

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th June, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

PASSING ON OF INTERNAL SECURITY MINISTER (PROF. SAITOTI)
AND HIS ASSISTANT (HON. OJODE) IN HELICOPTER ACCIDENT

Mr. Speaker: Hon. Members, I have this Communication to make.

Hon. Members, it is with very deep shock that I learnt of the tragic passing on of hon. Prof. George Saitoti, EGH, MP, Minister of State in the Office of the President in charge of Provincial Administration and Internal Security and hon. Orwa Ojode, the Assistant Minister in that Ministry in a helicopter accident on Sunday, 10th June, 2012. The accident also claimed the lives of two security officers, namely, Inspector Joshua Tonkei and Senior Serjeant Thomas Murimi as well as two pilots; Capt. Luke Oyugi and Nancy Gituanja.

Prof. Saitoti has had an illustrious and checkered career having served both in public and private sector for most of his life. The hon. Member was born in 1945. He went to Ololua Primary School and later proceeded to Mang'u High School for his secondary education. Between 1963 and 1967, he joined Grandeurs University in the United States of America (USA) where he studied Mathematics and Economics. In 1988, Prof. Saitoti received the first Grandeurs alumni achievement award; the highest honour the university bestows upon its graduates. He later moved to the United Kingdom (UK) where he acquired a Masters of Science degree in Mathematics from the University of Sussex Breton. He enrolled for his doctoral studies at the University of Warwick from which he acquired a PhD in Mathematics in 1972.

Upon his graduation, Prof. Saitoti returned to Kenya in 1972 and commenced an illustrious intellectual career as a mathematics lecturer at the University of Nairobi rising to the position of Associate Professor in 1977 and Head of the Mathematics Department at the university between 1978 and 1983.

Outside academia, Prof. Saitoti received several public appointments in recognition of his growing public and intellectual leaderships. On 3rd November, 1972, he was appointed the Chairman of the Agricultural Wages Council, a Committee member of the Natural Sciences Advisory Research Committee in 1979. In September, 1983, he was appointed the Chairperson of the Board of Directors for the Rift Valley Institute of Science and Technology. Prof. Saitoti further served in other public capacities as chairman of Mumias Sugar Company and the Kenya Commercial Bank (KCB). Between 1974 and 1978, he represented Kenya in the East African Legislative Assembly (EALA).

As an economist, Prof. Saitoti served as the Executive Chairman of the World Bank and the International Monetary Fund (IMF) between 1990 and 1991. He also served as President of the African Caribbean and Pacific Group of States, in 1999 to 2000 at the crucial phase of negotiating the new development partnership agreement to replace the expired the Lome Convention between the ACP bloc and the European Union (EU).

Prof. Saitoti made his debut to the Kenya National Assembly in 1983 when he was nominated as Member of Parliament and appointed Minister for Finance. He was elected as Member of Parliament for Kajiado North Constituency in 1988 and has served the people of Kajiado North in that capacity until his untimely death on 10th June, 2012.

In his political career, he served in various positions over diverse periods, including being Minister for Finance, Kenya's longest serving Vice-President, Minister for National Planning and Development, Minister for Education and finally, Minister of State for Provincial Administration and Internal Security until his untimely demise. He also served briefly as Acting Minister for Foreign Affairs.

As a public servant, the late Prof. Saitoti leaves a legacy of hard work and decisiveness in the discharge of duty. His patriotism was enduring. He will be remembered for his often quoted statement that: "There comes a time when the nation is more important than an individual."

(Applause)

He was successful in the world of entrepreneurship and his industriousness is evident in the participation in various sectors of the economy.

In parliament, he will be remembered for his eloquence during debates and his unwavering defence for courses he believed to be for public good and national security.

The late Prof. Saitoti was a loving husband to his wife Margaret and family.

Hon. Members, the late Joshua Orwa Ojode was born in Ratanga Village in Ndhiwa Constituency on 29th December, 1958. He went to Ratanga Primary School between 1966 and 1972. He later on proceeded to Maranda High School for his secondary education between 1973 and 1976. Between 1988 and 1991, he joined Ramapo State University College in the United States of America (USA) where he studied environmental studies and business administration.

Between 1978 to 1981, he worked at the Ministry of Water Development and with Nile Investments, Central Africa Limited and Polypipes Limited as the marketing manager.

Hon. Ojode was first elected to Parliament in a by-election in 1994 and has served the people of Ndhiwa Constituency in that capacity until his untimely death on 10th June, 2012.

In his political career, Hon. Ojode served in various positions, including being an Assistant Minister for Higher Education, Science and Technology over the period of 2000 and 2003, Assistant Minister of Lands and Settlement over the period 2003 to 2005, Assistant Minister for Foreign Affairs in 2005 and Assistant Minister of State for Provincial Administration and Internal Security from 2008 until his untimely demise.

In Parliament, colleagues will miss and remember Hon. Ojode determination and spirit in tackling parliamentary questions directed to the Ministry by hon. Members. Those who worked and interacted with the late Hon. Ojode has described him as having been an amiable and easy to relate to personality and always cheerful; and fondly referred to him as "*Sirikali*" by his colleagues. The late Ojode was a family man, a loving husband to his wife Mary and caring father to his son.

Hon. Members, during this time of sorrow and grief, on behalf of all Members of Parliament, the staff and on my own behalf, I send our heartfelt condolences to the family, relatives, friends, constituents and the nation for the tragic loss of the gallant and illustrious sons of Kenya, the late Hon. Prof. George Saitoti and the late Hon. Joshua Orwa Ojode.

I, in equal measure, extend our sympathy and prayers to the families and friends of the four officers who departed in the line of duty. The void left by our departed colleagues and countrymen will be difficult to fill. May the good Almighty God rest their souls in eternal peace. Amen.

(Applause)

Hon. Members, those at the door may step in.

(Hon. Members at the door entered the Chamber)

In our usual tradition, I request all hon. Members to rise up in their places and observe a minute of silence in honour of our departed colleagues.

(Hon. Members stood up in their places and observed a minute of silence)

MOTION

TRIBUTE TO THE LATE PROF. GEORGE SAITOTI AND JOSHUA ORWA OJODE

We pray that the Almighty God rest their souls in eternal peace.

Hon. Members, you may all be seated.

Hon. Members, as is the practice of this House, I will now take this opportunity to open the Floor to all hon. Members to pay their tributes to our departed colleagues over the next one hour.

Please, let us endeavour to share this time as equitably as we possibly can. We want to begin with the Leader of Government Business.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Thank you, Mr. Speaker, Sir, for giving me this opportunity to kick-start this sitting when colleagues want to honour our departed colleagues. This is a very difficult moment for this nation. As I speak, I have just come from condoling with the families of the two pilots. I know that it is in your plan to lead us again to go to Highridge to see the families of the other two security detail.

Mr. Speaker, Sir, Prof. George Saitoti will be greatly missed, not just by the people of Kajiado North or his wife Margaret, but by all of us in this nation. While I was growing up, I could not make sense out of Mathematics. So, when I then came face to face in my early days as a young legislator with the Professor of Mathematics, I thought I was dreaming. You and I belong to another profession where we think we are learned, but in my view, hon. Prof. Saitoti was both an intellectual and a pragmatist. He was so pragmatic that he set the record, as you have said, of being the longest serving Vice-President. Therefore, as my senior colleague, I miss him dearly. Before I left on a trip to the United States of America and to China, along with hon. Samoei, I had to call on hon. Saitoti very early in the morning and we discussed matters to do

with national security and how we could all help the people of upper Eastern Province as it is now. He undertook his responsibilities with great detail and attention. Therefore, it is difficult to really speak about Prof. George Saitoti in less than ten minutes. Suffice it to say that I miss a dear colleague, one I know was well positioned to take any leadership position in this country.

Indeed, we all know that as the Chairman of the PNU Party, he had already declared his intention to run for the highest office in this country. I have no doubt in my mind that he would have made a worthy leader. Therefore, during this very difficult moment, our hearts go out to his wife Margaret and the people of Kajiado North. I know the tremendous amount of grief, not just in Kajiado North, but in the whole country. I join His Excellency the President in saying that we will do the best we can to get to the bottom of this accident, whatever it takes. I urge all of us to remain calm and allow the team that the Minister for Transport has put in place to do its work.

With regard to hon. Joshua Ojode, all of us have that personal relationship with the Member for Ndhiwa. Indeed, as we fondly referred to him as “Serikali”, I can, as the Leader of Government Business, confirm to you and all these colleagues, that it is very difficult for me to imagine that tomorrow during Question Time, and there are Questions directed to the Ministry of State for Provincial Administration and Internal Security, Hon. Ojode will not be on the Floor to answer Questions. He did this with such ease, flexibility and dexterity. I am sure all of us miss that dear brother. Therefore, the best we can do, as a country, in remembrance of these dear colleagues, is to remember the final moment we shared with them in Mombasa during the Peace Conference where all of us said that we were going to make sure that the next elections will be free, fair and credible. I remember the passion with which Prof. Saitoti addressed the Conference. It was like he had this premonition that he will not be there because he spoke with such vigor. He said that any of us associating with criminal gangs in this country in the hope that they can help you to become the next leader, Senator or Governor, I think you are clearly not acting in the best interest of this nation.

Therefore, I want to pledge that we will do the best we can to live the wishes of hon. Prof. Saitoti and his Assistant Minister, hon. Ojode. May their souls rest in eternal peace.

Mr. Imanyara: Mr. Speaker, Sir, thank you for this opportunity.

Mr. Speaker: Order! Order, hon. Members! You have a maximum of three minutes each.

Mr. Imanyara: Mr. Speaker, Sir, you spoke on our behalf in the eulogy and condolences that you read. All I can do is to add the voice on my own behalf and on behalf of the people of Central Immenti whom I represent and also the party that brought me to this House. We extend our condolences to the families of these two very industrious sons of Kenya. Prof. Saitoti’s interaction with me was mainly in this House and all I can remember is this last few weeks when we were speaking about the security situation in this country and you could see the commitment in him that this country’s salvation lies in a peaceful process towards the elections. His Assistant Minister, my very good friend, Mr. Orwa Ojode, all we can say and the greatest tribute we can pay these gallant Kenyans is to work zealously towards that which they preached publicly during their last statements at the National Peace Conference in Mombasa. That is the tribute that we can pay. We can only do so by getting out of here and preaching peace and the need for reconciliation as we campaign for the elections, so that we can realize the dream which these two spoke so eloquently and for which all of us would serve this country if we emulate them.

Thank you, Mr. Speaker, Sir.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaiserry): Mr. Speaker, Sir, thank you for giving me this opportunity, on my behalf, the people of Kajiado

County particularly Kajiado Central and also on behalf of hon. Ole Metito who is in the United States of America, to send our condolences to the wife of hon. Saitoti, Margaret and the wife of hon. Ojode, the families of the pilots and security detail, namely, Mr. Tonkei and Mr. Murimi for the great loss this country experienced on Sunday.

