

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 14<sup>th</sup> March, 2012

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

**Mr. Speaker:** Hon. Member for Gwassi, your communication is now in final form and if you will be here tomorrow you will hear me.

*(Loud consultations)*

Order hon. Members! The Chair on the Committee on Equal Opportunity, your Papers are ready but unfortunately they cannot be tabled this afternoon because I have not had the opportunity to go through your recommendations. Since the recent past, we have to be very careful over those reports because sometimes we hear claims that papers are missing or pages are missing when, in fact, all the time it is not true. So, we just want to be sure that what you have given us is what you have actually prepared.

Proceed, Mr. Ojode!

### PAPERS LAID

The following Papers were laid on the Table:-

The abstracts of accounts of the Town Council of Mbita for the two years period ended 30<sup>th</sup> June, 2007 and the certificate thereon by the Controller and Auditor-General.

The abstracts of accounts of the Town Council of Taveta for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The abstracts of accounts of the Town Council of Othaya for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The financial statements of the County Council of Baringo for the two years period ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The financial statements of the Town Council of Kandara for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The financial statements of the County Council of Ijara for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The abstracts of accounts of the Town Council of Kendu Bay for the three years period ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The financial statements of the Town Council of Sagana-Kagio for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

The financial statements of the Town Council of Kirinyaga Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2010 and the certificate thereon by the Controller and Auditor-General.

The abstracts of accounts of the County Council of Mt. Elgon for the year ended 30<sup>th</sup> June, 2007 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for  
Provincial Administration and Internal Security (Mr. Ojode)  
on behalf of the Deputy Prime Minister and  
Minister for Local Government)*

### **QUESTION BY PRIVATE NOTICE**

#### **SUFFERING OF JOAN MURUGI DUE TO WRONG INJECTION**

**Mr. Gitari:** Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following “Questions” by Private Notice.

(a) Is the Minister aware that an eight year old girl, Ms Joan Murugi, from Kangaita Location, Kirinyaga Central Constituency, has been suffering from limb swelling following wrong injection at the Kerugoya District Hospital and has been in and out of hospital since September 2007?

(b) Is the Minister further aware that she was admitted at Kenyatta National Hospital on 29<sup>th</sup> October, 2011 and discharged on 6<sup>th</sup> November, 2011 but could not be released from the hospital after discharge due to inability to settle the huge bill?

(c) What action will the Minister take against the doctor who administered the injection and could the Minister consider compensating the girl?

**Mr. Speaker:** Order, hon. Member for Kirinyaga Central! It is actually the only Question by Private Notice.

**Mr. Gitari:** Thank you for the correction. I would like to ask the only Question by Private Notice on the Order Paper.

**The Assistant Minister for Medical Services (Mr. Kambi):** Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Ms. Joan Murugi has been suffering from limb swelling following a wrong injection administered in Kerugoya District Hospital and that she has been in and out of hospital since September, 2007.

(b) I am also not aware that she was admitted at Kenyatta National Hospital (KNH) on 29<sup>th</sup> October, 2011 and discharged on 6<sup>th</sup> November, 2011 but could not be released from the hospital after discharge due to inability to settle the huge bill.

(c) The Ministry has no record of a complaint from the parent or relatives of the girl and, is therefore, not in a position to determine whether or not a doctor administered a wrong injection and is, therefore, punishable. The Ministry would appreciate if the hon. Member for Kirinyaga could ask the parents or relatives of the girl to report to the Office of the Director of

Medical Services or to the Medical Practitioners and Dentists Board with her treatment record so that the matter can be investigated and appropriate action taken against the officers.

**Mr. Gitari:** Mr. Speaker, Sir, while thanking the Assistant Minister for the good answer, first of all, I would like to table two letters of admission to prove that this person was admitted both in Kerugoya and KNH. I table the documents.

*(Mr. Gitari laid the documents on the Table)*

My big question is that such cases are rampant in this country and I would like to ask for how long Kenyans shall be suffering while waiting for the Ministry to do something. I believe that you are sitting on the job.

