

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 24th March, 2011

The House met at 2.30 p.m.

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

PRAYERS

PETITION

AFFIRMATION OF OWNERSHIP AND MANAGEMENT OF AGA KHAN PRIMARY SCHOOL

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

I wish to present a Petition. This Petition is seeking affirmation of the ownership and management of the Aga Khan Primary School. This Aga Khan Primary School is a public school located in Parklands on LR.No.2093576, Title No.8620. This land was granted by the Commissioner of Lands in 1951. It was presented to the Right Honourable Sir Sultan Muhamed Shah for education purposes and public use – not private. He was to hold it in trust for the community. Thereafter, the lease was extended for 96 years and Aga Khan Primary School was established on the said land in 1954 at a cost Kshs32,000. This money was actually a grant from the City Council.

The Government, ever since, has been responsible for the posting and payment of teachers, the subordinate staff and all other learning materials. To date, we have 850 pupils in the school who are drawn from Westlands, Kasarani constituencies, the larger Kiambu County and also from Starehe Constituency. Again, we have 36 teachers from the TSC posted to the school to date. The parents have since learnt that the school is now to be taken over by the Aga Khan Education Services as a private entity.

In a letter dated 14th January, 2011 by the Town Clerk, the City Council of Nairobi directed the head teacher to hand over the Aga Khan Primary School to Aga Khan Education Services. That move is irregular. Further, Aga Khan Education Services has consistently interfered with the day-to-day running of the school by posing as the sole owners and managers of the school despite the school being a public primary school. This has severely interfered with administration and the management of the school. The parents have sought redress from the City Council and the courts since 2002, but in vain.

The prayer of these petitioners is that, within 21 calendar days of the Petition, the Government, through the Minister for Education, affirms that Aga Khan Primary School is a public primary school under the City Council and that the school was built on public land held in trust by the Aga Khan; that its original title is No.8620 on LR. No.209 and the special conditions for its grants; further that the Government, through the Ministry of Education, takes immediate and urgent action to protect and safeguard Aga Khan Primary

School, its land, assets and protect and support the Parents Teachers Association (PTA) and the Management Committee from undue interference from the Aga Khan Education Services.

Finally, that the Government, through the Ministry, directs Aga Khan Education Services to play its rightful role as a sponsor and refrain from interfering with the management of the school; and also restrain the Town Clerk from handing over the school for private use being a public school.

Mr. Temporary Deputy Speaker, Sir, this Petition has been signed by 442 people a number which is over and above the required 20 signatures.

The Temporary Deputy Speaker (Mr. Ethuro): The Chair directs that the Petition be committed to the Departmental Committee on Education, Research and Technology which shall respond to the petitioners within 21 days.

*(Mr. M.M. Mahamud entered the Chamber
carrying a shopping bag)*

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would it be procedural for a Member of Parliament, and a Cabinet Minister, to walk in with a shopping bag? It looks strange and my friend hon. Munya is actually scared that it could be a weapon!

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Minister, what is it that you are carrying? Is it anything for the good of the House?

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, it may be for the good of the House, but could we, please, just have a look at what the carriage bag is?

The Assistant Minister for Energy (Mr. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, that is a joke. I am carrying some big files here and that is the only way I can comfortably carry them for a Question which is coming up.

*(Mr. M. M. Mahamud placed the bag on the Table and
displayed the files)*

The Temporary Deputy Speaker (Mr. Speaker): Order, hon. Members! You remember last time a Minister came in here with a carton of documents. So, the Assistant Minister is perfectly in order.

PAPER LAID

The following Papers was laid on the Table:

A Special Report of the Controller and Auditor-General on the construction of five major water dams by the National Water Conservation and Pipeline Corporation under the Ministry of Water and Irrigation.

*[By the Assistant Minister, Ministry of State for
Provincial Administration and Internal Security (Mr. Ojode)
On behalf of the Minister for Water and Irrigation]*

ORAL ANSWERS TO QUESTIONS

Question No.542

KILLING OF LUCY WAIRIMU GITHUKU BY POLICE DOG

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

(a) if he is aware that a police dog from Gatundu Police Station killed one Lucy Wairimu Githuku as per the post-mortem report conducted at Bishop Okoye Hospital;

(b) if he is also aware that the dog in question tested positive for rabies as per the laboratory report of the Ministry of Livestock Development dated 28th July, 2010; and,

(c) when the Ministry will compensate the family of the deceased.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you will recall that I had answered this Question satisfactorily except that what was remaining was a veterinary report from the University of Nairobi Veterinary Department, to ascertain whether the dog had rabies or not.

I would request that I be given more time. Remember, I had informed the Chair that this matter could go up to the end of May before I get the report. I still request for more time to fast-track the issue and put pressure on the doctor to give us the report by then.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, if you heard the Assistant Minister, he says that he answered this Question “satisfactorily”. On the contrary, he did not even attempt to answer it! We deferred this Question so that he could get time to go and find out how authentic the lab report that said that the blood cells tested positive for rabies was. He said that he required time to go and find out how much that inquiry had proved. Now he wants to buy more time. Will I be in order to request that this matter be sent to the relevant Departmental Committee for it to carry out thorough investigations? This is about the life of a Kenyan!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Member! I have heard you and that maybe considered. However, the Assistant Minister asked for more time which the House granted. So, he also needs to give the House an explanation as to why that time he was granted was not sufficient enough to bring the information that was needed.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I requested for more time up to 30th May, 2011. The Chair then said that one more month would be enough. Indeed, one month is not enough for me to get the doctor who is in charge of this. I do not mind the matter being referred to the relevant Departmental Committee if that will fast-track the whole thing. However, I still request that I be given more time.

Dr. Eseli: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Ojode, do you want to be informed by Dr. Eseli?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me allow him to inform me.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, perhaps, the Assistant Minister should be informed that when investigating to ascertain if the canine has rabies, it could actually take some time. It includes quarantine and, probably, culture. To get rabies cultured, it takes a very long time. Perhaps, that is what the Assistant Minister should be telling us instead of saying that he could not find the doctor. The doctor is, probably, available, but the time required to get the results is, probably, the problem.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I think we are losing track with regard to why we deferred this Question. The answer given then by the Assistant Minister indicated that the authenticity of a particular document is what was under inquiry. This was in June, 2010. It is now March, 2011. How much time does it take to verify the authenticity of a document? The officer is there and all you need to do is to go to him and find out whether he authored that document. I still insist that we should send this matter to the relevant Departmental Committee.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! This Question has been around for a while. So, the request by the hon. Member for it to be referred to the Departmental Committee should be the way to proceed since, apparently, even if we grant the Assistant Minister as much time as possible, he may not come up with what he is looking for. So, the Chair directs that the matter be referred to the relevant Departmental Committee.

*(The Question was accordingly referred
to the relevant Departmental Committee)*

Question No.605

NUMBER OF PROJECTS UNDER KKV IN MOMBASA/LAMU

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

(a) whether he could state the number and provide details of projects undertaken under the “*Kazi kwa Vijana*” Programme in Mombasa and Lamu in the 2009/2010 Financial Year; and,

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

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry only implements the Tree-for-Job component of the KKV Programme. At the end, it only monitors projects under this component. The rest of the components of the KKV Programme are undertaken by other line Ministries, which are answerable to their respective Ministers and Permanent Secretaries.

In the year under review, my Ministry implemented the Tree-for Job component of the KKV Programme in six districts in Mombasa and Lamu, as follows:-

<u>DISTRICT</u>	<u>TREES PLANTED</u>	<u>YOUTHS ENGAGED</u>
Lamu West	20,000	200
Lamu East	20,000	200
Total	40,000	400
Mvita	20,000	300
Changamwe	52,000	301
Kisauni	20,000	200
Likoni	20,000	400
Total	112,000	1,201

(b) The amount of funds allocated and used in this project in the six mentioned districts was Kshs 16,086,625 and is broken down as follows:-

<u>DISTRICT</u>	<u>KSHS ALLOCATED</u>
Lamu West	2,793,375
Lamu East	2,793,375
Total	5,586,750
Mvita	2,793,375
Changamwe	2,129,750
Kisauni	2,793,375
Likoni	2,793,375
Total	10,509,875

Mr. Speaker, Sir, the pictorial evidence of the trees planted in various sites is herewith attached. A total of 400 and 1,201 youths were engaged in Lamu and Mombasa, respectively.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Yakub: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for the answer. You have heard that an amount of Kshs 16,086,625 was spent on this programme. This is a lot of money, considering the fact that we still have Internally Displaced Persons (IDPs). Half of the tree seedlings that were planted are already dead. What measures is the Ministry taking to ensure that the remaining half of the seedlings that were planted is nursed, so that they can stay alive?

Mr. Kabando wa Kabando: Mr. Temporary Deputy Speaker, Sir, we have a number of challenges, including drought and the hasty manner in which the KKV Programme was implemented by various Ministries and other Government bodies. There has been a lot of loss in the nurseries and also in areas where trees have been planted. As a Ministry, we have mobilised the Provincial Youth Officers to download their mobilisation to the respective District Youth Officers, so that youth groups which were engaged are involved.

In all the areas where trees have been planted are public places, including primary and secondary schools, and National Youth Service compounds, we are also engaging

with the administration of the respective institutions to ensure that the trees planted are taken care of.

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, I am privileged to talk on this subject because I have gone round to check on the implementation of the KKV Programme in many places. Unfortunately, the Assistant Minister has said that, as a Ministry, they have implemented and monitored only a small component of the KKV Programme. The most unfortunate part is that this programme was meant for empowerment of the youths, which falls squarely under the docket of the Ministry of Youth and Sports. Could he confirm that they have not monitored the application of all the other monies that were used by other line Ministries and, therefore, they do not know what is going on in those other areas? It is unfortunate that we have wasted a lot of money on the KKV Programme.

Mr. Kabando wa Kabando: Mr. Temporary Deputy Speaker, Sir, I will start by thanking hon. Sofia Abdi Noor for her interest in this programme, which has caused my Ministry to go to the field to even photograph all the nurseries and ensure that the youths who were involved were photographed in their respective areas of work. We have also managed to obtain authorization by the leaders of the youth groups who either signed for the youths or were involved in the preparations. We did that in order to authenticate the expenditure.

We have conceded before this House in the past that the KKV Programme was *ad hoc* and my Ministry has decried the fact that we were not comprehensively involved in the execution of the various components of the Programme. We have now taken the responsibility and intervened in the respective Government offices, including the Office of the Prime Minister, to ensure that in future KKV programmes, it is my Ministry which will be duly and effectively consulted and involved.

It was a big mistake because, in many instances, the youths have come to us and complained that they have not been paid for work they did for the Ministry of Local Government or the Ministry of Water and Irrigation or the Ministry of Fisheries Development. Therefore, we are taking responsibility.

