

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 7th April, 2011

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Financial Statement of the Medical Practitioners and Dentists Board for the years 2008, 2009, and 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Medical Services)*

Financial Statement of the Certified Public Secretaries Board for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Justice, National
Cohesion and Constitutional Affairs)*

Financial Statement of the Industrial and Commercial Development Corporation for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance on behalf of the Minister for Industrialization)*

The Annual Report and Accounts of the National Housing Corporation for the year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime
Minister and Ministry of Finance, on behalf of the Minister for Housing)*

Financial Statement of the Kenya Airports Authority for the financial year 2009/2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Transport)*

Financial Statement of the Kenya Plant Health Inspectorate for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Agriculture)*

Financial Statement of the Kenya Roads Board for the Financial Year 2009/2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Roads)*

Financial Statement of the National Council for Persons with Disabilities for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Gender,
Children, and Social Development)*

Financial Statement of the National Development Fund for Persons with Disabilities for six months during the period ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Gender,
Children, and Social Development)*

The Annual Report and Financial Statements of the Jomo Kenyatta Foundation for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Office of the Deputy Prime Minister
And Ministry of Finance, on behalf of the Minister for Education)*

QUESTIONS BY PRIVATE NOTICE

SHORTAGE OF SEED MAIZE

(Mr. Kutuny) to ask the Minister for Agriculture:

(a) What is the cause of the current shortage of seed maize in the country and what is the Minister doing to alleviate the shortage?

(b) What is the current official price of 25kg, 10kg and 2kg of seed maize, respectively?

(c) Could the Minister also state the seed maize varieties available in the currently?

MURDER OF JOSEPH CHEPTARUS

Mr. Mwaita: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) What are the circumstances surrounding the murder of Joseph Cheptarus, a former Assistant Commissioner of Investigations and Enforcement at the Kenya Revenue Authority, who was at the time actively investigating, among other cases, the illegal transportation of 2.5 tonnes of gold worth Kshs8 billion from Eastern Democratic Republic of Congo (DRC)?

(b) What is the status of the investigation?

(c) What security arrangements have been made to KRA officers who have investigative roles?

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

(a) On the 26th February, 2011 at about 1.15 a.m., the late Joseph Cheptarus who was an Assistant Commissioner of Investigations and Enforcement at Kenya Revenue Authority (KRA) arrived home in Soledo Estate in South C in his private car, registration number KBM 772N. As he was waiting for the gate to be opened, he was confronted by an unknown number of armed gangsters who shot him twice on the chest and left him there. The gang escaped using his car which was later recovered abandoned within Karen area. It was processed for evidence and meanwhile, the victim was rushed to Mater Hospital where he was pronounced dead on arrival.

Police visited the scene and recovered two spent cartridges and investigations commenced immediately. Police Case File Lang'ata Police Station Cr.170/46/2011 was opened. The Minister is not in a position, at the moment, to link this death to the investigations into the alleged illegal importation of 2.5 tonnes of gold as the investigations are ongoing. It is only after the completion of the investigations that the motive behind the murder of this gentleman can be ascertained.

(b) The case is under investigations and the investigating officers are following crucial leads which may lead to the arrest of the suspects behind this heinous act.

(c) The Government has deployed security officers to support the work of KRA. In circumstances where they are involved in sensitive and risky assignments, they are free to deploy them.

Mr. Mwaita: Mr. Temporary Deputy Speaker, Sir, this is a very sad case. Those of us who attended the burial of the officer were very sad. The people of Baringo County could not comprehend how a senior officer could be killed while handling investigations. The duty of KRA is to collect revenue for this country. There are officers of KRA who are deployed to pursue serious criminals who import several tonnes of valuable goods like gold. The Assistant Minister has said that he cannot, at the moment, link this death---

It is in the public domain that there is a serious linkage to this. Now that he says that investigations are ongoing, when is he likely to conclude the investigations so that the people of Baringo County can get justice and know why their son died at an early age? When is he going to complete the investigations?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you are aware that I cannot predict when we will definitely arrest those who are behind the killing of Mr. Cheptarus.

The Temporary Deputy Speaker (Mr. Imanyara): He wants an indication as to when you are likely to complete your investigations.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will instruct the Director of the Criminal Investigations Department (CID) to fast track the investigations because as you have seen, we have very good leads. So, maybe, within a month, I will be able to report back to the House how far we have gone and reveal who was behind the killing of the gentleman.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, in his statement, the Assistant Minister said that the investigators are following crucial leads that will lead to the arrest of the suspects. However, if he has not arrested any suspects, what are these crucial leads that he is talking about?

Could he explain that?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you see the magnitude of the problem. There are those who come up with issues which cannot be traced. There are also those who speculate and they can name people. They could even name hon. Letimalo tomorrow and say that he was behind this matter. I cannot go and arrest hon. Letimalo simply because some people have given me his name.

Secondly, we are talking of 2.5 tonnes of gold and death---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ojode! You said in your own admission that you are following crucial leads. He wants you to give information in relation to that.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, it is true that we have crucial leads to this effect and which I cannot divulge here. This is because if it is crucial and I mention it here, then it will not be crucial anymore. Let me first of all let the police get those who are behind the smuggling of gold and the killing of Mr. Cheptarus. After a month or so, I will be ready to give a report in this House on what my police officers will have so far done. If my colleagues can wait for a month--- It is only a month; what is a month? I will be able to give those crucial leads to this House after we have made arrests.

Mr. Njuguna: Mr. Temporary Deputy Speaker Sir, indeed, this is a very untimely death of a young dynamic officer. Could the Assistant Minister inform this House what humanitarian assistance the Government has extended to the aggrieved family so that their immediate needs are addressed?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very good question. However, you will agree with me that any humanitarian assistance has to be requested by the family members. As at now, I am not aware of what the family members want. If any request is made, then we will consider it on its own merit.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, it seems there are a lot of illegal guns that are being used by thugs within Nairobi. What is the Ministry doing to ensure that these guns are mopped away from the illegal owners?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we have said, and I want to repeat it, that those who are holding illegal guns--- Illegal guns are guns in the hands of those who do not have the licence to have them. Anybody who is holding an illegal gun should surrender it to the nearest police station. Otherwise, we will use force to mop out those guns.

Mr. Temporary Deputy Speaker, Sir, I will be forced to amend the law, like is the case in Uganda, to allow those who are keeping illegal guns to be tried at the court martial other than the civilian courts. That will reduce the use of illegal guns in this country. Anybody who is holding a gun illegally must be a criminal. If he is not a criminal, then he should get a licence first so that we know that So-and-So has got a gun for this-and-that purpose. I will bring an amendment to this House and I will want my colleagues to support that amendment so that those who are holding guns illegally are tried at the court martial.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, they say that “talk is cheap”. When are you going to bring the amendment so that this House can act?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I can see that I will get a lot of support for the amendment to go through. I will start generating the amendment tomorrow. Thereafter, I will bring it before the House so that we can debate, amend and pass it.

Mr. Temporary Deputy Speaker, Sir, we can amend the Firearms Act for those who are having illegal guns not to be tried in civilian courts. They can be tried in a court martial. That is what Uganda has.

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to avoid answering my question? I did not ask when he will start the process. I am asking: When will you bring the amendment to the House? Give us a timeframe.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, ordinarily, I will have to generate the amendment before it is brought here. So, let us just agree that we are going to amend the Firearms Act and it will be brought here. I cannot say that I will do it tomorrow or next week. However, once I generate the amendment, I will take it to the Attorney-General. Then later on, it will come over for debate.

Mr. Gabbow: Mr. Temporary Deputy Speaker, Sir, we know that illegal firearms are being held by different individuals in this country just because the permits for arms are given to privileged individuals in this country – the rich or those who have properties. What is your Ministry doing to make sure that other ordinary Kenyans can get those permits?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we do not discriminate. The issuance of a firearm certificate is considered on its own merit. For example, if any Tom, Harry and Dick want a gun, we have to know for what reason. A businessman can ask for a gun for personal protection. Why would an ordinary person apply for a gun? For what purpose?

Mr. Gabbow: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would you call a person who is keeping his cattle and camels an ordinary person who needs to protect his property?

The Temporary Deputy Speaker (Mr. Imanyara): Order! That is not a point of order.

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, the said officer was a former Assistant Commissioner of Investigations. He was killed in the line of duty. There have been so many such cases. Even the police have been killed in the line of duty. What measures or plans does the Assistant Minister have to insure police officers so that, in such an eventuality, their families are compensated properly?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, Mr. Cheptarus was not a police officer. He was an investigator in the Kenya Revenue Authority (KRA). However, in the package of reforms in the Police Force, we will include the issue of insurance. So, police officers will be covered. They will have a comprehensive insurance so that in the event that they lose their lives in the line of duty, the insurance companies will be able to compensate them very well.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I know hon. Ojode would not want to admit it but it is in the public domain and the judgment of the public that the death of Joseph Cheptarus is connected to the theft of 2.5 tonnes of gold. However, the fundamental lesson to be learnt here, and which I think the Government is not learning is: What security will you provide to those who are handling criminal cases, particularly judicial officers, especially magistrates who do not have armed security? That does not include judges.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very good question. But if we get some information - like hon. Olago is trying to do - we will fast-track that case in order for us to apprehend or arrest those who were involved. But what we are saying is that anybody - and not just judicial officers and magistrates - who wants the protection of the police, will be given through application. It is there in the law. If you want police protection, you just pay for it.

Mr. Olago: On a point of order, Mr. Temporary Deputy Speaker, Sir. My question to the hon. Assistant Minister was: "What steps is the Government taking to provide security to judicial officers?" His answer was: "Depending on the nature of the application, each will be considered on its own merit." However, there are Kenyans who are given security not as a matter of cost, but because of the nature of their job. Members of Parliament have security. We do not need to apply.

The Temporary Deputy Speaker (Mr. Imanyara): You are on a point of order!

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, my point of order, therefore, is this: Is it in order for the Assistant Minister to tell this House that each applicant needs to apply when we know that there are people in Kenya who get security as a matter of right?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I would not know who wants police protection. Not all of us want. There are some people, even in this House, who do not have police protection. That is because you have to apply for it.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! He is talking about those who are given security by virtue of office.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you are right. You have to apply for it through the office. Say, for example, if a judge wants police protection, the Chief Justice will write a letter to the Commissioner of Police that all judges in the country must be given police protection and we will give them.

Mr. Mwaita: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister, in his answer, has said that the Government has deployed security officers to support the work of KRA. My last question is: How about officers who are employees of KRA and are

investigating sensitive issues? Are they just left to the whims of criminals? What measures have been put in place?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you will agree with me that I have already answered that part. I have said that those who are doing sensitive jobs will definitely get police protection. Hon. Odhiambo-Mabona knows that we normally give police protection.

The Temporary Deputy Speaker (Mr. Imanyara): Order!

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

The Temporary Deputy Speaker (Mr. Imanyara): Order! For the second time, Question by Private Notice by hon. Kutuny!

Mr. Kutuny: Mr. Temporary Deputy Speaker, Sir, first or all, I want to apologize for not being here on time. However, you remember the circumstances that we are in. We are planning for a grand reception---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Are you rising to ask your Question or make a statement?

Mr. Kutuny: Mr. Temporary Speaker, Sir, I beg to ask Question Number One by Private Notice as it appears on the order paper.

SHORTAGE OF SEED MAIZE

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

(a) What is the cause of the current shortage of maize seed in the Country and what is the Minister doing to alleviate the shortage?

(b) What is the current official price of 25kg, 10kg and 2kg of maize seed, respectively?

(c) Could the Minister also state the seed varieties available in the country currently?

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

(a) The current maize seed shortage was caused by a combination of increased demand and prolonged dry spell last year. The Government has mobilized stocks held by seed producing companies and dealers to areas of need.

(b) The current official prices for the various packages of seed maize by the main seed producers and dealers are as follows:-

PRICES FOR MAJOR SEED VARIETIES

SEED COMPANY	VARIETY	25 KG/KSH	10 KG/kSHS	2 KG/kSHS	1Kg/Kshs
Kenya Seed	H614	2,750.	1,100.00	230.00	115.00
	H662	2,750	1,100.00	230.00	115.00
	H513	2,750	1,100.00	230.00	115.00
Seedco	Tembo				190.00
	Simba				190.00

	Punda Milia				190.00
Panner	Pan 63			390.00	145.00
	Pan 67			390.00	145.00
	Pan 7M 97			390.00	145.00
	Pan 4 19			390.00	145.00
	KH 600			390.00	145.00
	KH 500			390.00	145.00
	KDV 1			390.00	145.00

Western Seed 505 was 600 metric tonnes while 504 was 120 metric tonnes. Pioneer seeds 30G19 have 40 metric tonnes.

Mr. Kutuny: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister talk about the dry spell last year. Most of the seeds are produced in Trans Nzoia and there was a lot of rainfall in that region last year. Subsequently, that resulted to a bumper harvest to the extent that the Government could not manage to buy the produce from the farmers. When it rains, it does not only rain to commercial plots but also to other farms which produce seeds. So, could the Assistant Minister tell us how much was produced by Kenya Seed Company last year and supplied by the Government to the farmers and how much was exported to other countries so that we can know how much remained locally for the farmers to utilize because there must be something that goes beyond the dry spell? Could he tell us that?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, first of all, Kenya Seed Company managed to plant only 22,266 hectares instead of 29,000 acres. During the long rains this year, the Kenya Seed Company had 15,400,000 kilogrammes of high altitude seed varieties against an average need of 17.5 million kilogrammes of seeds. There is a short fall of 2,000,000 kilogrammes which is being met by the other private companies. What is emerging is that most of our farmers do not want seeds from the other companies. We have varieties which are equivalent to what is being produced by the Kenya Seed Company but farmers do not want to buy that. I can assure this House that the percentage of what will be the short fall will be about 200,000 kilogrammes of seeds.

Mr. Temporary Deputy Speaker, Sir, I have information about what has been distributed. For example, in the North Rift, we have already supplied them with 7,269,357 kilogrammes while in the South Rift, we have supplied them with 2,719,928 kilogrammes. We have also supplied seeds to all the provinces. Although there is that shortage, I can assure the hon. Members and the country that it is not that serious because the other companies have seeds of the same quality that could be planted in those areas.

Mr. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister admit that there is a shortage of certified seeds and the rains are on. He has said that the farmers---

The Temporary Deputy Speaker (Mr. Imanyara): You have stood on a point of order!

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to inform the House that there is seed shortage and the farmers should not be worried? What does that mean? Is he in order to mislead the House?

The Temporary Deputy Speaker (Manyara): I do not think that, that is a valid point of order!

Mr. Mureithi: Mr. Temporary Deputy Speaker, Sir, I have listened to the Assistant Minister for Agriculture and I am literally dismayed. I come from a maize planting area in Ol Kalou but as we speak now, there is a huge shortage that when we tried to buy maize the other day for distribution, there was no stock. Since this Government invests a lot of money in irrigation like Bura and Hola Irrigation schemes, and considering the fact that the Kenya Seed Company can contract the growing of seed to those organizations, why would there be such a shortage if the farmers are willing to plant their own maize? Why would they be forced to plant maize seeds imported from other countries like Zimbabwe when we are able to produce ours?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I have said that our requirement for the long rains is 17.5 million kilogrammes. We have already given out 15.5 million kilogrammes to farmers. I have also said that 1.8 million kilogrammes is being supplemented by the other seed companies. Therefore, the shortage is not that acute the way it is being implied. It is true there is a shortfall of 200,000 kilogrammes which is being met. I have talked to the Managing Director of the Kenya Seed Company and they are trying to mobilize and move from some areas which have already planted and the crop is about 4 inches tall. The other areas have now started planting. I would like to say that 60 per cent of Kitale, Uasin Gishu and Rift Valley have planted and the seeds have germinated.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, I have listened to the Assistant Minister's answer; he has definitely shown that there has been mismanagement of the seed production areas in this country. This is in the sense that there was no crop failure in Uasin Gishu, North Rift or Trans Nzoia, where the seeds are mainly produced, yet the Kenya Seed Company did not ensure that they produced the right quantities of seeds. What is the Assistant Minister going to do to ensure that this mismanagement does not recur since it could have been deliberate so that some sharks can import seeds?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, yesterday and today we had meetings with the Kenya Seed Company. We have instructed them to contract 40,000 acres to plant seeds for the coming rains. I can assure the House that we are starting irrigation to produce seeds for this country. This is not going to happen again.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has given a promise that they are going to produce seeds under irrigation. I want to tell Kenyans and this House that Bura Irrigation Scheme and the farmers there have been contracted for some time by the Kenya Seed Company to plant seed maize. As of now and even in the future, we want to assure the Assistant Minister and Kenyans that we will no longer plant seed maize. This is very pertinent and we have to look into issues of price.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says that a two kilogramme bag of seed maize costs Kshs115. The farmer is paid Kshs55 for this maize, yet it is the farmer who toils to produce the seeds. Even the cost of transportation from Bura to Kitale is again levied on the same farmers. If farmers are going to get only Kshs55 for producing a kilogramme of seed maize, and the Kenya Seed Company makes a 100 per cent profit, how does the Assistant Minister expect our farmers to be contracted to provide seeds?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, for sure I am hearing that the farmer is paid Kshs55 per kilogramme of seed maize for the first time. I am going to

check at how much the Kenya Seed Company is buying seed maize from the people who produce for them.