**Mr. Kambi:** Mr. Speaker, Sir, injections are normally administered by the nurse and not the doctor. However, with the new record the hon. Member has tabled, I will look at the documents and investigate the issue. I promise this House that stern action will be taken against those officers if at all a mistake was made.

**Mr. Mbadi:** Mr. Speaker, Sir, from this Question, this eight year old girl, Joan Murugi, was admitted first in Kirinyaga and later at KNH. I would like the Assistant Minister to clarify why he has not checked the records of both hospitals to give us the medical history of this young girl who is probably suffering as a result of negligence by the medical personnel.

**Mr. Kambi:** Mr. Speaker, Sir, this incident happened five years ago and we do have manual records. However, with the letters of admission which have been tabled---

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. After denying any knowledge, the Assistant Minister is now agreeing that this incident occurred five years ago. Is it in order for a Government Minister on one hand to say that he does not know and then confirm immediately without even blushing that he is misleading the House?

**Mr. Speaker:** Order, Mr. Kambi! If you want time to look into this matter and take action, you may as well say so and indicate how long you want.

**Mr. Kambi:** Mr. Speaker, Sir, I said earlier on that I am going to look into this matter but the five years---

**Mr. Speaker:** Order! You must take directions from the Chair. Of course, I heard what you said earlier. This is a Question by Private Notice and so it must be answered within 24 hours. So, to say that "I have already said I need time" that is not good enough. That is being casual.

**Mr. Kambi:** Mr. Speaker, Sir, I would need about two days so that I can investigate this matter and I would want the hon. Member to accompany me to see this patient so that this matter can be concluded.

**Mr. Speaker:** Hon. Member for Kirinyaga Central, are you willing to work with the Assistant Minister for the next two days?

Hon. Member for Kirinyaga, you are responsible for the Question, so go ahead.

**Mr. Gitari:** Mr. Speaker, Sir, I would accompany the Assistant Minister to go and see the family of the girl and maybe report back to Parliament.

**Mr. Speaker:** Monitor to ensure that the Assistant Minister is going to take some action on the matter and then he will be obligated to report back to the House.

This Question will appear on the Order Paper next Tuesday.

*(Question deferred)*

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

**Mr. Speaker:** On the same matter, hon. Member for Mumias!

**Mr. Washiali:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Your Standing Orders do not allow you to do that.

## ORAL ANSWERS TO QUESTIONS

### *Question No.1426*

#### TABLING OF REPORT ON KILLING OF BROTHERS

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

(a) why the Ministry has not tabled a report on the killings of two brothers, John Kamuri and Peter Irungu of Yamugwe Village, Githagara Location, Kahuro District on 28th December, 2010 as promised in the House when answering Question No.810 on 6th April, 2011; and,

(b) whether he can table the report.

Mr. Speaker, Sir, we have not received a copy of the report.

**Mr. Speaker:** Let us hear the Assistant Minister first.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, you can recall that this question was ably answered by the substantive Minister. The Questioner was giving me the chronology and the background of this Question. He tells me that the substantive Minister promised to table a report.

I have not been to the office since morning but I have indicated to him that I will check with my substantive Minister whether the report is ready or not. I would request that we defer the Question to next week in order for me to consult with him on the same.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. The word “Minister” is very well defined in the Standing Orders and we have no provision for the so-called substantive Ministers. Could he tell us whom he is referring to?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, the Constitution is very clear. There is a Cabinet Minister who goes to attend Cabinet meetings. Then there is an Assistant Minister who is also a Minister but he does not go to the Cabinet meetings. In other words, the substantive Minister is the Cabinet Minister---

**Mr. Speaker:** Mr. Ojode, do you have a copy of your Standing Orders? Proceedings in this House are governed by the Standing Orders. If you have it, look for where it defines the word “Minister”.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, you know that I am almost the longest serving Member of Parliament here. This is my fourth term, meaning, I have been here for 20 years. I am conversant with the Standing Orders. What I want to say is that my Minister, Prof. George Saitoti, answered this Question elaborately and there was this bit on the report that was remaining. I am seeking the indulgence of the Chair.

