wanataabika; ninasimama na kujiuliza swali, je tuko Kenya huru ama Kenya ya kikoloni? Nchi ambayo ina uhuru na inajitawala haiwezi kuangalia kwa miaka minne ipite, na wananchi wa taifa hilo hawana chakula, makao na pahali pa kulala. Chanzo cha mambo haya si kuwa hao watu ni masikini. Wengi wao waliuza mashamba yao na kwenda kununua mashamba mengine. Wengine wamefanya kazi miaka nenda, miaka rudi, wakaweka pesa zao kwa miaka 50, 40 au 30, baadaye wakanunua mashamba, lakini siku moja walijikuta wakilala barabarani.

Mimi ninatoa mwito kutoka ofisi kubwa katika nchi hii kusema ya kwamba hii ni laana kwa nchi. Hakuna usawa na haki. Kama viongozi tunapotembea, hatuna heshima kwa wale tunaowaongoza. Kwa hivyo, kwa haraka iwezekanazwo kabla ya mwezi wa sita kama vile tulivyoahidiwa, tunataka kuona hawa akina mama ambao wana haki sawa na Rais huku watoto wakiwa na haki sawa na Waziri. Wote hawa wana haki ya kuona kwamba heshima yao imehifadhiwa. Hatutakuwa na amani ikiwa hawa watu wataendelea kuishi barabarani.

*[The Temporary Deputy Speaker  
(Mrs. Odhiambo-Mabona) left the Chair]*

*[Mr. Deputy Speaker resumed the Chair]*

Bw. Naibu Spika, hali hii inahusu korti ya kimataifa kwa sababu hiki ndicho chanzo cha yale mambo ambayo tunaongea hapa. Na karibu igawanye nchi nzima. Haya yote yamefanyika tukiwa hapa. Ni dhahiri kwamba, wale wliohusika na mauaji ya halaiki ya wakenya hawajaguzwa. Walioongoza na kuchochea na kusema kwamba wananchi waende wapigane, hawako katika ile orodha inayotajwa hapa ya wale wanaotakiwa kuenda katika korti ya kimataifa. Ni dhahiri tuseme kwamba sheria ya nchi hii inafaa impate aliye mkubwa na aliye mdogo. Ikiwa wakubwa watakuwa wanakosa na kubaki huru na kuongea mambo ya uchochezi, haitawezekana kamwe kwani sheria ni ya kila mtu katika taifa letu.

Mambo ya magendo na ulaji rushwa yametajwa hapa. Ukiangalia katika mgao wetu wa Serikali, walioko katika PNU hawataki kutaja magendo yaliyoko upande wao na vile vile walioko katika ODM wanajitetea kivyao. Kwa hivyo, tuwache mambo ya kujivuna hapa. Kama ni uwazi wa kupigana na kasumba ya rushwa, isiwe ni mambo ya baba na mtoto na dada na kabila la mtu. Inafaa kila mhusika abebe mzigo wake mwenyewe, aende mahakamani na kushtakiwa. Haifai kuongea juu ya ufisadi mmoja tu kama ule wa hoteli ya Grand Regency. Je mahindi yetu yalienda wapi? Tunajua ni pesa ngapi nchi hii imepoteza na walioiba wanatumia hio pesa.

Bw. Naibu Spika, ni lazima tuchunge matamshi ya viongozi. Inafaa tunapotoka hapa, twende kule nje na kuunganisha taifa letu. Kiongozi anaposimama na kusema kwamba: “Punda amechoka, na barabara ni ya Misri”, anamaanisha nini? Hili ni taifa la Kenya na wala sio Misri. Sisi tuna mtindo wetu wa kufanya mambo. Sisi sio wamisri. Kama kuna mtu wa kuchochea vuguvugu, inafaa aende akafanyie hio vuguvugu nyumbani kwake kwa sababu ana watoto wake kule nyumbani.

Ninaunga mkono.

**The Assistant Minister for Forestry and Wildlife (Mr. Nanok):** Thank you Mr. Deputy Speaker, Sir, for this opportunity to contribute to this adjournment Motion which I support. I know it is for a very short period of time; two weeks, and basically, they will make us reflect on a number of issues. Critical is the issue of the implementation of the Constitution. Last year, you remember the majority of Kenyans passed a new Constitution that has moved us away from the past, to the present and to the future. I believe no Kenyans want to hang in the past. I can only tell the minority who are hanging in the past that their time is gone. Every Kenyan is tired of the everyday political drama we are exhibiting in the media, in our public addresses. We are tired about this and it is time that we changed.

Mr. Deputy Speaker, Sir, let appointments be done transparently. Let procedures for appointments be put in place. You may recall the recent recruitment of game rangers by the Kenya Wildlife Service which was so transparent. The complaints that came from Kenyans were very few. So, we would like all the other organs of Government, including the Office of the President and the Prime Minister’s office to carry out political appointments transparently. They should put procedures in place so that we can avoid this

political drama. You also have to realize that during the implementation of the Constitution, one of the critical issues, particularly for areas that have been marginalized since Independence, is the county Government legislation. Indeed, this has been entrenched in the Constitution.

I know that right now we have a lot of consultative forums that are going on to look at where the county Government is going to be headquartered, how the Bill is going to be structured and how the county Government is going to be run. Indeed, this gives us the opportunity to break off in order to be able to contribute alongside our constituents towards coming up with a Bill that will be better. If some of us who come from these marginalized areas do not get the county governments right this time, this is not going to be 1963/64 when some of the *majimbo* governments were removed out of the Constitution. We have to make it work this time round. For the people that I represent, we believe the future will be bright and the under-development of those areas will be a thing of the past if we put the county governments right.

Mr. Deputy Speaker, Sir, you have to realize also that this country is now being faced by so many problems. One of them is the drought situation that is affecting most parts of northern Kenya. The efforts that some of us in Government are putting towards this is not up to speed. You will realize we still have problems of transportation. We do not have enough funds to transport the food. I have heard one of my colleagues say here that there is food in Eldoret and Kitale, but the food is not being bought and neither is it reaching that poor vulnerable family that requires this food. I think we have to re-look at the whole situation as a Government and make sure that fewer and fewer people suffer when we have plenty of food that is sitting in our main granary areas.