Mr. Temporary Deputy Speaker, Sir, in conclusion, we also know that very soon, we are going to have a structure of the National Youth Council, starting from the sub-location level with elections set for 18th April, 2011. This will enable the Ministry to involve legitimately elected youths from the grassroots on matters of the KKV Programme or other youth programmes, as the matters may be.

Mr. Kizito: Mr. Temporary Deputy Speaker, Sir, as we look at the issues of the KKV Programme, we realise that it is very true that the application of this money has not been felt in the constituencies. I want to find out from the Assistant Minister whether it is possible for them to organize the programme such that when money is disbursed to the constituencies, Members of Parliament are also informed since we are the true representatives of the people. Could you also furnish me with information? In Shinyalu, which is my constituency, the youths are in---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Kizito! Ask the question now!

Mr. Kizito: Mr. Speaker, Sir, I beg your indulgence.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kizito! It is Question Time!

Mr. Kizito: Mr. Temporary Deputy Speaker, Sir, I was saying that the youth in Shinyalu Constituency have not received this money, and they are really up in arms. Could you, please, furnish me with information on how much money was sent to Shinyalu Constituency and how we are going to benefit from this programme?

Mr. Kabando wa Kabando: Mr. Temporary Deputy Speaker, Sir, in answer to that, first, you will agree with me that the issue about Shinyalu money for *Kazi Kwa Vijana* (KKV) is a different Question, which he is at liberty to submit to the House. However, if you allow me to share with Members this piece of information, which is very critical, we know that Members of Parliament were not involved in the roll out of the KKV projects within their constituencies. We also know that councilors in this country were not involved and did not have the details about the local government projects either on roads or other areas in their constituencies. My Ministry will undertake the roll out and the implementation of the law that this Parliament passed in 2009 to form the National Youth Council. Therefore, from the village, sub-location, the lowest administrative unit to the electoral wards and constituencies--- From April 18th, we will start elections for the sub-locations and to the provinces; we will go for the National Delegates Forum on 26th and 27th May. Finally, the National Youth Congress will be on 30th to 31st May 2011. The gazettelement of the National Youth Council members, duly elected at the grassroots, will ensure that we shall have a legitimate set up that will involve councilors and Members of Parliament, because they deserve the information. That is what my Ministry is going to do because you passed the law.

Mr. Yakub: Mr. Temporary Deputy Speaker, Sir, with all due respect to the Assistant Minister, who is a professor in political science, when I asked this Question I did not direct at only jobs. I asked a Question on the issue of KKV. Could the Assistant Minister follow up with the line Ministries and come back with a concrete answer on the issue of KKV and not on the issue of jobs?

Mr. Kabando wa Kabando: Mr. Temporary Deputy Speaker, Sir, having conceded that, in fact, my Ministry was not involved and we have in the records of this House not once but four times. I admitted that the non-involvement was not deliberate; I would advise that the hon. Member, without abdicating our responsibility as the Ministry, submits that question to the Prime Minister, because we think that is where the buck stops.

The Temporary Deputy Speaker (Mr. Ethuro): Next Question by Dr. Kones!

Question No.611

ENCROACHMENT ON BURETI COUNTY COUNCIL LAND

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Kones is not here? We will come back to his Question. Next Question by Mrs. Shebesh

Question No.800

CONSTRUCTION OF MARKETS/SHEDS IN NAIROBI UNDER ESP

The Temporary Deputy Speaker (Mr. Ethuro): Mrs. Shebesh also not here? We will come back to her Question. Next Question by Eng. Rege!

Question No.653

EXPENDITURE ON PURCHASE OF SHARES FOR TEAMS

The Temporary Deputy Speaker (Mr. Ethuro): Eng Rege too is not here? We will come back to his Question. Next Question by Mr. Mututho!

Question No.709

OWNERSHIP OF LAICO REGENCY HOTEL

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mututho also not here? We will come to back to his Question.

I will now give the second opportunity to Dr. Kones. He is still not here? Therefore, his Question is dropped.

Question No.611

ENCROACHMENT ON BURETI COUNTY COUNCIL LAND

(Question dropped)

The Temporary Deputy Speaker (Mr. Ethuro): Next Question by Mrs. Shebesh.

Question No.800

BUILDING OF MARKETS/SHEDS IN NAIROBI UNDER ESP

The Temporary Deputy Speaker (Mr. Ethuro): Mrs. Shebesh still not in? Her Question is dropped.

(Question dropped)

Question No.653

EXPENDITURE ON PURCHASE OF SHARES FOR TEAMS

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I wish to apologize for coming late. I went to wash my hands.

The Temporary Deputy Speaker (Mr. Ethuro): Proceed!

Eng. Rege asked the Minister for Information and Communications:-

- (a) whether he could inform the House the amount of public funds spent by the Government in purchasing shares for the undersea cable (Teams);

- (b) what the status of rolling out fibre optic cable on constituencies outside big cities and towns, especially rural areas across the country is; and,
- (c) what plans the Government has of accelerating the internet connectivity to schools across the country.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Government has so far spent US\$ 20.3 million on The East African Submarine System (TEAMS) Project. This included the cost of the feasibility studies, initial construction costs and logistical support given to the project. The Ministry is currently in the process of paying US\$750,000 to Alcatel being cost of duty for equipment imported. This will make the Government contribution to be a total of US\$21.05 million.

(b) The Government has laid 5,000 kilometers of fibre optic cable throughout the country, covering virtually all the counties. Plans to roll out Phase II of the National Optic Fibre Broadband infrastructure are at an advanced stage and are awaiting approval from the National Environment Management Authority (NEMA) as well as release of funds from Treasury. The network will increase coverage and create necessary redundancies. Since it may be expensive covering all constituencies, the Ministry wishes to encourage use of the Constituencies Development Fund (CDF) to link specific rural towns as need arises. Considering the fact that we have plans for last mile connectivity, it is expected that every Kenyan will be connected in the next one year.

(c) The Government is planning to free up the 2.5 GHz frequency spectrum and utilize it in rolling out Long Term Evolution (LTE) technology to cover the entire country with broadband. This should happen within one year. With nationwide LTE, schools, hospitals and district headquarters will be connected.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, the idea for asking this Question is to accelerate the ICT development in constituencies and counties. Right now, county headquarters are being constructed and we need to find out how they will be connected digitally. We have schools that are sitting examinations in ICT, and they need to be connected. This project has been going on for too long, and the Assistant Minister cannot say he is waiting for the 2.5 GHz from the military in order to roll out the broadband. At the moment, we have broadband capability---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Eng. Rege! The Chair allowed you a bit of time because this is your Question. You should ask the supplementary question now.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I have already asked the supplementary question.

The Temporary Deputy Speaker (Mr. Ethuro): So, you have no further questions?

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us why he has to wait for 2.5 gigahertz frequency to be released by the military when the Communications Commission of Kenya (CCK) has already licensed a broadband frequency? Moreover---

The Temporary Deputy Speaker (Mr. Ethuro): Order! One question at a time. You have asked a good question.

Yes, Mr. Assistant Minister!

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I do appreciate the fact that Eng. Rege was the Permanent Secretary in this Ministry and he is very well versed with what happens in the Ministry. I think he has put across two questions. The reason why he is asking this Question is to make us accelerate the process. I want to inform him that we do not do these projects in isolation as the Ministry of Information and Communications. There are procedures to be followed. We need to get funding from Treasury and get clearance from the National Environmental Management Authority (NEMA) in order for us to roll out some of these projects. Therefore, I want to assure the hon. Member that we are ready and once we are given funds by Treasury, we will roll out or hit the ground running. So, we will implement these projects in the course of the next one year as I have promised.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, while I commend the Assistant Minister for responding to that question very well, I will, in addition, ask him to inform this House the clear efforts that the Ministry is taking to guarantee security of this under-sea cable so that it is not interfered with by ill-intentioned people thus affecting communication in our country.

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, again, we cannot do that in isolation. It takes the discipline of the general public to know that these cables are for their good. Therefore, they are not just for my Ministry but for the communication of the general public. Therefore, we urge the general public to know that this is their property because we spent taxpayers' money to lay these cables. We encourage them not to tamper with the cables.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, while I acknowledge that the Assistant Minister has given a very good answer to this Question, he has indicated that they have laid the fibre optic cable for about 5,000 kilometres. Could he specify which counties he has covered during this work?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, in my answer, I stated that we have covered virtually all the counties. At the back of the answer given---

Eng. Rege: On a point of information, Mr. Temporary Deputy Speaker, Sir.

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

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, at the back of the answer that I provided to this House and to the Questioner, I attached a map that shows areas that have been connected and areas that are yet to be connected. For the benefit of Mr. Pesa, I will table my copy.

(Mr. Khaniri laid the document on the Table)

The Temporary Deputy Speaker (Mr. Ethuro): Ask the last question, Eng. Rege!

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I come from Homa Bay County and there is not even one meter of fibre optic cable and every businessman is waiting for this. Could the Assistant Minister tell us who owns the other 80 per cent of the shares?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, Eng. Rege is aware that Homa Bay County will be covered in Phase II of this project and I have stated that we are waiting for money from Treasury. As to his second question as to who owns the remaining 80 per cent of the shares, I said that the Government owns 20 per cent,

Safaricom owns 22 per cent, Telkom Kenya owns 22 per cent, Essa Communications owns 10 per cent and the other small shareholders like Access Kenya and Jamii own about 20 per cent. There is 5 per cent that is yet to be allocated. This is free.

The Temporary Deputy Speaker (Mr. Ethuro): Let us move on to the next Question by the Member for Naivasha.

Question No.709

OWNERSHIP OF LAICO REGENCY HOTEL

Mr. Kabogo, on behalf of **Mr. Mututho**, asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he could reveal the names of personalities, both from Kenya and abroad, who own the Laico Regency Hotel (formerly Grand Regency Hotel);

(b) who the shareholders and directors of the holding companies and their subsidiary companies are; and,

(c) whether he could table copies of the due diligence reports, as well as the shareholders and directors as at the time of execution of the sale and confirm or deny that relatives of owners of the former Grand Regency are among the owners of the hotel.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, on behalf of the Deputy Prime Minister and Minister for Finance, I beg to reply.

(a) According to the records held by the Registrar of Companies, the owners of Laico Regency are as follows:-

1. Libyan Arab African Investment Company Limited
2. Ahamed Mohamed Amar - Libyan
3. Mohamed Mawal Shitwey – Libyan

(b) According to the records of the Registrar of Companies, the owners, directors/shareholders of Libyan African Investment are as follows:-

1. Libya African Investment Bank of P.O Box 91370/81370 Tripoli Libya - 998 shares.
2. Ahamed Mohamed Amar – Libyan - one share
3. Mohamed Mawal Shitwey- Libyan - one share.