**Mr. Speaker:** Order! Up to that point, you have done well. You have been specific on which Minister you are referring to.

**Mr. Imanyara:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Member for Imenti! Some matters must rest where they are.

Hon. Member for Kiharu, are you prepared to accommodate the Assistant Minister so that he has time to pick up the pieces?

**Mr. Mwangi:** Mr. Speaker, Sir, I will take your advice. The Assistant Minister does not seem to understand what we required and he has asked me to give him the story for the last one year. Could you allow me to repeat to him what happened?

**Mr. Speaker:** If you are prepared to accommodate him as I have advised, then accept it. We will have this Question on the Order Paper on Tuesday next week at 2.30 p.m.

The next Question is by the hon. Member for Konoin. He is not in the country; he is away on Parliamentary business in Rwanda. So, I will defer Question No.1447 to such time that the hon. Member would have returned.

*Question No.1447*

DELAY IN RECRUITMENT OF NEMA DIRECTOR-GENERAL

*(Question deferred)*

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

**Mr. Speaker:** On what matter, Mr. Affey?

**Mr. Affey:** Mr. Speaker, Sir, on a matter that you have just expressed to the hon. Member for Konoin. This Question was on the Order Paper last week and there was just some little information remaining that the Assistant Minister was supposed to furnish the House with. Perhaps, the Assistant Minister can go on.

**Mr. Speaker:** Order! Has the hon. Member for Konoin instructed you to represent his interest or hold his brief? If that is not so, then, obviously you are out of order.

**Mr. Affey:** Mr. Speaker, Sir, the assumption is---

**Mr. Speaker:** You are out of order. We do not work on assumptions here.

*Question No.1122*

REHABILITATION OF KITUI-ZOMBE ROAD

**Mr. K. Kilonzo** asked the Minister for Roads when the Ministry will rehabilitate the section of the Kitui-Zombe road at Ngai Ndethya corner in Kiongwe Village, Thua Location.

**Mr. Speaker:** Hon. Members, we have communication from the Minister for Roads that he is away on official business which could not wait and he has made the hon. Member for Mutito aware. In those circumstances, I will defer this Question to Tuesday next week.

*(Question deferred)*

The next Question is by Ms. S. Abdallah!

Order! Let me get information from the Clerk.

*(Mr. Speaker consulted the Clerk)*

Very well! I now have information from institutional memory that Ms. S. Abdallah is away on official Parliamentary business in the United States of America (USA). So, I will defer this Question to such time that I have notice of her return.

BENEFICIARIES OF SCHOLARSHIPS IN  
HULUGHO/IJARA DISTRICTS

*(Question deferred)*

*Question No.1378*

PERFORMANCE OF COUNCIL GRADER

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

(a) what the current status and usage of the council grader based at the Butere-Mumias County Council is;

(b) whether he could provide a list of roads in Mumias District whose maintenance have been undertaken using the grader during the 2009/10 and 2010/11 financial years; and

(c) how much revenue the grader has generated for the County Council through hiring by contractors.

**Mr. Speaker:** The Deputy Prime Minister and Minister for Local Government! Maybe, we were too fast. He somehow believed that we will come to this point much later but we are at this point. Hon. Dalmas Otieno, in the absence of the Leader of Government Business, maybe, you are able to give some indication to the House as to where the Minister is.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I have got no information but, maybe, we could defer this to Tuesday. I will make sure that he is duly informed and that the answer is provided on Tuesday.

**Mr. Speaker:** This is a normal Question and so the Minister must have had not less than two weeks' notice at the very minimum.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I am seeking that length of time because it is only tomorrow and I may not get him by then if he is not in town.

**Mr. Speaker:** Order, Mr. Minister! If your colleague has had a minimum of two weeks' notice, why would you say that he is not aware? The Question cannot come on the Order Paper without the Ministry being notified. So, I will defer this Question until tomorrow afternoon.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, that is fine.

**Mr. Speaker:** Very well! Let him know that he needs to come and answer the Question.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I will.