Mr. Speaker, Sir, a lot of things have been said about hon. Saitoti and hon. Ojode. The two are great patriots of this country. This nation has lost two patriots, trustworthy, dependable, people of integrity and who defended this nation. The enthusiasm with which the two carried out issues of national security was remarkable. So, this nation has lost great people. Also, the security officers, especially Mr. Tonkei whom I know very well, were very dedicated officers and the two pilots. Our hearts go out to the families of these officers.

Finally, Mr. Speaker, Sir, the Government has a duty to ensure that we reach to the bottom of the cause of this accident, so that speculations are cleared. What is being written, especially in the media, is very confusing. We want the Government to come with a clear report on what might have been the cause of this accident. So, I want to send my condolences to the six families for losing their loved ones.

Thank you, Mr. Speaker, Sir.

Mr. Kabogo: Thank you, Mr. Speaker, Sir. Let me join other Kenyans in sending my condolences to the families of the six Kenyans; amongst them, Prof. Saitoti and hon. Ojode. I would like to send the condolences of my family, people of Juja and the people of Kiambu County.

Mr. Speaker, Sir, having said so, I want to join the last speaker on the Floor and call for very thorough investigations. In my mind, as an helicopter pilot, I am not fully convinced of the story that is being given to us. I have experienced bad weather before. I know it is dangerous. But when you have two pilots, it is almost impossible for them to have an illusion at the same time that last not more than three or four seconds. So, really, it is important for the Government to come out clear and tell us what it is that actually happened.

(Applause)

Mr. Speaker, Sir, again, security at Wilson Airport is wanting. Any Member of Parliament or person who feels like a VIP will go through the VIP Lounge and gain access to Wilson Airport. So, really, without saying much, it is important that the Government investigates fully. It is also my hope that the Government will compensate the six Kenyans who perished in that accident.

May their souls rest in eternal peace.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you, Mr. Speaker, Sir. I want to join my colleagues and, indeed, Kenyans in paying tribute to the two nationalists in the person of Prof. George Saitoti and hon. Ojode and, of course, not forgetting the other gallant four Kenyans who died along with those two.

Mr. Speaker, Sir, both the two departed Members of Parliament were nationalists. Those were gentlemen manning a very important docket of security in this Republic. They carried out their work diligently and everyone felt that the docket was very well looked after. In the case of Prof. George Saitoti, he took his duty very seriously. Above all, Prof. Saitoti was a great Kenyan. He refused to be identified with any ethnic group in this Republic. You are aware that Prof. George Saitoti even represented Kajiado North Constituency, which is inhabited generally by people who are not considered to be of his ethnic background. But he continued to remind

Kenyans that he was not of any ethnic group, and that he was a Kenyan. I wish all of us could be like Prof. Saitoti in that regard.

Mr. Speaker, Sir, hon. Ojode took his work very seriously. I was amazed – even in the last Parliament - by the manner in which Hon. Ojode took his work. In this Parliament, Hon. Ojode even gave himself the role of whipping us in the Front Bench. I remember many times when you called a Question and the Minister was missing, Hon. Ojode will say: “Give me a few minutes. I will go and get that Minister.” Incredible man! Many things can be said. A lot have been said. We will ever continue to remain grateful and indebted to those gentlemen.

On behalf of myself, the people of Mwingi South, the people of Kitui County, I pass my condolences to the six bereaved families.

Mr. Olago: Thank you, Mr. Speaker, Sir. I join you and the country in mourning our fallen brothers. It is a sad day for all of us.

Mr. Speaker, Sir, you remember that Prof. Saitoti headed the Mathematics Department at the university when you and I were just about to leave the university.

Mr. Speaker, Sir, hon. Ojode grew up in Kisumu, studied at Muslim Secondary School and living with the former hon. Ogingo and going to Kore Estate.

Mr. Speaker, Sir, when he became a Member of Parliament, and the need to have special district for the people of Kisumu grew up, with the blessings of hon. Prime Minister, it was possible for hon. Ojode, myself and hon. Saitoti to sit down together, discuss that issue and finally, discuss with His Excellency the President. As a result of that, my constituency now has a new district called Kisumu North District. That was a result of the co-ordination between myself, hon. Ojode and hon. Saitoti.

Mr. Speaker, Sir, this House knows very well that in situations where insecurity was growing out of scale, hon. Ojode had a way of dealing with it. Apart from saying that he will send new Land Rovers and all that, he had a way of deploying a special squad from CID headquarters to deal with security issues in the country. He did that in Kisumu and for a long time, we did not have insecurity until a few months back.

Mr. Speaker, Sir, I want to say that with the co-ordination, again, between hon. Saitoti, myself and hon. Ojode, it was possible to have the district headquarters at the new district put up and, indeed, hon. Saitoti had indicated that as soon as the building was ready, he will go down to Kisumu and open it.

Mr. Speaker, Sir, what I want to say is that, as investigations are undergoing, we must be ensure that all is done and no stones are left unturned.

Thank you.

The Assistant Minister for Roads (Dr. Machage): Mhe. Spika, wakati huu wa majonzi, tunapoomboleza vifo vya rafiki zetu, kwa niaba yangu mwenyewe na jamii ya eneo la ubunge la Kuria, ningetaka kutoa rambirambi kwa jamii ya wote waliofiwa, hasa wale tulikuwa nao ndani ya Bunge. Hata hivyo, mmoja wa askari waliokufa, Bw. Murimi, anatoka kwetu nyumbani. Nataka, kwa njia ya kipekee, kutoa rambi rambi zangu kwa jamii yao. Mwezi uliopita, haijapita punde, tulimpoteza rubani aliyekuwa katika ndege iliyoanguka Mkoa wa Kaskazini Mashariki, ikiwa na wanajeshi watano. Rubani huyo alitoka katika eneo langu la ubunge. Na sasa tena, tumempoteza ofisa mwingine tena katika ajali ya helikopta. Kwetu sisi, afisa mwenye cheo cha serjeant ni mkubwa sana. Tuna wachache walio na cheo kama hicho. Kwa hivyo, tuna huzuni sisi Wakuria katika wakati huu.

Ombi langu kwa Serikali ni kwamba hao waje walindwe hasa katika wakati huu wa matanga. Vile tutakaowatendea wenzetu Mawaziri, na hao pia wasije wakashaulika eti wao ni

kupewa jeneza tu na gari la kupeleka mwili nyumbani. Kuna mambo mengi ambayo jamii hizo zinahitaji. Hata zile za marubani pia zinahitaji msaada wetu. Kwa wakati huu, hatuna lingine ila kuwafariji na kumwambia Mola awabubujikie amani moyoni.

Ahsante.

Mr. C. Kilonzo: Thank you, Mr. Speaker, Sir. Allow me, on behalf of the people of Yatta, to offer my condolence to the families of hon. Prof. George Saitoti, hon. Orwa Ojode, the two pilots; Supt. Nancy Gituanja, Supt. Luke Oyugi and the two body guards: Inspector Joshua Tonkei and Sergeant Thomas Murimi.

Mr. Speaker, Sir, this nation and this Parliament, indeed, have lost great leaders. We all know hon. Saitoti. Some of us, because of age, he is more like a father.

Hon. Orwa Ojode, although he was older than me, I can say he was my elder brother. This House and the Back Bench does know that. Hon. Orwa Ojode, alone in this House, could virtually answer any question from any Member of Parliament. In fact, he kept the Back Bench - in a good way - at bay on behalf of the Government.

Mr. Speaker, Sir, sometimes, we used to wonder why the Government was so relaxed. It is because they knew hon. Ojode would handle any case on security.

A good case is when officers from the CID sub-crime unit were dismissed from the Police Force and we brought the Question here. Hon. Ojode told me: "I want to look at this matter privately. Please, give me any information that you have." When he looked at the issues which I had, he told me one thing: "Even before that Question comes, I will make sure that I talk to the powers-that-be and those four officers will be reinstated; and they will not be transferred, they will go straight back to their offices." That shows you what kind of a person hon. Orwa Ojode was; it was not about answering Questions, but it was about achieving results. Those officers are in office because of the good work of hon. Ojode. There are many other such cases.

Mr. Speaker, Sir, as I conclude, I know that this matter of equipment we are using which is over 30 years old has been discussed by the Committee of Defence and Foreign Relations. It has also been discussed between the Minister, hon. Yusuf Haji and his Assistant Minister, hon. Musila. I want the Government to ask itself: Do we have enough back up to support and maintain even this new equipment? Why is it that it is only Government helicopters which are crashing be it the Kenya Police, Kenya Air Force, Kenya Army, Kenya Wildlife Service (KWS) and the Kenya Pipeline? Why are they crashing?

With those few remarks, Mr. Speaker, Sir, I do send my condolences.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Thank you, Mr. Speaker, Sir, for giving me an opportunity to pass my condolences, those of my family and of the good people of Saboti who sent me to this House.

Mr. Speaker, Sir, I did have the privilege of hosting the two hon. Members, together with other hon. Members of this House in Mombasa in the peace conference and also sharing a meal with them. I was quite saddened that while I had lunch with my colleagues, they talked about their plans to visit this church in hon. Ojode's constituency. Little did I know that they were setting a date with destiny; little did I know that they were setting a rendezvous with death. But matters such as death, destiny, life and fate are beyond our comprehension as mere mortals. Ours is to say *pole* to the families affected and we, as leaders, should also borrow a leaf from these two gentlemen. They had one thing in common; they were leaders who had gone beyond the borders of tribe, party, religion and region. They had become Kenyans. Hon. Ojode and Prof. Saitoti came from different communities and different parties, but the manner in which they worked as Minister and Assistant Minister was such that if we borrowed a leaf from them, Kenya

would be a different country. May we borrow a leaf from them and stop the politics of “me, myself and I”, and start practicing the politics of “for my God and my country” as they did.

May the good Lord rest their souls in eternal peace.

Mr. Balala: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity. I want to send condolences to the families of Prof. Saitoti and hon. Ojode from my family, Mvita Constituency and Mombasa County.

Mr. Speaker, Sir, Prof. Saitoti was a great leader as we have heard from our colleagues. He particularly helped me in steering the tourism industry, particularly when it comes to security and the recent high profile event was the Lamu incident of the hijacking of our tourists. I know that he stood firm for this country.

Mr. Speaker, Sir, there are several issues that we need to address. One is safety and also the travel mode of our leaders. Last week, we went to Mombasa. Most of us went to Mombasa by air in the same aircraft. What would have happened if that aircraft crashed? Many of us would have perished. We, as leaders, have to know how to travel in this country. Enough security should be given to our people. If we do not take this incident seriously, it will actually happen every day.