(c) I am not in a position to confirm or deny whether the relatives or owners of the former Grand Regency Hotel are among the owners of Laico Regency as the Ministry does not keep records touching on shareholders of private companies. I cannot be able to give the due diligence reports on the matter of the former Grand Regency Hotel and the current Laico Regency as they are not Government investments.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, while I thank the Assistant Minister for the answer, you will notice that on part “b” of the answer, he has said that Libya Arab Africa Investment holds 998 shares. Is it possible for the Assistant Minister to table the names of the directors of that company because it holds 98 or 99 per cent of the shares and one share each to two other individuals? Who are these people under this

company? Does he have the capacity to table before the House the names of the directors of the first company?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as you will realise, Libyan African Investment Company is registered in Libya. I will endeavour to see what other information I can get. However, the entities that are within the shareholding of Laico Regency in Kenya are the three with the shareholding that I have mentioned. I would endeavour to see the records and see whether I can get more information.

Mr. Olago: On a point of order, Mr. Temporary Deputy Speaker, Sir. You will notice that the last answer to the Question says that the Assistant Minister is not able to give information on due diligence because Grand Regency and Laico Regency are not Government investments. As you are aware, the Government appointed the receiver of Grand Regency and it was sold by the Minister for Finance on behalf of the Government. Is it, therefore, in order for the Assistant Minister to deny liability when it is the Government that sold Grand Regency Hotel?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Assistant Minister, part “b” of the Question was very clear. Who are the shareholders and directors of the holding companies and their subsidiary companies?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, first, let me clarify to the hon. Member for Kisumu Town West that the Government only held the Grand Regency Hotel as collateral against a loan granted to Exchange Bank Ltd. When the bank went into liquidation, we managed the company and then sold it off to M/s Laico.

On the second part, I said that the Libyan African Investment Company is registered in Tripoli, and I said I would endeavour to get subsidiary information.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, would the Assistant Minister indicate when he will get this information and when he will table the same? I am aware that on 5th of June 2007, at a meeting, His Excellency President Mwai Kibaki and the Libyan Leader, Col. Gaddafi, witnessed the signing of a Memorandum of Agreement (MoA) under which the Kenya Government agreed to give away the Grand Regency Hotel. If the Assistant Minister would like me to give him a copy of that agreement so as to go and verify it, I can do so as I table it in the House.

Mr. Temporary Deputy Speaker, Sir, it is only part of a series of actions taken by the Government at the time to raise funds for the elections in 2007. We are seeing the same trend now, where the same Government through the National Oil Corporation (NOK) is, again, engaged in similar activities in preparation for next year’s elections.

The document is here and I am laying it on the Table. It is signed.

(Mr. Imanyara laid the document on the Table)

Mr. Temporary Deputy Speaker, Sir, just this morning, I appeared before the Committee and the Minister himself agreed that---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Imanyara! You have tabled the document; do not do a lot of explaining.

The Assistant Minister for Sports and Youth Affairs (Mr. Kabando wa Kabando): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard Mr. Imanyara very clearly say that the Government sought to raise money for the 2007 elections and that the same Government--- Is it in order for Mr. Imanyara to mislead this

House? In our understanding, we have the Grand Coalition Government comprising of two partners. Is it in order for him to mislead the House that the Government of 2007 is the same Government that we are serving?

Mr. Mwathi: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the light of what Mr. Imanyara has said with regard to the Government raising campaign money for the 2007 elections from that sale, am I in order to ask him to substantiate and table evidence that, that money was going to be used for campaigns?

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, I would invite the hon. Member to look at the document first. It is self-explanatory. Look at it and you will know it is signed and come to the irresistible conclusion that, that is what happened. Indeed, just recently His Excellency the Vice-President and Minister for Home Affairs was in Libya purportedly on a shuttle mission that had nothing to do with the deferral, but was pursuant to claims by the Libyans for repayment of the money that was given to Kenya.

(Applause)

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Imanyara, you have made certain assertions and hon. Members have asked you to substantiate. You cannot just refer them to a document that even the Chair has to determine whether it is admissible. On what basis do you say that the money raised was for financing elections?

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, you have said that you want to verify the document first. If you do confirm it, I can go to the second stage and submit to you that the document speaks for itself; therefore, substantiating the obvious is not necessary under our rules.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Imanyara! It is obvious to you because you have read the document. The rest of the membership has yet to read the document. So, how does that become obvious?

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, then I would kindly invite you to read it to Members of the House because you have it in your hands.

Mr. Mwathi: On a point of order, Mr. Temporary Deputy Speaker, Sir. With your indulgence, I requested for proof that the money raised by the Government was used for campaigns. I am asking this on behalf of myself, the House and the entire public to know what facts are there. We want those facts to be proved so as to show that the funds were used to fund the 2007 campaigns. He is alluding to the fact that the same is happening for 2012.

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Departmental Committee on Finance, Planning and Trade, on which I sit, did a comprehensive report on this particular matter. I would seek your indulgence that this matter be sent back to them, so that they can re-table the Report that was rejected in the House over a year and-a-half ago. It answered a lot of questions.

Hon. Members: Which matter? Which matter?

Mr. Shakeel: The matter of the Grand Regency Hotel.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Shakeel! That matter was determined by the House and we cannot revive it that way.

Mr. Assistant Minister, please, proceed!

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as much as I have tremendous respect for Mr. Imanyara, I find that his allegations are absolutely frivolous. I had a quick glimpse of what he was talking about. All that is stated about a company by the name of Lap expressing interest to buy shares, and the Government indicating that it will consider that interest. There is nothing in that particular document about money to be lent to either the Government or any party. I would want to request Mr. Imanyara to ensure that he sticks to facts, represents them correctly and remains unfrivolous.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, with the political crisis in Libya today, could the Assistant Minister assure this House that the investment by the Libyan investors in the hotel industry in our country is stable?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, most private investments have very little to do with their parent countries. I have no reason to believe that there is any reason to fear that Laico Regency Hotel is in any danger. It is a private entity.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has alluded to the fact that this is a private investment. It is on record that the Government said it sold this hotel. When a Government sells an hotel, is it a private investment or a public investment?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, I think that is a point of clarification. The clarification is that the hotel was privately-owned. It was held as collateral by the Government. The Government then redeemed its collateral by ensuring that it was able to sell the hotel to a private entity, and that is Laico Ltd of Nairobi.

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, I was just wondering whether the Assistant Minister can go further and tell us whether this Laico Regency Hotel, together with other assets of the Libyan Government in this country, is among those assets which might have been frozen by the international community.

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, I understand where Mr. Lessonet is coming from, and I can imagine it is because of the many on goings in this country. I need to emphasize that the first clause of the Constitution states that this country is a sovereign state and no foreign company has a capacity to freeze any assets within it.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, the pudding of this matter is on the 998 shares held by Libya-Arab-Africa Investment. The Minister has given the House an undertaking to bring this information of who are behind these shares, but he has not indicated a timeframe within which he will be able to bring this information to the House. Could he give an undertaking on the time?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Assistant Minister, how much time do you need to get that information?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as far as the records within this country are concerned, we do know for a fact that it is Libyan-African Investments. I will endeavour to see if there is a breakdown in our records on how many subsidiaries are owned by Libyan-African Investments. The reason I say that is because the Libyan-African Investments Company is a Tripoli based company. I will endeavour to look into that and give some feedback within two weeks.

Mr. Aluoch: Mr. Temporary Deputy Speaker, Sir, you heard the Assistant Minister say that this company is registered in Tripoli and that he would not be able to get the details. As a matter of fact, is it in order for the Assistant Minister to say so when

he knows or ought to know that all foreign companies operating in Kenya have to be registered as local companies here even if they are foreign? So, the record should be at the Attorney-General's office.

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as I have undertaken, it is only part "b" of the Question that I will need to clarify and I will give as much information to the satisfaction of the hon. Members.

The Temporary Deputy Speaker (Mr. Ethuro): The Question should appear on the Order Paper after two weeks.

(Question deferred)

Question No.738

ORIGINAL DESIGN OF KPC CAPACITY ENHANCEMENT PROJECT

The Temporary Deputy Speaker (Mr. Ethuro): We shall come back to that Question later! Next Question by the Member for Isiolo South!

Question No.760

NUMBER OF PERSONS ISSUED WITH IDENTITY CARDS IN GARBATULLA DISTRICT SINCE 2007

Mr. Bahari asked the Minister of State for Immigration and Registration of Persons:-

(a) how many persons have applied for National Identity Cards in Garbatulla District since 2007;

(b) how many applicants have so far been issued with National Identity Cards indicating their respective dates of issue, and;

(c) what measures he is taking to speed up issuance of the document in the district.

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

(a) The number of persons who have applied for National Identity Cards in Garbatulla District since 2007 is 3,951 broken down as follows: 2007, 1,780; 2008, 330; 2009, 680; 2010, 970; 2011 at the time of answering this Question, 35 had been issued and 156 are in process. The total is 3,951.

(b) The number of applicants so far issued with National Identity Cards are as follows:---

I think I have given the hon. Member the answer in writing and so, maybe I will not need to repeat those figures again. A list showing the dates and number of identity cards issued is herewith attached. The inconsistency in figures between the number of applicants and the number of persons issued with identity cards is due to backlog of applications.

Mr. Affey: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question is so important. Since we do not have the answer, we do not have the benefit the

hon. Member has. Is it possible for the Minister to tell us the number issued? He does not have to give us the dates.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Temporary Deputy Speaker, Sir. I will oblige. The number of identity cards issued in 2007 was 1,834; in 2008, they were 467; in 2009, they were 500; in 2010, they were 873 and in 2011, they were 177. This makes a total of 3,851.

So, a list showing the dates and number of cards issued is herewith attached. The inconsistency in the figures between the number of applicants and the number of persons issued with cards is due to the backlog of applications. Applications from designated border districts take 40 working days to process and, therefore, some applications roll over to the next month or year.

(c) Lastly, the department intends to mount mobile registration exercises to speed up issuance of documents in the district and all the other districts in the Republic of Kenya if the Treasury allocates to us funds in the next financial year. I had submitted this list when I earlier gave an answer, but I can table it again in case somebody wants to consult.

(Mr. Kajwang laid the document on the Table)

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, as the Minister was answering this Question, he alluded to the fact that Garbatulla is a border district, which is very serious because Garbatulla is part of the larger Isiolo and that is right at the heart of this Republic. I hope he will withdraw his remarks when he comes to respond because people of Garbatulla will be wondering which foreign border surrounds them.