The second point I want to bring out is the Economic Stimulus Package projects. I want to commend the Minister for Finance for having started these projects. Unfortunately, some of these projects are almost going to become white elephants if we do not allocate sufficient amounts of funds to them. The markets have been mentioned; in some areas we have build new schools which still need a lot of funds so that at least we can have something similar to the national schools that were excelling the other day in the national examinations. You will realize that even in the national examinations that the majority of the schools that excelled were those that the Government has pumped in a lot of money. I looked at our area; the northern part of Kenya, and I did not see any single school in the top 100 schools. I wondered why; it is basically because we have still lived in that past period where we seem to be supporting parts of the country while leaving out the rest. So, let us look at putting more funds in irrigation, the stimulus projects and the geothermal projects.

Lastly, I would like to talk about identity cards. I urge my colleagues in the Government to look at the issuance of identity cards. Right now 40 per cent of people in northern Kenya aged over 18 do not have identity cards.

Mr. Deputy Speaker, Sir, although I have not finished, I beg to support this Motion.

**Mr. Chanzu:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also support this important Motion. I would like to start by congratulating the schools and the students who performed well in the Kenya Certificate of Secondary Examination (KCSE).

Mr. Deputy Speaker, Sir, it has been noted that the number of students who have qualified to join university has now risen to about 97,000 and the Government is not

prepared yet to admit them into our universities. I brought a Motion to this House which said that we should bridge the gap between what is paid by regular students and what is paid by Module II students. I hope that will be done so that we can have as many of these students who have qualified joining our local universities. In any case, we spend a lot of money on students who study outside the country. That money could otherwise be spent in this country. So, I take this opportunity to congratulate the students and the schools that did well in the KCSE. I hope that it will be an example to be emulated by the other schools and students who have not performed well.

The Member for Garsen talked about the privatization of the Port of Mombasa. I think the issue of privatization of national corporations or assets like the Port or the sugar companies--- I think there are a number of assets or items that were listed for privatization by the Government. However, now that we have a new Constitution which is supreme while the privatization law was passed in 2005, the Government has to re-examine that matter again. Even the other day, when we had a meeting in Mombasa about the Port, we found that the Members, the leadership and the locals had not been involved. The Government just wants to sell public assets or institutions without due regard of the people to whom these institutions belong. As we go on recess, the Government should ponder over this matter. The Minister promised that he will hold meetings and consult the locals. This is a matter that should be thought out fully before it is implemented.

Mr. Deputy Speaker, Sir, on the recent nominations--- We have Committees in this House so that they can work together and come up with recommendations on which they have all agreed to. There is no point of having Committees in which people agree on this but when they go to the public, they say totally different things.

I am told that even the issue that has been generating some heat in this House this morning about Justice Visram--- I am told that the people who opposed the name of Justice Visram in the Departmental Committee on Justice and Legal Affairs are the ones who are now saying that they supported. We do not want this kind of thing from our leaders. When we are elected to this House, we are elected from various backgrounds. There may be minimum qualifications for us to come to this Parliament, but by the time we come here, we come to the National Assembly. We must be able to represent the interests of every Kenyan as national leaders because this is the National Assembly. The issue of saying that I am the Member for Vihiga and when I am appointed a Minister, I start thinking about my brothers and sisters should not arise. That is not why we were elected to this House. That is what we are portraying in this House as leaders, and I find it very pathetic. The universities and colleges we go to do not give us certificates which say whether somebody is a Kikuyu, a Luo, a Kamba, a Borana or anything like that! They give us a certificate which will enable us serve the nation. So, I would like hon. Members and particularly those who are Ministers--- This is happening in parastatals. We discussed this in this House. Somebody is appointed a Minister and the first person to appoint is somebody from his tribe. I think we should desist from that habit.

Mr. Deputy Speaker, Sir, on the issue of separation of powers, somebody said recently that because the matter was brought to this House, Parliament was not respecting the separation of powers. I do not think Parliament should be used to rubber stamp what the other arms of the Government want to do. When the Executive is unable to discipline

its Ministers, it should not use Parliament to discipline them; that we have to sit here for a long time trying to vote on an issue which the Executive should have taken responsibility.

The rains are coming in some places and money has been voted. I am happy that the Minister for Roads has said in this House that he has allocated some roads some money. I think it is time for us to go back to the constituencies so that we can spend the money.

Mr. Deputy Speaker, Sir, I support the Motion.

**Mr. Wambugu:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this Motion of Adjournment. First and foremost, I thank all the Members of this House for their very constructive contributions they gave when we debated the Vetting of Judges and Magistrates Bill and the Judicial Service Bill. I would also like to take this chance to welcome our new Member from Kirinyaga to this House. Like you said, the place where he was in before – that is in Survey – there was order, we would also request the same; that we also have order in this House.

Mr. Deputy Speaker, Sir, like many speakers have spoken before on national issues, this country has been turned into a theatre or a hall of drama. It has been very discouraging to see hon. Members or even our leaders coming out in public to insult one another. We would like the senior members of the Government like Ministers or even leaders of various political parties to restrain from making dangerous statements, especially when they are addressing *barazas* or even when they are doing it on television.

Mr. Deputy Speaker, Sir, I think it will be a good time for us when we get back home to concentrate on development projects, especially the ones funded through the Constituency Development Fund (CDF) and the Economic Stimulus Program (ESP). I would like, at this moment, to thank the Minister for Education because of the ESP programs that we have seen within the education sector. I think that has contributed positively towards the results of last year. I also take this opportunity to congratulate all the students who sat for the KCSE last year and their results were announced the other day. I would also like to congratulate the students of Mathira Constituency who performed extremely well. We are happy and we also encourage the others who are in Form IV to continue reading and putting in more effort so that we can get better results.

We have been talking about drought in this House for a long time. I believe this is one of the countries which are blessed with very many rivers and good terrain but because of lack of planning year in, year out, we are always talking about famine. I request the Ministry of Agriculture and the Ministry of Water and Irrigation to come together so that we can get some solutions for this country. Recently – I think it was sometimes last year – we had a very good project in the Yatta region and the Tana River Delta and a lot of food was harvested in that area. But, unfortunately, because of lack of planning, all that food went to waste. We would like the Ministry of Agriculture, the Ministry of Water and Irrigation and the Ministry of Roads to work together so that we can get some of those products out of those places.

Mr. Deputy Speaker, Sir, we are now going into our third year of this term of Parliament under the Grand Coalition Government. It is very sad that as we sit here, we still have some members of the Kenyan society who still live in camps as Internally Displaced Persons (IDPs). That is an issue that has been discussed in this House many times. I think there is always a statement being made in this House about the IDPs every week. Let the IDPs not be used as a political tool come 2012, because we think or believe



that there are some people in the background who could be thinking of using the IDPs come 2012 so that they can get an extra mileage.