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister promised to look up into the matter. If he can promise that he will report back to this House, then I think the matter will rest. Promising that he will look into it is just a mere statement.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I will come to this House and say exactly at how much the Kenya Seed Company is buying seed maize from the farmers. I will do so on Tuesday.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is encouraging us to buy seeds from private firms; is he aware that these private firms sell seeds that never germinate?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I am telling hon. Members to buy seeds from those companies to which KEPHIS has given certificates showing that their seeds are certified and they are the right ones for the areas they come from. I am not telling them to buy anything and plant it, then it does not germinate.

Mr. Mbau: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the Assistant Minister give the names of those companies ---

The Temporary Deputy Speaker (Mr. Imanyara): Order! You do not stand on a point of order and proceed as if you have caught the Chair's attention!

Yes, Mr. Chepkitony!

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm whether it is the policy of the Ministry to encourage farmers to buy seed maize from private sellers, instead of buying them from the Kenya Seed Company? He is telling them to buy seeds from private firms, yet the Kenya Seed Company should produce enough seeds for the country. That is their role. It should even produce seeds for export.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, there are companies in this country which are certified to deal in seeds. These seeds have been certified by KEPHIS. They are valuable seeds which can be planted by people in this country. The Kenya Seed Company this year managed to produce only 87 per cent of the required seeds; we are talking about the shortfall.

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Mr. Kutuny!

Mr. Kutuny: Mr. Temporary Deputy Speaker, Sir, the contributions of the hon. Members show that this matter is really grave. I seek your indulgence that the Committee on Agriculture, Livestock Development and Cooperatives handles this matter. In those areas where farmers are in a position to produce food for subsistence and commercial purposes--- Due to the scarcity of seeds these people might not produce enough for their own use. The Government is going to spend a lot of money to import food. I would request that this matter be investigated by the relevant Committee.

The Temporary Deputy Speaker (Mr. Imanyara): The Committee does not require any direction from the Chair on that! It can take up the issue, if it so decides and table their report in the House. Mr. Speaker has made that ruling many times. You do not need special direction to get a Committee to conduct its business.

Next we go to Ordinary Questions!

Dr. Eseli: On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg your indulgence not to appear to go against your ruling, but when it comes to maize, we are talking of food security in this country. It is actually a security issue; that is why, probably, Mr. Kutuny was asking you to give a direction.

The Temporary Deputy Speaker (Mr. Imanyara): What I said is that I do not have to give a ruling. However, if you require it, I so direct.

(Laughter)

ORAL ANSWERS TO QUESTIONS

Question No.785

PRESENCE OF MONEY LAUNDERING FRAUDSTERS IN KENYA

Mr. Waibara asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware of the existence of fraudsters involved in money laundering in Kenya, and how much the country has lost annually as a result of the crime since 2003;

(b) whether he could state how many persons have been charged with the offence, indicate the status of the cases and name the suspects; and,

(c) what measures the Government has taken to ensure crimes of this nature are curbed.

Mr. Waibara: Mr. Temporary Deputy Speaker, Sir, unfortunately, I have not received the written answer as yet.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, Ministry of State for Provincial Administration and Internal Security, why have you not provided an answer to the Member?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I want to beg the indulgence of the Chair, specifically on this particular Question. If you look at part “a”, whether the Minister is aware of the existence of fraudsters involved in money laundering---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, I asked you why have you not provided the Member with a written answer!

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

The Temporary Deputy Speaker (Mr. Imanyara): No! Answer me first! Why have you not provided a written answer?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, it is because this Question was brought to my Ministry erroneously. This Question should have been taken to the Ministry of Finance, because it talks about money laundering in Kenya. Again, if you look at “b”---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Assistant Minister! If that was the case, you could have indicated that to the Office of the Clerk of the National Assembly well in advance, or taken other measures. There is collective responsibility within the Government; so, you do not have to wait and then come and make that declaration on the Floor of the House, when the Question is on the Order Paper.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I want to tell you what I have done.

If you look at the Question itself, it talks about money laundering in Kenya. When you look at the “b” part of it, how many persons have been charged with the offence? That is for the Attorney-General. So, it cuts across my Ministry, the Office of Attorney-General and the Ministry of Finance. This particular Question was filed through the Prime Minister’s Office; later on, it was brought to our office. Then we said that---

The Temporary Deputy Speaker (Mr. Imanyara): Assistant Minister, I do not want to hear long stories. Are you able to answer this Question, or you are seeking that it be directed to another Government department?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I am seeking that this Question be directed to either the Prime Minister’s Office or the Ministry of Finance.

Mr. Waibara: Mr. Temporary Deputy Speaker, Sir, we had initially placed this Question with the Prime Minister’s Office. However, it was directed that he should answer it.

The Temporary Deputy Speaker (Mr. Imanyara): I would like to establish that from the Clerks-at-the-Table, so that I give directions on the issue. I will come back to the Question after I get information from the Clerks-at-the-Table. In the meantime, let us move on to the next Question by the Member for Makueni.

Question No.770

INTERDICTION OF CHIEF/
ASSISTANT CHIEF IN EMALI

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that the Chief of Emali Location and the Assistant Chief of Emali Sub-location have been under interdiction for the last 2½ years;

(b) what were the reasons for the interdiction; and,

(c) what steps he is taking to ensure that the cases involving the officers are concluded.

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

(a) I am aware that the two officers namely the Chief of Emali Location, Mr. Peter Mulwa, Personal No.2008019304 and the Assistant Chief of Emali Sub-location, Michael Kivondo, Personal No.2007049576 have been under interdiction for the last 2½ years.

(b) The said officers were interdicted after they were charged in the Principal Magistrate's Court, Makindu, on 28th January, 2009, with the offence of corruption. This is criminal case No.78/2008. Consequently, the officers were interdicted in accordance with the service regulations.

(c) The case was withdrawn on 21st December, 2009, under regulation 206 CPC. The Provincial Disciplinary Committee met and recommended that the officers' interdiction be lifted on 8th June, 2010. The Ministerial Human Resource Committee discussed the case and concurred with the Provincial Disciplinary Committee on 9th March, 2011. The process of the reinstatement of the officers is ongoing.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Kiilu: Thank you, Mr. Temporary Deputy Speaker, Sir. While I thank the Assistant Minister for this answer, I am really concerned by the casual way in which he wants to deal with this matter.

Mr. Temporary Deputy Speaker, Sir, you realise that it took the Provincial Disciplinary Committee six months to recommend the lifting of the interdiction. It also took the Ministerial Human Resource Committee nine months to concur with the Provincial Disciplinary Committee. That is a month ago and yet the Assistant Minister has said that the process is still ongoing. The Assistant Minister is continuing to violate the rights of those officers. Could he confirm to this House the exact date when the officers will be taken back to their offices?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, indeed, it has taken a long time because of the red tape and the bureaucracy which is within the Government. However, I want to assure this House that we will reinstate the two officers within a month. I have asked the Human Resource Department in my Ministry to fast track the issue in order for the officers to get reinstatement letters. That will be done within a month. I want to apologize for the delay because of the proceedings which were lengthy.

(Mr. Letimalo stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Letimalo, I do not think there is much here. Mr. Kiilu, ask the last question on this!

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, I want to accept the Assistant Minister's apology in this case and request that since there is no other authority that he will consult, he orders that those officers are returned to their offices tomorrow.

The Temporary Deputy Speaker (Mr. Imanyara): But tomorrow is within a month.

Let us move on to the next Question by Dr. Nuh!

Question No.400

STAFF ESTABLISHMENT IN BURA/HOLA
IRRIGATION SCHEMES

Dr. Nuh asked the Minister for Water and Irrigation:-

(a) whether she could provide a list of staff establishment at Bura and Hola Irrigation Schemes, indicating their respective details, departments, terms of service and date of employment; and,

(b) whether she could also provide the details of all workers who have retired from the schemes in the last five years and indicate whether or not they have been paid their respective retirement benefits.

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

(a) I have provided the list of the staff establishment for both Bura and Hola Irrigation Schemes indicating their names, designation, job group, year of birth, sex and terms of service. That is in Annex 1. I believe the hon. Member already has that.

(b) In the last five years, no staff has retired from the scheme.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Dr. Nuh: Thank you, Mr. Temporary Deputy Speaker, Sir. I have gone through the list of the staff provided by the Minister but since I know my people very well, there are people who work in the irrigation scheme who were omitted from the list submitted by the Minister. These people are Naomi Maya, Jerusa Wangi, Martha Wairimu, Lainus Njoma, Joyce Ogolo, Joseph Wairu, Abdi Abdullahi and Abdi Burale. About 16 of them who have been working on temporary basis for the last ten to 16 years have been omitted from the list that has been provided by the Minister. I just want the Minister to tell us whether the omission was deliberate or is it that the National Irrigation Board (NIB) does not know who works for them?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I may have to confirm those names that the hon. Member has just mentioned. However, I want to believe that they could have been omitted because these schemes have just been revived. The schemes did not exist, more or less, in the last five years. The schemes are being revived now by the Ministry. Therefore, I may have to check this list. Could the hon. Member give me that list so that I can check that with the NIB?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, is the Minister aware that the appointments are unconstitutional because out of the entire list, there are only two women in Bura I, while there is only one woman in the list for Hola Irrigation Scheme? This is the case and yet these are jobs that you can easily find any level of women to do. Is the Minister aware that her appointments are unconstitutional?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I am aware of that. In fact, I was supposed to answer this Question last week but when I looked at this list and noticed that there were only three women, I really got disturbed.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Madam Minister! If you are aware that the appointments are unconstitutional, why are you bringing that answer to the House?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I am bringing it to the House simply because between last week and now, I could not have made good what the Constitution allows; that two-thirds of either gender should be employed. However, we will observe this now.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Madam Minister! On that omission, I direct that this Question be deferred. I will give you three weeks to come and give an answer that falls within the Constitution.

(Applause)

This is because by your own admission, your actions are unconstitutional. The Question will be on the Order Paper in three weeks time when you will tell us that you have complied with the Constitution.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, honestly, I will find it difficult even to answer constitutionally in the next three weeks.

The Temporary Deputy Speaker (Mr. Imanyara): How long would you require? It is your own admission and---

Mrs. Ngilu: It is, Mr. Temporary Deputy Speaker, Sir and I am the one who is saying that it is not right to have only six women---

The Temporary Deputy Speaker (Mr. Imanyara): How long do you require?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I really need to be given time to ensure that we can factor resources in the Budget so that we can employ people!

The Temporary Deputy Speaker (Mr. Imanyara): Madam Minister, I will give you four weeks within which to report to this House the steps you have taken in order to give an answer that is constitutional. So, you will give us the measures you would have taken to attain that goal that you have admitted you have not met. So, the Question can come back after four weeks for the Minister to give us a progress report on how far she has gone in ensuring that her answer complies with the Constitution.

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Just to compliment your ruling, I would also wish the Minister also finds out why the list I have just read – and I will hand it over to her---

The Temporary Deputy Speaker (Mr. Imanyara): And I direct that you liaise with the Minister, because she will be coming back to the House so that when she comes back to the House in a month's time she would have taken your views into consideration

Dr. Nuh: Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): Let us move on to the next Question by the Member for Kisumu Town West!

Question No.730

BLOCKING OF PUBLIC ACCESS TO LAKE VICTORIA TO BEACHES

Mr. Olago asked the Minister for Lands:-

(a) whether he is aware that Nyanza Golf Club has blocked the public from accessing the beaches of Lake Victoria, thereby denying the residents of Kanyamony and Kanyamedha water and creating a state of tension and insecurity between the club and local residents; and,

(b) the measures he will take to address the above matter.

Mr. Olago: With your indulgence, I would like to say that last week on Thursday; the hon. Minister for Lands answered this Question. However, I asked for time to look at

the law and the facts so that I could interrogate him today. So, I am ready today to interrogate the Minister for Lands.

The Temporary Deputy Speaker (Mr. Imanyara): Where is the Minister for Lands? Is he around? Mrs. Ngilu, could you tell us where the Minister for Lands is?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I will bring this to his attention.

The Temporary Deputy Speaker (Mr. Imanyara): We want to know where he is today and why there is no one to answer this Question. It was directed that it comes today for interrogation.

Mr. Olago: Mr. The Temporary Deputy Speaker, Sir, in fact, the absence of the Minister has been disturbing because this date was given by the Speaker, in his absence. In the meantime, what is worrying me most is the fact that, as the Minister delays coming to the House, the people of Kanyamedha and Kanyamony are being stopped by the golf club from going to the lake.

The Temporary Deputy Speaker (Mr. Imanyara): Order! The Minister did not hear what you said. Will you allow for the Question to be deferred or what would you like us to do?

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, in that case, I seek your indulgence that the Question be put in the Order Paper on Tuesday next week.

The Temporary Deputy Speaker (Mr. Imanyara): Madam Ngilu, will you inform the Minister that this Question will be on the Order Paper on Tuesday and that, before he will be allowed to answer it, he will be required to explain to the House the reason for his absence given that today's date was taken at his request to enable the hon. Member look at the answer. So, he will have to explain his whereabouts, apologize and be ready to give the answer on Tuesday.

Mr. Baiya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Ordinarily, when an hon. Member is not available, the penalty is meted out immediately. I wish that the same would be done now.

The Temporary Deputy Speaker (Mr. Imanyara): What happens when a Minister is absent?

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order! At the request of the Questioner and the Minister, Question No. 706 is deferred to next Thursday. That is at the request of both the Deputy Prime Minister and Minister for Local Government and Mr. Charles Kilonzo.

Question No.706

STATUS OF NAIROBI BEAUTIFICATION PROGRAMME

(Question deferred)

Question No. 661

NON-PAYMENT OF SALARIES TO EMPLOYEES OF
M/S EASTERN INDUSTRIAL WORKS LIMITED

Mr. Yakub asked the Minister for Labour:-

(a) why M/s Eastern Industrial Works Ltd has not paid salaries to their employees for six months; and,

(b) what action he will take to ensure that the employees are paid their salaries promptly.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The last time this Question came here, we answered it exhaustively. The only thing that remained was for him to lay on the Table a list of names of the employees who had not been paid so that we can take action. He laid on the Table a list which was not admissible in Parliament.

Mr. Yakub: Mr. Temporary Deputy Speaker, Sir, it is true that the Minister had to lay on the Table a list of names. However, when the list was taken for verification by the Clerks-at-the-Table, we found out that it had neither a stamp nor a signature of either the employer or the employee. It was just a plain paper that had been prepared by the Minister. Could he go through this list and confirm that there is no---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Yakub, those are people who you ought to know. You are the best placed person to look at the names and let the Assistant Minister know whether they are genuine or not. You are better placed to verify those names. So, do you need more time to verify the names?

Mr. Yakub: Yes, Mr. Temporary Deputy Speaker, Sir. I would like to have more time to inform---

Mr. Temporary Deputy Speaker (Mr. Imanyara): How much time do you require?

Mr. Yakub: Mr. Mr. Temporary Deputy Speaker, Sir, I require up to Tuesday next week.

Mr. Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, will you allow the hon. Member to go through the verification process and come back on Tuesday?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I will allow that. But on Tuesday I have another Question to answer.

Mr. Temporary Deputy Speaker (Mr. Imanyara): Which is the best day for you?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, probably, Wednesday will be fine.

Mr. Temporary Deputy Speaker (Mr. Imanyara): This will be limited to the process of enabling you to verify the names and inform the House the results of your verification. That is all that the Question is being deferred for.

(Question deferred)

Question No.754

DISCLOSURE OF INSURANCE COMPANIES WITH
OPERATIONAL PROBLEMS

Mr. Ochieng asked the Deputy Prime Minister and Minister for Finance:

(a) whether he could disclose the identity of insurance companies in Kenya facing regulation and operation problems;

(b) what measures have been put in place to protect persons insured by those companies and whether they should face closure or liquidation; and,

(c) whether he could confirm that five (5) insurance companies have been placed on special surveillance/supervision due to operational problems and when the Government will take decisive action on them according to the law.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The insurance companies that are facing regulations and operation problems are as follows:-

(i) Standard Assurance Company Limited which is under statutory management.

(ii) United Insurance Company Limited which is also under statutory management.

(b) The following measures have been put in place to protect persons who are insured by those companies should they face closure or liquidation.

(i) The Commissioner of Insurance and the Chief Executive Office of the Insurance Regulatory Authority, with the approval of the Board of Directors, has exercised his powers pursuant to Section 67(c) of the Insurance Act Chapter 487 of the Laws of Kenya to intervene in the management of the companies.

(ii) The statutory managers were appointed to take over the management, control and conduct the affairs of the companies in order to protect assets and ascertain liabilities of the companies.

(iii) The managers have reported to the Commissioner on the status of the companies for the purpose of decision-making and a decision was made to lodge petitions for the winding up of the companies due to their insolvency.

(iv) The Insurance Act has also established a Policy Holders' Compensation Fund for the primary purpose of providing compensation to policy holders of insurers who are declared insolvent. The secondary purpose is that of increasing the confidence of the general public in the insurance sector. The establishment of the Fund was informed by the collapse of several insurance companies prior to the year 2005.

The Fund is governed by Section 179 of the Insurance Act cap 487 and the Insurance Holders Compensation Fund Regulation 2010.

(c) There are no insurance companies under special surveillance or supervision due to operational problems. The Insurance Regulatory Authority carries out continuous surveillance and supervision as part of its statutory mandate. Off site monitoring and on-site inspection of the insurance companies are useful to assess the compliance, challenges and the risk profiles of the companies. The intensity of the surveillance is dictated by the current situation of the companies and their ability to comply with the agreed compliance

or risk mitigation plans. The companies under intensified surveillance change on a routine and situational basis.