Mr. Speaker, Sir, we have lost 15 hon. Members of Parliament and Ministers since 2003. There have been Commissions of Inquiries. We have seen nothing being corrected since hon. Khalif and today Prof. Saitoti and hon. Ojode. Who is next? What will happen? What will be corrected? Those are my questions.

Finally, Mr. Speaker, Sir, we should not only be united when somebody dies. We should be united every day. This is what Prof. Saitoti stood for.

(Applause)

Thank you very much, Mr. Speaker, Sir.

The Assistant Minister for Tourism (Ms. Mbarire): Thank you, Mr. Speaker, Sir. I want to take this opportunity to add my voice to that of my colleagues in passing condolences to the families of the bereaved on behalf of my family, the people of Runyenjes and Embu County.

Mr. Speaker, Sir, I remember Prof. Saitoti as a hard working man who was a stickler to procedures and law. I worked very closely with Prof. Saitoti in the PNU Party. He was a man who gave room for everybody to air their views. He steered the party in a very democratic way. I believe that the party should continue to remain strong for the sake of the efforts that Prof. Saitoti put in it.

Mr. Speaker, Sir, Mr. Orwa Ojode was a great friend of mine; I would consider him as a buddy. He took care of the welfare of the hon. Members of this Parliament. You are all aware of the efforts he put in our parliamentary SACCO. If you wanted an emergency loan, you would get your cheque in a record 20 minutes.

(Applause)

When you were broke, you knew that when you see hon. Orwa Ojode, you will have a cheque. By the end of the day, you will be smiling all the way to the bank. I will remember him for that.

For us who have been left behind, I think the question to deal with is the safety of, not only the hon. Members of Parliament, but for every single Kenyan in the aviation industry. I hope that the support we are according to these two colleagues of ours will go to the other

families that have been left behind who have children and people who were depending on these great officers who passed on. Let us accord them equal treatment.

Mr. Speaker: Hon. Yusuf?

(Messrs. Hassan and Chanzu stood up in their places)

Order!

Proceed, hon. Member for Kamukunji!

(Laughter)

Mr. Hassan: Thank you, Mr. Speaker, Sir. I would like to join my other colleagues in sending my condolences on behalf of myself, my family, Kamukunji as well as Nairobi. Prof. Saitoti was a neighbour. I would like to send my condolences on behalf of all of us.

Mr. Speaker, Sir, I have, perhaps, spent the shortest term in this House and I knew the two hon. Members the least. I came to know Prof. Saitoti just before I was elected through a by-election. Although when I was out, we were on the different sides of the political divide. When he was the Vice-President, I was one of the exiled members who were opposed to the Kenyan regime and we were campaigning for a democratic change in our country. However, when we compared notes, I was impressed by the fact that in his early days at Sussex and at Warwick, he was an activist who had fought for changes in other parts of the world. Particularly, he was a member of the Anti-Apartheid Committee with Thabo Mbeki, the former President of South Africa who was then a student there, as well as Essop Pahad who was another leading activist in the struggle for change in South Africa. At Warwick, he was a very close friend of Valerie Amos who later became the first female black Cabinet Minister in the British Government and who contributed a lot to realizing free primary education in our country as a result of the relationship she had with Prof. Saitoti.

Mr. Speaker, Sir, I must say that in the last days, particularly in the last speech he gave regarding the changes that we need to make, I feel that he had expressed strong commitment for radical reforms in our police and our security system. I believe that he was committed to those changes that he had advocated for. Therefore, I wish him well.

(Several hon. Members stood up in their places)

Mr. Speaker, Sir, I wanted to say something about hon. Ojode.

Mr. Speaker: Order! Order, hon. Members!

Member for Kamukunji, please, conclude.

Mr. Hassan: Mr. Speaker, Sir, I knew hon. Ojode through the Questions that I had asked in Parliament, particularly on the issue of security. I found him quite an interesting person in terms of the seriousness he took his job when answering Questions, as well as the light element in his answers sometimes; the humourous nature of his response. He was one of the first Assistant Ministers that I questioned about security---

Mr. Speaker: Order! Your time is up. You must prepare yourself well.

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

Mr. Midiwo: Mr. Speaker, Sir, let me join you and the rest of the hon. Members in passing my utmost condolences to the families of hon. George Saitoti and hon. Orwa Ojode.

Mr. Speaker, Sir, this is, indeed, a tragedy. As you are aware, I am very passionate and have been appalled by the rate at which we are losing innocent Kenyans through accidents. It is not only the two hon. Members, but there are other four members whose lives have been lost. I think as a country we must pull together and seek solutions to the trend of accidents.

Mr. Speaker, Sir, hon. George Saitoti was not only a Minister – and this is important - but he also looked to be one of the most organized presidential candidates. Arising from the speech he gave in Mombasa, he looked like he was setting direction which he would like to see this country to go. So, his death is not a small matter.

Mr. Speaker, Sir, the Committee to do investigations, which the Ministry of Transport is setting up, must be a committee which has credibility. It must include eminent Kenyans whose results of their investigations Kenyans will not doubt. We have conducted several investigations in the past and some of them are either not released or have never been credible. This is an opportunity for this country to put an end to shoddy work done by investigators. I would want to plead with hon. Kimunya, that there is a committee that investigated the Busia crash and gave this country a credible report. That committee should be the first stop for the Ministry of Transport, because it included aircraft engineers and former pilots and not a committee of people who are in between politicians and technicians. That must happen because the question---

Mr. Speaker: Order! Your time is up.

Mr. Ngugi: Thank you, Mr. Speaker, Sir, for giving me this chance to also pass my condolences and that of my family of Nyandarua County people, to the families of our two colleagues and four other Kenyans who perished in this tragedy.

Mr. Speaker, Sir, I have known Prof. Saitoti for the last 15 years. We worked with him in the private sector. I worked for a company that he had shares in. So, I have associated with him for that long and knew how meticulous he was when he did his things.

Mr. Speaker, Sir, regarding our friend, hon. Ojode, I join my colleagues in saying that he was a humanist. He was one of the fellows who did not want to see anybody in trouble. Financially, he would tell you: “Do you have shares in the SACCO? Come and we will give a cheque.” So, I join the others in saying *pole* to them.

Mr. Speaker, Sir, to the other four Kenyans, it is good to note that we are not only concentrating on the two, but we are also remembering the two pilots and two security people, because their families are also important.

Mr. Speaker, Sir, may God rest their souls in peace.

The Assistant Minister for Education (Mr. Mwatela): Bw. Spika, naungana na wewe pamoja na wenzangu kutoa rambirambi zangu kwa familia za waheshimiwa Saitoti na Orwa Ojode, pamoja na walinzi wao na marubani walioangamia kwenye ajali hii.

Bw. Spika, kitu kimoja ambacho kimeibuka wazi wazi hapa ni kuwa wakati tunapanga mambo ya usafiri, hasa wa viongozi, tuchunge sana vile tumeelezwa na mhe. Balala, ili tusiwaweke viongozi katika chombo kimoja. Nakumbuka wakati mmoja nikiwa nahudumu kama mweka-hazina wa chama cha Democratic Party (DP), tulifaa kusafiri kwenda Nakuru katika gari moja tukiwa na *Secretary-General* na aliyekuwa *Organizing Secretary*. Mhe. Rais alikataa kabisa na kusema: “Kama haiwezekani kupata gari la pili, basi mmoja wenu atabaki nyuma kwa sababu jambo lolote laweza kutokea.” Kwa hivyo, naomba kuwa wakati wa usafiri tuweke nchi yetu pia katika mawazo kuwa ajali yaweza kutokea. Hivi leo tukiangazia maswala ya *internal security*, kuna pengo kubwa ambalo limetokea kwa sababu ya kuangamia kwa viongozi hao wawili. Poleni sana.

Mr. Ethuro: Thank you, Mr. Speaker, Sir. On my own behalf and that of the community of Turkana, I want to pay special homage to both hon. Saitoti and hon. Ojode.

Mr. Speaker, Sir, being in the security sector, we were the direct beneficiaries of their services. When I came to this House in the Eight Parliament, I found both of them. Hon. Saitoti referred to me fondly as ole Turkan and hon. *Serikal* referred to me as “*vipi*.” These were two buddies of mine who rendered effective service to this country in a very challenging environment. I think all of us bear testimony to what they did.

Mr. Speaker, Sir, more importantly, hon. Saitoti and hon. Ojode died in the course of a peace mission. Yes, they were going to a church function on Sunday, but on Monday, they were going to Borabu for a peace rally. Being the Chairman of Amani Forum, I want to say that they gave support to us, as Members of Parliament, in terms of peaceful connection. They died as two of a kind - the best of a kind - that wanted Kenya to be peaceful and prosperous. The greatest tribute we will pay to the two gentlemen is not just to come here and speak kind words about them, but for each one of us, as hon. Members of this House, to internalize the concept of peace and make sure that in the next general election, we will make a difference, so that this country will remember the two gentlemen who committed themselves to a peaceful and prosperous nation.

Thank you, Mr. Speaker, Sir.

Eng. Maina: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Mathira! Yes, hon. Attorney-General!

The Attorney-General (Prof. Muigai): Thank you, Mr. Speaker, Sir, for recognizing me. I will be very brief.

Mr. Speaker, Sir, I want to go on record, like my colleagues have, in saluting these brave patriots who have lost their lives defending the security and safety of this Republic. I think there is something that all of us can learn from the lives of hon. Saitoti and hon. Ojode and, that is, we must take pride in public service, be committed to the work we do and be problem solvers. These two gentlemen were problem solvers. We pray that their lives will not have been in vain and that this Parliament will lead this country to a peaceful election and transition. That is the best way to remember them.

Thank you, Mr. Speaker, Sir.

Eng. Maina: On a point of order, Mr. Speaker, Sir. I would suggest to you that because of the many hon. Members who want to speak and the weight of this matter to the nation, families and the hon. Members in this House, we forego Question Time and Questions be deferred to another date, so that we continue contributing.

(Applause)

Mr. Speaker: Order! I have noted your sentiments, Member for Mathira. We will actually be living within the practice and traditions of this House. So, if you go back to the Ninth Parliament, you may find a practice that will inform you on how we will, in fact, proceed. This is as well as 1975 following the demise of hon. J.M. Kariuki and April, 2005 after the plane crash. So, if you go there you will be guided. That is how we will proceed.

Yes, the Member for Sotik!

Dr. Laboso: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also pay my condolences to the fallen heroes, our colleagues and the four officers they were with. Mine is to empathize with the family. We know what our two colleagues were to us. We will forever

remember hon. Prof. Saitoti for the statement that he made that we must always put the nation before ourselves. That will stay with us forever. As for hon. Ojode, Question Time will never be the same again in this House. It will never be the same because all hon. Members know that when we look across from our side; from the Backbench, what we see is the position that hon. Ojode used to sit and the way in which he used to answer Questions. He was the only Minister who was not reprimanded in the House for not answering Questions appropriately.