Mr. Deputy Speaker, Sir, we recently had the drama of the nominations of Kenyans to various positions such as the Chief Justice, Attorney-General, Director of Public Prosecutions and Controller of Budget. We commend the President for withdrawing those names. However, it is very worrying that Kenya, which is independent for about 50 years, can still think of getting a foreign Chief Justice. This will be very unfair. We have many lawyers in this country. I remember last year we vetted some judges to sit in commissions in this country. Why should we imagine getting foreign judges to come and run our Judiciary?

Mr. Deputy Speaker, Sir, we have issues of delaying cases in courts. We would like the Ministry of Justice, National Cohesion and Constitutional Affairs to move with speed to facilitate university students pursuing law to join the Kenya School of Law, so that they can finish that course and serve in various posts in the Judiciary.

With those few words, I beg to support.

**Mr. Nyammo:** Mr. Deputy Speaker, Sir, I rise to support this Motion for Adjournment. First, I would like to flog this dead horse called the Internally Displaced Persons (IDPs). We have talked about them for about three years and some questions beg for answers. Who are these people? Are they not Kenyans? Why have we not made up our minds about them? What can we do for them? How soon can we settle them? Why can we not set aside money to settle them? These are Kenyans. They are entitled to their rights because their properties were destroyed. I strongly suggest that we, as a Parliament and Government, take this matter more seriously.

Mr. Deputy Speaker, Sir, we have every reason to go back to our constituencies to take care of the CDF projects and other projects funded through the Economic Stimulus Package (ESP). However, we have challenges because we have to deal with line Ministries. The Ministry of Public Works, for example, provides us with Bills of Quantities (BQs). These BQs are inordinately delayed and are often inflated. So, the projects that are supposed to help Kenyans are delayed. They are becoming a lot more costly. Even when they have given us BQs, we do not have officers to inspect the progress of these projects. What are we supposed to do? We are supposed to complete these projects and stimulate the local economies.

Mr. Deputy Speaker, Sir, there are national matters. When we approved the nominees of the Commission for Revenue Allocation and the Commission for the Implementation of the Constitution, I was very proud as Kenyan. We talk about quality in this House. We talk about merit. At no time did I hear anybody saying this person is from this or that tribe. They were vetted by the relevant departmental committees of this House. However, the actual processing was done by the Public Service Commission (PSC). Recently we heard some leaders casting aspersions on PSC. A leader said it is not appropriately constituted. Why do we not sit back for a moment and appreciate the work done by some of the institutions of this country? I do not know the individuals in the PSC, but when they do a good job, let us commend them. Let us not condemn them for the sake of it. The same Commission should be in a position to recruit next set of officers. They do not constitute themselves. Why do we want to attack them when they cannot defend themselves on the Floor of this House or in political fora? Let us not condemn them, but acknowledge and appreciate some of the good work they have done.

Mr. Deputy Speaker, Sir, we have *Kazi Kwa Vijana* Programme under Economic Stimulus Package (ESP). Every Member of Parliament knows that this has been poorly executed. It has been left to the Provincial Administration. At times, they do a good job, but since it is poorly advertised, our youth do not come forward to do the jobs. These jobs are done by old people, whereas this programme is meant for the youth.

With those few remarks, I beg to support.

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

Mr. Deputy Speaker, Sir, as we go on recess, I wish to remind the two Principals that the Constitution that was voted for by Kenyans belongs to Kenyans. It does not belong to any individual. It does not belong to any ethnic group. Therefore, it must be implemented to the letter and in spirit. I also wish to call upon Kenyans to be vigilant on the two Principals or any other leader that may wish to take the implementation of the Constitution in the wrong direction. The civil society must come out and help Kenyans.

Mr. Deputy Speaker, Sir, recently when a mistake was almost made in the implementation of the Constitution, the civil society helped this country. Some leaders who care about the Constitution helped us. I salute the Kenyans who came out and helped when the Constitution implementation almost took the wrong route.

We passed a Bill in this House on privatisation of various Government institutions. We have the sugar industry. We have a number of Government sugar companies that are supposed to be privatised. However, it is taking too long while the Common Market for Eastern and Southern Africa (COMESA) safeguards end early next year. What is the Ministry of Agriculture doing to fast track privatisation of sugar companies in this country? When the COMESA safeguards end next year, they will find us in a very awkward position. I wish to call upon the Ministry of Agriculture to fast track the privatisation of sugar companies in this country.

Sugar Development Fund which was supposed to have been availed to the farmers is also taking too long. This is the time to prepare their land to plant when the rains come. However, that money has not been availed through the institutions that are supposed to give money to farmers. Sometimes back, the Kenya Sugar Board wanted to give that money to Equity Bank, but that failed. Now it wants to avail it through the Agricultural Finance Corporation (AFC). I call upon the Minister for Agriculture to ensure that this money is availed to farmers, so that they can use it to prepare their farms for planting.

Mr. Deputy Speaker, Sir, it is shameful for this country to have people dying in some parts of the country while there is excess food in other parts. In my constituency, we have so much rice that is stocked by Ahero Irrigation Scheme farmers. They cannot sell it! Where is the Minister of State for Special Programmes? Could she have her people buy the rice so that it can be distributed to the needy people? What about the National Cereals and Produce Board (NCPB)? Why can that institution not buy that rice so that it can be availed to the other people who need it? People are dying of hunger. When you talk to the officers of the Ministry of State for Special Programmes, they say that they are importing food. Why should they import food while ours is not bought by the same Government? It is the same Government that used resources to help in the production of this food. It is very embarrassing! It is shameful for this country.

This House passed the Political Parties Bill and it was enacted. We are supposed to follow the law. You hear people and hon. Members making public pronouncements

that they are going to form such and such a party; that they have left their party while they are still earning a salary as Members of Parliament in that party.

*(Applause)*

If hon. Members do not obey the law which they, themselves, pass here, who will obey the law? We must obey the law!

With those few remarks, I beg to move.

**Ms. Chepchumba:** Mr. Deputy Speaker, Sir, I want to support the Motion. First of all, I would like to wish Mrs. Ngilu well. She has not been well and I want to wish her a quick recovery so that she can continue with service delivery to this country. Secondly, I want to urge all of us, as leaders in this country, especially the leadership of this nation that we should emulate good virtues because, as a Christian, I wish to refer to James Chapter three, verses five to ten which refers to watching of the tongue.