Mr. Ochieng: Mr. Temporary Deputy Speaker Sir, the answer given by the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance is not satisfactory because the two companies that he has mentioned are already under receivership. My Question is in regard to companies that are allowed to continue operating while they are unable to meet the minimum operating capital.

Could he mention those companies?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, as I said, the Authority carries out routine and continuous supervision of all the companies. However, currently, the ones which have been unable to meet the criteria of increased capitalization of Kshs50 million to Kshs150 million last year are three. One of them is Invesco Insurance Company Limited, Concord Insurance Company and the third one, which had a slightly different problem from capital requirement criteria, is Blue Shield Insurance Limited.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, we know clearly that one of the criteria for allowing insurance companies to continue operating in the country is to protect the members of the public from liabilities, which are supposed to be covered by these companies. Is it in the public interest that we should allow insurance companies to continue operating when they cannot meet their liabilities in respect of third parties? Some are filing suits to stop prosecution, not because the claims are anything, but because they have serious liquidity challenges. Why can the Insurance Regulatory Authority (IRA) not take action immediately and have them wound up if they are not in a position to sustain their businesses?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, I have stated that there are two companies which are already in liquidation. We have recommended this to the courts and, therefore, as soon as we get a ruling from the court, these companies are going to be liquidated in accordance with the law. Therefore, we are not sleeping. Any company which is not meeting its obligations, we are taking action against it. I have also stated that there are three which we have given up to June to meet the requirements. If they do not, then we will take action against them. As I stated from the very beginning, we are constantly scrutinizing the insurance companies which are not meeting their obligations and we will take action as the situation arises from time to time.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, the problem with the insurance industry, in particular, the IRA, is not even what the Assistant Minister has addressed. It goes with the failure of insurance companies to discharge claims particularly for third party motor vehicle insurance and passenger cover, where successful litigants are not able to execute judgment against insurance companies. It is a very serious problem within the insurance industry and the legal fraternity in this country. What action is the Ministry taking to ensure that insurance companies comply fully with the requirements of the third party motor vehicle insurance and passenger cover, so that members of the public are not duped?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, the question of passenger cover has been a very serious issue and has been canvassed on the Floor of this House before. I remember answering a Question where many companies are refusing to cover, particularly the matatu industry because of the risks. The Ministry is trying to watch on those companies who dodge meeting their obligations on the passenger claims. But some

of the claims and judgments in the courts have been so exorbitant that some companies have even collapsed because of them. The Ministry is quite alert and it is being considered seriously how to streamline, particularly, the passenger claim sector.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, how does the Ministry intend to protect the insured should these three companies go under before June?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, I said that we have established the Policy Holders Compensation Fund. This Fund has money which is available to compensate the insured, should we get the two companies in liquidation. This is a very vibrant Fund because every policy holder pays 0.25 per cent and the insurance company also pays 0.25 per cent. This makes 0.5 per cent of every remittance by the policy holders.

Question No.781

NON-ISSUANCE OF AIE TO WAMBA SUB-DISTRICT HOSPITAL

Mr. Letimalo asked the Minister for Public Health and Sanitation:-

(a) whether she could explain why Wamba Sub-district Hospital in Samburu East District has not been issued with AIE from 2009 to date, why it has been getting AIE once a year in the previous financial years and state how much it is entitled to in every financial year;

(b) when she will gazette the members of the District Health Management Board of the facility; and,

(c) when she will also connect electricity to the hospital, considering that electricity has reached Wamba Town and the CDF is funding the construction of a maternity wing.

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) It is true that Wamba Sub-District Hospital has not been issued with an AIE from 2009 to date, following the split of the original Ministry of Health since its status remained that of a health centre. The records that we have show that Wamba Health Centre had at some point in 2008 been proposed as a district hospital for Samburu East District. The proposal was, however, not followed through and the facility was, therefore, never gazetted as a hospital due to the facility's physical infrastructure. In the gazette status, it remains a health centre. The Wamba Health Centre, through the Health Sector Services Fund (HSSF) programme, will be entitled to receive Kshs450,000 every financial year.

(b) At the moment, my Ministry is in the process of gazetting the Wamba Facility Management Committee to enable it access funds from the HSSF.

(c) The District Medical Officer of Health (DMOH), Samburu East, has been advised to provide connection estimates from the KPLC to enable the Ministry source funds for the electrification of the health centre.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I sincerely want to thank the Assistant Minister for the good answer that he has given and also for the actions that he intends to take. Now that he has admitted that since 2009, they have not been issuing this

facility with an AIE, could he tell us whether the facility has received an AIE in the current financial year? Could he issue a schedule AIE for the facility's arrears to enable it cover debts that it has incurred?

Dr. Gesami: Mr. Temporary Deputy Speaker, Sir, I have already indicated that Wamba Sub-District Hospital is no longer a sub-district hospital and therefore, it does not deserve an AIE. All health centres in the country get HSSF. That is why we are saying that the Wamba Health Centre will get Kshs450,000 for this financial year and the next financial year. I have also indicated that we cannot give the facility the Kshs450,000 until we have gazetted the committee to take charge of those funds. We are asking the Member to send us the names and if they are at the Ministry headquarters, we will make sure that they are gazetted as quickly as possible to enable the health centre utilize the Kshs450,000.

Mr. Litole: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell the hon. Member to give him the names of the committee members? Should he not ask the MOH, who is the secretary and in-charge of that facility?

Mr. Temporary Deputy Speaker (Mr. Imanyara): Order! I do not think you got the Assistant Minister right because I heard him. He simply asked the Member to assist him get this done in order to facilitate the payment of the money which is available.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, before I ask my last question, I want to confirm to the Assistant Minister that initially, this Question was directed to the Ministry of Medical Services and a list of the members of the management committee was actually attached to the Question. So, he should be able to get it from the sister Ministry.

He has said that he has not been able to upgrade this health centre to sub-district hospital status because of inadequate physical facilities. We have male and female wards and the CDF is constructing a maternity wing. This facility is situated in a pastoral community where poverty levels are very high. Could he consider funding the construction of an X-ray room, a laboratory and providing an X-ray machine, to enable the facility meet the requirements of a sub-district hospital status?

Dr. Gesami: Mr. Temporary Deputy Speaker, Sir, as I said earlier, this health centre was supposed to have been upgraded to a sub-district level. I have also indicated that for a facility to be upgraded to sub-district level, there must be basic infrastructure, for example, a mortuary, an X-ray machine and a laboratory. That is why up to this stage, Wamba Sub-District Hospital has not taken off. Therefore, we need to have these things in place. We hope we will get enough funding to provide those facilities before we hand it over to the Ministry of Medical Services.

With regard to the names that went to the Ministry of Medical Services, we would like to facilitate the process quickly, and so, the Member should give the names to my Ministry and we shall ensure that they are gazetted as soon as possible to enable the facility to receive the Kshs450,000.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Waibara, I come back to your Question. I hope the Assistant Minister is now ready with an answer.

Question No.785

PRESENCE OF MONEY LAUNDERING FRAUDSTERS IN KENYA

Mr. Waibara asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware of the existence of fraudsters involved in money laundering in Kenya and how much the country has lost annually as a result of the crime since 2003,

(b) whether he could state how many persons have been charged with the offence, indicate the status of the cases and name the suspects, and,

(c) what measures the Government has taken to ensure crimes of this nature are curbed

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

(a) Yes, I am aware of the existence of fraudsters involved in money laundering in Kenya. As a result of this activities, it is estimated the country has, so far, lost over Kshs18 billion since 2003.

(b) There is no single suspect who has been charged under the Proceeds of Crime and Anti-Money Laundering Act, No. 9 of 2009 as the Act has not come into force, as it is awaiting the Deputy Prime Minister and Minister for Finance to gazette the commencement date.

However, suspects have been dealt with using the existing laws, which include the Penal Code, Cap.63, Exchequer and Audit Act, Public Procurement Act of 2001, Anti-Corruption and Economic Crimes Act of 2003 and Financial Act of 2004.

I wish to table a list of such cases, which have so far been taken to court, which is here.

(Mr. Ojode laid the document on the Table)

(c) The Government has taken the following measures to curb crimes of this nature:-

1. Establishment of Banking Fraud Unit.
2. Holding of several sensitization workshops and seminars on fraud for police officers.
3. Introduction of fraud course at the CID Training School.
4. Training on fraud investigation at the Kenya Police College for the serving officers.
5. Establishment of revenue protection unit under the Kenya Revenue Authority.
6. Secondment of police fraud investigators to the Capital Markets Authority.
7. Establishment of Crime Intelligence Unit (CIU) at the CID
8. Advisory services to banks on the need to enlighten their customers on fake cheques, fake bank notes and visa cards.

Mr. Temporary Deputy Speaker, Sir, since 2003, total cases are 2,290. So far, we have also recovered a total of Kshs17,404,873,084.14, out of the Kshs18,803,692,259.93

Mr. Waibara: Mr. Temporary Deputy Speaker, Sir, because the Assistant Minister has just tabled the list, I would like to, first of all, go through the list before I ask my supplementary question.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Waibara, you should have sought that right at the time the Assistant Minister stood up to reply to your Question. Not when and until the answer is given.

But I agree that it is a lengthy list. So, Mr. Assistant Minister, we will come back to this Question on Tuesday afternoon to enable the Member to ask supplementary questions.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir. That is fine.

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): Next Order. I would like to know whether there are any Ministers who are issuing Ministerial Statements before we come to the requests.

MINISTERIAL STATEMENT

INSECURITY IN KIRINYAGA COUNTY

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, on Thursday, 31st March, 2011, the Member of Parliament for Gichugu, hon. Karua, while standing on a point of order sought a Ministerial Statement on insecurity in Kirinyaga County.

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

Mr. Assistant Minister, it has just been brought to my attention that hon. Karua is away on official business. She had indicated to the Office of the Clerk that she would be present when the statement is given. It is only fair, under the circumstances, that that statement be delivered when she is presented in the House. Could you, please, do that sometimes next week?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I thought that since I had promised to give a statement on Thursday, today, and the statement now belongs to the House, when she comes she can still seek---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! She made a request because she was travelling on official business. It is only fair because even yesterday the Prime Minister had to put off the Question for the same reason. I think we need to be fair to her. You are always in the House to give Statements, so let us be fair to her and agree on a date convenient to you next week.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, then will it be possible for me to deliver the Statement on Wednesday, morning?

The Temporary Deputy Speaker (Mr. Imanyara): Fair enough! Wednesday morning! Any request for Statements! Yes, hon. Pesa.

POINTS OF ORDER

STATE OF AFFAIRS AT TEACHERS SERVICE COMMISSION

Mr. Pesa: On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Ministry of Education on the state of affairs at the Teachers Service Commission (TSC).

In the statement, the Minister should clarify the following issues:-

1. Whether he is aware that there is a go slow by the staff of the TSC
2. To state the cause of the go-slow.
3. To explain what the Ministry has done to resolve the issues behind the strike.
4. To explain how the strike has affected services rendered by the TSC to teachers in particular, pupils and students of Kenya.

Mr. Temporary Deputy Speaker, Sir, as I speak today, we are going towards Friday when most teachers normally take their leave and come to sort out their problems at the TSC. These teachers will come here, and I am sure they will not get the services they deserve from the Commission tomorrow.

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, I will issue the Statement on Wednesday, next week.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Pesa, is Wednesday okay with you?

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, this issue is very important for the teaching fraternity and our children. I think the sooner it is sorted out, the better. The Assistant Minister can even come out tomorrow and address TSC staff to sort out the problem. To me, Wednesday is a long way off.

The Temporary Deputy Speaker (Mr. Imanyara): Do you want the statement within the House or outside the House?

Mr. Pesa: Within the House, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): He suggesting Wednesday. It is only Tuesday that is available to him, apart from Wednesday. I think Wednesday is a convenient date, and it is a reasonable request since he has to make consultations with the TSC. Wednesday at 2.30 p.m.

Any other request!

REQUIREMENT FOR PRODUCTION OF CERTIFICATES OF GOOD CONDUCT DURING REGULAR/ ADMINISTRATION POLICE RECRUITMENT

Mr. Mbadi: Mr. Temporary Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. My statement is with regard to the upcoming recruitment exercise of the Administration and regular police. One of the requirements for the young Kenyans who are likely to be recruited will be production of certificates of good conduct. So, I want him to give clarification on the requirement of the certificate of good conduct for upcoming regular and Administration Police recruitment on the 27th April, 2011. Could he further clarify

how they wish to facilitate in case this is going to be a final requirement? How do they wish to facilitate the process given that the issuance of the certificate of good conduct is centralized in Nairobi and we know that, at least, it takes two months to be sent back to the districts?

Mr. Temporary Deputy Speaker, Sir, I would also like to know from the Minister whether he is aware that it costs Kshs1,000 to apply for a Certificates of Good Conduct, and why this burden has been transferred to job seekers, who have no ability to pay.

Thank you.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I do not know whether there is time for me to respond to this request.

The Temporary Deputy Speaker (Mr. Imanyara): There is no time.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if there is no time, I will respond to it on Wednesday morning.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbadi, is Wednesday morning fine?

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I have no problem with Wednesday morning.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! Wednesday morning!

(Mr. Olago stood up in his place)

Yes, Mr. Olago Aluoch!

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, on Thursday, last week, I sought a Ministerial Statement from the Minister for Energy on safety concerns arising from the release into the atmosphere of radioactive material in Japan, and it was indicated that he would be here today to deliver the Ministerial Statement. However, he is not here to do so.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Mr. Kimunya!

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, indeed, there was an undertaking for the Ministerial Statement to be issued today but the Minister has been very busy consulting on fuel prices and what is happening urgently out there. So, I would like to ask that we schedule this matter for Tuesday, next week.

The Temporary Deputy Speaker (Mr. Imanyara): Is that okay, Member for Kisumu Town West?

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I would rather leave it at that.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! Tuesday!

Mr. Kimunya, please, let the Minister for Justice, National Cohesion and Constitutional Affairs know that the Ministerial Statement that was expected from him in relation to public complaints or the Ombudsman's Commission; should be delivered on Tuesday, next week. It was due yesterday. No explanation was given. Since it was at my request, I cannot bring up the issue today. So, can he do it on Tuesday next week?

Next Order!

MINISTERIAL STATEMENT

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 12TH APRIL, 2011

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.36(4), I take this opportunity to make the following Statement with regard to Business for the week commencing Tuesday, 12th April, 2011.

There have been recent concerns aired through the media and on the Floor of this House in terms of the pace and momentum of the legislative agenda and compliance to the roadmap and deadlines for the implementation of the new Constitution. I hope that hon. Mbadi has not left.

Mr. Temporary Deputy Speaker, Sir, allow me to not only brief the House about the Business for the next week but also to give an overview of our accomplishments during the year 2010 and on Business to be tabled and deliberated on in the coming weeks.

In the year 2010, a total of 18 Bills were introduced in the House, 11 of which were a carryover from the 2009. Of these, a total of 12 Bills were enacted into law.

Regarding Motions and Questions, 117 Motions were introduced in the House and resolutions made, whereas out of 715 Questions listed to be asked in the House, 495 were actually asked on the Floor of the House and responded to.

Mr. Temporary Deputy Speaker, Sir, hon. Members will recall the contents of His Excellency the President's Speech during his address to the Special Sitting of the House on 22nd March, 2011, where he listed the pending Bills expected to be debated and passed within three months. I do not have to repeat the list but to mention the following, as requested by hon. Members in the course of this week:-

- (1) The Independent Commissions Bill.
- (2) The Commission on Revenue Allocation Bill.
- (3) The Salaries and Remunerations Commission Bill.
- (4) The Kenya National Human Rights and Equality Commission Bill.
- (5) The Ethics and Anti-Corruption Commission Bill.
- (6) The Public Service Commission Bill.
- (7) The National Land Commission Bill.
- (8) The National Police Service Commission Bill.
- (9) The Independent Electoral and Boundaries Commission Bill.

Mr. Temporary Deputy Speaker, Sir, needless to say, the magnitude of the Business appears daunting, but I am confident that the House is up to the task. Next week, the House is expected to deliberate on the following Bills:

- (1) The Supplementary Appropriations Bill, Bill No.5 of 2011, which is to be read for the first time, the second time and the third time in the Committee of the Whole House.
- (2) The Prohibition of Female Genital Mutilation Bill, Bill No.24 of 2010.
- (3) The Nurses (Amendment) Bill, Bill No.25 of 2010.
- (4) The Public Appointments (Parliamentary Approval) Bill, Bill No.3 of 2011.

(5) The Tourism Bill, Bill No.9 of 2010, which is currently at the Committee Stage.

The Nurses (Amendment) Bill and The Public Appointments (Parliamentary Approval) Bill are at their second reading stage.

Mr. Temporary Deputy Speaker, Sir, the House Business Committee will convene on Tuesday, 12th April, 2011 to consider Business for the rest of the week. As hon. Members will note, there will be enough Business for the week and more will be generated as more of the Bills that are under preparation mature.

So, I look forward to a busier week ahead.

The Temporary Deputy Speaker (Mr. Imanyara): Next Order!

MOTION

HOUSE TO NOTE QUARTERLY REPORT OF CONSTITUTION IMPLEMENTATION COMMISSION

Mr. Abdikadir: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, this House notes the Quarterly Report of the Commission for the Implementation of the Constitution presented to the Constitutional Implementation Oversight Committee on 1st April, 2011, pursuant to provisions of Section 4(a) of the Sixth Schedule of the Constitution and Section 25(1) of the Commission for the Implementation of the Constitution Act, 2010, laid on the Table of the House on 6th April, 2011.