In his answer, the Minister has given the dates and the number of cards issued and given me a long list. Why is he shy about giving the names of the people who have been issued with the identity cards?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, what I have just submitted and laid before the House are actually a list of names of those who have been issued with identity cards in detail. People from Garbatulla District used to be registered under the larger Isiolo before. So, most of them would show Isiolo although the details in our records show that they originate from Garbatulla. In fact, not until 2009 did we have a Registrar for Garbatulla. So the Registrar has been from Isiolo and the details in the particulars that we have show that they come from Garbatulla Division, but now a district. Since 2009, they have been residents of Garbatulla District.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, this is too good to be true. I really doubt whether this is the true position of this Ministry. It requires further investigation. The Minister himself has announced that for three months, they have suspended the issuance of identity cards due to some difficulties at the Registration Department. Now he is saying that the department continues to issue National Identity Cards. Could he confirm that they have suspended this and they are looking for funding? To date, Kenyans are not accessing identity cards because you have said you do not have the resources or the equipment to produce them.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, it is true that the issuance of identity cards went down considerably and, at some point up to now, we are actually not issuing them. In fact, we only issue identity cards to people who want to apply for Armed

Forces jobs because it is very important that they have them. This is because the Armed Forces insist that the applicants should have the identity cards. However, we do not have the materials. I explained this for two hours last time I was in this House. I can explain it again. However, the procurement process is speedy. We are working very fast and I can assure you that we will mop up every Kenyan who will have attained the age of 18 years by June this year.

Mr. Kigen: Thank you, Mr. Temporary Deputy Speaker, Sir. On the issue of documentation, one problem that is bedeviling the parents is the issuance of birth certificates, which falls under documentation. What has the Minister done to ease the burden on parents particularly in respect to students and pupils who are about to register for the national examinations? What has he done to alleviate this problem?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, first and foremost, the registration of children is compulsory in Kenya and any parent who does not register a child commits an offence. Our parents have taken it easy and yet we want that data. So, we agreed with the Ministry of Education that in order to compel parents to register their children, it should insist that no child is allowed in Standard One before he or she registers. However, the Ministry of Education relaxed it a bit and insisted that it would force only those who would sit for national examinations because it also needed this document to avoid temptation of cheating in exams. So far, it is good that we are asking Kenyans to register their children because if they do so an identity card will be issued easily when they reach the age of 18 years and without anybody asking them any questions. In most cases, parents wait until the registration period and then they mob our offices which have a few officers. They do nothing the whole year but when the exams are near, they are mobbed and they cannot cope. We have now asked the District Commissioners to give us secretaries and clerks from other departments to work together with our people so that we can register those children on time. But my officers are still overwhelmed.

On the registration of children, we have the capacity in terms of the materials because we just need the forms and a typewriter. So, we do not have a serious problem on this. However, numbers is the problem.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, those of us who live along the international borders have suffered for too long. While we appreciate why the controls there are more stringent than in other parts of the country, we have people who are not able to go to hospitals or seek medical services because they are arrested on the way. There are also some people who cannot even secure employment because they lack these documents.

What will the Minister do, in addition to that to ensure that people who live along those international borders are issued with identity cards? Although we appreciate the fact that the controls have to be in place, could he go an extra mile to ensure that these Kenyans are issued with identity cards?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, this matter was raised when I visited my brother's constituency and I had to find what to say. I would like to say that when we finally get everything in place – and within two months we should get all the materials to register two million Kenyans – we will put a lot of emphasis in areas which have been lagging behind in registration. I know those areas because I know where the

problem is. I have gone round the country a bit. I can assure you that no part of this country will be complaining. I was even in the Speaker's constituency and the same issue was raised. I assure you that we want to register Kenyans, because that is my job. If I do not register them, then I am doing nothing. So, I am just waiting for the materials and the money and we will go to every school and every chief's camp so that we register those who are 18 years old.

The Temporary Deputy Speaker: Hon. Members, I can see that there is interest in this Question. If you can be brief, I can afford two more hon. Members.

Yes, Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I have just come from my constituency. My good friend, Muliro Kundikina lost his wife and she was buried yesterday. The entire village was up in arms because the deadline for the registration of candidates is 31st of March. Just as the Minister has said, the Registrar of Persons is unable to cope with the demand for registration of births. In the Minister's statement, he has not touched on the issue of computerization as part of the process of speeding up registration. What plans are there to ensure that the system is computerized; that is from birth certificates to other registrations so that we are able to decentralize to the divisions, locations and schools?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, last year, we were grateful to the Treasury and Parliament that gave us some money to start serious computerization and we have started with four areas. We have started with Nakuru, Nairobi, Eldoret and Mombasa as the big cities in the pilot project. The reason why people line up is because when you have a notification of birth, our officers have to go through large volumes of documents to look for your name. This is done manually and it takes a lot of time. If that was computerized, then it is just a matter of keying in your name and it would be seen in seconds. So, we have started that. We are now feeding the data from the manual records into our computers and next year, you will not see those lines, at least, in the cities that I have talked about. We hope that you will give us a little more money this year so that we spread this to all the districts. We will all be very happy after that.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, I do not know whether in the context of the Ministry of State for Immigration and Registration of Persons, the words "border district" mean something different. I think Mr. Bahari has requested for the withdrawal of that and it has not happened. I know that Tana River District is regarded as a border district and the only border I know is that of North Eastern, unless North Eastern is a different country from Kenya.

But more importantly, I have gone through the number of registered persons in 2008 and 2009 and only 330 people were registered in 2009. This does not mean that there are no people who would like to register, but it is because of the skewed way in which the registration is conducted. Could the Minister assure us, because of the vastness of some of these districts, that he will not allocate equal resources to Makadara, which is represented by my honorable "neighbour" here and the people of northern Kenya and Bura Constituency?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, the resources that you may need which may be different will be maybe vehicles because those areas need a vehicle but Makadara Constituency does not need a vehicle. Another one is the *per diem* for the officers to move from one place to another and some money for the elders who ask the

applicants a few questions just to determine whether they are Kenyans or not. For that reason, we will give a little more money to such areas.

(Applause)

The other thing that the hon. Member asked was about the borders. In the rules, there must be something more than borders. I will look into it because I also come from a border district or constituency. The border I have is Lake Victoria which we share with Uganda, which is 24-hours away by boat. So, there is no border really between us and Uganda. We will look into that because it can be used to frustrate some applicants.

Mr. Bahari: Mr. Temporary Deputy Speaker, a lot of answers to this Question are obviously unsatisfactory, including the issue of the border district, which we will pursue. We are not letting it go. We will pursue it at a later stage.

Mr. Temporary Deputy Speaker, Sir, the issue of identity cards is a very critical matter. Now that we are coming to elections we might start saying, at this rate of registration, there might not be any elections because somebody is trying to disfranchise some of our citizens or constituents. It is just a warning to the Minister because that time it will be very hot for him, so that we get action in good time. Areas like where the Chair, myself and the rest of the Members who are on their feet come from, are vast districts.

Mr. Temporary Deputy Speaker, Sir, we do not have a vehicle in Garbatulla to do this mobile registration the Minister is talking about. They come once in a year with very few forms and at that time we, pastoralists, are in every corner. Therefore, we end up not getting registered. At every centre we go, we find a lot of grown-ups who are not registered.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Bahari, it is Question Time.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, when will the Minister provide a vehicle to Garbatulla, so that we will be able to carry out the mobile registration he has promised?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, let me start by talking about the vehicles. We have actually made applications to the Treasury, and consequently to Parliament, to give us money to buy more vehicles. Last year, we were given about Kshs35 million to buy a few vehicles. However, we have been stopped from utilizing that money because of the ceiling on the number of motor vehicles that a Ministry can have. Unfortunately, we are not like other Ministries. The other Ministries such as the Ministry of East African Community do not have branches. I have offices in every district. There are over 200 districts. I have several borders. In those districts, there are several registration centres. There are enough registration officers in those districts. We have told the Treasury to treat this service just like the security, which they have given a leeway to buy more vehicles and we should not be topped at 100. In fact, they topped the vehicles at 100. If you divide that with the centres and districts, we do not have enough vehicles.

Mr. Temporary Deputy Speaker, Sir, I am aware of the vastness of the districts. I am very grateful to the Provincial Administration and the police which have been very helpful. They have sometimes provided vehicles to our officers. We fuel them and our staff has been able to go round.

I want to ask Members of Parliament to be co-operative. I am not saying that this is a rule. If you have a constituency vehicle, it is also a Government vehicle. Please, allow our staff to use it and go round centres, so that they can help in registration. I have not bought myself a constituency vehicle, but this time I will buy it and that is the job it will do.

The Temporary Deputy Speaker (Mr. Ethuro): Next Question, hon. Peter Kiilu!
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 on interdiction for the last two and half years,

(b) what are the reasons for the interdiction, and,

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

The Temporary Deputy Speaker (Mr. Ethuro): Where is the Minister of State for Provincial Administration and Internal Security?

Next Question by Member for Nyakach.

Question No. 738

ORIGINAL DESIGN OF KPC
CAPACITY ENHANCEMENT PROJECT

The Temporary Deputy Speaker (Mr. Ethuro): Is Member for Nyakach not here? His Question is dropped.

(Question dropped)

Leader of Government Business, what happened to the Minister of State for Provincial Administration and Internal Security?

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I saw the Minister leave in a huff. I can call him or just kindly ask you to reschedule the Question, so that I can inform him accordingly

The Temporary Deputy Speaker (Mr. Ethuro): You should be whipping your Ministers, because he cannot come here, and then he has a Question and disappear. Since he is not around, I direct that the Question by hon. Kiilu appears on the Order Paper on Tuesday, next week.

Hon. Member, are you happy with that?

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, I am okay with that directive.

(Question deferred)

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, that is the end of Question Time. Let us now go to the next Order.

POINT OF ORDER

ILLEGAL ACQUISITION OF PUBLIC LAND

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Lands on illegal acquisition of public land in Nairobi, which has escalated to an outrageous level going back to the last one month. In the statement the Minister should clarify the following:-

1. Whether he is aware that the Kenya Agricultural Research (KARI) land in Balozzi, South B, LR Nos: 2009/13296, 209/13295, 2009/13500, 2009/12345 were irregularly, illegally and unlawfully allocated and transferred to private developers, as per the Ndungu Commission of Inquiry Report into the illegal and irregular allocation of public land presented to His Excellency the President in 2004.

2. Whether the Minister is aware that parts of the land in question LR Nos: 2009/12339, 2009/12340, 2009/12342 were acquired illegally by Sharja Trading Company Limited. Land parcels LR Nos. 2009/12344 and 2009/12051 were grabbed by the Renco Company Limited and sold to the National Social Security Fund (NSSF) for Kshs500 million in May 1995. Up to date, it has not been reverted to KARI and the public.

3. Whether the Minister is aware that land LR Nos. 36/254, 255 and 257 belonging to Pumwani Maternity Hospital have also been grabbed by a private developer.