*(Applause)*

A tongue is a small organ but it can destroy the nation! I want the leadership of this nation to lead from the front, especially on what we speak. What kind of message are we sending to the nation? As leaders, as we go back to our constituencies, we should also read this verse, internalize it and practise it. Let us not speak carelessly because that triggers down to our people. Again, I would like to say that we have a lot in the constituency and this recess will bring us closer to the people. We have the Constituencies Development Fund (CDF). People like me with IDPs--- Those people require to be provided with shelter. As we go back, that is what brings us closer to the people who brought us here.

I also want to congratulate the girls who did well in last year's Kenya Certificate of Secondary Education (KCSE). It is a challenge to the boy child in this country that the girls have taken the lead. Where are the boys? We also need to encourage the boys to do as well as the girls.

Lastly, I want to wish each one of us well. As we go back, let us have a wonderful recess.

With those few remarks, I beg to support.

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Mr. Deputy Speaker, Sir, first of all, I want to congratulate the Member for Kirinyaga Central, Mr. Gitari, for being elected as a Member of Parliament. Although he removed my friend, Mr. Karaba--- I happened to be the Minister for Education when Mr. Karaba was the Chairman of the Departmental Committee and we worked very well. But I wish him well and hope that he will work with his colleague on the ground to assist Kenyans.

I want to support this Motion because there are so many issues that we, as hon. Members, ought to be attending to. We have CDF projects to attend to; we have to explain to our people about devolution. We have to visit the youth, women, old people and the disabled; we have to visit schools and all those things need time. I suggest that we should go for one month and if there is any business that we should do, let us come back for a day or two and do that. But we need one month at home because there are many issues at home. I have always, while I have been in Parliament, recognized the fact that to

be in this Parliament is as important as to be in the constituency. I have seen my colleagues who are very effective in this House and they forget to go home and, of course, they do not come back. So, being with your voters is one of the crucial duties of a Member of Parliament.

Mr. Deputy Speaker, Sir, climate change is real and many people do not realize that it is here and we must have mitigation programmes. We are seeing extended droughts and flooding. Those are effects of climate change! So, we, as leaders, as we go home, we must explain to our people about climate change. We should go and plant trees. We should plant trees in our schools, compounds and our farms. The policy that we have adopted is that 10 per cent of our land should be planted with trees. I want to appeal to hon. Members to assist me in this Ministry. When we are relocating people from forests, it is because of matters relating to climate change. We must build our capacity in as far as forest cover is concerned. Right now, the forest cover is 2 per cent. But we are targeting 10 per cent by 2030.

I want to say here very clearly that I too, I am surprised at some of the sentiments; some of the utterances of my colleagues while they are addressing political rallies. I want to state very clearly that His Excellency the President, Mr. Kibaki and the Prime Minister have done very well to hold this Coalition.

*(Applause)*

Coalitions are not easy, but they are good, particularly in Africa, where we have dictators. We have seen dictators and we have them. Coalitions are important. I have no problem when I want to see my Prime Minister. He is seated here. He can tell you how many times I have been to his office to consult him.

*(Applause)*

President Kibaki always gives me time to go and see him. I have the opportunity to go and advise him if there is a problem. We, as the Cabinet, should go to his office. We should go to the Prime Minister's office but not at funerals. The utterances I have heard my colleagues make, even those ones who want to be presidential candidates--- My goodness! Who is going to vote for them if they are exhibiting those characteristics of tribalism and corruption? Who is going to vote for you? I have already said that I know my President. He is already elected by God and one of these days, I am going to say it before you do.

*(Ms. Karua stood up in her place)*

*(Laughter)*

**Ms. Karua:** Thank you, Mr. Deputy Speaker, Sir. I agree with Dr. Wekesa, but he should have stopped at the "she". I rise in support of the Motion. I want to hope that the two Principals - I am glad one is here - will use the time to reflect on the things they must do pursuant to the new Constitution. Cabinet is still riddled with people who cannot pass the test under Chapter 6. Please, take time to look at it. National and public appointments must be competitive unless the Constitution itself says otherwise.

I invite the two Principals to read carefully, Articles 10 and 232. They will be guided accordingly that while making public appointments, even where the statute has not been amended, the Constitution is supreme. They must subject public appointments to competitive bidding to give other Kenyans a chance to participate.

Mr. Deputy Speaker, Sir, on the signatures being collected by the Provincial Administration in Central Province, it is a great shame that people can be duped to collect signatures for deferral on the ICC cases and they are not asking for signatures on views about IDPs. That is totally one-sided. I urge the Government to rise up and resettle the remaining IDPs. This is our national shame. It ought to be done now and not tomorrow.

On the issue of setting up a local tribunal, if the Government was really serious, there would be nothing wrong with that. It is about an independent tribunal. But because of the push and pull that is still evident in our political scene, it would have to be a process that is above board. But when the Government chooses to be one-sided and campaign only for the Ocampo Six, then we doubt that we have capacity to hold fair trials in Kenya. So, the Government is undermining their stated objective of a local tribunal by their behaviour.

I also urge the two Principals to look at the quick things that can be done. I also urge the Commission on Implementation of the Constitution (CIC) and Parliament to do the same. We need to reform the Public Service Commission. We need a new National Police Commission. We need an electoral body. There are certain reforms that cannot wait. How will we hold the next general election without new electoral laws and a new system of voting, noting that we will be electing eight people at the same time? Let us accelerate the reforms.

Mr. Deputy Speaker, Sir, on security, the other day five people were killed in Mwea. I think the security apparatus in the country need to pull up their socks. The other day, in Mandera, we had foreign troops on our Kenyan soil. They were there for several days. Exactly what is happening? A nation that cannot guard its borders has no right to claim sovereignty. The message to the two Principals is: put your act together on issues of national security.

Let us all uphold the principles and values contained in the new Constitution. The era of disrupting other people's rallies is gone. We saw our campaigns being disrupted in Kerugoya Central and no action was taken. On Saturday as I was opening the party office, parking boys were paid by a Member of this House to go and disrupt it. Let me not use words that should not be used here, but you look like a confused person when you go to disrupt others because you cannot stop political activity. We need to know that use of Government resources in campaigns amounts to rigging. Any victory borne of rigging is not victory. It is a sham and it is a shame on democracy.