Mr. Temporary Deputy Speaker, Sir, I actually wish to start moving this Motion from the point where the Deputy Leader of Government Business just stopped, which is that for the fourth week since this Special Session started, there is not set a single Bill for debate in the House from the institutions that are set for bringing Bills to this House for the implementation of the Constitution. I think that is a very bad verdict on the institutions that are supposed to bring legislations to this House.

There are, in our set up, institutions which are supposed to bring Bills to the House and then the House debates those Bills. There is an assumption out there that the National Assembly is sleeping on the job. On the issue of the implementation of the Constitution, nothing could be further from the truth. As it is, this House has passed four legislations – a two in-one piece of legislation and three other separate pieces of legislation as far as implementation of the new Constitution is concerned. Those legislations were passed in record time. For all of them, the time was shortened.

However, three weeks after this Special Session started, and for the fourth week next week, we will not have work for implementation of the new Constitution. The House needs to demand that we must have business dealing with implementation of the new Constitution before we move. I will tell you later what we, in the Constitutional Implementation Oversight Committee, intend to do about this.

Mr. Temporary Deputy Speaker, Sir, the framework for implementation is such that there are institutions that are charged with implementation. Our Committee is overseeing those institutions. The other institutions, include the Constitutional Implementation Oversight Committee (CIOC) whose Report we are discussing today; the Kenya Law Reform Commission, the Attorney-General and line Ministries.

The institution is also time-bound; it is phased. We have a phase that we have gone through which was for 90 days. I wish to report that in the first 90 days, the requirements for the implementation were all met.

The second phase is a one year phase. Within that one year phase, the jury is still out. We have only four months remaining to the end of that phase, but a lot has not been done. But since the time is not up, we cannot say that time has not been met.

Mr. Temporary Deputy Speaker, Sir, we are also supposed to implement the Constitution in a certain environment which requires us to do this work in the national interest, in the spirit of the Constitution and not to be adversarial. Obviously, as far as the environment is concerned, we have had issues about consultation. The political environment in the country has been inhibiting implementation. Therefore, that is one challenge I will look into later.

Mr. Temporary Deputy Speaker, Sir, the mandate of the Commission on the Implementation of the Constitution (CIC) is such that they are supposed to do the day to day work of handling the implementation. If you look at their report, and I suspect all hon. Members have the report, you will see that it is made up of a background basically setting out how they are set up. Part II contains their mandate and functions. Part III contains the activities they carried out. Part IV contains the progress of implementation they have had so far, including what they think are legislative priorities on page 27.

Part V contains the few challenges they have faced, including what they call institutional and organizational challenges, political challenges and what they refer to as core business challenges. At the end of the Report, on pages 31 and 32, they give out what their conclusions are.

Following this Report, we had a meeting with this CIOC. In that meeting, we also called in chairpersons of certain other commissions that we felt were important for that meeting, including the Chair of the Commission on Revenue Allocation (CRA), the Chair of the Kenya Law Reform Commission (KLRC) and the Chair of the Interim Independent Electoral Commission (IIEC).

After that, we had a further meeting ourselves to look into the Report instead of just hearing what they had to say, what we thought were some of the key issues to pull out of that Report and what we thought were some of the ways to handle those challenges.

Therefore, the key achievements for the past period for implementation are as follows, as stated by the Leader of Government Business: Within that year, we had the chair and the commissioners of the CIOC. We had the chair and the commissioners of the CRA. We also had the Judicial Service Commission (JSC) set up.

In terms of legislation, we had the Vetting of the Judges and Magistrates Bill passed; we had the Judiciary Fund set up; we had the Judiciary Fund set up; we had the Judicial Service Act and we had the Commission on the Implementation of the Constitution Act.

In terms of the challenges, as I said earlier on, the first challenge is that the legislative pipeline is dry. As I speak now, we do not have any Bill on the Table of the House brought by the institutions that are designated with this process; that is the KLRC; the Attorney-General's office; the CIOC and the line Ministries to bring on board issues of constitutional implementation. That is really an indictment on those institutions.

The second issue that we found as a challenge is that the Constitution requires that women, marginalized communities and ethnic communities that have not been considered for jobs before be considered in terms of the employment opportunities. Unfortunately, the data we have up to now is such that the application from those sectors is so low. The first thing, these sectors have to do is self-help.

Mr. Temporary Deputy Speaker, Sir, for example, the CRA had less than 20 per cent applicants being women; the Chief Justice's post had less than 16 per cent of the applicants being women and the post of the Director of Public Prosecutions attracted less than 16 per cent of the applicants being women.

It will, therefore, help in our opinion, if the women of this country can be told: "seek ye the constitutional offices because that is your right". So, that really is an important message we intend to send. The same applies to minorities or marginalized communities.

The next other challenge is the political environment and the reform sector environment. We feel that the energy with which the Constitution was passed has waned. We really need to restart that energy, so that the implementation process is with the same gusto as the Constitution was passed.

The elections of 2012 are approaching fast. We see that as a key political challenge to the implementation process and so is the Internal Criminal Court (ICC) process. We also see the continued holding of office of the current Attorney-General as an impediment to the reform process. It is our opinion that, while the Constitution gives the time limit for the current Attorney-General to vacate office, that is the outside limit. The current Attorney-General has been an impediment to reforms in this country. Even though the Constitution really does not bar him from holding office until August this year, really, it is part of the problem in terms of the reform environment.

Mr. Temporary Deputy Speaker, Sir, there are certain vexing issues that require this House to look at and discuss so that we can come with a unified issue unless the Supreme Court handles these issues. One, when are our next elections? In that line, who and by which manner Parliament will be dissolved? Next, what does consultation entail? Thirdly, what is public participation? Fourth, who are minorities and marginalized people? There are a number of other issues that all require a unified determination unless, of course, as I said, the court pronounces itself on those issues.

Finally, we have issues of public and awareness being a major challenge to the implementation process. We, in this House, lose on both sides. The public out there is very aware that a lot is not being done and yet they are unaware of what has been done. So, we lose on both sides. Parliament gets blamed for what has not been done and does not get the credit for what has been done. Parliament also gets blamed for the failure of the Executive, as I have just mentioned. So, we lose on all sides. It is important that we have a manner of dealing with public awareness.

In looking at these issues, the Committee has looked at and seen how we can handle some of these issues and what intervention measures we need to take to address some of these issues. The first issue we have picked up is a proactive co-ordination of those institutions that are charged with bringing up these Bills to Parliament. To that end, the Committee will call in the CIOC, the KLRC, the Attorney-General and specific Ministers charged with key chunks of the legislative agenda so that we can move on.

The Committee has agreed that Members of Parliament still have the ability and the power to bring legislation to the House. As a final resort, we intend to use that method. If we do not get the required legislation coming from the Executive and those other institutions, then Members of this House as Mr. Mungatana did last week, will bring legislation to the House with the support of the CIOC.

Secondly, we should have a broad sector approach for certain key sectors. There are five or six key sectors from which majority of the Bills for the next 18 months are required. These include the Judiciary, devolution, public finance and budget, the legislature and police reforms.

If I was to touch on each of these issues, the Judiciary is almost reformed. In fact, the only sector where I can say we are on top of things as far as the implementation is concerned is the Judiciary. The Chief Justice left office. We have passed the Judicial Service Bill and the Vetting of Magistrates and Judges Bill. We have advertised for the Supreme Court judges and also the post of the Chief Justice. The first time, at least for one, I have heard anywhere in the world where a Chief Justice's post was open for advertisement. We advertised for the Deputy Chief Justice and the Supreme Court Judges.

Over and above that, we have had advertisements for 27 judges of our Superior Courts which in effect is 60 per cent more than what we currently hold. This is 60 per cent of what we currently hold being added to the Judiciary. Then we have set up the Judicial Fund. In terms of institutional reforms, financial independence, new members, a Supreme Court, the Chief Justice and Deputy Chief Justice, the work of reforming of the Judiciary is almost set. The problem is that majority of our people do not know that. I will address that later on.

The next issue is devolution. It is really the elephant in the room. The constitutional implementation will either succeed or fail, in my opinion, depending on how we handle devolution. As we sit, the Deputy Prime Minister and Minister for Local Government did set up a task force to handle this matter. As I speak today, they are finalizing their interim report in Mombasa. They ought to have delivered that Report on 31st March as per the instrument that set them up. They have called us back and said they will have it ready by 15th of April. They are supposed to have the final report by July. However, we need certain Bills that are supposed to fall within one year from them, and we are going to give them quite a bit of attention.

Next in terms of public finance and budget, we have had meetings with the CRA. Between them, the Treasury and our Parliamentary Budget Committee, the entire budget system of the country will be look at afresh and we will give particular attention to that sector.

Mr. Temporary Deputy Speaker, Sir, the Legislature has set up a task force to handle the Legislature. In this regard, we are talking about the Senate, the National Assembly, the new Standing Orders, the new Commission that will oversee the running of the Public Service and, maybe, even the country assemblies. It will also look at co-ordination, but that is another area that requires attention.

Mr. Temporary Deputy Speaker, Sir, finally, on reforms on police security, you will remember that on this sector, the Minister had set up a task force to handle that. It was headed by Retired Justice Ransley. It handed in a report that also proposed that a particular committee be formed to oversee that sector. That committee is currently

chaired by Mr. Naikuni. That process led to about five or six Bills. We have been told that those Bills are in the pipeline. We need them to be fast-tracked and we are going to pay special attention on this matter as a Committee.

Mr. Temporary Deputy Speaker, Sir, we have the issue of public awareness. We intend to benefit from all those reforms. Really, we must benefit from those reforms. We cannot benefit from them if the public and all other sectors are unaware. For example, there is a Bill of Rights which is in place and which is active and yet, in all our security sectors and all our dealings, we handle human rights issues exactly the same way we handled them before the promulgation of the new Constitution. Why is it that our police officers, law enforcement agencies and the public do not utilize or abide by the civil liberties of the Bill of Rights? Why is it that we have reformed the Judiciary and yet, there is so little awareness as far as that is concerned? In order to handle that, we intend, as a Committee, to co-ordinate an extensive national awareness and civic education campaigns through the implementing agencies and the Executive, including the Ministry of Justice, National Cohesion and Constitutional Affairs, the Commission of the Implementation of the Constitution (CIC), the devolved task force which I had mentioned earlier and the civil society to ensure that the benefits are achieved. That way, the new law will bear fruits and make those benefits become a reality.

Mr. Temporary Deputy Speaker, Sir, finally, the Committee has set for itself and, therefore, for Parliament, a very ambitious agenda to see whether we can do all the Bills and not just the ones that are supposed to be done in the next 12 or 18 months. We want to do all of them before this House goes home in about two year's time. In effect, our view is that on the implementation so far, it is not so bad and not so good. We, surely, could have done better and we intend to ensure that by the time the next phase - which is August this year - goes through, we will be on top of the implementation as we were on top of it in the first 90 days.

With those remarks, I beg to move and invite my Vice-Chair to second.

Thank you.

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this Motion and in doing so, I want to thank the CIC for the work that it has done. I know that it has been in existence for a short time but it has managed to do a good job. I want to say that, that is an independent Commission under the Constitution. I would want to urge them to ensure that they keep their mandate as an independent institution and as the public watchdog.

Mr. Temporary Deputy Speaker, Sir, with the charged political atmosphere, there may be temptation to associate with or take positions that are not constitutional, and that may be seen to align with a particular political position or party. I want to encourage the Commission to help the country to steer towards a path of reform, reconciliation and healing.

Mr. Temporary Deputy Speaker, Sir, if you look at the Report, a lot of it shows that a lot of preparatory work has been done but there is some substantive work. I want to encourage the Commission--- We told them when we first met that they landed on their job running and we want to tell them to continue running. That is because contrary to what is in the public domain, Parliament is running on the issue of constitutional implementation. We actually have the smaller bit in relation to constitutional implementation which is passing the law. As my Chair has stated, if you actually look at

the schedule, we are within time. Despite the fact that we may have met challenges here and there as may ordinarily be expected, we have overcome them and we are moving forward.

Mr. Temporary Deputy Speaker, Sir, one of the things that I want to raise as a concern is that the public is always castigating Members of Parliament for not doing their work. Indeed, I have been told that in one of the newspapers today, it has been indicated that we are not doing our work. We are here now for the third week. There is absolutely no Bill before this House that has to do with constitutional implementation. So, I want to urge the Executive to pull up its socks. We are here and ready to work and we want them to bring the Bills. We want to implement the Constitution. So, please, bring the bills. Let us deal with our challenges when we come across them. They will be there but we are equal to the task.

Mr. Temporary Deputy Speaker, Sir, the Chair has actually indicated that where the Executive slackens, we will not slumber. We will take the challenge. Hon. Mungatana has already brought a Bill on public appointments. I have already done a Bill on ratification of treaties and I can see my teacher, the Minister for Justice, Constitutional Affairs and National Reconciliation, looking at me. If you do not bring the Bills, we will take over and do all of them. So, please, be on guard. We are serious Kenyans.

Mr. Temporary Deputy Speaker, Sir, I want to also thank the Commission. It has acknowledged that it is guided by national values and principles. I think one of the worrying trends that I have noticed is that even though the national values and principles are in the Constitution, many of us think that they are cosmetic; that they are these sweet smelling flowers and that they are not part of the Constitution. They are a substantive part of the Constitution. So, if, indeed, the Constitution says that in every action that we take as public bodies, we must be guided by national values and principles, then it means just that.

Mr. Temporary Deputy Speaker, Sir, I also note that the Report talks about the issue of public participation. Again, this is one of the areas that people seem to think that it is done as a matter of charity. It is not any more. We must ensure public participation as a matter of right. Because of that, I want to encourage the Commission that one of the Bills that it must fast-track is the Bill on public participation at all levels of implementation. I have seen some Ministries setting up task forces and they are asking the public to bring their views. That is encouraging because they know that this Constitution takes a human rights nature based approach to development which ensures that there must be public participation and accountability of public funds. We would want to encourage the Executive that when it is doing its work, it must do that. I want to encourage the Commission that it must not only indicate that it informed the public, but the public must be involved. The Commission must come up with a Bill that will ensure that public participation.

Mr. Temporary Deputy Speaker, Sir, the Chair has also spoken about the issue of awareness. Many of us thought that the Constitution has passed and that is the end of it. We must empower our citizenry so that they are able to enjoy the rights that are guaranteed under the Constitution. That can only be done if we have awareness. It is only awareness that will ensure an empowered citizenry. So, as a Committee, we have agreed that we will work with the relevant entities to ensure that the public is fully aware of what their constitutional rights are.

Mr. Temporary Deputy Speaker, Sir, I want to encourage the Treasury to facilitate the work of the Commission so that we do not get hitches that are financial in nature. For example, their salaries have not been paid and that they have not been facilitated to do their work. So, I urge the Treasury to take note of that and facilitate the work of the Commission.

I want to talk about the issue of women representation. I want to thank the Chair for actually noting and acknowledging that women have applied. I will be gentle on the Chair because he is not a woman and therefore, does not understand where we are coming from. For me, even though he is looking at it from the perspective of the---

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that my Chairman and her Chairman has no capacity to understand gender issues when he has just pleaded for the course of the women and encouraged them to apply?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, if you listened to what I was going to say, then I would be fully in order. So, you could just be patient. I know that he has a heart that is geared towards gender sensitive but it is only the wearer of the shoe who knows where it pinches. Because he is a man, he will look at the glass half empty and I will look at it as half full. The reason I am saying that is because of years of marginalization and oppression of the women folk. Very many women will still feel that they cannot apply for the position of the Chief Justice even when they are qualified. Over and above that, many women will think that you must have political connections in order to get these positions but the men will not think that because of their nature. If men came here and found this water, they will not request to be given. They will grab it. However, as women, we are taught to sit back and request. So, unless we re-socialize ourselves--- This is a debate that I cannot go into today. So, I thank the Chair for saying that, at least, there is water. I am happy except that I am seeing it half full. Therefore, I encourage women to move the number of applicants from 20 percent to 100 per cent in future so that we can also one day ask: "Why are the men not applying?" We will be happy to encourage our brothers to apply.

Mr. Temporary Deputy Speaker, Sir, even as I conclude, I just want to notice that one of the challenges that the Committee has identified is in relation to their core business and they have acknowledged that there is an erroneous perception that the implementation of the Constitution is only about drafting of certain new laws or only the ones in the Fifth Schedule. I am happy because the Commission needs to understand that their mandate is much broader and includes according to the box they are put into looking at the laws that are compliant with the letter and spirit of the Constitution, policies that are compliant with the letter and spirit of the Constitution, institutional frameworks and administrative procedures that are operating in accordance with the values and principles of the Constitution and observance of the requirements of the Constitution by all Kenyans amongst other things.

So, I encourage the Commission, as the public watchdog, to see their mandate very broadly. It is not just about laws because they are our watchdog in ensuring that the Constitution is implemented on the outside while this Committee is the watchdog from within. I also note that one of the challenges that they have identified is political. They have noted that the political situation in the country has not been ideal for the implementation of the new Constitution. They have noted under paragraph one on page

30, 5.2 that the existence of the Grand Coalition Government requires high levels of consensus on decisions by the Executive; and that during moments when the coalition partners have differences, the differences manifest themselves in making of key decisions of national importance and invariably delays the process of implementing the Constitution. I want to agree with them that for the process of implementation to move, the President and the Prime Minister should remain steadfast in providing leadership that builds public respect and confidence in the implementation of the Constitution.