(Applause)

I now turn to the matter of the aviation industry. I speak here as a sister of one of the fallen Members of Parliament. I want to state that, yes, right now, with all the emotions that we have, the Government would like to do everything under its power. However, when the emotions go down and everything returns to normal, I can assure you that one stands alone. In most cases, like in the case of hon. Lorna Laboso and Mr. Kipkalya Kones, we were given reports by the Ministry. Yes, you have put together a taskforce which has been done exactly the same way. However, at the end of the exercise, we were given a report that was unsigned. To date, we are having problems trying to go to court with an unsigned report. So, I want to urge the Government that even as they put together this taskforce they will behave this time round and take up the matter extremely seriously so that the people who are suffering and the members of the families that have gone through this can, at least, have something that they can--- You cannot compensate for the loss of a loved one. However, at least, make it easier for the families.

Finally, I want to say that I was in Sotik waiting for hon. George Saitoti on Monday because he had decided that once and for all, he wanted to spend a whole day at the Sotik-Borabu border so that he can try and find out the exact problem that we have been having. So, I want to urge the residents of Sotik and Borabu that in memory of the fallen heroes, and in memory of that whole Ministry, because this is not just about hon. Prof. George Saitoti and Mr. Ojode but all Permanent Secretaries, that we live in peace.

Mr. Speaker: Order, the Member for Sotik! You will notice that there was a bit of fair treatment for you because you preside over business.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. In view of what hon. Dr. Laboso has just said; a view which is also shared by the family of hon. Prof. George Saitoti - we attended a committee meeting at his House yesterday - and since time is going, we may not have an opportunity to articulate what they said--- However, in view of the fact that Dr. Laboso has also alluded to what happens when Government appoints a commission of enquiry which ends up not coming up with a good report, would I be in order to suggest that a Parliamentary Committee be appointed to investigate these issues because it touches on Members of this Parliament? Would I be in order?

Mr. Speaker: Order, hon. Members! As a matter of fact, I have a pending Motion making that request on my desk. I am addressing myself to that matter within the provisions of the law.

The Minister of State for National Heritage and Culture: (Mr. ole Ntimama): Mr. Speaker, Sir, I want to express my heartfelt condolences to the families of Prof. George Saitoti, hon. Joshua Orwa Ojode, the pilots who lost their lives and the families of the guards. I also express my condolences from my family, the people of Narok North and generally, from the community that Prof. Saitoti represented.

Prof. George Saitoti has been my closest friend and my comrade in arms in many ways. I am saying this because Prof. Saitoti, party affiliations aside, did not have any particular party. I am ODM *damu* while he was from the PNU party, but we consulted occasionally and severally because we represent a community that is categorized as marginalized. I have lost a great man, and I think Kenya has also lost a great man.

Before I sit down, I want to thank the President for coming out very clearly to say that proper investigations should be done about the disastrous crash of this helicopter. It is very important because I heard hon. Laboso say that there was an inquiry but the results never came out. I am glad that you have allowed a Motion on this issue but I think this time round, we need proper investigations to be brought to Parliament so that we can know what happened. The biggest issue is that I want the families to be included in the team that will carry out the investigations so that they know who they are.

Thank you very much, Mr. Speaker, Sir.

Mr. Nyambati: Thank you, Mr. Speaker, Sir. Allow me to also join my colleagues on behalf of the people of Kitutu Masaba, my family and myself to express my heartfelt condolences to the families of the six Kenyans who have just left us.

I also want to thank His Excellency the President, the Vice-President and Minister for Home Affairs, the Prime Minister and yourself, Mr. Speaker, for leading this nation at this very difficult time. Hon. Prof. Saitoti was a special man. As we have been told, he was a man of peace. He was fighting to ensure that there was peace in this country. He was selfless and he stood for the country. We know very well that Prof. Saitoti, when called upon, would serve this country in whatever capacity.

Hon. Ojode was a wonderful man in this Parliament. He served us well in this House. I knew him very closely and I have even visited his home. He was a great man and we will miss him. Hon. Ojode did everything to ensure that he served this House and this nation properly. The Cabinet should take the cue from the way hon. Saitoti and hon. Ojode worked as Ministers in the same Ministry. The other Ministers should also give their Assistant Ministers equal time and opportunity to serve the way hon. Saitoti did. We should not forget this issue because they were selfless and they served this country to the best of their capacities.

I wish to ask the Government to take care of all the fallen six Kenyans, including the officers and captains who died in the plane crash. I would like to tell the Minister for Transport that there are too many accidents in this country on our roads and in the air. It is important that the Ministry comes up with a policy of ensuring that we limit the accidents that happen in this country.

With those few remarks, I thank you.

The Minister for Lands (Mr. Orenge): I thank you very much, Mr. Speaker, Sir. Let me also join my colleagues in the House in conveying my condolences together with those of my family and the people of Ugenya. However, the thing that I wanted to say about hon. Saitoti--- I think this is a very important occasion to say this. In fact, for all Members of Parliament in this House, there is one characteristic that we need to learn from hon. Saitoti. I have never seen a politician in my life--- In the long time I have been in politics, I have never seen a single politician in his life who can go on a political platform and never mention anybody's name at all adversely or otherwise. It is not an easy thing to do when you are in the business of politics, but for the number of days hon. Saitoti was in this House, I never saw an occasion in a public rally or here where he engaged in acrimony. However, one thing that I want to remember, because I spent about 30 minutes after the opening session in Mombasa with hon. Saitoti, and hon. Duale

saw us talking--- I kind of questioned him. He had this habit that whenever he was talking to somebody he would look on his side all the time. This is part of the history of the injustice that was done to him. Although he was a member of the Government at the time, he was poisoned. From that moment he never felt safe. The reason why hon. Saitoti would continue to look around whenever he engaged in a conversation showed that all of us are still not yet safe until we decide to live together as one country and one nation. Hon. Saitoti would not be bothered whether you goaded him to mention his tribe or community. He went over that.

Hon. Ojode was very committed to his work. There have been great Assistant Ministers in this House who did a wonderful duty to the country, including hon. Shikuku and others. I think the lesson that we must learn is that under the United Nations Charter and the other protocols, Kenya can actually decide on the spirit of self-determination whether we want to live together as one nation or not. Hon. Saitoti fought so hard to make sure that we live together as one nation. Let us, together, decide that we want one Kenya; Kenya comes first. In that conference on peace we said, "Mkenya!" Mkenya!"

Thank you.

Mr. Bahari: Thank you, Mr. Speaker, Sir, for this opportunity. I want to join my colleagues in conveying my condolences to the families of the bereaved. Without repeating what other hon. Members have said, I have worked in the aviation industry and I know very well that the aviation industry ought to be one of the safest modes of transport. However, given the history in this Tenth Parliament---- We have now had two incidents or accidents where we have lost Members of this House. In the Ninth Parliament we had another one. This is a clear indication that there is something wrong in the management of the aviation industry. This can only be sorted out, not through closed investigation, but through an open and thorough investigation. It is for this House, through you, perhaps without anticipating the Motion that is likely to come, to ensure that the investigations are going to be open, so that the likes of Capt. Wambugu who is a professional in this field, and another hon. Member in this House will sit in a committee to ensure that we get the right outcome. That way, we will be in a position to address the problem.

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

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kones): Thank you very much, Mr. Speaker, Sir, for giving me this time to join my colleagues and the rest of Kenyans in airing my condolences, those of my family, the people of Bomet Constituency, and the entire Bomet County. The loss of Prof. Saitoti, hon. Orwa Ojode, the two pilots and the two security officers is a big loss to this country. I pass my condolences to their families in this time of loss. My family and I received the sad news as we were commemorating the fourth anniversary of the loss of my dear husband, the late Kipkalya Kones, who perished in a similar plane crash. The loss of lives through aircraft, especially of Members of Parliament is a sad issue. Normally, when such a thing happens, a committee or team to investigate is set up. The most unfortunate thing is that whenever a report is tabled in Parliament that is the end of the story. I would like to urge the committee that has been set up to look into this issue and, please, when it comes to Parliament let it get somewhere, so that the bereaved families can feel that the Government is concerned. Any possible compensation should be done.

We all know that Prof. George Saitoti was the longest serving Vice-President under Moi's rule. He was very loyal and patient. However much he was provoked, he would not react. He was very mature in politics. I know that we will all miss him. The last meeting we had with Prof. Saitoti in Mombasa was about peace. Let us uphold what he told us in Mombasa because he was preaching peace. The next function he was going to have, as my colleague, Dr. Laboso

said, was supposed to be in Borabu at the border with Sotik on peace issues. This Friday, 15th June, 2012, Prof. Saitoti was supposed to preside over a fundraising in my constituency for the women of Bomet.

The late hon. Orwa Ojode will be missed by this Parliament because he was a very dedicated servant. He used to---

Mr. Speaker: Order, hon. Kones! Your time is up!

Mr. Mungatana: Mr. Speaker, Sir, on behalf of the people of Garsen, I would like to pass our condolences to the families of hon. Saitoti and hon. Orwa Ojode. Hon. Saitoti's second last function or harambee was carried out in Garsen Constituency. He was in Oda Location where he did a fundraising for the women of that place.

The one thing we want to remember about Prof. Saitoti is that he went there to attend a PNU function. He went there to drum up support for his party, but at no one time, and I support the sentiments of hon. Orengo, did he interfere or, in fact, say anything against the sitting Member of Parliament. Prof. Saitoti practised national politics in the real sense of the word. He chose to go the high route in many ways. This path, even the newspapers tend to ignore it because they look at those presidential candidates who have tribal support and then say that they are the serious contenders. They ignore people like Prof. Saitoti, yet these are the people who hold the real promise for the future of this country. For what he stood for and for the things he did, including the last *harambee* he conducted in Garsen Constituency, we say thank you and may God rest his soul in peace.

Thank you.

The Assistant Minister for Lands (Mr. Wakoli): Thank you, Mr. Speaker, Sir. I think I have a hoarse voice but because of my relationship with hon. Saitoti and hon. Orwa Ojode, I will force myself to say something.

Mr. Speaker, Sir, I want to take this chance on my own behalf and on behalf of the people of Bumula and Bungoma County and the Parliamentary Sacco where I happened to be the chairman to hon. Orwa Ojode, to send my condolences to the families of our late colleagues. Hon. Ojode joined the society in 1994 and he is Member No.255. In January 1998 immediately after the 1997 elections, Mr. Ojode was co-opted to the management and subsequently made the vice-chairman and from the election of 2002, hon. Ojode was made the chairman. When he took over the society we had around Kshs2 million and through his remarkable leadership, this society has Kshs850 million.