I want to call for the necessary reforms that we should do, pursuant to the Constitution to put Kenya among the democratic countries, in both practice and the letter of the law.

Lastly, it is incumbent upon the two Principals that when your Ministers misconduct themselves and bring shame to the Government, they should be reprimanded and in severe cases, shown the door. How else will we have discipline in this country? If you do not reprimand or show them the door, we take it that you are aiding and abating the illegal acts.

Check on corruption in the Government. It is again a comfortable bed-fellow with the Government. We need to see integrity, transparency and accountability. This is a well deserved break. We will come back recharged to do the necessary for the nation.

I beg to support.

**Eng. Maina:** Mr. Deputy Speaker, Sir, I stand to support this Motion. When we go for recess, unfortunately, we will witness some situations in this country which we never seem to address. Let me start by saying that the survival of the common man is threatened in this country. The peace of this country cannot be guaranteed until we ensure that the common man can access basic commodities.

Mr. Deputy Speaker, Sir, today, every Member of Parliament here is faced by his constituents with demands for basic things like medical care, school fees and even food at times. It is high time this Government addressed the issue of the survival of the common man as concerns basic commodities. It is a pity that we can stand here to talk with all the benefits we accrue yet, the common man cannot afford a packet of maize flour. It is a pity.

I want us to reflect on this when we go for our recess. It will not be the peaceful kind of holiday that we normally enjoy because any of us who is in touch with his constituents knows the kind of problems they are facing.

Let us not try to deceive ourselves. Since 2008 what have we done regarding reconciliation in this country? What have we done towards bringing our people together? Let us not be hypocrites that we will speak in a political rally or address a Press conference here in Nairobi and say we are not tribalists. We stand here and say we believe in one Kenya. When we go back to our villages we say “watch out. Such and such a tribe has taken this from us and one day we must retaliate.” We have done nothing towards reconciling this country. It is a pity. It is because of fear of what we will go through.

Since 2008, in spite of the agreements that were signed, we still do not live in peace. We were expected to go around the country preaching to the people of Kenya about the need to live as one people in one country, but we have failed. Why do we have IDPs? Some of these IDPs were people who were living comfortably and contributing to the economy of this country. In fact, one wonders, when we keep on saying that we need to buy land for resettling these people, what happened to their land? What have we done as national leaders of this country towards solving this particular problem?

Mr. Deputy Speaker, Sir, when we drive around this country and stop at bus stage in Siaya, Mbale, Eldoret, Karatina and Kwale, what do we witness? We witness 100 young men doing nothing. It is a pity, menace and a time bomb in this country. It is high time this Government and the leaders of this country came up with policies that call for the resources of this country to be employed towards creating employment for our youth.

I wish to go on record as saying that I condemn the fact that this country should open doors for foreign companies to bring even prisoners to work here while our own young men have nothing to do. These young men are well educated with our resources. It is a great pity, danger and a time bomb. Any country that ignores the plight of the common man, for example, creating employment for its youth who are now numbering about 70 per cent of our population, is just deceiving itself.

These are the issues that we should observe and when we come back here, we should try to tackle them. These are the issues that the Government should come up with policies to tackle.

Mr. Deputy Speaker, Sir, I support the Motion.

**The Prime Minister** (Mr. Raila): Thank you Mr. Deputy Speaker, Sir. I think it is timely that the House breaks briefly, to go and reflect and come back refreshed as we open the new session which will be the second last session before Parliament is finally dissolved.

I would like to congratulate the students and the schools that did very well in the just concluded KCSE. Looking at the results of the examination, you will see that, probably, time has come for us to have a general review of our education system to be in line with our Vision 2030, so that it can become more relevant to our economy in the coming years.

Recently, I was appointed as a mediator in the Ivory Coast crisis. That experience was real an eye-opener for me. I arrived in Abidjan, the Capital of Cote d'Ivoire and found a country that was divided right in the middle. There were two Presidents; two Prime Ministers; two Cabinets; two armies; and, two capitals all in one country. Cote d'Ivoire used to be a very prosperous country. What has happened to Cote d'Ivoire could easily happen to this country. The politics of bigotry, ethnicity and intolerance have contributed to the destruction of that country. It is a situation where somebody said that they cannot be ruled by somebody from the North or by a Muslim or even by somebody from this or from that tribe. That careless talk is what has contributed to the plight of Cote d'Ivoire today.

We seem to have those kinds of elements in our society. They said that Mr. Monda's presidency would be ethnically divisive to this country as if Mr. Monda's community does not belong to Kenya. We must, therefore, guard against those kind of inflammatory statements. Momentous events are taking place in the African Continent. We have seen governments come down in Tunisia, Egypt and it is a matter of days before we have a new government in Libya. Yemen, Bahrain, Oman, Morocco and, may be, Aliyar are on the way. Those events are not an accident. They are part of a process; a process of change that people can tolerate some amount of dictatorship and intolerance just for a certain period of time. Egypt has been the same after the overthrow of the federal system of King Farouk in 1953. King Gamal Abdul Nasser, a military officer, handed over to Anwar Sadat a military officer. Sadat then handed over to Hosni Mubarak who has been there for over 30 years and was still demanding in February that he needed just a little time to carry out reforms. If we are not careful, we will be running the risk of taking the same route as these other countries. The reforms that we have initiated in this country can help us to avoid the consequences that are undermining the rule of law in this country. That is why I keep on telling this House - and will not tire to tell the House - that they have been given a very good opportunity to transcend this country from the mediocre of the past that has condemned this country to under-development for over 40 years to a decimal developed country by creating a proper democratic order. Therefore, we must say no to the past and to every ethnic chauvinist.

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, it is right that we go on recess at a time when we have just celebrated the third anniversary of the signing of the National Reconciliation and Peace Accord. With one-half of the Executive authority present in this

House, it is appropriate to applaud His Excellency the President and the Right Hon. Prime Minister for the sacrifice they have made to enable this country move forward after the crisis that we faced after the last general elections. However, even as we applaud the two Principals, we should remember that arising from the National Reconciliation and Peace Accord; we now have a new constitutional dispensation. That dispensation means that the ground has shifted. It has shifted irrevocably in a manner that we cannot do things the same way. We must remember, even as we go to rest, that this reform journey is unstoppable. The reform train has no reverse gear. We must say never again to business as usual. Even as we recede to our constituencies to consider matters of national importance, we must remember that things in this country must be handled differently. Public appointments must be done in a manner that respects the Constitution. I want to applaud His Excellency the President for allowing wisdom to prevail and withdrawing the nominations which even the Judiciary had conceded were against the spirit and letter of the Constitution. Appointments in this country cannot be done in a manner that goes against the spirit and letter of the Constitution.