Mr. Temporary Deputy Speaker, Sir, as I finish, I want to agree with them that this challenge that they have given the President and the Prime Minister is very heavy. I want to equate it with the biblical Nehemiah. This is one of my best books in the Bible and I love it. The President and the Prime Minister stand in the position of Nehemiah. I am a prophetess. I encourage them because when Nehemiah went to rebuild the walls of Jerusalem, there were two gentlemen called Sanballat, the Horonite, and Tobiah, the Hitite, who were only speaking discouraging words at every stage. They were saying that the walls will not be rebuilt, were hauling abusive words and saying all manner of negativity but with the favour of the Lord, the walls were rebuilt.

Hon. Members: Amen!

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, we must rebuild the walls of this country on the basis of integrity, reconciliation and politics that can put this country forward; and on politics that remembers that the walls were broken in 2008 when many people lost limbs, property and life. To date, we are not remembering that there are Kenyans who died and others who are living without limbs like the one we saw two days ago without hands and legs. There are also those who are ailing and dying because they cannot get medication. I urge the President and the Prime Minister to take a lead in bringing the country back to course.

With those few remarks, I second this Motion.

(Question proposed)

Mr. Mbadi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I support this Motion and in doing so, it is important, first of all, to understand why the Constitutional Implementation Commission (CIC) had to be. It is important and encouraging to me to know that the CIC has understood its mandate as that of supervising the implementation process of the Constitution on behalf of the people of Kenya. The people of Kenya needed a voice through which they could ensure that their aspirations and what they wanted a new Constitution for is put in place; to have a Commission that the Committee of Experts saw it fit to have when the Constitution which Kenyans ratified when they voted for it is really encouraging.

Mr. Temporary Deputy Speaker, Sir, first of all, I want to talk about the Constitution. It is encouraging that the Commission has been given offices to operate from. Many a times, we have set up commissions in this country but they do not have offices to operate from. Fortunately, the Commission has confessed to us that they are through with that challenge. However, whereas the Commission has appreciated that they have been given funding through the Ministry of Justice, National Cohesion and Constitutional Affairs, it is important that we move with speed, let the Commission hire

its staff so that we could delink the finances of the Commission from that of the Ministry because the autonomy and independence of this Commission is very crucial for it to discharge its duties. That is why in our legislation we saw it fit for the Commission to have its own finances. Therefore, it is important that we move with speed and let the Commission hire its staff so that it does not rely on staff seconded to it by the Ministry. Let them do the recruitment as fast as possible so that it is a Commission that has a team and can discharge its functions.

There are a number of legislations and this week, I stood on the Floor of this House and demanded to get the progress report from the Government on the various Bills that are supposed to be presented to this House so that we can debate them, pass them and get this country moving in a new direction that we want it to go. I am confident because I have been involved in various discussions on the status and progress of various Bills and I think we need to reassure Kenyans that the various Bills or pieces of legislation that need to be in place will be in place at the right time. I have participated in consultative workshops where various Bills have been discussed including the Electoral Bill. Devolution is in the process because we have a task force handling it. We are also aware that even the Political Parties (Amendment) Bill is nearing completion and I participated in drafting it. I am encouraged that if we move together, as a country, then we will be able to achieve our objective.

Mr. Temporary Deputy Speaker, Sir, many of my colleagues have spoken about public awareness. As we talk about public awareness, it is important that we ask whether the various Government departments are aware that we have a new Constitution in place. I do not want to call it a new Constitution anymore, because the Constitution Implementation Commission (CIC) wants us to discourage Kenyans from calling this Constitution new. This is because it is the only one we have. We must learn and live the spirit of this Constitution. If, for example, we are going to have the recruitment of police officers and Administration Police (APs), are we going to see the old way of recruitment, or we are going to see a change? The CIC has already drafted procedures to be followed and adopted. Are they going to be adopted? I would like to see a situation where we do not hear Kenyans crying that they were made to bribe their way into getting access to regular police and the AP. I would not want to hear a case where two weeks after the recruitment exercise is completed, some people are bringing people from the villages to be placed as APs and regular police. We would like to see fairness in this country. We would like to see equity. We would like to see a system where a Kenyan can walk to a recruitment process without influencing it, and getting recruited competitively. That is what we need to look at.

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

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

Madam Temporary Deputy Speaker, it is important that this House considers very seriously allocating funds for civic education on what the Constitution we have today has. Many Kenyans are not even aware of the real contents of the Constitution. About the Bill

of Rights, which is actually the cornerstone of this Constitution, it is because of it that Kenyans agitated for a new Constitution. Are we enjoying the Bill of Rights? Have Kenyans started enjoying the Bill or Rights?

The Bill of Rights Chapter is not suspended. So, institutions of Government need to start to live the spirit of the Constitution. I want a situation where if you go to a village in Gwassi, Magunga Market or Sidho Market and talk to an old man, he will tell you that he has already witnessed a change in his life because of the Constitution. It is my wish that the various Government institutions start living the spirit of this Constitution.

Mrs. Odhiambo-Mabona talked about the gender equity and fairness in general. It is important, but it is also important to be realistic and honest to each other. We should tell ourselves the truth. I do not believe that ladies cannot apply for these jobs because they have been marginalized for a long time. That is not true. These are ladies who have gone to school. Ladies who should be Chief Justice are not just ordinary ladies. They are aware that there are applications to be made. If they do not want to apply, let us not look for scapegoats. Let us encourage ladies to apply for positions. Let us not start scapegoating that they are not aware of opportunities. If a lady who can apply for the position of the Chief Justice does not know that she is qualified, then that is her own problem. Let us not continue to blame people who are not responsible. We have now given ladies a Constitution that recognizes them. We want to make sure that they occupy senior positions in this country but they must make the effort to apply. They must make the effort to ask for those jobs. Nobody is going to give them jobs if they do not want them. Do not blame the men if they take all the jobs because ladies did not apply for them.

Ms. Karua: On a point of order, Madam Temporary Deputy Speaker. Is the young Member for Suba in order to start on a diatribe against women? This debate is about implementation. He is called upon as an hon. Member to implement the one-third quota to ensure that his constituents and the rest of Kenyans apply for jobs. Is he in order to castigate the very people he is supposed to be supporting in order to have the quota?

Mr. Mbadi: First of all, I want to correct Ms. Karua that I am not the Member of Parliament for Suba. I am the Member of Parliament for Gwassi. Suba is a tribe and I do not represent a tribe.

Now, I want to encourage my colleague---

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

The Temporary Deputy Speaker (Dr. Laboso): Allow him to finish!

Mr. Mbadi: I am answering a point of order!

First of all, I want to ask---

Mrs. Odhiambo-Mabona: He has responded!

Mr. Mbadi: I have not responded. Hold your horses!

First of all, Madam Temporary Deputy Speaker, I wanted to tell my sister, Ms. Martha Karua, that probably she came in a little late. I am repeating exactly what Mrs. Odhiambo-Mabona said about why ladies did not apply for these positions. I am saying that is not the reason. We want ladies to apply because that is the way of defending them. I am encouraging them publicly in the national Parliament that, "Ladies, when positions are up for application, please, do apply. There is nothing diatribe about that.

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to mislead this House, first, that there are no women who have applied? They have applied and it is an issue of percentages we spoke about. Secondly, is he in order to castigate women for not applying? If he has encouraged women to apply, can he tell us one Suba woman who has applied for those positions? Charity begins at home. If he cannot get Suba women to apply, why is he castigating women in the country when women in other areas have applied?

The Temporary Deputy Speaker (Dr. Laboso): Mr. Mbadi, your tone does not sound encouraging; that is what hon. Members are saying. You are more like castigating.

Mr. Mbadi: You know you do not fight for people just by appearing to pretend. This is the mistake that we make in this country. Do not think if you are a lady, you are the only one who can support ladies. I have said that if there are 12 applications and only two by women, that is not good. As a country, we are saying, "Ladies who quality, please, apply". That is the only way!

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

The Temporary Deputy Speaker (Dr. Laboso): Order, Mrs. Odhiambo-Mabona! Mr. Mbadi, please, proceed!

Mr. Mbadi: Madam Temporary Deputy Speaker, I want to complete my contribution by saying this, we have the CIC; it should be seen as a friend to the various stakeholders involved in the implementation process. If you read the functions of the CIC, they are to monitor, facilitate and oversee the development of legislation. Further, they are about coordination with the Attorney-General and the Kenya Law Reform Commission (KLRC). They are also about reporting regularly. Therefore, this Commission has been given a major function in this country to regulate and supervise, so to speak, the implementation of the Constitution. Therefore, sometimes they may say certain things that may not be pleasing to Parliament, the Executive and even the Judiciary. Let us be accommodative. Let us not read politics in all the actions of the CIC.

They have a very difficult task to ensure that the letter and the spirit of the Constitution is respected in the implementation process. This is not going to be an easy thing. You can remember when there was an attempt to make the first appointments; it caused a lot of controversies. The CIC was called upon to give their view. If they give a view that does not conform to what Mr. Mbadi wants, let us accommodate them and give them time to help in nurturing and implementing this Constitution.

Madam Temporary Deputy Speaker, I want to conclude by saying that we cannot over-emphasize the role of the media. There is no medium that can inform the public more than the media. I would like to see the media again re-focusing, because it did a lot of work before we came up with the new constitution. In the lead up to the voting of the referendum, the media did a lot of work. They went out of their way and we thank them. We would like the media to know that this is even the critical moment. Let the media take time and give Kenyans briefs on their rights and how they should nurture and implement the new Constitution.

With those remarks, Madam Temporary Deputy Speaker, I beg to support the Motion.

Mr. Bahari: Thank you, Madam Temporary Deputy Speaker, for this golden opportunity.

I want to join the Chairman and the others in supporting this Motion. However, from the outset, I would like to bring it to your attention that I thought it is wise if the Commission on the Implementation of the Constitution (CIC) was around and perhaps following this debate very closely because this is their first report to Parliament. I think the Ministry should have encouraged them or their representatives to be around so that they can follow this debate in detail.

Madam Temporary Deputy Speaker, very relevant issues particularly on time limit were raised by the Chair and the Vice-Chair and the rest of the Members. I know very well that Kenyans expected us that as soon as we came back to embark on this exercise--- The Chair and the Vice-Chair have made it very clear that these Bills are not with us, but we are within the time limit. However, it appears like the common trend or the habit of Kenyans of rushing at the last minute is catching up with us in this instance. Let us not, even as a Committee or as the CIC be comfortable with the last minute rush. We must be ready to dispose of these matters as soon as it is possible. Therefore, it is important that this matter be looked at very keenly. Even in the case of public debate, since we want to be accountable and we should have been accountable to the public, it should have been the responsibility of the Committee to come here and ask for a Statement or make a Statement to the effect that none of the Bills are with Parliament. This is because some of these issues sink and poison the minds of the public in relation to the activities of Parliament. I encourage the Parliamentary Oversight Committee to ensure that we do not handle these issues at the last minute, rush and mess them up completely.

Madam Temporary Deputy Speaker, it is good that the CIC has involved itself in the issue of administrative procedures for the police recruitment. That is fine. I think they have come up with a very elaborate procedure, but I have a bone to pick up with that because some of the qualifications that have been set are very high. This is particularly when you require a police officer to have a mean grade of "C". I am not saying that that mean grade is not there, but in some of our areas, those are the people who will join universities and middle level colleges. Those people will join teacher training colleges and medical training colleges. Has a consideration been made to allow those with a mean grade of "D+" or "C-" to take up these appointments? I have not seen that. I have seen fellows from the remote or marginalized areas with a mean grade of "D+" who attain a First Class Honors at the universities when they get an opportunity to go there. Therefore, they should not be excluded from the word go. You know the civil service procedure, and I hope the Commission is not falling into some of these tricks. The advertisement was designed in such a manner that, from the outset, they exclude us. In this instance, I am afraid whether the Commission participated, like they have reported here, in coming up with those procedures. There is need to revise that requirement. The Deputy Leader of Government Business is here and I hope he has taken note of this. That requirement will marginalize the arid and semi-arid areas, which are already marginalized. Therefore, it works against the spirit and the letter of the Constitution. These issues must be taken into account.

We have seen controversies across the country over the county headquarters. I happened to attend one of them. It looks like there are no clear procedures or mechanisms of determining the county headquarters and, therefore, a lot of controversy or acrimony is being created in the country. I think that issue needs to be looked into very carefully so

that we do not create unnecessary heat in this country. Some of the people who oversee this are the Provincial Administration and they appeared very dictatorial in one of the meetings that I attended.

Madam Temporary Deputy Speaker, there is the issue of civic education, which is key and a number of hon. Members have raised it. I think that is a matter that needs to be looked at. In the first instance, the Committee of Experts (CoE) was given the responsibility to conduct civic education. Can we get that expenditure audited because that thing came in, in the last minute? We want to see how those funds were spent because some of them were given to civic educators or institutions the previous Commission on the Constitution had used. Because they did not have time, the money was just wired there and nothing much was done.

On the independence of the CIC, independence starts with among other things financial independence. This is very fundamental. From the report, I can see that they have been having very many meetings with donors and most of the time, donor funds come with conditions. They tend to influence you in a certain direction. I wish the Minister is here. I also wish that he works with the Treasury to ensure that the CIC is properly funded so that they do not go out there begging. So, financial independence for this Commission is key and I urge the Oversight Committee to look into this matter with a keen eye to ensure that this issue is taken up in conjunction with the Ministers concerned.

I have seen the issue on devolution as brought up by the task force formed by the Deputy Prime Minister and Minister for Local Government. Some of the public statements that I have seen in the newspapers are designed in such a manner that they work against the Constitution. For example, there is an option to devolution. If you read the statement, you will realise the people who are behind it think that devolution is an option. We should know that the Constitution provides for it. So, we must go into it and there is no two ways about it. Therefore, all these things need to be looked at and I am happy that the CIC has said that they are on the watch out. They have a big task ahead of them and mine is to encourage them to remain above board and independent as they should and move on with their work as is required.

On recruitment, advertisement could be the best and open mechanism to recruit. Therefore, those who are interested can apply. However, in many recruitments, head hunts have done very well. I am not saying that that is the way we should go, but these are issues which need to be addressed.

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

Ms. Karua: Thank you, Madam Temporary Deputy Speaker. I rise to support the Motion. I want to commend the CIC for working literally on their bit even before they settled and their terms of service are concluded. They have given an example of Kenyans seriously working to help the nation move forward.

Madam Temporary Deputy Speaker, I want to urge the Minister in charge of Justice, National Cohesion and Constitutional Affairs, who happens to be present, that it is his duty to ensure that the CIC gets all the facilitation it needs, for example, funding and any other logistical support so that they can move on with their work.

Madam Temporary Deputy Speaker, Sir, I also want to tell the Minister that in terms of preparing Bills, it is a shame because we have been in this Parliament for the last three weeks and not a single Bill for implementing the Constitution has been ready. The

Government must stop dragging its feet. We are not exactly helpless. We are now giving notice to the Government. If they continue delaying, we, as ordinary Members and Back Benchers, will start bringing Bills to implement the Constitution. We will no longer wait for the Government. We are not prepared to pass the deadlines that are stipulated by the Constitution, only to find ourselves without the relevant Bills.

We want to see all the Bills relating to police reforms, judicial reforms, electoral process reforms and the electoral body brought to this House. We also want to see all the institutions that are supposed to be renewed or formed, formed swiftly. I do not see why the Government is waiting and not appointing the new National Police Commission. That Commission is the one that will help us to deal with the Bills that relate to police reforms. I do not know why the Government has not so far instituted reforms that will help to re-train and re-orient the police. No wonder, the extra-judicial killings are going on as though the Constitution was never passed.

Madam Temporary Deputy Speaker, it is time that the Ministry concerned with implementation flagged out all these issues to the Government. The duty of the Ministry is not limited only to preparation of Bills. It also includes overseeing the Government to implement the Constitution to the letter. I want to pose this rhetorical question: "Why are the police continuing to behave as though Kenyans do not have a Bill of Rights to protect them?"

We support the police in their work of law enforcement but we insist that they must implement the law within the constitutional provisions and within the stipulation of all the supporting legislation. You cannot uphold the rule of law by breaking the law. Two wrongs do not make a right. However, bad the situation is, unless the lives of the policemen or other civilians are in danger, or the circumstances are provided for in the law, we want to hear of arrests and not shoot to kill. However, where the law provides that the police can act otherwise and they are within the law, we support investigations and all lawful actions. We want to see a programme of re-training so that even the manner in which the Government answers our Questions in this Parliament will show a re-awakening of the consciousness of the Government that this is a new dispensation where the rights of citizens must be protected. We should never hear a Minister stand at the Dispatch Box and boast that he or she is looking for people, either to finish them or to contain them. We want Ministers to follow due process. It is embarrassing that this has been happening. We have not heard any protests from the Ministry that is in charge of human rights. I am, therefore, asking the Minister who is in charge to wake up to this reality and become the defender of peoples' rights because human rights reside in his docket.

Madam Temporary Deputy Speaker, on the issues of gender, I want to, first, salute the women who applied for the jobs that were advertized. For the post of Chief Justice, there is one distinguished woman judge and for the post a Deputy Chief Justice, scores of distinguished women have applied. I congratulate them. I want to tell my colleagues that it is not the duty of women Members alone to encourage our women folk to apply, so that we can comply with the one-third requirement. The advancement of women is the advancement of society. We, therefore, should join hands as national leaders in this country to ensure that women are encouraged to apply because we know that in this day and age, there are enough women who are well educated and qualify for any job that may be advertized in this country. Therefore, we need to, collectively, as

hon. Members of Parliament, Members of this National Assembly, to mobilize our constituents and friends to apply. This is not a “we *versus* you issue”. This is our issue as Kenyans. We passed this law together. Let us hear the tenor of contributions from all our colleagues, both male and female, to be tenor of encouragement and not condemnation and bashing. We are in this together and that is the message from us. The constitutional provisions are not there as a joke. They must be complied with.