*(Question deferred)*

**Mr. Speaker:** Hon. Members, that then brings us to the end of Order No.6.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): On a point of order, Mr. Speaker, Sir. In respect of Question No.447, the hon. (Dr.) Julius Kones is not in. However, I was to bring further information and I have done so. Can I table that before the House?

**Mr. Speaker:** Yes, that is in respect of which Question?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Question No.447.

**Mr. Speaker:** And all that was required of you to conclude was to provide information on---

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Scores of the applicants which I have.

**Mr. Speaker:** Can you, kindly, table it?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Speaker, Sir, with your permission, I table.

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

**Mr. Kioni:** On a point of order, Mr. Speaker, Sir. The information tabled needed interrogation. You had directed that the Question be deferred because the Member for Konoin was not there. Am I in order to ask that you allow us to interrogate what has been tabled because we also had interest in the matter? It is for the benefit of the House that the entire document be interrogated.

**Mr. Speaker:** Yes, the information will remain as tabled, but the Question will reappear on the Order Paper as I have directed. That settles the matter.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, hon. Kajembe?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Speaker, Sir, I heard you say that the Questioner has not turned up, but I did not hear you say as to when the Question will come back.

**Mr. Speaker:** You will revisit the HANSARD. I think what I said is clear. It is all recorded. Please, try and be present all the time. Hon. Members, that brings us to the end of Order No.6.

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

**Mr. Speaker:** I have already pronounced myself on where we are; that, that brings us to the end of Order No.6. I will not reopen it, Member for Juja.

Next Order!

## STATEMENTS

**Mr. Speaker:** Are there any statements for delivery today?

*(Mr. Speaker consulted with the Clerk)*

Hon. Members, we are now at Order No.7. Is there any hon. Member requesting for statements which due notice has been given? There is none and so that brings us to the end of Order No.7.

**NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO.23**

**Mr. Speaker:** I am looking for the hon. Member for Kamukunji. He had given me notice that he will want to move a Motion for Adjournment under Standing Order No.23. The intimation I had is that it is a very important matter. So, we really would have wanted to give him indulgence.

*(Mr. Hassan walked into the Chamber)*

**Mr. Hassan:** Mr. Speaker, Sir, I would like to apologize for not being here on time. I would like to---

**Mr. Speaker:** Order, Member for Kamkunji! That is not good enough. You know the whole House expected you to respond as soon as I called for you. Just to say, "I apologize" is not good enough. Kenyans will want to know why? What is it?

**Mr. Hassan:** Mr. Speaker, Sir, I was out of the House and I was held in a traffic jam getting back here. I apologize to the House and you.

**GRENADA ATTACKS AT MACHAKOS COUNTRY BUS STATION**

**Mr. Hassan:** Mr. Speaker, Sir, I stand to seek an adjournment under Standing Order No.23 (1) and (2) for the purpose of discussing the grenade attacks on Saturday, 10<sup>th</sup> March, 2012 at Machakos Country Bus Station, and the consequence of which includes nine Kenyans losing their lives with the risk of more deaths as some of the victims are in a critical condition in hospital.

There is high tension and fear with many Kenyans in Nairobi, particularly in Kamukunji and the surrounding areas of the Eastlands feeling unsafe and unable to carry out their normal daily business. I wish to raise this issue to facilitate the House to debate the matter and to ask the Minister responsible for internal security, specifically, what action the Government is taking to arrest the situation of insecurity in our capital city and to assure the people of Nairobi and Kenyans at large about their safety and security.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well, Member for Kamukunji. I am satisfied that the matter is definite, urgent and of national importance.

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

**Mr. Speaker:** Order! First, let me ascertain whether or not the hon. Member has support.

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

Order, hon. Members! You may resume your seats. I am further satisfied that the hon. Member has the requisite support and that there is adequate interest in the matter to deserve allocation of time.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Speaker, Sir. I do not want to say that I am against what the hon. Member wants but, first, I need your guidance. That is because already, there is a Question by Private Notice which has been filed by the same hon. Members. Secondly, there is a Ministerial Statement which was sought yesterday, and which we are delivering tomorrow. It is on the same issue. We, therefore, need your guidance whether or not to respond to the Statement, the Question by Private Notice, and, again, to what we are going to discuss this evening.