(Applause)

He has managed to lend hon. Members to the tune of Kshs2.7 billion. Mr. Ojode was actually the equivalent of Parliamentary Sacco and as you have been told, he was available whenever any hon. Member wanted a loan. Whenever he was broke, he would also go for a loan like any other hon. Member and he has made this society grow from zero to where it is.

Mr. Speaker, Sir, I think what made me stand up and talk like this is that I went with hon. Ojode to South Africa and he made me laugh all the way back home. I remember after paying the bill, I thought I was paying the bill for all of us and when hon. Muthama came to pay his bill, he was shocked beyond repair and I was watched him laugh quietly. After that, hon. Muthama went and told hon. Ojode that there was something wrong here. Hon. Ojode stopped eating and came over to me and asked what was happening. I told him: "Here, we are paying through our noses." I can assure you that that story was shared to us last week with hon. Ojode, hon. Khaniri

and hon. Kombo when we were taking lunch. We were only Luhyas sitting together apart from hon. Ojode. Imagine we were tribal. We were eating together but hon. Ojode who was not a Luhya came to eat with us and shared all the jokes that he had. This is the type of man Wakoli has lost and that is why I am forcing myself to say something about hon. Orwa Ojode. He is a friend I will miss.

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! There is still so much interest in this business. Now hereafter, let us try and live within 90 seconds – one-and-a-half minutes. Mr. Samoei!

Mr. Samoei: Mr. Speaker, Sir, thank you very much for giving me this opportunity. My very deep condolences to our departed colleagues - the hon. George Saitoti and the hon. Joshua Orwa Ojode and to the other four Kenyans whom we lost in this very terrible crash.

Mr. Speaker, Sir, hon. Saitoti was a great leader and politician in his own class. I must say that he was amongst the very few seasoned politicians who refused to be identified with any ethnic community and in that particular instance, he stood very tall. The last occasion I had with hon. George Saitoti was about three weeks ago when I went to Kisii. When I came back, I had occasion with the Vice-President to visit hon. Saitoti on matters of security especially in Kisii and Moyale. Hon. Saitoti undertook to deal with the issues of the border between Kisii and Kericho and especially the Sotik-Borabu border. But unfortunately, he did not manage to do that because he was meant to accomplish that task this Monday. That aside, he did a fabulous job as Minister for Provincial Administration and Internal Security.

Mr. Speaker, Sir, the great man, hon. Orwa Ojode, with his humour and diligence stood tall in the way he managed the affairs of Internal Security and to him, his loss is a loss to his family and to this Parliament. The investigations that have been launched must be credible. The families must be involved and no stones - as has been said before - must be left unturned until the truth is known on what really happened. There are many questions that must be answered and the families must be satisfied.

Mr. Speaker: Order! Your time is up!

Mr. Samoei: My apologies, Mr. Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, thank you for this opportunity on my own behalf, the people of Kipipiri and the wider members of the Party of National Unity (PNU) for which as you know, the late hon. Prof. Saitoti was its national chairman. I would like first of all to extend our condolences to his family. Also, again on my behalf and my friends' and the entire neighbourhood, we extend our condolences to hon. Orwa Ojode who as you know was my Assistant Minister in 2003.

Mr. Mbuvi: On a point of order, Mr. Speaker Sir. I think the Minister should have been the last one because there are some clarifications he has to respond to from some of the hon. Members.

Mr. Speaker: Order, hon. Mbuvi!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, thank you for that protection. The late hon. Ojode was my Assistant Minister as Minister for Lands in 2003 and we worked together and we grew to become very great friends and lately, of course, in the House, we have been working very closely and every time I was not in the House, I knew *Serikal* would be there to take charge when the Vice-President and I were not there in terms of Government Business. We will miss him a lot, and obviously the two security staff and the two pilots that we

have lost - I had occasion to meet with their families - need all our prayers. I would like to ask that we all commit all these families to prayers in these difficult times.

Mr. Chanzu: Thank you, Mr. Speaker, Sir. I also want to add my voice in passing a message of deep condolences to my departed colleagues; Prof. George Saitoti and hon. Joshua Ojode.

Mr. Speaker, Sir, on the part of Prof. Saitoti, if there is anything that we need to learn about tolerance, then I think that is the best experience we have. Somebody who would have held the position of Vice-President and then he is kept waiting for 14 months and then he is reappointed the way he was and took up the job, then if there is any tolerance, then we have to learn it from Prof. Saitoti.

Of course, there is a lot for us to learn from his CV, particularly from his university and his working life. He performed very well when he was the Minister for Education. The Ministry was not like the way we have seen it recently. We have seen his work in the Ministry of State for Provincial Administration and Internal Security. Things now seem to be quite in order. Whoever will take over the Ministry should follow up on what the late hon. Saitoti said in his recent speech, because a lot needs to be done in the constituencies, including provision of vehicles for the police and so on. He made that promise.

Mr. Speaker, Sir, as my colleagues have said, the way the late hon. Ojode handled parliamentary business relating to the Ministry is commendable. Just like my brother, Wakoli Bifwoli, we have been managing the Parliamentary Sacco together with the late hon. Ojode. Even as officials of the Parliamentary Sacco, we have not had the problem of being broke, particularly with the late hon. Ojode being the Chairman.

Therefore, on behalf of my own self, my family and the people of Vihiga County and Vihiga Constituency, I would like to send my condolences to the families of the late hon. Saitoti and hon. Ojode as well as to the families of all the police officers who died in the chopper.

Mr. Githunguri: Mr. Speaker, Sir, we understand death only after it has passed with the hand of someone we love. So much has been said about our two great fallen colleagues, both of whom I have utmost respect for. We will always remember fondly the experience we had with our departed colleagues, hon. Saitoti and hon. Ojode. There are no words with which to describe the grief that we all have right now. Most importantly, we cannot possibly imagine the shock and sorrow that has been thrust on the families of the deceased, especially on the families of the four patriots.

Therefore, I join my colleagues to comfort the families of Inspector Joshua Tonkei, Sergeant Thomas Murimi, Captain Nancy Gituanya and co-pilot Captain Luke Oyugi. These patriots also served the Government with real dedication and met their deaths in the line of duty. Their deaths remind us that there is no foot so small that it cannot leave an imprint on this world. All of them have left behind young children. Indeed, they need our support during this moment of sorrow. We should never forget to support the children of these families even after we have laid their loved ones in their graves.

Mr. Speaker, Sir, our colleagues and the four patriots served this country with great passion and dedication. They all lost their lives while serving the country that they so much loved. It is, therefore, unwise and wrong to mourn these fallen heroes. We should rather thank God that such people lived.

Mr. Speaker: Order! Order, Member for Kiambaa!

Yes, Member for Gichugu.

Ms. Karua: Mr. Speaker, Sir, I stand here to mourn our two colleagues, hon. Saitoti and hon. Ojode, and also the four other great Kenyans: The two police officers, namely, Messrs. Tonkei and Murimi, and the two pilots, namely, Mr. Oyugi and Mrs. Nancy Gituanya.

I want to recall that I have worked with hon. Saitoti since I entered Parliament. We were in the Inter-Parties Parliamentary Group (IPPG) process together. We have worked together on many things in the Government. He was an amiable man who was friendly to all. He was an insider in Government but also somewhat an outsider. He was a great person.

Mr. Speaker, Sir, I also recall hon. Ojode with his humour, answering Questions with gusto. He was a very friendly person. I used to call him “my Minister” because when I left Government the Ministers were not all that available to me, except a few. Hon. Ojode was so available. He was my Minister. All will recall that we fondly referred to him as “*serikali*”. Indeed, he was “*serikali*” because when the Front Bench on the Government side had nobody else, it would have hon. Joshua Orwa Ojode.

I want to mourn all the six Kenyans and say “*pole*” to their families. The accident has robbed us of great Kenyans who had a long life to serve the nation. May they rest in eternal peace. I say this on my own behalf and on behalf of NARK-KENYA.

Mr. Speaker: Hon. Members, you will notice that the hour is spent but because of the balance of the level of interest, we will extend for another 15 minutes, and that will be it. So, try and share the 15 minutes equitably.

Yes, hon. Amina Abdala.

Ms. Amina Abdalla: Mr. Speaker, Sir, I would like to join my colleagues in sending a message of condolence to the families and friends of our departed colleagues. Our two departed colleagues were not only efficient in this House and in their offices, but they were patriotic Kenyans who put the country first and went beyond their political inclinations.

Hon. Ojode was a personal friend of mine. I served with him in the Parliamentary Sacco before I resigned my position in the Sacco. I told him that the Sacco was the most efficient because the period between the time a Member would submit an application for a loan and the time he would get the cheque was a record 30 minutes. I thought that good record would end when I left the Sacco but it got even more efficient. So, I wish to remember him as an efficient Kenyan.

Mr. Speaker, Sir, we said that we are going to hold peaceful elections in memory of our departed colleague, hon. Saitoti. Hon. Ojode was the defender of the Police Force. In this case, the changes and terms of service in the Police Force are in the hands of this House. In memory of hon. Ojode, we should make sure that the proposed names of the persons to be appointed Commissioners to the Police Service Commission are passed, and that any existing loopholes are sealed, so that we can give good terms of service to the police officers because their lives are intertwined with us. We lost two colleagues but four police officers also perished in the chopper crash.

I would, therefore, like to call upon my colleagues to join hands in giving tribute to our fallen colleagues.

Mr. Okemo: Mr. Speaker, Sir, I would like to associate myself with the sentiments expressed by my colleagues regarding the tragic loss of our two colleagues and four other Kenyans on the helicopter that crashed on Sunday morning.

Mr. Speaker, Sir, Prof. George Saitoti was a great Kenyan. I had the privilege of working with him in both the Eighth and Ninth Parliaments, and also in the current Parliament. The same

applies to hon. Joshua Orwa Ojode. I would like to pass my deep and sincere condolences to their families and immediate relatives.

While we pass our condolences to the families and friends of our departed colleagues, it is important that the issue of security and peaceful co-existence is remembered. That is the legacy I would like to associate with the late hon. George Saitoti and hon. Orwa Ojode.

May the Almighty God rest their souls in eternal peace!

The Minister for Energy (Mr. Murungi): Thank you, Mr. Speaker, Sir, for giving me this opportunity to pass my very sincere condolences to the families, relatives and friends of our two colleagues, hon. Joshua Orwa Ojode and hon. Prof. George Saitoti.

In view of the shortage of time, let me mention that it will be very difficult for us to replace hon. Ojode in this House. He has been a very effective representative of the Coalition Government, and he was handling a very difficult docket - the police. We are going to greatly miss him as a House.