We also want to plead with the House that when women will be finally selected, let us not find lame excuses to remove them from the posts that they have been selected. We had an occasion here where we had to return a lady who had been removed without sufficient reason. But I want to congratulate the House because we unanimously returned her to the Revenue Allocation Commission.

The Commission on the Implementation of the Constitution should have a to-do list for the Government, flagging out all the areas that must be looked into. We have institutions that are yet to be renewed and bodies which are yet to be formed. We want to see everything done. I know that the Schedule says that we can pass some of the legislation within a year; others within 18 months, others within two years, others within three years and finally within five years. If we are serious about implementation, why would we wait for five years? Let us look at the laws and give them to the relevant Parliamentary Committees and Government Departments. Let us invite the public and the civil society so that we make these laws together. We can do it. It is possible. We can finalize the implementation of this Constitution and, especially the enabling legislation, within 24 months. If we space out the implementation too much, resistance grows and it will be business as usual. Total reform must be wholistic. Therefore, I am for us accelerating everything and not just saying that we have five years. We do not have time. Time is not on our side and Kenyans are eager to reap the fruits of the constitution right now.

If you look at the Bills being given three years and five years, you will discover that most of them relate to human rights and daily difficulties that people are getting, and to the emotive issue of land. These are things we cannot wait for. When we come to devolution, I have seen a taskforce by the Office of the Deputy Prime Minister and Ministry of Local Government going round. There is nothing wrong with that except when they give an impression to the public that the new devolved Government will be just like an extension of the Executive. When they try to make decisions for a Government that is yet to know where the county headquarters will be and the priority of that Government--- Who said that if my county, Kirinyaga, is given Kshs200 million, the Governor who will be elected will choose to be wasteful and start constructing a new headquarters when people have no x-ray machines and scanning machines in the district hospitals and children do not have proper facilities in school.

Madam Temporary Deputy Speaker, any serious person managing a county or the national Government will line priorities according to need. I am hoping that no leader, elected in the next general election will squander public funds or start on the least of priorities instead on what is necessary. We have seen this Government spending money on things that are not as urgent and leaving urgent issues like giving services to those affected by the drought, giving services to the IDPs or giving assistance to those who are in need of basic services like education and health and devoting money and time to politicking, to partisan politicking and not only politicking for the sake of the nation.

Unless we want to incoming Government on the failures of this Government, we would not be trying to determine the priorities of the incoming counties. Let the leaders who will be elected next year determine what the priorities of each county are and let them make their decisions. I want to tell those who are happy that they have already determined what will happen when the county governments come in, to read the Constitution twice and they will see their decisions will not bide the incoming government. On a matter of policy, they can give general direction, but you cannot bide an incoming government, especially one which the Constitution gives autonomy.

I have noticed that the Government Ministries are busy forming taskforces. Why would you form a taskforce to ask people the same question the Committee of Experts and the former Constitution of Kenya Review Commission (CKRC) asked and was finally agreed upon and included in the Constitution? What about citizenship, for instance, would you want Kenyans to tell you? They have already told you that they want dual citizenship and that all children who are eight years belong to Kenya and we have reasonable belief that they belong to us. The Constitution has already told you that all citizens are equal and both men and women can give citizenship to their spouses. If it was a taskforce to draft the relevant law, then we would endorse such a taskforce. I would urge the Minister concerned to re-direct the mandate of the taskforce, so that it is useful. That goes for any other Ministry setting up taskforces. I have already said that the one by the Ministry of Local Government also tended to exceed the mandate by trying to align priorities for the incoming government.

I think we need to think very carefully. Let us not just rush where we think we can spend because I saw advertisements even for county headquarters. I am wondering where you got the mandate to act on behalf of a government that is yet to come. We must do the things that are there today. Yes, the incoming government will need staff and offices, but all the counties have offices where the county council resides. Even if it is not the office of your dreams, even if it is not as grandiose as you would choose, you will have to look at the priorities of your county. You might think it is more useful to give the people water before giving them a skyscraper. You might think it is more relevant to build a hospital before building a mansion for the Governor and you might decide that the Governor can fit in the District Commissioner's (DC's) former house. These are the things we must consider. We must ask ourselves: Why did we pass the Constitution? The ordinary Kenyan, including ourselves, had expectations that their lives would improve. We are enjoined to do those things that will immediately improve the lives of the majority of Kenyans and not things that will improve the lives of a few. This is where our focus should be.

Finally, I would want to see security issues addressed. We have Members of the Government making threatening speeches that "if you are not with us and you are from region X", and I want to declare here and now that I am not bound by any region or any declaration. I will speak my mind and I will stand with my party and even alone, if I have to. Those who have vowed that they will point at us and point at our homes and that we shall be flushed out, try and the law will catch up with you. We will see how you can force me to do what I do not want to do or the many Kenyans. These are threats to injure and should any injury befall us or those who like us stand firm in their belief, it will be squarely on the Government and on the peddlers of such threats.

(Ms. Karua pointed at the Front Bench)

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member, very respected and a good friend of mine, in order to point at me when she is making such disparaging remarks?

Mr. Karua: Madam Temporary Deputy Speaker, the remarks are not disparaging.

Mr. Imanyara: On a point of information, Madam Temporary Deputy Speaker. Let me inform both these learned friends that hon. Karua was not pointing at hon. M. Kilonzo, but was pointing at where the people responsible; the peddlers of these threats camp and we know where they are today.

Ms. Karua: Madam Temporary Deputy Speaker, the point I am making is that indeed, the sign of sovereignty in a Government is a Government that is able to protect the rights of its people. A Government that threatens its people cannot claim to be sovereign, no wonder things are happening. I want to urge that we think about our country, we put Kenya first and accelerate all these reforms. We should work with the CIC and all the relevant bodies and give them all the support.

With those very many remarks, I beg to support.

Eng. Gumbo: Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity to make some very brief remarks. I want to follow from what my colleagues have said. I have said it here before that as a country, we are very much in danger of having a very good Constitution with very little constitutionalism. Since we promulgated the Constitution on 27th August, 2010, nothing has changed. Police killings are still going on. The lethargy in Government offices is still there and even in matters relating to how public services and goods are procured, nothing has changed at all. This is worrying. I want to believe that we can write very good laws, but if we do not believe in those laws, and to me, that is what is happening in Kenya, we will not get anywhere. I have said it here that there are countries whose constitutions are no more than seven A-4 pages, but have guided them well for centuries. We must guard against the contradiction of having a very good Constitution which we do not respect because that is the impression that is going on.

I want to join my friend, hon. Karua, in condemning extra-judicial killings. I think also, as a country, we are also very sensitive to the plight of the police. About two weeks ago, I came to this House and gave statistics on how many policemen have been killed in the last five years. Police men and women are Kenyans like us. They have families, fathers, mothers, sisters, brothers and children. About five years ago, a policeman was innocently told to go and stand outside a house in Imara Daima Estate. The thug came out, shot him and killed him in cold blood. I did not hear any of the so-called human rights groups condemning that. As we condemn extra-judicial killings, we must equally be concerned about the welfare of our police men and women. When I did a basic course in management, I was told that you cannot ask a worker to do a task without providing him with the tools of the trade. Some of these policemen share a 10” by 10” room and four of them are sleeping there. There is no decency. Some policemen do not even have basic insurance yet they confront these dangerous thugs every day. So, as we debate the

police Bills that will come to this House, let us also think about our brothers and sisters who daily walk the cold nights to make sure we get security.

I thank the Chairman for talking about devolution. Devolution as provided for in this Constitution, maybe the single most item that may make or break the implementation of the Constitution. I am encouraging the Commission for Implementation of the Constitution (CIC) to rush the Bills for devolution.

Madam Temporary Deputy Speaker, for instance, right now, we are being told 15 per cent of revenue will go to the counties. I have heard arguments out there in the public that that is reason enough to remove all the devolved funds as we have known, including the CDF and LATF. Up to now, I do not think there is a single Member in this House who can stand up and say courageously that the 15 per cent of revenue will be development or recurrent expenditure. I do not think up to now, there is a single Member in this House who can stand up to say that we have mechanisms like the hon. Karua said, to make sure that the counties will use their money responsibly, so that as we drive forward the agenda for the country, we also drive forward the agenda for development and the necessary recurrent expenditures within the counties.

We also need to be sympathetic to the plight of our fellow politicians; the councillors. When we were trying to promote the new Constitution, we carried them a long with us. In fact, I am told they were even given a party at State House. That is what one of them told me in my constituency that they were given a party. We carried them along. However, we are not telling them their fate. To me, this looks insensitive. Let us come up with laws---

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker. Is my neighbour, hon. Eng. Gumbo, in order to insinuate that Members of Parliament are not sympathetic to the plight of councillors, while councillors took centre stage in campaigning for Yes? They were campaigning for change. They knew they were voting themselves out of jobs. It is not our responsibility. Is he in order!

Eng. Gumbo: Madam Temporary Deputy Speaker, I respect the views of my neighbour, but I wonder whether that is a point of order.

What I am trying to say is this. It is very important for us, as Parliament, to let this people know their fate in good time. They are responsible human beings. We have needed them before. Personally, I was not aware that they were voting themselves out of jobs. We campaigned a lot with the hon. Midiwo in Siaya County. The way I saw them dancing, honestly to God, they could not have been dancing if they knew they were dancing themselves out of offices.

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member for Rarieda Constituency to insinuate that we are not working hard to conclude and inform the councillors of their fate, while he is very much of aware being a Member of this House, that there is a taskforce that is almost concluding this work, and the report will be presented?

The Temporary Deputy Speaker (Dr. Laboso): Could we leave the question of the taskforce and legislation that we are awaiting concerning the devolution and the fate of the councilors?

Eng. Gumbo: Madam Temporary Deputy Speaker, with all due respect to the Chair, I have heard some of my colleagues even question the necessity of the taskforces.

What I am trying to say in this House is, please; let us not give time for anxiety to build among these people. Councillors are a big part of our country. Councillors are influential grassroots leaders. It is important that we let them know their fate.

As I stand here, and I am surprised none of the speakers before me have spoken about it. I want to say emphatically that the Report by the National Integration and Cohesion Commission (NICC), which was released yesterday, should make anybody in this country, who believes in the future of Kenya, to die with shame. Ethnicity will kill our country. If we do not want to say it with courage and boldly, there will be no future for this country.

Madam Temporary Deputy Speaker, even if I was running a family enterprise, I would be ashamed if I am surrounded by 80 per cent of my village. Ethnicity is killing our country. Trying to wash it under the rags will not help. I have spoken against ethnicity from the first time I made my maiden speech in this House. I will continue to speak against it because I am a beneficiary of the diversity of Kenya. Ethnicity is taking us nowhere. What sort of a country is this where even when we are faced with the shame of our brothers going to be tried in the International Criminal Court (ICC)--- This is the most shameful thing. Instead of looking at how we can collectively address the issue, you hear people say: We will raise funds for our son from this region. Is this what we want for our country honestly? Where are we going? This thing has gone on for far too long. The question must be asked. How much has negative ethnicity helped Kenya? If you ask me, it is "no." I have seen people from Baringo Central who had to feed on wild berries. Did Baringo Central not give us a President for 24 years?

Madam Temporary Deputy Speaker, let us not be shy about the question of negative ethnicity in Kenya. We have taken these things to ridiculous levels. Even in the IDPs, people are segregated. Some are given assistance and others are left out. How can we run a country like this? We are here. Let us unite as a country. We are seeing signs that the country is slowly inching toward the same situation that prevailed before 2007. Why are we not coming up to speak and take a middle ground?

I want to thank hon. M. Kilonzo. Irrespective of what people say, for me, he has been the voice of reason. I encourage more of us, please, we need this country. Kenya is bigger than any of us. We must say, like the Nigerians have said in their campaigns, not a single drop of blood of a Kenyan is worth the ambition of any politician. We must say it loudly. But when we start now openly and in public, to call each other hyenas and pretend that we have no problem with their communities, only them, what are we saying? When you call others hyenas, you are surrounded by members of your community. Is this what we want for our country? Ethnicity will wipe all of us out. We were all here when things were happening in 2007/2008. Even those who had money in those homes could not reach markets to buy food. Is that what we want for our country? The signs are there. There are people in this country who do not believe that we learnt our lessons, and they want to take us back there. It is upon us, as responsible leaders of Kenya, to say, no. Never again, shall we move to the precipice.

With those few remarks, I beg to support.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I rise to make my humble contribution to this Motion. I support it.

First of all, I wish to congratulate the CIC for having taken on their job very visibly. We have all seen what they have been doing and living to the expectations of

being accountable to the people through this Report, highlighting what they have done, and what they intend to do.

Madam Temporary Deputy Speaker, the Minister for Justice, National Cohesion and Constitutional Affairs would be making formal response. So my contributions are my humble contributions as the Member of Parliament for Kipipiri.

Madam Temporary Deputy Speaker, I want to associate myself with some of the remarks that have been made in terms of, we, as a country, tackling the issue of negative ethnicity.

It has been used, depending on who is involved. For some, it is not bad. For others, it is bad. This went on until we ended up with some communities almost being made to feel guilty for being who they are. Immediately you mention where you come from, you are labelled a certain stereotype. I believe that is the kind of thing we need to get rid of from this country, so that it does not look like ethnicity only applies to some communities and not to others. It is something we need to collectively wipe out and get every Kenyan to enjoy the right of participation in this country without being asked: "What is your ethnic background before we can consider whether to give you a job or not?"

Once we do that, even some of the issues arising out of some reports we have seen in the media today will not be an issue. We should never be using our money and time to do an analysis to say which community is represented in which Ministry and in what area, because doing so would be encouraging ethnicity.

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the Minister to try and give a negative view on what the National Integration and Cohesion Commission (NICC) did, while the Act of Parliament that set up that Commission, which he participated in passing, explicitly gives the mandate to review the appointments in the Civil Service and give us the information? So, the Commission completely did its work. That is what the Commission is supposed to do. Why is the Minister misleading the House and the country that what they did is wrong?

The Temporary Deputy Speaker (Dr. Laboso): You are out of order, Minister!

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I have not said what the Commission did or did not do. I talked of the debate on the matter, and the time and energy that have been spent on the debate. I want hon. Members to appreciate this---

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the Minister to continue with the same point after you ruled him out of order? The National Cohesion and Integration Act is clear. I was in the sub-committee that actually came up with that law and we, in this House, are the ones who passed that law, which provides that not more than 30 per cent of workers must be of one community in any Government establishment. If he is saying that we cannot continue debating the report, can he point out one aspect of the law which says that once the Commission publishes its report, we shall be quiet? We want to eliminate ethnicity in this country. Is he in order to overrule you as the Chair?

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kimunya, can you move on to your next point?

The Minister for Transport (Mr. Kimunya): Thank you, Madam Temporary Deputy Speaker. I think the point has been made – that if we all remove negative

ethnicity from our minds, we will never need to worry about the background of the person seated next to you. That is the point I am making. I believe that when we get there, which I hope one day we will, we will not have to even put quotas because all Kenyans will be free to participate. We will not be saying: “Members of certain communities have exhausted their quotas. They need not apply for the following jobs“, which is exactly the kind of thing we are encouraging right now by saying that some communities have exhausted their quotas. So, we should actually be saying that they need not apply because they will not be considered for appointment. This is a question of whether we want to eat our cake and have it.

Madam Temporary Deputy Speaker, this is the same argument we are putting in respect of the police. I like Eng. Gumbo’s argument and defence for the police. I hardly hear, in this House, anyone condemning the thugs who kill and molest people in their homes. I do not hear people condemning the rapists who have turned our girls into objects for them to play around with. All we hear is condemnation of the police for using excessive force and yet if we could sort out crime and live as civilised people, we would not even need to arm our police officers with guns and ammunition, as happens in the civilised world, where the police move around as part of the citizenry, creating order and helping people to go home. Even those who happen to have had one too many are taken home, because the work of the police is to assist people.

In our country, nobody can walk out there feeling safe. When the police move in to rescue victims of crime, we quickly blame them instead of blaming the indiscipline and recklessness in our society. I am touched every time media houses replay a clip showing a traffic policeman being beaten up by a driver because he had stopped that driver, and because traffic policemen are not armed. Had that particular policeman been armed, he would have defended himself. There is nothing as humiliating as watching a person in uniform – a symbol of authority – being beaten up by the same people whom he is supposed to be protecting.

Madam Temporary Deputy Speaker, I believe these are the kinds of things we do not want to see as a House even as we talk of human rights. Human rights are both ways. Everyone, including police officers, has a right. I believe that when we take the debate too far, we will be ignoring the very people who protect us. The same issue comes up in terms of what we are calling “participatory processes” and “public participation”. It is good to encourage people to participate. It is constitutional.

I believe that when we were drafting the issues at the Bomas of Kenya and encouraging people to participate, we recognised the fact that Kenya is a democracy and, therefore, people would be encouraged to participate by electing their leaders to make decisions on their behalf. I appreciate hon. Odhiambo-Mabona’s representation of a wider sector of Kenyans, and not an elective constituency. There is no better way of representing people and ensuring that they participate than through the 210 Members of Parliament who have been elected by the millions of Kenyans to come here and represent them and make decisions on their behalf, without resorting back to them.