When we seek to deal with matters such as those of IDPs - we have been talking about IDPs a lot - we must do it in a manner that is honest. Recently, there was a huge gathering in Eldoret ostensibly for purposes of reconciliation and peace building. Why can IDPs not go back to their homes if reconciliation issues have been concluded? This is the height of dishonesty. It is a recipe for further problems to take IDPs, whom we know that their homes are in particular places, and transit them across the country to Taita, Narok, Kajiado and other places when we know they belong somewhere else. Take the IDPs where they belong. If the President went to Eldoret and they made peace, they should return these IDPs to their original homes.

Mr. Deputy Speaker, Sir, when we deal with national assets like the Kenya Ports Authority (KPA), we should deal with them in a manner that is also in consonance with the letter and spirit of the Constitution. You cannot talk about privatizing a national asset like the KPA in a manner that is blindfolded, where the stakeholders do not know what is going on and workers and local leaders are not involved. This is a throw-back to an old order that we are seeking to leave. We must do things differently. The ground has shifted in a manner that we can no longer---

**The Minister for Transport** (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. I did not want to interrupt this contribution, but is the Member in order to mislead this House and, indeed, the nation, that the privatization of the port is being done in any manner different from what has been laid down in the Privatization Act that was passed by this very House? I want the Member to appreciate the process rather than just take what has been said in the media. He should look through what is happening in the Privatization Commission and then pass judgement as to whether it is being done in accordance with the law or not. This very House passed the procedure no how privatization should be done. Everything has been done according to the Privatization Act which this House passed.

**Mr. Deputy Speaker:** The Chair notes that, that was not a point of order. Indeed, it is a lengthy statement. Hon. Namwamba, you have two more minutes.

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, those of us who have spent time in a law school know that there is something called *res ipsa loquitur*, which means that facts speak for themselves. When employees of the KPA and the local leaders in Mombasa



County raise concerns, that is *res ipsa loquitur*. Facts have spoken for themselves. So, the Minister cannot purport to want to mislead this House and waste my time in the process.

We have shifted in a manner that we cannot live under threat any more. We must remember, as Members of Parliament, that we now have a Constitution that upholds the most progressive Bill of Rights ever in this world. So, we cannot live in a scenario where the Chair can be threatened for a position taken in accordance with the rules of this House or any Member of the House can be threatened for holding an opinion. That kind of intimation belongs to the dark ages. It is primitive and unacceptable, even as we go to rest.

Speaking as the Parliamentary Secretary of the ODM Party, a partner in this Government, I want to say that we must anchor democracy in this country on the rule of law. You cannot be a Member of this honourable House, carrying along the tag of an hon. Member, and you know very well that you undermine your party while at the same time you demand privileges from the same party. It is the height of dishonesty. If you are an honest Member of this House and you cannot live with your party and advance its tenets, be man or woman enough and step out of the party and face the electorates for fresh mandate. Dishonesty can only undermine the tenets of democracy in this country. So, party discipline must be enforced. We must draw a line between democracy and anarchy. We must not allow Members to spread anarchy in the name of democracy.

Finally, allow me just one minute because the Minister interrupted my time. Allow me to say---

**Mr. Deputy Speaker:** You have already had two minutes! Conclude!

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, allow me to urge the House that when we come back to this House, the process of putting in place the Independent Electoral and Boundaries Commission is a matter of urgency. We met in Naivasha for two days and we have agreed on a draft Bill. I want to urge the Government to expedite the process of publishing that Bill. I urge this House that when we return to this House at the end of this recess, we fast-track the process of enacting that Bill.

With those remarks, I support.

**Mr. M'Mithiaru:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to add my voice in support of this Motion. For those who want to deny the past, let them do it, but the fact is that our Coalition Government has done beyond expectation. Ours is not the usual Coalition Government that we know because ours is a hanging from a very thin thread. However, from the success we are seeing, we can say they have done a good job.

Whereas the Principals are doing their job, there are members of the Cabinet who have spoken out of tone. These are the people who are bringing ridicule to the Government. Lucky enough, Kenyans know where they are going and so those who speak out of tone should know that Kenyans are not with them. That is why all the Government programmes are still continuing.

Governance and democracy are not things that you can import from outside – they must be homegrown. You cannot gain from New York, or The Hague. We must make effort to embrace good governance and democracy if we really want to drive away impunity and corruption. I want to thank the President for seeing what Kenyans are looking for. This is because the other day he withdrew the names he had nominated. I am sure that process is now concluded and it will take the right path.

Mr. Deputy Speaker, Sir, I would like to tell hon. Members that the President must also have some little space, where the law is allowing, in things like the appointment of the Governor of the Central Bank. I am one of the most qualified bankers in this country and I know, for sure, that the CBK has done an enormous job, especially with regard to the monetary policy that they have been pursuing. This has made our banking system and the financial system in general to have stability. In the yester years we used to have bank closures and all that; we have not seen that in the last four years. We need to continue with the stability in the banking industry. We have been able to arrest the global financial crisis that affected all the countries of the world, although it never affected Kenya adversely. We must, therefore, give credit where it is due. There is now stability in the exchange and the lending rates although the CBK must still pursue the policy of persuasion to ensure that banks reduce the interest rates in order to spur economic growth. We have seen that even the rate of inflation has been properly contained. When we see a good job being done, let us not try to disturb it.

There is drought in my constituency. By good or bad luck, we do not have a single river. One speaker said that we have rivers in our country. However, in my constituency, there is no single river. I, therefore, do not have water in my constituency. If you visit my area, you will see some areas that are green, but there is no water at all. I am only limited by two things: On the lower side we have rampant cattle rustling and so people cannot earn a living. On the other side there is the national park where there are elephants which encroach on people's farms and destroy all their crops. We are left in a situation where we do not have crops or animals. The issue of drought must be properly addressed. The Government should come in handy to assist people in the areas that require relief food so that people do not die of hunger.

It is like the Government does not have a proper policy when it comes to food security. Already, the Government has signed the Millennium Development Goals (MDGs) where the first goal is about the eradication of extreme hunger and poverty. The Government needs to boost measures of storing food where it is found in plenty so that it can come in handy whenever we are faced with drought.