Mr. Speaker, Sir, it is upon you. This is also a sensitive matter and I agree that it is an urgent issue. I need your guidance.

**Mr. Speaker:** Hon. Members, I am awake to the concerns of the Assistant Minister, but as things stand now, I am satisfied that the hon. Member for Kamukunji has met the requirements of Standing Order No.23 with respect to adjournment on a definite matter of urgent and national importance, and he has met the following criteria:-

First, the hon. Member for Kamukunji came to my office three hours before this Sitting. So, he has more than complied with the requirement in terms of time. Under Standing Order No.23(2), the hon. Member is supposed to draw the attention of the Speaker to the matter, at least, two hours before. He did that three hours before. The matter that he has raised is a matter of great concern to the whole nation. We are aware that a number of Kenyans have died. Up to yesterday, it was reported that the number had risen to six. This afternoon, the hon. Member informed me that it is now nine Kenyans who have lost their lives, and that there is a lot of anxiety, generally, within the city and the environs of Nairobi.

Therefore, Assistant Minister, it is a matter that is compelling and once we are satisfied that the criteria set out in Standing Order No.23 is met as, indeed, it has been, then the way to proceed is to allow the Motion to be debated. So, Assistant Minister, the logical thing to do now that you know there was a Question by Private Notice and also a request for a Ministerial Statement--- A Question by Private Notice is supposed to be answered within 24 hours. So, if it was asked yesterday, then it is due today. A request for a Ministerial Statement is similarly urgent. So, I do not see that you have a choice. You will have to respond and make your Ministerial Statement in your response to the Motion.

Hon. Members, I, therefore, allocate the matter time, that is, one-and-a-half hours beginning 5.00 p.m. this afternoon.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Speaker, Sir. I am not disputing what you are saying. What I am asking is just a matter of procedure. Ordinarily, after having been here longer, I have seen cases where---

*(Loud consultations)*

I am not challenging the Speaker!

**Mr. Speaker:** Order, Assistant Minister! Resume your seat. The word used in this circumstance is unparliamentary.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Speaker, Sir, I withdraw that. What I was asking, however, is just the procedure. In circumstances where somebody seeks a Ministerial Statement which was approved by the Chair and, at the same time, there is a Question by Private Notice which was also approved by the Speaker on the same thing--- I am just asking for guidance. Do I come with both or do I go for the Ministerial Statement and then I do not respond to the Question by Private Notice? I am just looking for the way forward. Can I cover all of them?

**Mr. Speaker:** Mr. Assistant Minister, indeed, that is what I have said even as I allocated time to the Motion this afternoon. I said that in your response to the Motion and to the issues that will have been raised by hon. Members, you can embrace facts as will have been contained in your Ministerial Statement and your answers to the Question by Private Notice. So, after this Motion for Adjournment, the Question by Private Notice and the need for a Ministerial Statement will have been spent. So, it is true that you have been here for a long time, but I want you to retreat to the Speaker's Chamber just behind the position where I am sitting and read again Standing Order No.23, and see if it is conditional upon anything else other than what is set out in the Standing Order.

Order, hon. Members! We are now into the Prime Minister's Time. Leader of Government Business, where is the Right Honorable Prime Minister to take Prime Minister's Time?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Speaker, Sir, I have checked with the Prime Minister's Office and the secretary has mentioned that he will come before 3.30 p.m. I also indicated to the secretary that he should be here before 3.30 p.m. since we do not have Questions which will last up to that time. So, I just need to check with the secretary if he has already departed from the office.

*(The Prime Minister was applauded as he walked into the Chamber)*

**Mr. Speaker:** Hon. Members, I had intimated just about three minutes ago that we are now into Prime Minister's Time. In the Order Paper, there is a Question directed to the Right Honorable Prime Minister by the Member for Ikolomani. Further than that, according to our HANSARD records, the Right Honorable Prime Minister had intimated to the House just about ten days ago that he will be making a Statement on Mombasa Republic Council (MRC). He was not here to do so last week and, hopefully, this afternoon, he has come with an explanation as to why he was not here last week. We also had received communication from his office which was unacceptable. I am sure the Right Honourable Prime Minister is aware. We will want to move to take the Statement from the Right Honorable Prime Minister on MRC.