Mr. Speaker, Sir, regarding Prof. Saitoti, I had occasion to work with him in various capacities as his Secretary-General in PNU and I also spent a lot of time negotiating a protocol between him, hon. Kenyatta and Kalonzo Musyoka regarding how we could sort out on which of them would run as the presidential candidate on our party ticket.

However, one thing which touched me about Prof. Saitoti is his humility. It brought alive the fact that he did want to aspire to high office in this country through the history that he recounted to me. One must be prepared to take great risks of personal humiliation and take great risk of even being made to look foolish for the sake of this country.

I remember we went to Uwaso Kedong with Prof. Saitoti when there was the Mad Cow disease. We were served with a lot of meat there and I was wondering whether we should eat the meat. The people were very happy; they started eating the meat. I looked at Prof. Saitoti; he took his knife and started eating the meat. So, I said that this man who was the very first African to get a Phd degree from Warwick University is eating this meat, who is Kiraitu Murungi not to eat it? So, we ate it. Later on when they asked about the Mad Cow disease *tukasema hapo Umasaini hakuna hayo mambo*. He was a man who related with the villagers at that level. We will miss Prof. Saitoti for his great humility, and let us not forget that lesson in humility.

Dr. Nuh: Thank you, Mr. Speaker, Sir. I also want to pass my message of condolence to our colleagues Prof. Saitoti and hon. Ojode, and also the four other gallant Kenyans, Inspector Tonkei, Murimi, Nancy and Oyugi.

Mr. Speaker, Sir, from my constituency as well and more specifically, people from my constituency who sent me text messages to convey their condolences, I think it would do them honor to name them here. They are Daudi Kanchoru who is a teacher from my constituency; Councillor Ware of Salah; Matan Roble Dakani, an Assistant Chief in Dukanotu area; Eria Subudibo, the Chairman, Tana River County Council and the DC, Tana North.

Having said that, I would like to pay tribute to Prof. Saitoti for having helped midwife the peace that now prevails in Tana River District when he chaired a meeting in his office in the Office of the President and went beyond the political intrigues and assisted us to, at least, have lasting peace in Tana River today.

I would also like to pay tribute to hon. Ojode for his humour that has been mentioned in this House. As a Back Bench, we feel there is a void in the Front Bench that I wish any of the Ministers or Assistant Ministers would be able to fill because we feel it deeply.

Mr. Speaker, Sir, with all the exchange, discussion and debate that we would have on the Floor, sometimes acrimonious, we would walk out with hon. Ojode to the lounge and he would

buy us tea and discuss the aftermath of the Questions and how he will solve issues of the constituency. He would not only leave it to the business of answering Questions here in the House, but would carry beyond and ensure that he satisfies hon. Members. He was able to satisfy their quests and the issues that they wanted solved.

With that I want to pay tribute to all of them.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, first of all, I want to join my colleagues in sending my condolences and those of my family to the families of our departed colleagues who served this country with rare dedication, commitment and distinction.

You will all remember that Prof. Saitoti implemented the famous free primary school education and as a result of that, one million children were actually enrolled in schools in this country. So, those one million children will remember him forever and ever.

Mr. Speaker, Sir, as for hon. Ojode, he prosecuted the business of the Government with rare zeal, enthusiasm, passion and humour. We will remember him for that.

On the issue of investigations, we want to get to the substratum of this issue because there are many loose ends on this accident. So, we need proper investigations that are credible so that these loose ends can be demystified.

On the issue of servicing choppers, in fact, we have developed a habit that is called “copterphobia”. We now fear travelling using choppers. We need the aviation industry to be more serious in servicing all the choppers and aeroplanes.

With those few remarks, I say *pole* to the departed colleagues.

Eng. Maina: Mr. Speaker, Sir, I stand to give my condolences for the departed colleagues, Prof. Saitoti, hon. Ojode and the other four Kenyans who perished in this unfortunate incident. I give my condolences on behalf of the people of Mathira and the entire Nyeri County.

This crash has happened, and I must say from the onset that it does not look like what is naturally expected. The Minister of State for Provincial Administration and Internal Security and his Assistant Minister have enemies of the State. People who are enemies of Kenya are enemies of these two gentlemen. This country needs to wake up and ask itself at this trying time and this moment whether we know what is ailing this country; that something like this can happen to the Minister of State and his Assistant Minister where even the pilot did not have a chance to tell the air controller that they are in distress. This kind of incident looks worrying and it should not be taken as natural because the families are entitled, as they requested the Government yesterday, to know the truth.

Mr. Speaker, Sir, let me say that these gentlemen were honest and they loved this country. If we all behaved the way Mr. Ojode behaved, there would be no tribalism in this country. Unfortunately, even when taking lunch we deviate.

Personally, I feel that we have lost men whom we needed. We have also lost friends.

Thank you.

Mr. Speaker: Hon. Members, we have three minutes and we want to share them amongst the three of you.

Yes, the Member for Kilgoris.

Mr. Konchella: Thank you, Mr. Speaker, Sir. I speak with a very heavy heart because of how we lost our brothers. My condolences go to the families of all the six people who passed on.

Mr. Speaker, Sir, I have known Prof. Saitoti through my association with him to be a very honest human being. He was a very committed leader, but more so, a very courageous human being. I think Kenyans do not know this. The other week we travelled together in the

same chopper that he died in to Bomet. I asked him why we were going there through air every other week. This is because one time we were travelling in that big helicopter and next to me there was a drum of 200 litres of Jet A1 fuel. I looked at it and I asked him: "Should we really be here?" He said: "No! No! This life is risky and we must accept risks." He was very courageous. Kenyans did not know that this was a leader whom you could depend on any time.

However, my concern and that of the family, is the issue of this particular helicopter because we used it the other week. What is the record of this aircraft in terms of servicing and the flight path? Why did it have to turn round and why was it directed to the Ngong Hills instead of Wilson Airport? We do not want to shelf the incident because I believe there must be something more. We have more questions than answers on this particular issue. Why was the pilot not able to turn back and come this way and instead, he was directed to the hills? This is what we want to be answered. We want the Committee to do so.

Mr. Speaker: Order! Your time is up.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Speaker, Sir, I want to join my colleagues in sending my condolences and those of Wajir County to this two great leaders who are Members of this House, and also the police officers.

I have two things that I want to share with my colleagues; Prof. Saitoti said there comes a time when the country is more important than an individual. This year there is an election and the country has become more important than an individual.

Mr. Speaker, Sir, the second thing he wanted was one Kenya. I want to say it here and shame those who have been saying that I want northern Kenya to secede that I said, "*Mkenya daima*".

Secondly, the true independence for northern Kenya was got on 27th of August 2010 and we will defend that Constitution to provide the rights of the people of northern Kenya as Prof. Saitoti would have wanted it.

Thank you, Mr. Speaker, Sir.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Speaker, Sir, on behalf of my family, myself, Kathiani Constituency which is a neighbour to Kajiado North, and Kenya as a whole, I would like to pay my tribute to the fallen heroes, Prof. George Saitoti, "*Serikali*", the two pilots and the two body guards.

I was in Athi River in Mlolongo on that Sunday morning where we were trying to rescue our people who were under a collapsed building when I heard the news. I talked to my people and then left immediately for Lee Funeral Home. I met the families of these fallen heroes. I would like to tell them that we will pray for them, for God to give them peace of mind at these difficult times. May the Lord God be with them at this particular time.

Thank you so much.

Mr. Speaker: Order, hon. Members! We will finish with the Member for Kandara because one of the deceased persons came from his constituency.

The Assistant Minister for Public Works (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. It is a point of order as I also join my colleagues in mourning our colleagues and the others who departed.

Mr. Speaker, Sir, I have been seated here all through; is it in order for us to end this session without requesting all our presidential candidates to emulate Prof. Saitoti who never had any enemies in politics and who never, at any given time, target his colleagues in his campaigns?

Hon. Members: What is the point of order? What is the point of order?

The Assistant Minister for Public Works (Mr. Kiunjuri): The point of order is that it is not in order for us to end this session without requesting our presidential candidates to emulate Prof. Saitoti who never attacked, or threw any words at his colleagues.

Secondly, nobody has reminded us that Mr. Orwa Ojode was also one person who sacrificed. He was so patient and despite him being a senior Assistant Minister he continuously served his country and party. Is it in order?

(Laughter)

Mr. Speaker: Order, Member for Laikipia East! You have raised that matter really as an opinion which you are entitled to. However, because of the occasion we will let it pass.

Member for Kandara, please, proceed.

Mr. James Maina Kamau: Mr. Speaker, Sir, I would like to join my colleagues in conveying my condolences to our fallen heroes; Prof. Saitoti, Mr. Ojode, the two pilots and the bodyguards. As you notice, one of the pilots, Nancy Gituanja, came from my constituency. I happened to visit her home yesterday. I gave them my condolences.

Mr. Speaker, Sir, I managed to be with Mr. Ojode one time on a foreign trip in Abuja. I found him to be a very warm gentleman with a very rich sense of humour. He made us laugh all the way to Abuja. He is actually a gentleman we are going to miss a lot.

At the same time, Prof. Saitoti has graced three occasions in Kandara Constituency. He is also a gentleman we are going to miss. When I went to his office asking him to grace one of the occasions, without asking me a question he came. He actually came three times. Therefore, he is a gentleman we are going to miss. The PCEA church fraternity in Kandara is also going to miss him a lot.

Mr. Speaker, Sir, you notice that this aircraft in which all these people perished did not have a black box. Full investigations must be undertaken to find out why this chopper did not have a black box. This is because this might result in us not knowing what caused this accident.

It is not the first time that we have lost Members of Parliament in an air crash. I think this is the fourth time. We must be told, in no uncertain terms why parliamentarians continue to lose their lives in air crashes. Something must be wrong and must be investigated.

I thank you for giving me this chance.

Mr. Speaker: Hon. Members, we will now take the Prime Minister and that will bring us to the end of this matter.

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. Would it really be appropriate for me not to send my condolences given that some of the orphans that Mr. OJode has left behind are on my lap? I would beg for your indulgence.

Mr. Speaker: Order! Member for Rangwe, indeed, you have my sympathies but I do not know that you are one of those Members of Parliament who have learnt their lessons very well. We still will be having one more business after this matter. The business pertains to the implementation of the Constitution. A seasoned parliamentarian can contribute to the implementation of the Constitution and bring this in. Indeed, many agree. They are aware that you can do so.

Prime Minister, please, proceed.

Mr. Koeh: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.23. I want to first of all thank you for giving us this opportunity. This is a matter of national importance and you agree with me that all these Members have been yearning to contribute. I

seek leave to move the adjournment of the House for the purpose of discussing this very great matter. This can come after the very major agenda on the Order Paper. I seek your advice.