Mr. Deputy Speaker, Sir, as I conclude, there is conflicting information from the Ministry of State for Planning, National Development and Vision 2030 and the CDF Board. The other day signals went out that Members of Parliament are not claiming money. I would like to invite the Minister of State for Planning, National Development and Vision 2030 and the CDF Board to come to my constituency. I am sure they will see that my area has one of the best run projects in this country and there is no single cent that has been returned to the Board.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Deputy Speaker, I stand to support this Motion for Adjournment.

On the outset, I want to say it very clearly to Members of Parliament from the drought hit areas that the Ministry of Livestock Development, in its own wisdom, has decided to decentralise the monies meant for off-take. Tomorrow and the day after, you will find in your respective constituencies, the amounts of money we have given to your District Livestock Development Officers. We feel that we are actually moving towards the devolved system of government, and we had better start it now. We are asking hon. Members to help us monitor the application of those funds.

Secondly, as a country, we have passed the new Constitution, which is now at the implementation stage. The reform agenda is in all forms, and it starts with the political parties in terms of how political parties in this country plan. I want to say it very clearly that in the year 2007 and 2002, in their own wisdom, Kenyans came together and formed political parties based on ideologies. But what has happened over the years?

Mr. Deputy Speaker, Sir, five years down the line, our political parties have degenerated into regional caucuses. We have political parties which, at the start of the elections, were mass movements. They were political parties which all Kenyans had faith in. However, we now have political parties which do not want to listen to dissent voices or believe in the culture of tolerance. We have political parties which want to behave like tribal parties, which if you disagree with their policies and how their affairs, including funding are managed---

**Mr. Sirma:** On a point of order, Mr. Deputy Speaker, Sir. Since the hon. Member has mentioned many of the qualities of the political party he has in mind, could he name it so that we can be able to gauge whether his statements are correct?

**The Assistant Minister for Livestock Development (Mr. Duale):** Mr. Deputy Speaker, Sir, the truth is bare. I do not need to name them. I am talking of political parties in this country. I have not singled out any particular political party, but it is for Kenyans to sift the grain from the chuff and see who these are. As hon. Duale, I am saying that we must build political parties based on the Political Parties Act.

Parliamentary Committees must not be run at the whims of political party leaders or on the basis of regional politics or at the whims of a few things that are extra in one's life. We must maintain the dignity of political parties and maintain the dignity of this House.

Mr. Deputy Speaker, Sir, the people of northern Kenya are facing a serious drought at this moment. We do not want the Government of Kenya to get involved in the politics of the warring functions in Somalia. If the people of Somalia, in their own wisdom, feel that the best leaders in Somalia are found in *Al Shabaab*, let be. If they feel that *Al Shabaab* can give them a better government, let it be. This country has invested in the re-constitution of many Somali Governments, starting with the first one at Mbagathi.

Mr. Deputy Speaker, Sir, for the last 20 years, the Kenyan Government has tried to give Somalia a government, but what has happened? Today, we are told the people of Mandera and northern Kenya are in the thick of a war or warlike activities. We are unable to cope with the drought situation in northern Kenya; the Kenyan foreign policy must be very clear. The people of northern Kenya who border that country are going to be the victims of any warlike activities. The Ministry of Foreign Affairs and the Kenya Government should not be the ones to choose the suitable government for the people of Somalia. In 2005, there was the Islamic Courts Union. Today, we are being told that *Al Shabaab* is an offshoot of *Al Qaeda*. That notwithstanding, we want to make it very clear, as the leadership of northern Kenya, to the Government not once but twice, that we have no business in meddling in the affairs of that country.

I support the Motion of adjournment.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima):** Thank you, Mr. Deputy Speaker, Sir. I wish to support the Motion that we go for recess at this time. I have seen a programme by the Ministry of Public Works and the Office of the Deputy Prime Minister and Ministry of Local

Government regarding the establishment of the county facilities and also collection of views that will assist in providing legislation for the management of county governments. So, this will be an opportune moment for hon. Members to participate in this exercise. Indeed, I would wish that the Ministry of Public Works this time publishes standard county assembly infrastructure, perhaps, in two phases. Phase 1 would be the basic infrastructure required for the occupation of a county government in September next year, such as basic offices and county assemblies. However, over a period of one and a half years, we need to have standard county assemblies, with the ministry providing standard drawings and the budget for the treasury, so that we have standard assemblies all over the country.

Mr. Deputy Speaker, Sir, it is very important that the views that will be collected by the task force will assist to inform legislation, which is extremely urgent at this moment in time. It is also important to fast-track legislation for the implementation of the Constitution and also the structures to prepare us for an election. It appears as if the country is in a ripe mood for a general election. I see there is that possibility before the end of the year; I think it is very important that we effect reforms in the police and the boundaries commission. We should create new constituencies in good time to avoid bad eventualities.

Mr. Deputy Speaker, Sir, finally, I would want to thank the Ministry of State for Special Programmes for responding to the plight of the Samburus. Adequate supplies of food have now been moved there. What is required is moving that food to the people. Also, the Ministry of Water and Irrigation should begin tankering and repairing boreholes.

With those few remarks, I beg to support.

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this Motion. I would like to begin by congratulating our schools that did very well in the Kenya Certificate of Secondary Education and urge the others that never followed suit to begin to learn from that experience. I am saying that because we have many national schools in this country that did much worse than many provincial schools and there were provincial schools that did very well while the majority did that badly. What is it that differentiates the schools that do well from those that do very badly? It is clearly management. It is important for us in the Government and the Ministry of Education to begin to think of the need to reshuffle the management of institutions especially where they are very localized, where there is political influence and where people manning those institutions have clearly not demonstrated their credentials to run those schools.

Mr. Deputy Speaker, Sir, in the same connection, we have to talk about our universities. The results came out and it shows that only 24,000 students out of 97,000 will make it to university. It is important that we have a clear marshal plan from the Government in terms of expanding university opportunity. We have talked about a university or a technical institution for every county. Therefore, we should put in more resources towards this end. If we put in another Kshs10 billion to university education, we can improve access greatly and do not have to worry too much about universities having to generate money by admitting students who can afford to pay and exclude those who cannot.

The issue of tribalism has been spoken about and I agree with those who have said that we cannot be holding peace rallies at high level politics and not resolve the problem of IDPs. We cannot have political and peace meetings to only talk about power come 2012 and forget people who are suffering because they supported the same people who went for this power.