4. Whether the Minister has received a letter from the Director of the Kenya Anti Corruption Commission Ref No.KCC/LEG 8/18/837 dated 24th January, 2009 on revocation of LR No.2009/9295, original LR No. 2009/800084, New Muthaiga, which was intended for construction of a school and clinic. What action has he taken as per the letter's request?

5. Whether the Minister is aware that the said LR No.2009/92/95, Original No.2009/8000/84 situated in New Muthaiga was grabbed by Jamin Properties Limited who proceeded to obtain a charge of Kshs231 million from the Barclays Bank of Kenya despite an enforcement notice from the Nairobi City Council vide Notice No.6843 dated 16th April, 2009.

Mr. Temporary Deputy Speaker, Sir, lastly, whether the Minister is aware that a new title deed for Maziwa Traders in Kamkunji Constituency along Jogoo Road LR No.29/1209 has not been issued despite having revoked the earlier title deed obtained fraudulently, and despite his public assurance on 18th November, 2010, in this House.

Thank you.

The Temporary Deputy Speaker (Mr. Ethuro): Where is the Minister for Lands?

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I undertake to inform him. Will Wednesday next week be okay?

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

The Temporary Deputy Speaker (Mr. Ethuro): That is okay.

PERSONAL STATEMENT

ALLEGATIONS AGAINST HON. WAITITU AND HIS SECURITY

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Temporary Deputy Speaker, Sir, I rise to give a Personal Statement under Standing Order No.76. I wish to state the following:-

I do not belong to any organized proscribed group, including the *Mungiki*, and I do not support their activities. Anybody with evidence to the contrary should report to the police and record a statement. The allegation that I have told youths to go back to bus stops is false and anybody who has information about that can also record a statement with the police so that I can be prosecuted.

My continued efforts to condemn extra-judicial killings in my constituency, Embakasi, were the real cause of the strike which was instigated by police officers to justify the actions in Embakasi. Any youth found to belong to any proscribed organized group like *Mungiki* or the *Kamjesh*, I support that they be arrested and prosecuted as per the organized crime law. I will seek the intervention of the Departmental Committee on Justice and Legal Affairs for the police officers to investigate some Probox cars that have been used by some police officers to undertake killings in my constituency. I call for immediate stop and cessation of all forms of police brutality against youths in my constituency, Embakasi.

On the same issue, I would like to inform you that there are some Probox cars which are suspiciously hovering around my offices. I, therefore, feel that my life is in danger and, I request the Commissioner of Police to give me more security.

(Mr. Ojode moved to the Dispatch Box)

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Assistant Minister, I hope you realize that under that Standing Order, there should be no debate on the matter.

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

The Temporary Deputy Speaker (Mr. Ethuro): But since it is a matter regarding the personal security of an hon. Member, you may want to respond.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, indeed, I do not want to have any intervention on this matter because it is of grave concern. However, I note that hon. Waititu is a Member of the Cabinet. Indeed, if it is true that his life is in danger, he knows the way to report that particular incident. Secondly, if the police are doing their work, which they are paid to do--- They are supposed to patrol all the streets and estates which include Embakasi Constituency. My job is to bring law and order in all estates in Nairobi, Kakamega, Kisumu, Eldoret and Mombasa.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Mr. Assistant Minister! Hon. Waititu is a Member of this House and he has every right to express his concern about his personal security. Indeed, as the Assistant Minister responsible, I

would have wanted you to either confirm or deny because you should be able to assess every security situation of every citizen in the Republic. You should confine yourself to the provision of security to the hon. Member. Note that under that Standing Order, you are not allowed to debate.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir that is true. This is not a simple matter. The hon. Assistant Minister knows the channel to follow if he has a problem with his security. As we talk now, he has never reported this matter to any police station. How would I know that his life is in danger so that I can beef up his security? He has not even spoken to me about that.

The Temporary Deputy Speaker (Mr. Ethuro): Order! But he has informed you now!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, he has informed the House. He has not talked to me officially. However, I will go by what he has said and order the police to investigate the allegation. If need be, he knows what to do so that we can beef up his security. I am not only talking about his security, but the security of any Kenyan who feels that his security is in danger. We are ready to beef up his or her security.

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am just wondering if it is in order that on a matter that an hon. Member wished that it should not be discussed as provided for in the Standing Orders, it is debated by the Assistant Minister. Surely, the Assistant Minister means well. However, we cannot breach the rules of the House and let the Assistant Minister introduce debate. Otherwise, Mr. Temporary Deputy Speaker, Sir, you should use Standing Order No.1 and let us debate this because hon. Waititu is being harassed! It is only important that we know.

The Temporary Deputy Speaker (Mr. Ethuro) By who?

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I do not know. It is important that we know.

The Temporary Deputy Speaker (Mr. Ethuro): Order! The hon. Member was very clear about the Standing Order in which he was rising. The Chair has persistently asked you to comply with that Standing Order. That Standing Order does not allow debate. So, it is completely out of order for the Assistant Minister to try to debate that particular matter. The Chair invited you as the Assistant Minister responsible and having been informed, you cannot say that, that information was meant for the House. You cannot say that information provided in this House is not important to Government. That is why Parliament is there. So, Assistant Minister, do what it takes to make sure that the security of that hon. Member is enhanced and assured.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Ethuro): No more! Order, Mr. Assistant Minister! That is final! You run the risk of---

Are there more Statements?

NUMBER OF KENYANS ISSUED WITH
CERTIFICATES OF GOOD CONDUCT SINCE 2003

Mr. Magwanga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I had requested for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on 23rd February. The answer was supposed to be presented on 2nd March in the afternoon. However, we adjourned before the Statement was given. So, could the Assistant Minister give an undertaking to do something?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Assistant Minister! Hon, Ojode!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Temporary Deputy Speaker, Sir. I heard hon. Magwanga talk about a Statement that should have been issued in the House. Let me promise to give that Statement on Wednesday next week in the morning hours, please.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! That is the end of Ministerial Statements. Let us go to the Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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

(By the Vice-President and Minister for Home Affairs on 23.3.2011)

(Resumption of Debate interrupted on 23.3.2011)

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Affey, I think you were left with four minutes to conclude.

Mr. Affey: Thank you, Mr. Temporary Deputy Speaker, Sir. I have five minutes. The matter that I raised yesterday before the House adjourned was the matter of drought. I thought that the President, in his Speech, would have declared drought a national disaster, so that other agencies that can help the Government can come in and support communities that are suffering.

After that, I had an issue that I raised about the debate surrounding the International Criminal Court (ICC). This matter is important because there is a lot of misinformation that is being peddled by politicians mainly for political reasons. I am one of those fellows who participated in the so-called shuttle diplomacy which I thought was a good thing for the country because the matter of the ICC has polarized the country. Because the country's stability and unity is critical at this stage, there was need for the Government, and this was decided by the Cabinet together with the President, that actually they seek for a deferral. The deferral was not to say that we will defer those cases so that we try the six. The deferral that the Government was requesting was in order that essential mechanisms are first put in place and then investigations are conducted. If those investigations produce the same six, well and good, they will be tried. But they could as well produce a different set of personalities. The matter that was lost completely in the

debate was the fact that we wanted, for the first time, after having a new dispensation, to reclaim our sovereignty properly, so that we could try anybody, not the six, but even more than the six that could be investigated afresh by the competent Kenyan authorities.

There is concern now that every time we are faced with crisis, we look for foreign support. I was surprised yesterday to hear the Prime Minister saying that they will ask detectives to come from Europe to do investigations here. The last time it was an international Chief Justice and now we are in the ICC. This matter of the ICC, we should all be sober as Kenyans because if it is not handled properly, we could as well lose the State. If you look at the history of the ICC, all the cases that are before the ICC are African cases. There are very few Europeans that are not really considered Europeans. This is very dangerous because the trend now is to see how that court can be used to punish Africa and Africans. I was glad President Museveni and the Vice-President commented on this matter, actually what happened in Libya is not what happened in Cairo or Tunisia. It is completely different. What happened in Libya is a coup and the only way you can handle a coup is to confront it. It is unfortunate that civilian lives were lost. But now what do you get? International community like the Americans all coming in, in order to punish that State. If what is happening in Libya is anything to go by, it is a civil war. It is a clear civil war that is going to happen. Of course, nobody accepts the manner in which security forces in Libya acted, but the manner in which the international community acted is worse because the civilian casualties are more. We cannot keep quiet when matters like this are going on because they continue to affect us. So, I want to acknowledge the role played by the Government and the President.

Mr. Temporary Deputy Speaker (Mr. Ethuro): Your time is up, hon. Affey. Hon. Mututho!

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. In supporting the Presidential Address, I want to acknowledge a very important paragraph in his Speech, and I quote:-

“Indeed, as a country, we have not in the past given priority to systematic unveiling of a set of values and principles which define or become our national interest”. This was a very good admission that the way we have conducted ourselves in the past leaves a lot to be desired. The way forward is by keenly following what the new Constitution now requires us to do.

I want to go straight to the Presidential Speech. The President did indicate that there will be special courts. I quote him again:-

“Similarly, the Government will introduce the Other Superior Courts Bill which will provide for the establishment of courts with the status of high courts to hear and determine disputes relating to employment and labour relations, the environment and land”.

I notice that one very critical aspect was left out, namely, the matter dealing with post-election violence. The President should not squander that chance and he should, on the same breath, order that we have special courts dealing with our affairs. We cannot wait to see what the international community is doing. We cannot wait here and listen to Ocampo or indeed, the ICC, whereas we have an opportunity within ourselves and within the powers of this House to do as required and as ably said in this landmark Speech, to have special courts. I would persuade this House to have the Other Superior Courts Bills

as the first Bill and not tribunals. I am saying this because we are not a failed State. According to Julius Nyerere, the late President of Tanzania:-

“The worst form of colonization is that of the mind”.

When we still think of the Federal Bureau of Investigation (FBI) because they are white, when we still think of Scotland Yard because they are white, when we still think of the ICC because they are led by white men, that is the worst form of colonization. It is much better to have the other one in which you are forced to labour rather than having leaders here who even at their position, do not believe in themselves. In actual fact, recently, the Prime Minister fell short of saying that we should have a white man as a Prime Minister because when you are white, you are supreme, good and whatever you are doing is very humble. We should and shall endeavour to be Africans, as envisaged in the Devonshire White Paper of 1923, in which the white men said clearly that Kenya is an African country.

The Assistant Minister for Labour (Mr. Ojaamong): On a point of order, Mr. Temporary Deputy Speaker, Sir. Yesterday when the Prime Minister was giving his case here, he explained why he wanted the Scotland Yard or the FBI. Is the hon. Member for Naivasha in order to distort that and say that the Prime Minister wanted the FBI and the Scotland Yard because they are white?