Mr. Speaker: Order, Member for Mosop. Yes, those are useful sentiments, but I will want you to address yourself to Standing Order No.23 fully. You will have to satisfy me that--- Yes, indeed, I agree that this is a matter of national importance, but we have spent time on it since we started the sitting this afternoon at 2.30 p.m. I do not think that would be prudent use of our time. At any rate, I think you should be guided by the response that I have given to the Member for Rangwe. You too are a seasoned Member of the Tenth Parliament; you can find a way of speaking to this matter even under Order No.9.

Prime Minister, please, proceed.

The Prime Minister (Mr. Raila): Asante sana Bw. Spika. Kwa niaba ya jamii yangu, wakaaji wa sehemu ya uwakilishi Bunge ya Langata, chama chetu cha ODM, na Serikali ningependa kutoa risala za rambirambi kwa jamii ya marehemu Prof. George Saitoti, Bw. Orwa Ojode, marubani na askari waliokufa katika ajali ya ndege ya juzi.

Bw. Spika, ajali hii ilikuwa pigo kubwa sana kwa taifa letu la Kenya, maana yake tumepoteza watu ambao kila mmoja ameongea hapa amesema walikuwa wazalendo; Prof. George Saitoti na Bw. Orwa Ojode walikuwa wazalendo.

Bw. Spika ukitaka kujua mungwana ni nani, ni mtu kama Prof. Saitoti. Tunasema muungwana ni yule mtu amestaarabika na ustaarabu ni vitendo. Mtu huangaliwa kwa vitendo vyake, na Prof. Saitoti alikuwa mungwana, maana yake alikuwa hana adui na alikuwa ana heshimu watu. Alikuwa Makamu wa Rais kwa miaka 13 lakini alipokuwa Waziri, alikuwa chini yangu kama Waziri Mkuu na alinipatia heshima ya kutosha. Prof. Saitoti aliipenda kazi yake na aliifanya kwa ukakamavu bila chuki yoyote.

Bw. Ojode vile vile, kama vile Wabunge wamesema, alikuwa ni mungwana tena alipenda kuwachekesha watu. Alikuwa ameichukua kazi yake kwa umuhimu zaidi. Kwa hivyo, kwa hao wawili, tumepoteza wazalendo. Wakati kama huu kunakuwa na huzuni nyingi na chuki. Ningependa kuwahimiza Wakenya wote, sote tuwe na subira. Kama vile Rais alivyosema jana, tunataka kuona kama tutafika kwenye kiini cha ajali hiyo ili ijulikane ni nini iliisababisha. Kwa hivyo, hakuna mtu angependa au atajaribu kuficha yale yamefanyika, lakini tuwache uchunguzi ufanywe na wataalamu.

Tumesema kuwa tuna mahakama lakini pia tutaunda kamati ya wataalamu ambao watafanya uchunguzi ili kubaini ni kitu gani kilifanya hii ndege ianguke; ilikuwa ni makosa ya rubani, hali ya anga, hitilafu ya injini au ni kitu gani? Kwa hivyo, ikiwa tungeweza kusubiri wakati huu, tunaweza kuwafanyia wenzetu ambao wametuwacha vizuri zaidi. Ningesihi wenzetu wote tufanye hayo wakati huu.

Nikimaliza, Prof. Saitoti alipoongea juzi kule Mombasa alihimiza kila Mbunge ambaye alikuwa anashiriki huko achangie kwa kuona kwamba uchaguzi unaokuja utakuwa wa uwazi bila fujo yoyote ili kudumisha amani. Sisi sote tunahitajika kujiepusha na siasa ambayo inaweza kuleta moto na vile vile kuleta chuki baina ya makabila yote ya Kenya. Tuungane pamoja kama Wakenya ili tuweze kukumbuka wenzetu waliotuwacha na kufanya vitendo ambavyo wao wenyewe wangependa tuwafanyie. Vile vile, tunaomboleza wale waliokufa nao; marubani na askari kwa sababu wote ni Wakenya. Kwa hivyo, tumesema Serikali itagharamia mazishi ya hao watu wote na kuangalia jamii zao ili wasipate athari yoyote baada ya kuzikwa kwa wenzao waliotuwacha.

Kwa hayo machache, ninasema Mungu aweke nyoyo zao mahali pema peponi.

Mr. Speaker: Hon. Members, that brings us to the end of Order No.2.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF BUSINESS UNDER PROVISIONS OF STANDING ORDERS NO. 1 AND 36

Hon. Members, exercising the discretion vested in me by Standing Order No.36 as read together with Standing Order No.1 and in particular with respect to past traditions and practices in this House and bearing in mind the manner in which we proceeded in 2006 and 1975, I defer and, in fact, stand down Order Nos.3, 4, 5 and 6, except further with respect to Order No.6 to direct that the Questions appearing on the Order Paper today will take precedence over Questions coming tomorrow and thereafter in the course of this week.

QUESTIONS BY PRIVATE NOTICE

DEMONSTRATION BY PUPILS OF LEETA/ KIOLO PRIMARY SCHOOLS

(Mr. M'Mithiaru) to ask the Minister for Education:-

(a) Is the Minister aware that pupils from Leeta and Kiolo Primary schools in Igembe North District were released by the respective head teachers to participate in a demonstration on 7th March, 2012, and that one of them was seriously injured and commercial wares looted at several market centres?

(b) Why were the pupils released to participate in the demonstration and what disciplinary action has the Minister taken against the head teachers?

(Question deferred)

IRREGULAR INCREASE OF FUEL PRICES BY ERC

(Dr. Otichilo) to ask the Minister for Energy:-

(a) What factors did the Energy Regulatory Commission (ERC) consider when it increased the retail prices for super petrol and kerosene during the month of May, 2012?

(b) Is the Minister aware that during the month of April the price of crude oil declined from US \$126 in March to US\$121 a barrel and local currency had stabilized against the world's major currencies and if so, why did the Commission fail to factor in the decline of the cost of crude oil and stability of the shilling when setting retail prices for May, 2012?

(c) Could the Minister consider disbanding the Commission since it is not serving the purpose for its establishment?

(Question deferred)

OUTBREAK OF MEASLES IN KENYA

(Mrs. Shebesh) to ask the Minister for Public Health and Sanitation:-

- (a) Is the Minister aware that there is an outbreak of measles which has so far left six children dead in the country?
- (b) Why has the Government not issued an alert on the same?
- (c) Has the Ministry launched immunization programmes in the country?

(Question deferred)

EFFORTS TO HONOUR/ASSIST KENYAN
SOLDIERS IN SOMALIA

(Mr. Gitari) to ask the Minister of State for Defence:-

- (a) What arrangements, if any, has the Government made to recognize and honour the Kenyan soldiers deployed in Somalia under the auspices of AMISOM following the successful capture of Afmadow Town?
- (b) What assistance will the government extend to those soldiers who have been injured while on duty in this peace-keeping mission?

(Question deferred)

MEASURES TO FACILITATE
SOUND MANAGEMENT AT CK

(Ms. Amina Abdalla) to ask the Minister for Youth Affairs and Sports:-

- (a) Is the Minister aware that the leadership wrangles facing the management of Cricket Kenya is affecting the quality and standard of services rendered by the entity?
- (b) Is the Minister further aware that the coach and the Chief Executive Officer of Cricket Kenya earn twice as much as the total allowances paid to the 20 players of the Kenya cricket team?
- (c) What measures is the Minister taking to facilitate sound management and prudent expenditure in Cricket Kenya?

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1409

IRREGULAR PLACING OF MUKSERO SUB-LOCATION
IN KISII CENTRAL DISTRICT

(Question deferred)

Question No.1401

COMPLETION OF OLENGURUONE-KIBUNJA ROAD

(Question deferred)

Question No.1462

PROVISION OF DETAILS OF BOAT ACCIDENT IN LAMU

(Question deferred)

Question No.1391

ILLEGAL SALE OF WATER TANKS AT
MATUU DISTRICT HOSPITAL

(Question deferred)

Question No.1531

PROVISION OF DETAILS OF COCAINE SEIZED IN 2004

(Question deferred)

Question No.1293

NUMBER OF CADETS RECRUITED BY KAF IN 2011

(Question deferred)

Question No.1400

REFUSAL BY KFS TO HAND OVER
MT. KENYA FOREST TO KWS

(Question deferred)

Question No.1477

STATUS OF CONSTITUTIONAL BILLS

(Question deferred)

Question No.1392

PROVISION OF LAND ALLOCATION DETAILS IN
RUIRU/THIKA MUNICIPALITIES

(Question deferred)

Question No.1296

PROVISION OF ID CARDS TO YOUTHS IN
WAJIR SOUTH CONSTITUENCY

(Question deferred)

(Order Nos. 3,4,5 and 6 deferred)

Mr. Speaker: Hon. Members, I further stand down Order No.7 and Order No.8 which, therefore, then leaves us with Order No.9 which we will proceed with this afternoon. I expect that we will deliberate fully and conclude Order No.9 because after Order No.9 we will be, in invoking our past practice, compelled to adjourn in honour of our departed colleagues. That is what the practice tells us from 1975 and as I have also said from 2006. That is how we will proceed.

(Order Nos.7 and 8 deferred)

COMMUNICATION FROM THE CHAIR

PROCEDURE APPLICABLE TO DEBATE ON MOTION TO EXTEND
PERIOD FOR ENACTMENT OF CONSTITUTIONAL BILLS

Mr. Speaker: Hon. Members, before we go to Order No.9, allow me to make the following Communication. Hon. Members, before we proceed to a Division in Order No.9, I wish to take this opportunity to set out the procedure applicable to deliberation on a Motion to extend the period for enactment of particular legislations pursuant to the provisions of Article 261(3) paragraph (b) of the Constitution. Standing Order No.60(2) requires the Speaker to direct the Division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question such as in this instance. Article 261(2) of the Constitution lays down a fixed majority which states, inter alia, that “despite clause 1, the National Assembly may, by resolution supported by votes of at least two-thirds of all the Members of the National Assembly, extend the period prescribed in respect of any particular matter under clause (1), by a period not exceeding one year”.

The procedure for a division is set out at Standing Order Nos.60, 61 and 62. Standing Order No.68(1) further provides that “in every instance where the Constitution lays down that a fixed majority is necessary to decide any question, the House shall not proceed to a division on that question unless and until a number of Members equivalent to such fixed majority is present at the time of directing the division”.

Hon. Members, two-thirds of 222 Members, which you are, will add up to 148 Members; this excludes the ex-officio Members who make our number 224. The ex-officio Members as you all know are the Attorney-General and yours truly. Therefore, this House will not proceed to

division unless there are, at least, 148 hon. Members present in the House at the time of directing the division. Hon. Members will, therefore, immediately proceed for a division as aforementioned when we get there provided we have the requisite number, 148.

We want to move to call that Order.