I also cannot agree with Members of Parliament who say that we cannot re-settle IDPs in Trans Mara or Taita Taveta. That is Kenya and it is very unfortunate. It is okay for *Wazungu* or Greeks to own land in this country but if it is Kenyans from another ethnic group they cannot be re-settled on that land even when it is bought by the Government.

Mr. Deputy Speaker, Sir, privatization is for efficiency. Sometimes, we assume, when we talk about Mumias Sugar Company, that all that income comes from the people of Mumias. We forget that, that sugar will be useless if there are no other people consuming it and paying tax from across the country. It is the same with the port which is not about Mombasa. The port is a lot about what goes in the inland and the taxes that are coming from it. It is important to strengthen that as a national asset and even improve creation of employment opportunities for the people of the Coast. We cannot stop Kenya until we decide that there are certain aspects that we cannot privatize.

Finally, this is a new era and we have to go for reforms but I doubt how much we can achieve in this country if the people who will preside over the implementation of reforms do not believe in reforms. It is quite clear that many people in the top leadership in this country and the people who want to be the president and prime minister are not the greatest supporters of reforms. So, if you do not believe in reforms, what is the need? In this case, as Members of Parliament and Kenyans we need to begin to open our eyes in terms of what alternatives exist; in terms of people who genuinely believe in reforms. This is because even if you have a new Constitution but it is like new wine in old wine skin, it will not make a difference in this country. I would like us to look at that carefully, forget about our tribal inclinations and look at people in terms of what they represent, and whether or not they would support the very essence of what we stand for.

With those remarks, I support the Motion.

**Mr. Deputy Speaker:** Mr. Yakubu, you have exactly two minutes to contribute before the Government Minister responds.

**Mr. Yakub:** Asante sana, Bw. Naibu Spika kwa kunipatia nafasi hii ili nichangie Hoja hii ambayo ninaunga mkono. Kwanza, ningependa Serikali iwakumbuke Wakenya 13 ambao walipelekwa nchi jirani ya Uganda. Huu ni mwaka wa pili na niliuliza swali kuhusu Wakenya hao 13 ambao wako katika Kampala lakini ninasikitika kwamba Wizara mbali mbali zilinijibu kwa barua kwamba si Wizara zao zinazohusika. Hata Mkuu wa Sheria alinijibu kwa barua kwamba jambo hili haliko mikononi mwake. Tungependa Serikali ichukue hatua haraka ili iwarejesha Wakenya hao 13 ambao hawana makosa yoyote nchini Kenya.

Bw. Naibu Spika, ninataka kuongea juu ya maswala ya Bandari ya Mombasa. Serikali haikufuata kanuni zilizowekwa kama kuwahusisha wafanyikazi wa bandari, viongozi na washikadau wa Pwani kwenye maswala ya kuibinafsisha bandari. Tunataka Serikali iondoe kwa haraka *Kenya Gazette* No.70 ya 2009, na kuwe na mpango mpya wa kubinafsisha Bandari ya Mombasa.

**Mr. Deputy Speaker:** Mr. Githae, I understand the Minister has donated some two minutes to you!

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, I want to take this opportunity, before we proceed on recess, first of all to congratulate the Vice-President and Minister for Home Affairs for his shuttle diplomacy that he is continuing with. We saw there was total support at the African Union (AU). It was unanimous; they support Kenya's case for deferral. This is the same case with Inter-Governmental Authority on Development (IGAD) countries, which supported the deferral of the six cases by Mr. Ocampo. Now the Vice-President and Minister for Home Affairs is on another shuttle diplomacy to the countries in the Security Council of the UN. We wish him all the luck.

The last thing I would request leaders, please, when ambassadors and High Commissioners invite you, know that whatever you tell them is going to be reported to their home countries. I was shocked to know what Members of Parliament tell these ambassadors. When you disparage other hon. Members, know that this is going to be reported. I was shocked that an ambassador can say that Uhuru is a good man except that he drinks too much!

Mr. Deputy Speaker, Sir, I have had many occasions to share evenings with Mr. Uhuru Kenyatta. I have been abroad with him---

**Mr. Deputy Speaker:** Minister, the two minutes are over!  
Proceed!

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Deputy Speaker, Sir, this cannot be further from the truth. The only occasion I saw---  
I beg to support.

**The Minister of State for Development of Northern Kenya and other Arid Areas** (Mr. I. E. Mohamed): Mr. Deputy Speaker, Sir, I would like to support this Motion.

As Members of Parliament, we should take this opportunity to deal with the many challenges facing our constituencies, particularly drought, conflict and reconciliation that is necessary. I want to agree that drought requires everybody's effort. Parliament has been taking up most of the time of Parliamentarians. This is the time to go. We have a challenge in Mandera and Marsabit due to conflict. We need to go there, as Members of Parliament, together with the Government officers and try to resolve issues.

Mr. Deputy Speaker, Sir, in recent past we have heard a lot of political noise; it is as if we have forgotten our past. As a country, we seem to always forget our past. We have just passed a new Constitution. That Constitution is supposed to take us on the path of prosperity and development, yet we seem to engage in politics of "*short-termism*", individualism and intrigues to a level where we are destroying our institutions.

Mr. Deputy Speaker, Sir, our weekend rallies should be about singing the national anthem. We want this country to become one country. We want to really put a nail on tribalism while on our recess. We should not have divisive things.

I also want to tell hon. members that we need to strengthen institutions. After undertaking judicial and electoral reforms, the most other important reforms should be in the political parties. You cannot have your cake and eat it. To those who have spoken about political parties as a shirt to be changed--- Having chosen to be a country of democracy and rule of law, you cannot again decide political parties are a shirt that you wear this morning and then wear different one the following day. I think we need to

relook at the law to make sure that the electorate elect somebody on a party ticket; they elect on the basis of a manifesto. That manifesto is what the voters should require you to promote. When you shift ground away from your manifesto, how will I hold you to account? There is a basic principle behind the political parties law. Therefore, I would urge people who change their policies to go back to the electorate.

The Right hon. Prime Minister has done this before. He went back to the people and they re-elected him because he now had new policies. I think I would urge those who really want to change that---

I beg to support.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Mr. Deputy Speaker:** Hon. Members, it is now time to adjourn the House and the House is, therefore, adjourned *sine die*.

The House rose at 12.30 p.m.