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I respect the Prime Minister, I respect the Ministers, I respect his loyalists, but you do not need to go to any dictionary or it is not rocket science to know that those people who manage the FBI are white men. The commanders of the Scotland Yard are white men.

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

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I do not need information. The people who run those institutions that we cherish, including Ocampo; Ocampo is not a Luo. He only has a name that seems Luo. He is Frenchman.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Mututho! I think the point of order raised by hon. Ojaamong was valid that the reasons the Prime Minister gave yesterday were different from the reasons you are giving in terms of colour. You have even gone further to do the reverse. Now you are bringing Ocampo to Kenya and I think that should not be entertained. Make your contributions and let us not deal with unnecessary issues.

Mr. Mututho: Much obliged, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, hon. Mututho has tried to demean the Prime Minister by saying that the Prime Minister is rushing to the whites because they have white skin. But what the Prime Minister said yesterday is that because the Kenyan police officers are also suspects, they cannot do a fair investigation. That is why he wanted foreign investigators. So, could he just withdraw that?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Ojaamong. You are emphasizing the point that the Chair has already determined for you and I agree with you entirely. So, Mr. Mututho, I think it is important to make that clarification.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, for his comfort, what business would we have with a Government that does not believe in its police force? What business do we have sitting here when we have bodyguards who are police officers

and we do not believe in them? What business do we have with courts that we do not believe in?

It is good that we declare here in this House. If we do not have faith in the police force or in our courts, then it should be as clear as that.

Nevertheless, I did understand that policemen are suspects. There are over 20,000 police officers and it would be---

Mr. Kizito: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Member of Parliament for Naivasha to trivialize the issue and actually misrepresent the facts? I think the Prime Minister talked about---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kizito. That matter has been dispensed with and the hon. Member is perfectly in order to look at things in his own perspective.

Mr. Kizito: Mr. Temporary Deputy Speaker, Sir, the issue of us not believing in our Kenya police is not true because that was only one specific case that the Prime Minister alluded to. I also want to add that there is also---

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

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): On a point of order, Mr. Temporary Deputy Speaker, Sir, listening clearly to what Mr. Mututho is saying and what Mr. Kizito has said, I am wondering whether it is in order for us Members of Parliament now seized of a very important moment to discuss the Presidential Speech to be sort of captivated and completely dominated by the pro or anti-Prime Minister's position. We are intelligent enough. What is consuming the time here are not the contents of the Speech by the President and the policies therein. It is about alliances for or against the Prime Minister. These are the politics of chicanery, sycophancy and fear. Are these Members of Parliament in order to subject the Kenyan public to issues that are not only trivial, but mischievous and cheeky?

The Temporary Deputy Speaker (Mr. Ethuro): You have concluded it better. You should have started from there.

Proceed, Mr. Mututho.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I can see that hon. Members are very anxious to consume my time. I want to borrow from the triviality and talk of real issues.

This Speech lacked real approach on gender. To an extent that if you look at the overall budgetary outlay and the Ministry of Agriculture, for instance, I am glad to be the Chairman of the Departmental Committee on Agriculture, Livestock and Co-operatives, the labour input by women is actually 62 per cent. This is acknowledged. When you come to specific projects like *mama mboga*, poultry farming and so on, all those put together fall under 1 per cent. To be precise it is 0.07 per cent. Those are serious issues which should have been addressed. We cannot develop that far towards Vision 2030 if we still continue "enjoying" the people who contribute the labour, 62 per cent.

Mr. Temporary Deputy Speaker, Sir, real growth can only be demonstrated by change in lifestyle, particularly by people from what we call marginalized areas. I have gone to those areas and nothing has changed. Turkana where the Chair represents is worse than it was in the 1950s. Things have not changed. The President should have introduced Bills that will bring investments in that part of the world, so that these people can grow at our pace.

Nothing is more humiliating than seeing a lady carry a baby and an AK 47 gun at the same time, and looking after three or five goats. If it was, say, thousands of goats, it would make a bit of economic sense.

Mr. Temporary Deputy Speaker, Sir, I do acknowledge with thanks that the President appreciated the role played by the Alcohol Control Act. I want to thank him for that. I want to tell Kenyans whether they go east, west, north or south or wherever, factors of production remain four; that is labour, capital, land, management and entrepreneurship. Alcoholism will ruin these steps.

Any efforts to derail the implementation of laws as seen now in the delay in formulating and gazetting the three sets of regulations which are supposed to have guaranteed the quality management and establishment of the fund and so forth, would do us no good.

Mr. Temporary Deputy Speaker, Sir, on the issue of shuttle diplomacy, at least, the Vice-President did it with the authority of the President. I think it is good to appreciate what the late Mwangale said; that sometimes a hyena was talking to a stone. This is what the hyena told the stone:-

“I know you cannot answer, but at least you have heard.”

The world has heard. They know what is happening in Kenya. What we need now is to strengthen within the context of this Presidential Speech, our security agents and not to bash them left, right and centre. We should be able to have respect for our Commissioner of Police. We should accord reasonable respect to our Judges before even they are vetted. Unless we do these things, we will have a problem. We will have a problem of identity. We will have a problem with our institution which is Parliament.

I am urging hon. Members, for now, until we have a vote of no confidence in those institutions, to respect those people who hold the office, including the Chair of this House.

I also commend you for your comments on the slow pace of implementation of projects. While supporting that, let it go on record that the new railway line has taken more time on the papers than what the Indians took to do a railway line.

With those few remarks, I support.

Mr. Midiwo: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to support the President’s Speech. I think the President means well for the country. That was a Speech which was the first one of its kind. He was just giving an outline.

Mr. Speaker, Sir, I think we need to do more, especially the people who surround the President. I think they owe something to this country. I speak happy as a Kenyan that we have promulgated a new Constitution. Members here might wish to know that this Constitution was meant to change them. We have been behaving very badly before our people. We preach water and drink wine - a lot of it - and we do not want to accept it. Therefore, the Constitution is here to change us and the sooner we realize that, the better.

Mr. Temporary Deputy Speaker, Sir, I want to commend this Government, especially on the issue of infrastructure. I have to be proud of the Government. Now I can drive to Kisumu. I can drive to my home. It is important to acknowledge and give credit where it is due.

I thought the President needed to rightfully take credit for that. I think we have come a long way. Eight years ago, there were no good roads in this country. It is just

good that we point it out, however, painful it may be to some former leaders in this country. Unfortunately, some of those people have since found their way back into this Government.

Mr. Speaker, Sir, I would have wanted the President to talk about the fuel prices. I would still urge the President and the Government to stop increasing fuel prices because we are courting a revolution. Yesterday, I watched the budget for the British Government being read. They reduced the taxes. If you want to make it affordable, you reduce the taxes because that is what the Government is in control of. It is illegal for any Government to increase the commercial price because that is not up to them. The Government does not trade in oil or fuel, for that matter.

So, I think that approach is not one that grows the economy. I would urge that the *Kazi kwa Vijana* (KKV) Programme, which we are going to continue undertaking as pledged by the Government and donors--- That money should not go through the hands of civil servants. There ought to be another way of us spending or expending the KKV money.

(Applause)

Mr. Temporary Deputy Speaker, Sir, my friend, the Assistant Minister for Youth Affairs and Sports was here giving the number of trees that were planted in Mombasa. He may wish to know that none of those things are on the ground. That money has gone into the pockets of a few people. His Ministry does well in sending that money, but none of what you are saying about KKV has taken root in any part of the country in any way. So let us all work together and help because that initiative will be good for the youth and the people who work extra hard; the women.

I also want to say that we need to use our money prudently. Last year, during the Budget, the Deputy Prime Minister and Minister for Finance ordered all public officers to return vehicles which had a cc of 2.4 litres and above. The people demonized the Mercedes Benz. Soon after that, I went with the President to Arusha. One of the Passats remained there. The one which was just recently allocated to me by Bunge stopped right in the middle of the road in front of the GPO. Mr. Lesrima was telling me that his has also just stopped a year later after we spent taxpayers' money. We said that those vehicles cannot do the work that politicians and civil servants do. We chose to go cheap and said that we were saving money. We saved nothing and we are not offering the public any apology. Why do we buy rejects which all of them--- Everybody is saying that the transmission in most of the cars has failed and we do not want to apologize. I think that is not fair and it does not look like good and prudent usage of public funds.

One other issue which is in the public domain, but it is beginning to sound very bad, is this: The Interim Independent Electoral Commission (IIEC) must understand that they were interim and that their attempt to retain those jobs may send the wrong signals to Kenyans. It will look as if we are already planning to manipulate that process and Kenyans have died and others are still living in IDP camps.

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

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

Madam Temporary Deputy Speaker, lastly, I want to also echo my opinion on the issue of shuttle diplomacy. I have said - and I want to say without shame or fear of contradiction - that I do not wish to see a Kenyan tried in a foreign court. I do not think it is right. But the same Statute gives us a way out. The same Members of Parliament who said “do not be vague, say Hague” are now talking about a local mechanism. They are not talking about a local tribunal or a special court; they are talking about the much discredited court system. It will not work! It is an exercise in futility! There is nobody to blame because we drove ourselves there. We refused to sit together as a people. We should not only be talking about six people; we should also be talking about the plight of the millions of people. During that violence, my own youth leader was killed by a DC in broad daylight. He opened fire in Akala Market and shot people. It was Eng. Gumbo’s DC. What am I supposed to tell the mother who keeps asking me: “Is the Government going to compensate us?” We need a process! My own suggestion has always been: Let us go the South African way. If there are any Kenyans who killed other Kenyans, even policemen who massacred Kenyans, they are living with the guilt of murder. The blood of some people is on their heads and they need a chance to talk to somebody, be it religious leaders, so that the country can move forward together. As we speak, yesterday, the so-called shuttle diplomacy team went out with the Presidential Jet out of Wilson Airport as if there are two Governments. What would be so wrong with Mr. Musyoka sitting us down and asking: “What is the best way out of this?” Why does he think that he is the only one who can do--- What does he expect to achieve? I want to tell you what I think he expects to achieve. He wants to say “I tried” for the sake of sympathy votes. That is because he is leaving us here. We came out of an ODM meeting and said: “Let us find a way and be consistent with what we have been saying.” Then, less than 24 hours later, they take the Presidential Jet to go to Yaoundé, Cameroon. Who in Cameroon can save our people from going to the Hague? Who in Cameroon? What powers does anybody in Cameroon have other, than a waste of public funds?

I want to say without fear of contradiction that the person who has been charged with investigating corruption, Dr. PLO Lumumba, must investigate because at no time did we pass any Budget for somebody to go gallivanting around the Globe doing a wrong job which we can sort ourselves out here. He must! That is a case of corruption! They are using public funds inappropriately. The Presidential Jet is a presidential jet bought by taxpayers’ money.