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to yet again mislead this House? We have just received a report from the Commission on Implementation of the Constitution, which has been presented here by the Chairman of the Constitutional Implementation Oversight Committee. Our role is to ensure proper implementation of the Constitution, which

includes providing proper information. The new Constitution provides that people shall participate directly or through elected representatives. If you look at the new Constitution, you will see that the issue of public participation is mentioned more than 15 times, and it states where they shall participate directly and where they shall participate through elected representatives. Is he in order to mislead the House by saying that the constitutional provision for public participation only means participation through representation?

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Is it on the same issue?

Mr. Mbadi: Yes, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Minister, I can allow that one, so that you can respond to both of them at once.

Mr. Mbadi: Madam Temporary Deputy Speaker, I just want to read out to the Minister what the Constitution says. It says:-

“The sovereign power belongs to the people of Kenya and that sovereign power can be exercised either directly or through their democratically elected representatives.”

Is it, therefore, in order for the Minister to selectively demonstrate democratically elected representatives as the only avenue of people’s participation and exercising of sovereign power and yet the first provision is direct exercise of that power?

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I have not said anything to the contrary. The people directly elect their leaders. They do not delegate that power to somebody to elect leaders on their behalf. That is the recommendation; that the people will directly be involved in the exercise of their power by electing their leaders.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kimunya, you are changing the topic. I think it is not about election. It is about participating in all the other processes. So, you should move on. That point has been made, and you are out of order.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, let the matter rest there, but I would urge that we, as Members of Parliament, risk losing our roles to the civil society out there, which include the people who wanted to come to Parliament but failed. Those people have now become quasi parliaments out there, pretending to be the only ones representing the people and portraying us, in this House, as people who do not represent the people.

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

The Temporary Deputy Speaker (Dr. Laboso): Order! Allow the Minister to complete his contribution.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I am very encouraged by this healthy debate, and this leads me to the next issue of our gender

The issue of gender seems to be taken to mean only women. My understanding of gender is both sexes. I am very encouraged that people of a certain gender opted to apply for the post of Chief Justice and an overwhelming number of the second gender applied for the other one. That is within their rights. I think we should be encouraged by people making informed choices as to what jobs they want to apply for rather than be seen to be

not happy that they applied for the smaller jobs and they should have applied for the other one.

This brings me to a debate that is constantly coming out that, perhaps we are going back to the same issue of public participation. We may be pushing the gender debate too much without actually going to ask the people themselves whether they want to be mainstreamed into those positions.

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

The Temporary Deputy Speaker (Dr. Laboso): Clearly, you are not going to finish, with the points of order being raised. What is your point of order, Mrs. Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, I am sorry that I will have to raise these points of order, but I think the Standing Orders are very clear that if an hon. Member is out of order then we need to raise it with the House. Is the hon. Member in order to mislead the House that a certain gender is marginalizing itself and further discriminate and re-marginalize, especially the female gender by his inference? Even if he does not mention it, it is very clear. It is the same women who vote for him in his constituency. I wish they could hear what he is saying in Parliament.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I do not believe I have said that women, by opting to apply for the post of Deputy Chief Justice, have marginalized themselves. That is what they wanted. That is what they liked. To me, that is positive. It tells me they are happy; “We want this position and that is why we have overwhelmingly gone for it.”

I am not sure that, that is any sign of them marginalizing themselves. I am basically saying that we take this debate too far. We are in the constituencies. We are voted for overwhelmingly by the women. They keep telling us that the reason they do not even vote for their fellow women is because they believe in the men leadership. They tell us that.

(Laughter)

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker!

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, can I be allowed to finish my contribution?

The Temporary Deputy Speaker (Dr. Laboso): Order, Mrs. Odhiambo-Mabona. Can you complete your submissions? Mr. Kimunya, I think you are out of order for claiming that women are happy with men’s leadership.

The Minister for Transport (Mr. Kimunya): I am voted for by more women than men in my constituency. I cannot be out of order for that. I have three women who are very close to me; my mother, my wife and my daughter. So, you can see in my house, I am marginalized gender.

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker. I can notice that, unfortunately, since I am the only woman here I have to raise it since the male gender are not supporting me! Under Article 27 of the Constitution, you

are not allowed to discriminate. By his statement he is discriminating against women. Is he in order to be unconstitutional by discriminating against women?

The Temporary Deputy Speaker (Dr. Laboso): Are you aware the Minister for Gender, Children and Social Development is in the House, Mrs. Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: I am very saddened!

(Laughter)

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I believe that little incident illustrates the way we look at issues. We do not want to look at the bigger picture; who else is in the House? Who else is within the issue under discussion?

The point I am making is that let us encourage our women, but similarly, let us encourage the men as well. Let us have the best person for the job. We should not say that we should reserve this job for the men or women, because that way, we are basically saying that once a job has been taken by a man, the second one must go to a woman. I believe that is not the way we will move this country forward.

The report is good and we note it. We are happy that the CIOC has done its job. I also just want to mention that the issue came up that, perhaps, the Commission needs to do a checklist for the Government in terms of what needs to be done. The Constitution has already done that within a schedule of the legislation that should be brought in. The Government has already moved forward. It has already fast tracked some of the things that are supposed to come beyond the first year and are coming now.

We want to encourage the Commission to do its job. We should also encourage the Government to do its job. Together, we will be able to see who has failed Kenyans. Certainly, it is not this Government as far as I am concerned. I am sure the Minister for Justice, National Cohesion and Constitutional Affairs will be confirming this. It will not fail the people in terms of bringing forward the legislation.

We must remember when we set up a process that involves several steps and analysis, we could actually end up paralyzing ourselves through that analysis. I think we have set up ourselves a huge process that involves lots of consultations and that explains part of the delay in having all these Bills coming forward. You compare that with the Private Members' Bills.

If hon. Members will recall, before we changed the Standing Orders, Private Members needed to come to the House to bring a Motion to seek leave to introduce a Bill. That used to be a very circuitous route. Immediately that was changed, Private Members' Bills can come to the House directly. We have seen a number of Bills coming to the House. Unfortunately for the Government, we have to go through several routes, consult with all these people we need to bring in through public participation then bring it to the CIOC then take it to the Committee then take it to the Cabinet before it finds its way here.

That is something we must recognize, that we set up that process. We should live with it and not think that the Government is delaying in bringing those Bills. It is the process we set up that is actually stifling the efforts of the Government to bring as many Bills as we would have wanted to bring. So, it is a situation of we bake a cake, we want to eat it and we also want to keep some. We cannot have it both ways.

Madam Temporary Deputy Speaker, with those remarks, I just want to say, I am a very good supporter of women participation. As I said, I have three in the house. Two live with me. I am the marginalized one. So, I want to see them strong.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Why are hon. Members standing before the hon. Member has completed his contribution?

Hon. Members: He said he was finishing!

The Minister for Transport (Mr. Kimunya): No, I have not finished. You know Mrs. Odhiambo-Mabona has brought so much entertainment with this that we had forgotten that there was a serious debate.

I would want to end by thanking the CIOC and the CIC. I believe that so long as we are all driven by the wider goal of getting Kenya to be a better place, we will set up all the various laws and infrastructure and the frameworks that are required to take us through into that desired nation where we shall all walk freely, move together without looking at who belongs to what ethnic background, who is a man or who is a woman. We share at the workplace. We compete for jobs and that is really when we shall say we have arrived as a nation.

With those remarks, I beg to support.

Mr. Namwamba: Thank you, Madam Temporary Deputy Speaker. Let me, first of all, assure my learned friend and very good sister, the *Nyar Suba* beauty not to be overly-concerned about being the only lady in the House. Many of us are proudly honorary feminists. We very strongly share the passion; that philosophical connection to the empowerment of both sexes to attain the kind of gender equity that is celebrated by the Constitution. So, rest assured---

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker. Is it in order for Mr. Namwamba to try to insinuate that he is only gender-sensitive to women who are beautiful?

The Temporary Deputy Speaker (Dr. Laboso): Hon. Namwamba, can you inform us?

Mr. Namwamba: Madam Temporary Deputy Speaker, he is my very able Chief Whip. Is he, by any chance and any stretch of imagination, insinuating that this Nyasuba lady is not beautiful? Is that what the Chief Whip is insinuating?

The Temporary Deputy Speaker (Dr. Laboso): Can we leave out that!

Mr. Namwamba: Madam Temporary Deputy Speaker, I do not think I am precluded from celebrating beauty especially when I am in such close proximity to it.

Madam Temporary Deputy Speaker, let me start by applauding the CIC on two accounts. One, for producing this report on time. In the law that we enacted last December, we amended a clause on the Floor of this House requiring the CIC to report to us more frequently than originally intended. The original intention was six months. We shortened that period to three months. It is so gratifying to see that the CIC, even with that shortened reporting period, has been able to submit to this House a very comprehensive report of their work over the last three months.

Secondly, I want to applaud the Commission on the position and stand it has taken right from the beginning to protect the spirit and letter of this Constitution. I say so

especially because recently, we had what I personally thought to have been the first test of our fidelity to the letter and spirit of this Constitution when appointments were made to the offices of the Chief Justice, Attorney-General, Director of Public Prosecutions and Controller of Budget. That was a litmus test of whether we are truly committed to defending the letter and spirit of this Constitution or whether we will continue to live as if the ground has not shifted. The CIC came out firmly and strongly to stand with the Constitution both in letter and spirit. Therefore, I celebrate and applaud unreservedly the good work that this Commission is already putting in.

Madam Temporary Deputy Speaker, we must appreciate even as we debate this report and take note of the same, that the paradigm has shifted. This Constitution has taken this country to a completely new dispensation. When you look at Article 10 of this Constitution which sets the national values and principles of governance, it speaks of a new order and regime in whatever we do. The Article says that these values apply to anybody who is interpreting this Constitution and to anybody who is enacting or applying any other law other than this Constitution; or to any authority or anybody making or implementing public policy decisions. These values are just for the record. To remind ourselves, these values include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, good governance, integrity, transparency and accountability and sustainable development.

If we only made effort to lead by the national values and principles that we have said in that Article, then a lot of the issues we are grappling with – issues of gender equity and issues of addressing questions of ethnic balance in public offices will become so easy. Sometimes, you wonder why we struggle so much when we have already set the standards for ourselves. The problem is that even though we have enacted a new Constitution for ourselves, there are people in this country who have maintained such a strong attachment to the old order that they just cannot imagine shifting along with the ground. The sad thing is that the ground has shifted so irrevocably. If you do not shift with the ground, you will fall through the cracks. That is why when we talk about gender equity, those are not stories from Arabian or African folklore.

These are real issues that we cannot tamper with any more. When we talk about participation of women in the governance of this country, we are not just talking about assistant or deputy positions. We are talking about substantive involvement or engagement. Indeed, I do not believe that merely because a large number of women have applied for the position of a deputy in any position by any chance reflects on the capacity of the women of this country or their disposition. Indeed, we have the opportunity to demonstrate that we are willing to go beyond the mere letter of this Constitution by allowing the women of this country to walk through every door of opportunity that will fling open. It would be great if the next Chief Justice of the Republic of Kenya was, indeed, a woman. If you are talking about ethnicity, the one group of Kenyans I know that can hardly be bottled up or pigeon holed in any ethnicity are the women of this country. They truly belong to the whole country.

Madam Temporary Deputy Speaker, we need to also acknowledge that there are certain things we cannot do the way we have always done them. Take the question of the next elections. I mention this because the Commission for the Implementation of the

Constitution that has given us this report has had occasion to pronounce itself on this matter. The Commission says in its own view that the next election should be held in August, 2012. I want to associate myself with the sentiments of the CIC that, indeed, the next election should be held in August, 2012. There are arguments that may or may not be valid that because transitional clauses of the Constitution talk about this Parliament completing its term, therefore, we must remain here until the time when we were sworn into office. To me the debate is not what the transitional clauses talk about. To me it is the acknowledgement that the final consummation of the birth of this second Republic; the ultimate baptism of the second Republic of Kenya will be concluded through the next election and we must give the people of this country the earliest possible opportunity to undertake that ceremony of the final baptism and put that seal on the consummation of this second Republic.

Therefore, what are we afraid of? If it would not be unconstitutional for us to go to the ballot box in August, next year then we must not delay the date of the next elections even by a single day. Let us prepare to allow the people of this country to elect their new Government in August, 2012 without any delay.

Madam Temporary Deputy Speaker, I have no doubt that we have the capacity to implement this Constitution and meet the deadline set out in the Fifth Schedule of this Constitution. Even as we talk about this time table, let us also take time to celebrate the achievements that we have already seen. We have already put in place certain commissions that are critical in this process including the CIC. The reforms within the Judiciary are already rolling on. We have already passed two critical Bills; one to establish the Judicial Service Commission and the other on the vetting of judges. I want to applaud the CIC and the very able Minister for Justice, National Cohesion and Constitutional Affairs who is a Senior Counsel for the effort he has put in to ensure that the process of re-engineering and recasting the Judiciary remains on track. I urge the Minister, together with the Judicial Service Commission; appreciating that the Judiciary is the custodian of the rule of law, justice and ultimately the custodian of this new dispensation, may we keep the tempo to make sure that the transformation of the Judiciary is truly completed.

We must also avoid side shows that may interfere with the process of implementing this Constitution. We have spent so much time talking about The Hague and issues which we have obviously bungled ourselves and because honesty is such short supply, we do not have the courage to talk about some of these things. This House had the opportunity to debate at length and put in place a local mechanism. The HANSARD can bear us witness. We threw away that opportunity. We composed a famous hit chorus, "Don't be vague, let us go to The Hague". The Romans used to say that if you ask the gods something, you pray hard enough and you want it badly, the gods will let you have it.

Madam Temporary Deputy Speaker, this House prayed so hard and wanted so badly to see The Hague trials and the gods have duly granted your wish. So, to use that occurrence to start encumbering the process of implementing this Constitution is unfortunate and very sad.

Even as we talk about The Hague, even as we talk about the post-election trials, let us remember that justice has two sides. One side of justice demands that any suspect must be guaranteed a fair trial. So, I want to demand that, whether it is in The Hague,

Kibera or Kisumu anybody suspected of any offence, whether it is petty theft or the greatest crimes known to humanity, must be guaranteed a fair trial. However, at the same time the victim must also be guaranteed justice. This is because we cannot be obsessed with rights of suspects and behave as if the interests and rights of the victims do not matter. It is heinous and it does not reflect very well on us.

Therefore, those prayer meetings you are holding for the suspects may you also hold the same prayer meetings for the victims. Those prayer meetings you are holding for the Ocampo Six, may you also hold the same prayer meetings to remember the families, the children, the widows of 1,300 Kenyans who have no chance to speak today, who have no chance to go to some public rally, who have no chance to whip up public emotion at some Press conference, because they are dead and someone is responsible for their death.

(Applause)

Madam Temporary Deputy Speaker, even as we talk about---

Eng. Maina: On a point of order, Madam Temporary Deputy Speaker. The prayers being held are not just for suspects. The prayers are for this country. The prayers are for the people of Kenya to be guided by God in the trials we are facing. Is the hon. Member in order to mislead this House, and indeed this nation, that the prayers are just being held only for the suspects?

The Temporary Deputy Speaker (Dr. Laboso): You have clarified.

Mr. Namwamba: Madam Temporary Deputy Speaker, lawyers say *Res ipsa loquitur*. Facts speak for themselves! We watch news. We see these things and we read. I do not hear of any mention of Kenya. I do not hear any mention of the dead. I do not hear any mention of the victims. I only hear mention of a couple of people whom we are told are leading presidential contenders.

(Applause)

Madam Temporary Deputy Speaker, honestly the hon. Member, with due respect, is out of order for wasting my precious time for contributing to this Motion.

Eng. Maina: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Order, Eng. Maina! Allow him to complete. I do not think we have come to debate that. If you have been praying for Kenya, that is good for you; but, as he says, we do not know who has been praying for what.

Eng. Gumbo: On a point of information, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): What is your point of information, Eng. Gumbo?

Eng. Gumbo: Madam Temporary Deputy Speaker, I want to inform my good friend, and the country, that we have seen in the so-called prayers the people referred to as “presidential contenders” being hugged in prayer when poor Sang is sitting there, even though he has also headed to The Hague.

The Temporary Deputy Speaker (Dr. Laboso): Order! Can you try to continue, Mr. Namwamba?

Mr. Namwamba: Madam Temporary Deputy Speaker, my point is the incongruity of obsession with one side of this two-sided coin of justice. As we care for the suspects, may we also care, in equal measure for the victims.

In conclusion, Madam Temporary Deputy Speaker---

Eng. Maina: On a point of order, Madam Temporary Deputy Speaker.

Mr. Namwamba: Madam Temporary Deputy Speaker, may the hon. Member stop wasting my time.

The Temporary Deputy Speaker (Dr. Laboso): What is your point of order? Is it a point of order?

Eng. Maina: Yes, Madam Temporary Deputy Speaker. I am addressing myself specifically to the prayers being alleged or which will be held on Monday. What the hon. Member may be talking about cannot be other public gatherings. He is misleading this House. My point of order was, he is summarily and generally condemning all types of prayers and as a Christian---

The Temporary Deputy Speaker (Dr. Laboso): Order, Eng. Maina! As far as I have heard, was the hon. Member talking about the future or he talked about what has already taken place?

Eng. Maina: Madam Temporary Deputy Speaker, the prayers that were held and which I actually attended in a church were for this nation. As a Christian, this nation requires prayers and any hon. Member or leader who does not recognize that and condemns prayers is not in order!

The Temporary Deputy Speaker (Dr. Laboso): Thank you. You have made your point. Mr. Namwamba, can conclude your contribution? We do not want to take any more time on this.