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

DEFERMENT OF BUSINESS UNDER MINISTRY OF STATE FOR PROVINCIAL
ADMINISTRATION AND INTERNAL SECURITY

Mr. Speaker: Order, hon. Members! I am reminded by our institutional memory that there is a matter which we needed to communicate about that business directed to the Office of the President in particular to the Ministry of State for Provincial Administration and Internal Security. It will stand deferred until the House Business Committee advises otherwise. So, those Questions will not appear on the Order Paper hereafter until we give further directions.

Mr. Ruteere: On a point of order, Mr. Speaker, Sir. You have stated very clearly that we are 222 Members, but we have lost two Members and before that, we had lost the former Minister for Environment and Mineral Resources. Are we 222 or 219 Members?

Mr. Speaker: Order! I am able to respond to that actually immediately, but before I do so, I want the Clerk, who has the institutional memory to come to me. But my mind is clear on what the answer is.

(Mr. Speaker consulted the Clerk)

Order, hon. Members! Just like I thought, because maybe institutional memory would have provided otherwise, we follow the law and also our past practices and traditions. Our past practices will be embraced in what may have transpired even in preceding Parliaments away from the Tenth Parliament. But otherwise, as the law provides, Parliament at the moment will be comprised of 210 elected Members of Parliament, 12 nominated Members and two ex-officio Members. The two ex-officio Members do not vote. The 222 as the Constitution provides will be expected to participate in a division. The Constitution is blind to vacancies. It just deals with figures; numbers. So, that is what we will bear in mind. In fact, it is for this reason that we have a lot of pressure from the people of Kangema, for example, that they are not currently represented and yet they are a county. We are addressing ourselves to that concern. So, that is how we will proceed, hon. Ruteere. We will take the numbers as laid down in the Constitution.

Mr. Ruteere: Mr. Speaker, Sir, I stand guided.

Mr. Gitari: On a point of order, Mr. Speaker, Sir. Bearing in mind that some of us would like to go and be with the families, in view of the fact that we deliberated on this matter on 3rd May, would I be in order to ask that the Speaker put the question?

Mr. Speaker: Order! At the point where we are, you will be out of order because the Order has not been called. So, we are not yet there.

MOTION

EXTENSION OF PRESCRIBED PERIOD FOR ENACTMENT OF BILLS

THAT, aware that pursuant to Article 261(1) of the Constitution and the Fifth Schedule thereof the following Bills now pending before this House, namely: the Public Financial Management Bill, 2012, and the County Governments Bill, 2012 were required to be enacted by this House not later than 27th February 2012; further aware that these Bills seek to implement critical and fundamental aspects of the Constitution; noting that owing to delays in the consultation, drafting, publication and presentation of the Public Financial Management Bill, 2012 before the 27th of February 2012 and that the House passed the County Governments Bill, 2012 on 23rd of February, 2012; aware that His Excellency the President, pursuant to Section 46 of the former Constitution as saved in Section 3 of the Sixth Schedule to the Constitution declined to assent to the County Governments Bill and submitted a memorandum indicating specific provisions of the Bill to be reconsidered by the House; noting that the Hon. Speaker has certified that there exist exceptional circumstances in accordance with Article 261(3)(b) of the Constitution, this House resolves to extend the period prescribed in respect of the enactment of these Bills for a period of five months commencing on 27th February 2012.

(The Minister for Finance on 3.5.2012)

(Resumption of Debate interrupted on 3.5.2012)

Mr. Gitari: On a point of order, Mr. Speaker, Sir. Bearing in mind that some of us would like to go and condole with the families of our colleagues, would I be in order to ask that the Mover be called upon to reply?

Mr. Speaker: Order, hon. Members! The point of order raised by the Member for Kirinyaga Central is, in fact, genuine and normally permissible except that I will not be able to apply my mind to that matter as at where we are because we still had a Member on the Floor. Secondly and very significantly, I have, in my Communication which I made before this Order was called out, made clear indication as to the precondition that must be satisfied before you move anywhere near a division. So, you may perhaps derive some comfort to leave that matter for the moment. I am not satisfied that I can put that to vote at this point in time.

Hon. Abdikadir had the Floor. Member for Kirinyaga Central, do not worry. The Communication I have made covers you very effectively if you apply your mind to it. You know I do not say words in vain. Is hon. Abdikadir here? He has a balance of 15 minutes. Other Members interested?

The Minister for Medical Services (Prof. Anyang-Nyong'o): Mr. Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion seeking to take leave of the House to extend the time to discuss these very important Bills. We realize that the heart of these constitutional changes is the Devolution Bill. Given that His Excellency wrote a Memorandum raising certain objections which this House should expedite discussions on, it is important that we do this quickly. I urge the Members to be present, so that we can pass this very important Motion.

That notwithstanding, since we are speaking at a very sad moment, and as the Minister for Medical Services, I would also like to join hands with my colleagues who have extended deep condolences to the families of our colleagues and our friends who lost their lives through

this very tragic accident. This accident, among other things, reminds us that as we carry on our duties as public servants, our lives are in the hands of God and any time he can call upon us to respond to his call. Therefore, neither the hour nor the day is known. So, we are called upon to be prepared all the time to meet with our creator. Therefore, I would just like to extend my very deep condolences to the families and to express solidarity with the leadership of this nation and this Parliament. As we say in my language a time like this, we mourn the departed, but we also cry the living. We cry the families, we cry this House, we cry the nation.

Having said that, let me just say one very important thing about these Bills in front of us. As you know, one of the very important things proposed in the Constitution, which this House will have to make its mind about is the voting by the diaspora.

The Minister for Energy (Mr. Murungi): On a point of order, Mr. Speaker, Sir. In view of the very eloquent speech by Prof. Anyang-Nyong'o, the Members are convinced. Would I be in order to ask that the Mover be called upon to reply?

Mr. Speaker: Order, hon. Members! Order, we will now proceed to a division. Please, ring the Bell.

(The Division Bell was rung)

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, let me just take this opportunity to thank all hon. Members----

Mr. Speaker: Order! Order! Sorry. Let me put the Question that the Mover be called upon to reply. So, the Minister will have to reply first before we ring the Bell.

*(Question, that the Mover be called upon to
reply, put and agreed to)*

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I just want to take this opportunity to thank all hon. Members for their contributions.
I beg to move.

(Loud consultations)

Mr. Speaker: Order, hon. Members! We will now proceed and ring the Division Bell.

(The Division Bell was rung)

[Mr. Speaker left the Chair]

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

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Order, hon. Members! Sit down, hon. Keynan.

Hon. Members, please, remain at one spot so that we can establish the quorum. Please, remain where you are and consult in low tones so that we can establish whether we have quorum.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Hon. Members over there, please, remain in one place!

Hon. Members, it has been established that we do now have the quorum. So, may I now have the names of the tellers from the whips; the tellers for Ayes are Messrs John Mbadi and hon. Ntoitha M’Mithiaru. The tellers for Noes are Messrs Benjamin Langat and Joseph Gitari.

Please, now close the doors.

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Because everybody seems to be in agreement, can we not find an easier way to vote for this instead of going to a division, like putting up our hands and being counted?

The Temporary Deputy Speaker (Mr. Imanyara): Order! We must go by the Standing Orders.

Mr. Lessonet: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mine is just to improve on the suggestion by hon. Shebesh. I want to request that we should increase the tellers; let us have four tellers so that we do not take a lot of time voting.

Hon. Members: Yes!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Those voting for Ayes, please, proceed to the right of the Speaker and those voting for Noes to the left of the Speaker.

DIVISION

(Question put and the House divided)

(Question carried by 159 votes to 0)

AYES: Ms. Amina Abdalla, Messrs. Abdikadir, Affey, Ali H.M., Ali M.M., Anyanga, Anyango, Bahari, Baiya, Balala, Bett, Bifwoli, Chachu, Chanzu, Ms. Chepchumba, Messrs. Chepkitony, Cheruiyot, Duale, Ethuro, Gaichuhie, Messrs. Gitari, Githae, Githunguri, Godhana, Gumo, Hassan, Imanyara, Kingi, Jirongo, Kabando wa Kabando, Kabogo, Kajwang, Prof. Kaloki, Mr. Kamama, Prof. Kamar, Messrs. Kamau Jamleck, Kamau Maina James, Kambi, Kapondi, Ms. Karua, Messrs. Kathuri, Keter, Keya, Keynan, Dr. Khalwale, Messrs. Khang’ati, Khaniri, Kiilu, Mrs. Kilimo, Messrs. C. Kilonzo, Kimunya, Kinyanjui, Kioni, Kipkorir, Kiptanui, Kiuna, Kiunjuri, Kivuti, Kizito, Koech, Kombo, Konchella, Dr. Kones, Mrs. Kones, Messrs. Kosgey, Kutuny, Dr. Laboso, Messrs. Lagat, ole Lankas, Langat, Ms. Leshomo, Messrs. Lesrima, Lessonet, Letimalo, M’Mithiaru, Dr. Machage, Messrs. Magwanga, Eng. Maina, Ms. Mathenge, Messrs. Mbai, Mbadi, Ms. Mbarire, Messrs. Mbiuki, Midiwo, Mututho, A.C. Mohamed, I.E. Mohamed, Eng. M.M. Mahamud, Dr. Monda, Messrs. Mudavadi, Mung’aro, Mungatana, Muoki I., Muoki M. Mureithi, Murgor, Muriithi, Murungi, Musila, Musyimi Musyoka, Muthama, Mwadeghu, Mwatela, Mwau, Mwiru, Dr. Mwiria, Messrs. Nanok, Ndambuki, Ms. Ndeti, Messrs. Ngugi, ole Ntimama, Mrs. Noor, Dr. Nuh Messrs. Nyamai, Nyambati, Nyamweya George, Nyamweya Oyongo, Obure, Olago, Dr. Oburu, Messrs. Ochieng, Odhiambo, Mrs. Odhiambo-Mabona, Messrs. Ogari, Ogindo, Ojaamong, Okemo, Ombui, Omollo, Onyanka, Onyancha C., Oparanya, Orengo, Otieno, Dr. Otichilo, Dr. Otuoma, Messrs. Outa, Rai, Raila, Eng. Rege, Messrs. Ruteere, Samoei, Sambu, Dr. Shaban, Mrs. Shebesh,

Messrs. Shitanda, Sirat, Sirma, Maj. Sugow, Messrs. Waibara, Waititu, Wamalwa, Wambugu, Washiali, Dr. Wekesa, Messrs. Were, Yakub and Yinda.

Tellers of Ayes: Messrs. Mbadi and M'Mithiaru

Tellers of Noes: Messrs. Langat and Gitari

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, in accordance with our traditions, this brings us to the end of today's business. The House stands adjourned until tomorrow, Wednesday, 13th June, 2012 at 9.00 a.m.

The House rose at 6.40 p.m.