Madam Temporary Deputy Speaker, I stand to be corrected and I want to tell my hon. colleague that we cannot be talking about Libya because those were people murdering themselves. Somebody has to pump in sanity; whether you kill Gaddafi, it may not help you. But if Gaddafi kills his own people like what he was doing, who does it help? Let us be honest! Honesty is a very good thing. Mr. Musyoka cannot say that he is defending Libya. No! Wrong is wrong and right is right and we cannot pretend. If we want to save the Ocampo Six and save the rest of Kenyans who are still living--- Hon. Members are talking here and have never even driven on this road where those IDPs live. Nobody has! Even as they go to Eldoret to say they are talking peace, our mothers and their children are still living in camps, especially now when it is raining. We owe it to

those people! There is no reason for being shy. I would rather not be a Member of Parliament if I have to be a hypocrite. I would rather not be. That is not why we are here. We are paid by those taxpayers' money. Those people have been in the cold for three years and their kids have not seen the inside of any classroom.

With those few remarks, I beg to support.

Mrs. Noor: Thank you Madam Temporary Deputy Speaker. I want to take this chance to join my colleagues in congratulating His Excellency the President for his Address to this House and this Special Sitting.

On the implementation of the new Constitution, the President has set the roadmap for us. He has challenged this House on the number of Bills that are required to be passed. I know, being a Member of this House that, we are equal to the task and the challenge that the President put before this House. I want to plead with my colleagues that it is high time that we take up the challenge, be committed, look forward and reflect on how we can help our country in implementing the new Constitution.

I want to acknowledge the President for touching on issues concerning the prolonged drought. As a person who is affected by the prolonged drought, the President said that there is a shortage of water, food and pasture. It is true! It is true that some of the Ministries are running up and down trying to address issues of the drought. But I want to blame the Government for not having prepared itself to address issues concerning the drought. Drought is with us always. We have had the experience of cycles of drought and this time round, there was early warning. The Government was told that we will have prolonged drought. But what happened? They sat and waited until we were in a mess. They started, as usual, being proactive in addressing issues of drought. It is very unfortunate that most parts of Northern Kenya, as I am speaking now, are suffering. The situation is very bad. If I give you the example of the district that I come from--- If we are told tomorrow that thousands of people have died in Huluko, Sangailu, Ijara, Godhai and Rukha, it would not be a lie. That is because the situation is as bad as I have mentioned.

Madam Temporary Deputy Speaker, on livestock mitigation programmes, the President and the Government have taken responsibility and said that they were going to launch mitigation programmes. Unfortunately, many livestock keepers who thought that there was a genuine mitigation programme going on sold their animals to the Government but, two months down the line, they are in hotels in Nairobi, suffering. They are not even being paid their own dues.

When you say that you have created a special mitigation programme and pick up the few animals from poor farmers, and then you do not pay them, it is unfair. That is not what we felt our Government could do to livestock keepers. There are mothers who had only one animal, which they gave to the Government. Their intention was to pay school fees, including national examination registration fees, for their children. Unfortunately, there are many children in Northern Kenya who are going to miss this year's national examinations, having missed the registration exercises, because they could not pay the requisite fees.

Madam Temporary Deputy Speaker, the new Constitution has created two levels of governments – the national and the county governments. I appreciate the fact that the creation of those two levels was informed by the needs on the ground. People felt that there has been discrimination for many years and thought that by creating county

governments, resources will be devolved and information sharing as well as everything else will be devolved.

My worry is on women representation in the National Assembly. Forty-seven women will come to the National Assembly directly from the counties upon their election, but can we bring on board the one-third representation that is required by the Constitution? The one-third rule gives us a chance to bring to the National Assembly 60 more women. However, there is no formula in place.

People out there have already sensitized the communities and told them that the open constituency seats are fixed seats for men, and that women cannot contest them. Therefore, we are asking the Government to go out there and launch civic education programmes to tell Kenyans that women and men are eligible to contest those seats, so that we do not have a constitutional crisis, come the next Parliament.

Madam Temporary Deputy Speaker, we have a Constitution which has an expanded Bill of Rights. If we want to appreciate and respect our new Constitution, I plead with the President to re-think his idea of not signing the Indemnity (Repeal) Bill, which we passed in this House. If the President does not sign the Bill, we will not have the requisite goodwill from him for us to participate in the truth, justice and reconciliation process that is going on. The existence of the Indemnity Act will block the Commission from carrying out its work.

I want to conclude by touching on the *Kazi kwa Vijana* (KKV) Programme. The KKV is a noble idea which was initiated by our Government. It is a programme which was meant to empower the youths of this country. Unfortunately, the programme did not address the intended purpose. I was privileged to go round the country to see how the programme was being implemented, because I sit in a Committee, which I chair, and which directly oversees such programmes. If you go to the ground and talk to the people, you will find that all the youths are very happy that such a programme was initiated but the problem is that the programme has not addressed the problems it was meant to address and provide the solution it was meant to provide.

Madam Temporary Deputy Speaker, we are now in the budgeting process. The new Constitution is very clear on how this process is supposed to be conducted. Unfortunately, we are still continuing with our traditional ways of doing things. As it is now, we are doing the budgeting process in the old ways we are used to.

People have talked about the issue of IDPs. The IDPs issue is a shame to our society. I have also gone round IDPs camps, and I know that they are suffering. I have tabled in this House a Report of my Committee, which contains recommendations regarding the IDPs issue. However, nobody has touched that Report. As a Committee, we were mandated by this House to go out and establish the facts but, to-date, despite our recommendations, nothing has been done about the IDPs. It is unfortunate that our people are still in the camps. Honestly, during the ongoing budgeting process, we need to ensure that monies for settlement of IDPs are reflected in the Budget.

Madam Temporary Deputy Speaker, I beg to support.

The Assistant Minister for Public Works (Mr. Kiunjuri): Madam Temporary Deputy Speaker, I want to join other hon. Members in congratulating His Excellency the President and support his wish list of legislations to be enacted by this House.

One thing which is very important for all of us, which all Members of Parliament are aware of, is that we must finish the load of legislation that is ahead of us. We have the

new Constitution. We have to do the Constitution implementation framework. We must pass all the Bills as required by the Constitution.

Most importantly, I am glad to note that in the next three months, we shall have passed the legislations which will enable us to go for elections. Why do I say this? It is because we are already campaigning, and none of us would say that we are not already in a campaign mood. If we go by the new Constitution, the next elections will be held in the next 16 months, because we will be going to the polls in August. Therefore, three months before August, we shall already have gotten our recess to go and campaign, so that we can have a new Government.

Madam Temporary Deputy Speaker, this is very important because we already have an unstable Government. Every day, we wake up quarrelling with each other. We cannot agree on anything. The biggest gift that this country can get today is a government which will not be shared by coalition partners in the manner we are doing today. Therefore, I am eagerly waiting for those Bills to come here, so that we can pass them. I wish we could have the elections even earlier than August, so that we can settle this matter once and for all.

Kenya today is facing issues which bring revolutions in other countries. Considering the high food prices and the fact that Kenyans go hungry while Parliament quarrels each and every day, and that we cannot agree on anything unless there are things which benefit us as Members of Parliament; then it is very unfortunate. We must get a stable Government to be able to address these issues.

Madam Temporary Deputy Speaker, on the issue of unemployment, we have stable sectors like the *matatu* industry, which has over 100,000 *matatu* vehicles. Unfortunately, what we are discussing today is how we can phase out the 14-seat vehicles from our roads and replace them with 45-seat vehicles. If we imagine that every vehicle employs three people, 100,000 vehicles employ 300,000. If we reduce the number of these vehicles by one third, it would mean that we are cutting the labour force in this sector by one third. Every 45-seat minibus represents three 14-seat vehicles, meaning that we are removing two 14-seat vehicles from the road, whose drivers and conductors will lose their jobs.

It is true that 14-seat vehicles are in operation across the world. Let us take an example of Africa, where the 14-seat vehicles are still operational. What we should be talking about is controlling them in the urban centres, where they create chaos. That one I agree with, but how many towns in this country are being affected by them? It is only Nairobi. In Mombasa, the situation has not reached the level of Nairobi. Even if we replace 14-seat *matatu* vehicles with minibuses in Mombasa and Nairobi, we will continue to have our youth in employment in other places. In this case, we are not only talking of loss of jobs for the young men who work in the *matatu* sector every day but rather we are talking about a multiple factor, which will affect even the insurance industry and those who benefit from them.

Madam Temporary Deputy Speaker, we are not empowering the same young men we are asking to go back home.

Madam Temporary Deputy Speaker, we should legislate to the effect that we empower our youth, not through giving them fish but by showing them how to fish. Why do I say this? Already you have not established any firm institution where the youth can go and borrow soft loans and pay at an interest rate that they can afford. Today, if you ask

a young man to go to Equity Bank, Kenya Commercial Bank, Barclays Bank or Standard Bank and they are supposed to pay 15 per cent interest and there is no moratorium period, then we will be still impoverishing them. So, we should set up those institutions, make sure that there is employment and empower our people. When we talk of the youth, I am talking of the poor of this country; we are not only discussing about the youth. We are talking of grandfathers, grandmothers, fathers and mothers who can also not afford those facilities. Borrowing should be made easier for the people of Kenya.

Madam Temporary Deputy Speaker, I support this legislation because we also want to bring other legislation. We are going to pass an Act of Parliament entitled “the Foreign Agents Act”, so that we can interrogate the foreign agents in this country. These are the ones within our midst working for the foreign masters; they pretend to be reformers, yet they are outdated.

Madam Temporary Deputy Speaker, if you look at history - I know you are a doctor and you must have gone to school and learnt history. If you look at the history of colonization of Africa and the way the colonial masters came to Africa, they came carrying the bible. I am a student of history. They softened our people, brainwashed them and, as the saying goes “The flag followed the cross”. After this, they started the scramble for Africa. Subsequently, came the partition of Africa. Lastly, came the total colonialism. We were ruled. Nobody said that they were coming to colonize us. It is the same trend that is happening in Africa. A revolution is going on in the Middle East. The United States wants to get control again of Africa. It is very unfortunate that those who have eyes cannot see, and those who have ears cannot hear. This revolution we see in the Middle East is coming down to Africa, where for me to become the president of Kenya, I must pledge loyalty to, and be a puppet of, a certain foreign country. That is why today when we talk of reforms, we cannot have reforms that are self-driven – reforms that come from us Kenyans. That is why today we are fighting about the International Criminal Court (ICC).