Mr. Namwamba: Madam Temporary Deputy Speaker, with respect, I notice that I still have quite a bit of time. If you would allow me, first of all, to clarify that I did not know that Eng. Maina was a prophet, because if he is, I am not. I cannot predict what will happen on Monday or what kind of prayers he will deliver in future. What I can talk about is what I have seen and heard. If he has been conducting some prayers in the privacy of some chapel that we are not privy to then he might want to divulge the details of the same. But what is in the public knowledge that I have been privy to---

The Temporary Deputy Speaker (Dr. Laboso): I think your point has been made Mr. Namwamba! Move on to the next point.

Mr. Namwamba: Thank you, Madam Temporary Deputy Speaker. May Eng. Maina care for the victims in equal measure as he cares for the suspects?

(Applause)

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Order! Order! Order!

Eng. Maina: On a point of order, Madam Temporary Deputy Speaker.

Mr. Namwamba: May he also care for Sang in equal measure, because he is a very lonely man!

(Laughter)

Mr. Njuguna: On a point of order, Madam Temporary Deputy Speaker. Is the Member on the Floor, Mr. Namwamba, in order to warn the Member for Mathira when it is in the public domain that the prayers that were conducted were for the healing of this nation? We should not be communal and sectional but we should be inspirational in all that we are doing.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Thank you for that information. Mr. Namwamba, can you conclude your contribution?

Mr. Namwamba: Yes, Madam Temporary Deputy Speaker. I just wish that those---

The Temporary Deputy Speaker (Dr. Laboso): The reason I am saying this is because there are a few hon. Members who may want to contribute and we finish this debate today.

Mr. Namwamba: Madam Temporary Deputy Speaker, I am concluding. I hope that the so-called “healing prayers” are conducted in an environment devoid of insults, devoid of finger pointing, devoid of hurling barbs and diatribes at individuals and insinuations against whole communities.

(Applause)

Madam Temporary Deputy Speaker, if, indeed, this is about healing, then let us embrace; let us use language that is healing and not language that is dividing. The language that we hear emanating from these so-called “prayers” is anything but healing. Actually, it is more divisive than anything you may have heard.

(Applause)

Let me conclude by saying that we have made certain gains and let us celebrate them. Napoleon Bonaparte used to say that victory is not won in miles. It is more often won in inches. We have captured certain inches on this journey, let us celebrate these inches; let us applaud the CIC; let us applaud our very able Minister for Justice and Constitutional Affairs!

(Applause)

This Minister is the one that this House must stand and give a standing ovation because he has truly stood for this Constitution and all of us must walk the talk and deliver this Constitution for the better of this country.

Thank you, Madam Temporary Deputy Speaker. I support this Motion.

(Mr. Midiwo stood up in his place)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Midiwo, we have several hon. Members who are up and we want to give the Minister and the Mover time to respond. So, could we agree that we will take three minutes each so that all of you can get a chance?

Hon. Members: Agreed!

Mr. Midiwo: Madam Temporary Deputy Speaker, I will move very fast. I will not take more than five minutes because we have very many issues to raise.

First of all, let me thank the CIC for moving with time and keeping us updated. Secondly, let me thank the Minister for Justice, National Cohesion and Constitutional Affairs for standing with Kenyans in most of these issues. I really want to thank him even though I dispute the fact that he named his cat Ocampo. However, that is his right.

Today is a milestone. It is a sad day for our nation. We should go the direction of wishing the Ocampo Six well. But most of all, think about the victims. The people who fell victims, the people who were left out there, our mothers, daughters and sons who are sleeping out there in the cold and rain and seem to be forgotten. We, as leaders, must think about them amidst all this.

It is very important to say, at this point, that the reason why we wanted a new Constitution was because we wanted change. We must accept that the ground has shifted as hon. Ababu Namwamba has said. Members of Parliament, leaders, politicians and all Kenyans must know that this is a new dawn. If we were very nice and good, there would not have been need for a new constitutional dispensation. This was made to change us and we must change.

I feel sad when I see a Member of Parliament breaking the law in broad daylight. When a Member of Parliament goes to a public rally and says that if so and so is not taken to The Hague, the next General Election will not take place--- Such Member of Parliament is trying to make sure that he stops the Constitution from taking its course. That is criminal and not just arrogance. That particular Member should have been arrested on the spot because by that, he was whipping ethnic feelings. He was telling a particular group of people not to accept the Constitution.

As we speak, we have received calls from across the country that there are ethnic tensions.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Midiwo, due to lack of time, please, try to conclude because we want to conclude the debate.

Mr. Midiwo: Madam Temporary Deputy Speaker, please, allow me to have one minute. I want to encourage the Director and the Institution of Kenya Anti-Corruption Commission (KACC) to ensure that the hon. Members who went to The Hague explain to Kenyans whether they used public funds or not. I am not talking about the Ocampo Six. We have no problem with that. There are MPs who left this country on public coffers and must pay that money back to the people. They must give us that money, so that we can use it to resettle the IDPs. That is arrogance, theft and plunder. I want to end there so that other hon. Members can contribute.

Mr. Imanyara: Thank you, Madam Temporary Deputy Speaker, for the three minutes that you have given me. I would like to congratulate the Chair of the Constitutional Implementation Oversight Committee for very timously bringing the Report of CIC to this House for us to note and make comment. It is also important to commend them individually, in this regard. They are Charles Nyachae, Elizabeth Muli, Catherine Muma, Florence Omosa, Kamotho Waiganjo, Ibaya Laibuta, Ibrahim Ali, Philemon Mwaisaka and Peter Wanyande. They have done a great job and their role is chiefly to promote constitutionalism.

Madam Temporary Deputy Speaker, constitutionalism is the anti-thesis of impunity. Today is a great day for Kenya because of events taking place in London where we are challenging the colonial impunity by the Mau Mau Freedom Fighters who have brought a case for compensation for the wrongs and the torture and secondly for the events taking place at The Hague. What is taking place at The Hague is taking place in the context of the Kenyan law because the ICC is part and parcel of the Kenyan law. Let those who are going there get justice. We saw it this morning in the court room and I wish the Kenyan courts could emulate what we saw this morning in the court at The Hague. Those who have been fighting against The Hague should thank God that they were there today to see how justice can work. We saw them being promised that justice will not only be done, but be seen to be done.

Having said that, I want to thank the Ministry of Justice, National Cohesion and Constitutional Affairs and the Minister in particular, because looking at the time-plan for the work that the Commission is going to do between now and August next year, I see that almost all the work has been done by the Law Reform Commission under the Chair of Commissioner Kathurima M'Inoti. They have generated pieces of legislation covering every single ground that is required of us. I wish there was more from the Attorney-General's office and the Kenya Anti-Corruption Commission. In that respect, I also want to thank those Members of Parliament who have taken the role upon themselves to assist the Minister for Justice, National Cohesion and Constitutional Affairs in ensuring that the promise of the new Constitution is met within the time-frame. What is the challenge for Kenya is the implementation of the Constitution. Unless we take steps now, it is futile to talk about having elections or having a devolved Government. As I speak today, the Leader of Government Business stood in this House to tell us the programme of the Government for the next week without mentioning a single Bill that is touching on the implementation of the Constitution. Words and promises are not sufficient. Follow the steps of your brother here, the Minister for Justice, National Cohesion and Constitutional Affairs, and let us see some real Bills coming to this House on Tuesday, that have something to do with the implementation of the Constitution and not Motions or Private Members' Bills. We must prioritize, which means getting Bills that relate to the implementation of the Constitution.

With those remarks, I support.

Mr. Gaichuhie: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to, on the outset, support this Commission because of bringing us a wonderful report. I also want to say that they have hit the road running because it is only a few months ago that the Commission was formed and today, we are seeing a good report.

As I support this report, I only want to urge the Government that passing a Constitution is one thing, but implementation is the main thing. Without Bills in this House, then we are not going to implement the Constitution the way it is supposed to be. It is very unfortunate that what caused all that is happening today in the country is the 2005 Referendum and today, in this House, I can see that emotions are still there. I want to support my Chairman by saying that although we have a five-year timeframe, we should pass all the Bills in a shorter time. It can be done even before we go for elections. I believe what is going to heal this nation is when we implement and not when we pass this Constitution. When we implement this Constitution, we are going to heal from these

tribal cocoons and partisan politics. We even have bad blood in the House. He tells me that if we do not pass this Constitution, then we have no business going to elections. I have seen, heard and I am watching keenly knowing that if we do not implement this Constitution, then we do not have a future in this country of ours. So, I urge the Government to bring all those Bills that are supposed to be passed here, so that we can pass them and have a good Kenya and a Kenya for our children in future.

I support this report. I support the Ministry of Justice, National Cohesion and Constitutional Affairs, the Government and even my fellow Parliamentarians who are still hostile.

Madam Temporary Deputy Speaker (Dr. Laboso): Hon. Nyamweya-Oyongo! He will be the last one for just two minutes and then the Minister can respond.

Mr. Oyongo Nyamweya: Thank you, Madam Temporary Deputy Speaker, for giving me a chance to contribute to this very important Motion.

Let us give credit where it is due. If all the Ministers could work like the Minister for Justice, National Cohesion and Constitutional Affairs, this country would move forward. If Ministers would take their jobs seriously and with concern as the Minister for Justice, National Cohesion and Constitutional Affairs has done, the new Constitution could have been implemented. We could pass the necessary Bills and go for elections in August. Personally, I am prepared for elections in August, because that is what the Constitution states. It is very plain and does not need interpretation.

I urge hon. Members to live the spirit of the new Constitution which we overwhelmingly passed here in Parliament after *wananchi* voted for. Let us not create breaks and barriers for this new Constitution so that we buy time to do other political fights. This nation is more important than any one of us.

On the Ocampo Six, their protector is God, and not any other person. Their protector is the new Constitution of Kenya. That Constitution of Kenya incorporated The Hague. It is this nation which passed it. It is part of this Constitution. What I can say is that they are suspects. They have got a case. They will win and whatever will happen, let the due judicial process take place. That is what this nation decided. We cannot behave like small children. We cannot start playing games like small children. This nation needs us to guide it. I call upon the two principals; the President and Prime Minister, to guide this country forward. They should bring unity and fairness in this country.

We, as politicians, should not behave like we do not have a new Constitution. We have a new Constitution. We should not behave like we are living in the old Constitution. We have a new Constitution which talks about devolution. I do not know what the Deputy Prime Minister and Minister for Local Government is doing. We need a structure. I do not know whether he is the one who is responsible for that. We need a structure for public finance showing how funds will be given. We should also create institutions responsible for making this Constitution work. They should hasten their process. We were recalled from recess so that we could work on new Bills. However, there are no Bills coming up.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Member, your time is up.

Mr. Oyongo Nyamweya: Madam Temporary Deputy Speaker, I support this Motion. Thank you.

(Eng. Maina stood up in his place)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Minister, unless you have a minute for Mr. Maina.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Madam Temporary Deputy Speaker, I only know of hon. Njuguna. Mr. Maina has spoken enough.

(Eng. Maina remained standing in his place)

(Laughter)

Mr. Njuguna: Madam Temporary Deputy Speaker, I wish to take the one minute donated to me by the Minister for Justice, National Cohesion and Constitutional Affairs.

Let me indicate very quickly that I take the opportunity to commend the Chairman of the CIC for the good work that he has done. He has done a very impressive job. We urge them to continue in that spirit.

In addition, let us also thank the Chairman of the Constitutional Implementation Oversight Committee (CIOC), Mr. Abdikadir and his team, for doing a commendable job. I would also not forget to thank the Minister for Justice, National Cohesion and Constitutional Affairs, who prepared diligently the Bills that come to this House. We pray for a new spirit and energy, so that you can continue to present all the Bills that are required in this House.

Madam Temporary Deputy on the Bills of Rights, I would urge for full implementation. Right now, we talk about Mau Mau heroes and heroines who have not been settled. We are talking about slum dwellers who live through the fear of fire and other things. I urge the two principals to continue working together for the interest of this nation.

Let me thank the Prime Minister because, time and again, he has risen to the occasion to address political crisis in this nation, and not forgetting His Excellency the President, who assented to the referendum.

With those remarks, I beg to support.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Madam Temporary Deputy Speaker, mine is going to be very factual. I want to assure the country that I am working very well with everybody, including the CIC, the CIOC and the other Committees.

The CIC has so far approved three Bills, the first one being The Independent Boundaries and Electoral Commission Bill. I am privileged to announce to the country that I signed that law today for gazettment. I have asked the Government Printer to gazette it today, failing which they will do so tomorrow. The CIC has also approved The Salaries and Remuneration Commission Bill, which I also expect to be gazetted today, or latest tomorrow. The CIC has also approved the Independent Offices Bill, but we are waiting for the Deputy Prime Minister and Minister for Finance to come back, so that he can present it to the Cabinet for approval.

Madam Temporary Deputy Speaker, the following laws are now with all concerned agencies, including the Office of the Attorney-General: The Supreme Court Bill, The Political Parties (Amendment) Bill, The Ombudsman Bill, The Elections Bill,

The Human Rights Bill, and The Gender and Equality Bill. We are quite proud of this, and we hope that Parliament will, next week, approve a Procedural Motion seeking to fast-track The Independent Boundaries and Electoral Commission Bill in terms of publication, so that we can pass it into law because Parliament has already looked at it, and debated it.

With the work that has already been done, I hope that when the Ocampo Six and their supporters come back from The Hague, instead of running around praying, they will cancel the rallies and bring the energy they have to the House, because we are now working on Article 50(9), so that we can bring to this House a law for the rights of victims of crime. God listens to one prayer. You do not have to pray a million times. I also want to plead with the church ministers who were praying for them to pray a little more quietly and give us the opportunity to bring a law for looking after these people.

Mr. Temporary Deputy Speaker, I was very embarrassed to watch a huge rally in Afraha Stadium, where Kenyans were sitting in tents without food or water. Those were churchmen praying for leaders in this country but not a single Internally Displaced Person (IDP) was prayed for. No single victim of the post-election violence or a family that lost a loved one or a woman who was raped, was prayed for. It is embarrassing that we can go and pray at Afraha Stadium. I hope that when they come back and go to pray at Uhuru Park, they will remember the bombing that occurred during the referendum campaigns and so on, so that they can pray for those victims because people lost their lives. Enough is enough. If it were up to me, the rallies that are being organised would shut down, so that we could address the reform agenda for this country. We have the work and the facilities.

Madam Temporary Deputy Speaker, I also want to call upon the Committee to call a two-day retreat, so that we can go and discuss all these Bills, because I have also forwarded them to the Committee. We need to go out there as Parliament, debate them, settle them, come back with a soft copy, publish them and pass them into law. As I have said, we have already finished preparing five Bills, which are also with the Commission. I have challenged the Commission to fast-track those Bills, and they have promised to give us three Bills before the end of April, so that they can also be tabled in this House for passage.

That is all I wanted to say, to just give hon. Members the facts. We should remember that the Executive cannot publish any Bill unless that Bill has gone through the CIC. Once the CIC approves the Bills, we take them to the Cabinet in the same week for approval and publication.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, let us now have the Mover of the Motion to reply.

Mr. Abdikadir: Thank you, Madam Temporary Deputy Speaker. Let me thank all the hon. Members who have contributed great and wonderful points on this matter. On behalf of the House, I undertake to take that information and the congratulations of the House to the Commission on the Implementation of the Constitution.

Since I do not have much time I will respond to one or two issues and then move ahead. First, on the issue of the debate on gender, I think it is a very critical debate. I do not think it ought to be lost in the very robust discussions that we had between hon. Members. I think it is important to note that women constitute more than 50 per cent of

our population. It is also important to note that, that category of our society has had a history of marginalization. Structural issues exist that make it difficult for them to compete because of the long history of marginalization.

I think it is important to note that it is a constitutional requirement that we have gender equity in the country. It is because of that reason that part of the discussion that we had in the Committee, we indicated that we should point out and highlight that we should encourage more of our women to apply for these jobs because merit requires that.

Merit is not just about the number of degrees you hold. Merit is also the make-up of those Commissions. If the commission is only made up of men, it is not meritorious. This is because the Constitution requires as part of merit, that we must have gender equity and constitutionalism. It is because of that reason that we, as a Committee, should encourage women to apply.

I really want that message to be heard that more of our women should be encouraged because now the door is open. I would understand that because of historical background one would wish to shy away. But now is the time. So, they should seek the constitutional offices.

Madam Temporary Deputy Speaker, on the issue of the fact that we do not have Bills, I know the Minister works very hard. I personally know because we co-ordinate fairly closely. They say in the US Congress, flow time is gold. We have spent three weeks. This is the third week closing without any Bill here. By the time we were re-opening this session, everybody knew we needed Bills on implementation of the Constitution. They have not come. That is really a fact. As I speak today, we do not have any Bill on implementation from any of the State organs, irrespective of whether it is the CIOC, the Ministry of Justice, National Cohesion and Constitutional Affairs or the Attorney-General. I think we need to push that well.

I want to encourage the Treasury because in the Supplementary Budget they did, indeed, pass more than Kshs4 billion for the constitutional reform process and that has been one of the holding issues with Agenda 4 Item.

On the issue of Private Members' Bills, the CIOC did request us that in view of the fact that the Constitution requires these Bills to be looked at through the CIOC and other entities of implementation, we ask our legal counsel in Parliament that if there are Private Members' Bills, they also get to see that Parliament undertakes that process.

Madam Temporary Deputy Speaker, on that score, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, that brings us to the end of business for today. This House stands adjourned until Tuesday, 12th of April, 2011 at 2.30 p.m.

The House rose at 6.30 p.m.