Madam Temporary Deputy Speaker, I am on record. When the issue of the ICC came up, we stood here 20 of us and said that we wanted a local tribunal. So, I am very consistent. However, today looking at things the way they are going, it is a revenge mission. How come that I went to war with you, carried a gun as you did, and tomorrow you are testifying against me, saying I be crucified for what I did, and yet we were together in the same battle front. Kenyans must be told the truth, even those shedding crocodile tears that they want justice. Which justice do you want when, for sure, you are supposed to be a suspect? Just because you are not mentioned for one reason or another; you cleared your name. You should not forget that those who will go to Hague will tell the truth there also. They will say whom they were working with. They will say whom they undertook financing with. They will say who they were doing those things with. Now, today they are very comfortable saying the rest should go to The Hague.

Madam Temporary Deputy Speaker, we should have our own institutions here. That is what I said the first day. When the Motion came to the House, I voted for a local tribunal and I still stand by that. This is because by the end of the day, we are not asking ourselves why Belgium can go for over six months without a government and we have not heard of interventions, or of any Kofi Annan going there. However, anything happening to Africa, we are like small kids. They must come and correct whatever we are doing. I appreciate Kofi Annan and the Panel of Eminent Persons, because if they had not

come here, we would not have been as stable as we are today. We are thankful to them but they cannot come and rule forever. If, for example, I have wrangles in my own family – if I am not agreeing with Mama Kiunjuri, then *wazees* can come. However, once we agree, they should let us continue with our affairs. Now, you want the *wazees* to come. They are the ones to say that you will now stay in that house. That cannot be accepted anywhere in the world. I want to say that it is through NGOs and other traitors among us that Africa will be colonized again, and the best example will be Kenya.

Madam Temporary Deputy Speaker, I thank President Museveni for standing firm on the issue of Libya. Yes, I do not agree with what Gaddafi is doing in Libya, but at the same time if this is the type of intervention that the United States will be bringing to African countries, then I disapprove of it. For example, in our case in Kenya, we should be able to set up our own local tribunal here. Let us have our own judges, because we believe in them and if we do not believe in these institutions, then let us go to certain countries and campaign there, because they are also very democratic. They can even allow us to become presidents there. That is the route we should take, for those who think that we cannot be a sovereign state.

With those few remarks, I beg to support.

Mr. Chachu: Thank you, Madam Temporary Deputy Speaker. I support the President's Address. I think he gave us leadership on what we need to do, and on the Constitution. The priorities that we have as Parliament are the bills that we have to enact. I think we have been well guided by the President. I also appreciate that our economy is growing by almost 6 per cent. This is very encouraging. We have come back to where we were in January 2008, and we have been able to move on as a nation.

Madam Temporary Deputy Speaker, I want to go on record and say that the shuttle diplomacy that was done by the Vice-President was in the best interests of this nation. For sure, the ICC issue has polarized this nation, and the Vice-President wanted to ensure that Kenyans are not taken to the Hague unnecessarily. Time was not on his side but I think he did it for a very good cause.

Madam Temporary Deputy Speaker, the ICC for sure is a political process. We thought that it was a judicial process, which will ensure fairness but it is an imperial matter. It is basically designed to manage Africa and other poor countries. If it is a good institution, America, China, India and many other nations of this world would be part of it. The fact that poor African countries and other very poor countries are part of this ICC process convinces me that it is nothing other than an imperial institution, used to manage and even undermine sovereign nations.

Madam Temporary Deputy Speaker, we have already passed a Motion in this House and we have even asked the Government to consider withdrawing from the Rome Statute. I am happy that, as a House, we are giving the President the leeway to ensure that he does all it takes to ensure that the sovereignty of our nation is well safeguarded. I think leaving Kenyans at the mercy of the ICC process is a betrayal of our founding fathers, independence heroes and all those Kenyans who shed blood for this sovereign nation called Kenya. We cannot afford to be told how to behave by the ICC. I think Kenya is a nation that for the last 48 years has grown to be a very viable state. I think it is critical that we look for a local solution for the ICC cases; we need our own home grown solution.

Madam Temporary Deputy Speaker, Sir, I want to go on record that, yes, I voted for The Hague option at one point, but only a fool does not change his mind. Once you get good information, and you are well informed, you will consider another option and there is nothing wrong with that. We have the right to change our minds, when it is necessary, or when we get the appropriate information.

I want to thank the President for the efforts that he has made to manage the drought in this country. Most of our constituencies, including North Horr and others, have been devastated by drought. The government has taken action to ensure that Kenyans who are so vulnerable are supported. In the north eastern part of Kenya, there is water harvesting going on.

Having said that, I know for sure this is a major crisis and additional support is required. I really call upon the Government to even do more to save the lives and the livelihood of those Kenyans. Drought is something that is very predictable and can be managed. As a nation, we need to have a long term solution to manage drought in Kenya. We need to prepare for the drought. We need to know the cycles of the drought and in that regard, carry out all the necessary measures and interventions that can prepare Kenyans for this calamity because, every three or four years, it is with us.

Madam Temporary Deputy Speaker, I want to thank the President particularly for constructing the Isiolo-Moyale Road. The Great North Road linking Kenya and Ethiopia is very much under way. Only 136 kilometres or so have been finished and as I speak here the contractor is on site in Marsabit to start the other section from Marsabit to Turbi. Over 96 per cent of that road passes through my constituency. For the first time, people of North Horr will see what is called a "tarmac road". I want to thank the President for that. A lot of money has been invested in this project. We are talking of over Kshs13 billion for the section between Marsabit and Turbi. That is something that we need to be proud of and appreciate our Government because it has taken us almost 50 years for that to be done. That is happening and I really want to thank the President for that.

With those few remarks, I support the President's Speech.

The Temporary Deputy Speaker (Dr. Laboso): Is there any hon. Member who is interested in the debate?

Yes, Mr. E.I. Mohamed!

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. E. I. Mohamed): Madam Temporary Deputy Speaker, I would like to support and contribute to the Presidential Address. I think the President clearly outlined the work that is expected of us, as Members of Parliament. It is high time hon. Members of this House took the time Kenya is in very seriously. It is a period in which our country can move forward better than any other time in history. We have a Constitution that was well negotiated and voted for by 70 per cent of Kenyans. It is this Parliament that will make sure that the enactment of the right laws to anchor and ensure its implementation takes place. My humble prayer to my colleagues and members of the public is that we stick with that course; that Kenya is bigger than any individual and any party. Therefore, we should come together, put a break to our weekend rallies and sound bites with the media, at least, up to December or the period it takes to ensure that we pass the laws that are necessary. It is my opinion that there are those who, by doing politics the usual way and crowding the real issues with usual politics, would like to take us back. They are few but

it is very easy to fall into that trap where we are all, as a country, discussing things that will not make us progress but instead stick to sound bites in our media over the weekend as I would call them. Therefore, we must make sure that we uphold the law and pass all the necessary legislation to move this country forward.

Madam Temporary Deputy Speaker, I would like to say at this juncture that after the judicial reforms, police reforms and electoral reforms, I believe that party laws and party governance will become the key area that will need reform in future. This is because once we have our judiciary, the police and our electoral laws working then the governance within our parties must work. I do not think that has dawned on our political parties. If we want to get rid of tribalism, as a country, what do we replace it with? Our mechanism in this country for mobilizing so far is around the tribes and clans. However, if we truly believe that we want to be a democratic society that is progressive then we cannot have our cake and eat it. We cannot say that we want to be a democracy and do all the things that bring it down. We must have parties that have ideologies and clear principles that will attract individuals from all walks of life and all the tribes of Kenya. One should stay in the party because he or she believes in the ideology that it stands for. At the moment, people are behaving as if a party is a shirt that you remove when you want and put on another one. If that happens, it will really negate our Constitution because the pillar of democracy is political parties that are strong and are ideology based. If we have such parties they will kill the tribe.

Madam Temporary Deputy Speaker, I would like my brothers in this House to consider a new way of communicating with the public. I do not think all the rallies held over the weekends and the *barazas* where the media picks the sound bites will move us forward. The main agenda is lost in that scenario. The Kenyans' view of politicians and what they stand for cannot be captured in front of a microphone in a big crowd where people are cheering. I believe that is what is bringing this country down. I invite my colleagues of like minds to come together and come up with a new way of communicating with Kenyans which is different from the one in which we try to catch the sound bite.

As I support the President's Speech, I would like to seriously think about sticking with the laws that we pass. We cannot have a situation where the law is good when it serves me and it is not good when it does not. Therefore, the whole philosophy or attitude where I can change my mind anytime as it suits me is not a very good role model for our country and young people. I believe that that is one area that we should deal with as hon. Members of this House. That is changing positions depending on the politics of the day.

The issue about The Hague has been talked about a lot and is really trying to divide this country. We must ask ourselves as leaders: How did we end up there? How did we end up where we are today? It is because we refused to talk. We refused to solve things in a long-term way. It is because in this same House, we refused to deal with the issue of what happened to us in 2008 and it has happened to us many other times. My plea is that we have another moment and it is not too late for this country to come together and ask ourselves; how do we stop impunity? How can we be one and how can we have justice? We should separate the politics of 2012 from what will eventually be our undoing which is blame game; everybody trying to make maximum capital.

The politics that I see on both sides, I do not believe is in the interests of the victims, or the future of Kenya, neither is it actually in the interests of those who are

accused or are suspected. Therefore, you ask yourself who we are serving with all the loud noises at the moment; everybody is accusing the other. It has made it impossible for us to sit down in the National Assembly or the Executive and chart the way forward. We should bite the bullet.

The Hague is with us, we can use it to take us back to 2008 and worse or choose to learn from it and move forward. I have seen hon. Members blame foreign Governments and foreign leaders for interference. I really want to disagree with that. Anybody who puts their house in order eliminates a chance for a foreigner to intervene. They will have no chance. Whether you use the word “who”, “they” or “us”, we are all Kenyans. We have seen the politics of Kenya where people are together today, tomorrow they are almost killing each other and the following day they are together again. Why do we not make this country a first world as envisaged in our Vision 2030? We have fixed the political pillar through the Constitution; why do we not get through with it? Get it in place. Pick on any issue however hard and talk about it. We should not allow individuals to blind us from the future of this country, in my view. Therefore, I, again, say it is possible; we can come together, even at this late hour, and speak with one voice as one Government and one Parliament and still compete politically.

It should be possible to compete for power and positions, and at the same time not destroy ourselves in the process. It surely must be possible. I believe that is what happens in the West. After all, with the new Constitution, what is there in these positions that people want the whole Kenya to die for, or this country to go down?

With those few remarks, I beg to support.

QUORUM

Mrs. Odhiambo-Mabona : On a point of order, Madam Temporary Deputy Speaker. I wish to draw your attention to the fact that we do not have a quorum.

The Temporary Deputy Speaker (Dr. Laboso): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we are unable to raise the requisite quorum. Therefore, the House stands adjourned until Tuesday 29th March 2011, at 2.30 p.m.

The House rose at 5.10 p.m.