The Member for Ikolomani is not here and so I will not call the Question.

## **PRIME MINISTER'S TIME**

*QPM/002*

**(Dr. Khalwale)** to ask the Prime Minister:-

Could the Prime Minister address the House on the matter of the outlawed Mombasa Republican Council (MRC)?

**Mr. Speaker:** Going by our HANSARD record, the Right Honorable Prime Minister has intimated that he will issue a Statement on that matter. That is my recollection of the position. You may want to proceed, Right Honorable Prime Minister.

**Mr. George Nyamweya:** On a point of order, Mr. Speaker, Sir. Just a short while ago, we moved to adjourn on a matter of definite national importance touching on security. The Statement that the Prime Minister is intending to make touches on the MRC which also touches on national security. I wonder whether we might not be better served if we could combine the two, so that the Prime Minister can answer overall the actual security situation in the country, as it is.

**Mr. Speaker:** Order, Mr. Nyamweya! I appreciate that and, obviously, acknowledge the power of your prophetic soul. But, unfortunately, you are in breach of one of our Standing Orders; you are anticipating what the Right Honourable Prime Minister is going to say. I am sure the Right Honourable Prime Minister is awake to the security situation in the country, and even as he canvasses this matter, he will have that in mind. So, I will allow him to proceed.

#### GOVERNMENT POSITION ON MOMBASA REPUBLICAN COUNCIL

**The Prime Minister** (Mr. Raila): Thank you, Mr. Speaker, Sir. Let me begin first by apologizing to the House. Ten days ago, as you rightly said, I gave an undertaking that I would be addressing this matter of the MRC last Wednesday. Unfortunately, as I did so, I forgot to note that I was actually due to be travelling out of the country, and that I was not going to be around on that Wednesday. Ordinarily, I would have delegated the matter to one of my deputies to address. Unfortunately, this Question arose as a result of some remarks that I had made personally, and that was why the hon. Member had insisted that I, personally, should be the one to address the House on this matter. I apologize to the House for not having been there last Wednesday.

**Mr. Speaker:** Fair enough, Right Honourable Prime Minister.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, the hon. Member for Ikolomani, Dr. Boni Khalwale, asked that the Prime Minister should address the following queries:-

(a) Can the Prime Minister clarify the official Government position on the Mombasa Republican Council, and whether it is outlawed or not?

(b) Can the Prime Minister confirm whether the stated position he announced while he was in Mombasa – that he is ready to negotiate with the MRC – is the official Government position?

(c) Does the Prime Minister or the Government also intend to open talks---

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

**Mr. Speaker:** What is it, the hon. Member for Ndaragwa? Order, the Right Honourable Prime Minister!

**Mr. Kioni:** On a point of order, Mr. Speaker, Sir. I just need some guidance from the Chair. The way the Prime Minister has opened his remarks is by responding to the questions by Dr. Boni Khalwale, who is not here. If we do not get the guidance from you, we will lose the benefit of what Dr. Khalwale had in mind, and he is out on parliamentary duties.

Is it possible then, Mr. Speaker, Sir, that the Prime Minister remains clear that we will still want to raise this matter because the documents, or the information that Dr. Khalwale has will not be available for the benefit of the House if he continues answering the questions as opposed to issuing the Statement as you directed him to do?

*(Applause)*

**Mr. Speaker:** I actually gave directions a little earlier on. I did say that ten days ago, the Right Honourable Prime Minister had intimated that he was going to make a Statement on the matter of the MRC. But at the time he did so, the hon. Member for Ikolomani had raised a question with the Prime Minister. I did say that were it not for the Prime Minister's Statement that he made ten days ago, undertaking to make a Statement on the matter, we would have deferred the question until the hon. Member for Ikolomani was here. But because he had given the undertaking to make a Statement on the matter, we will take the Statement. The essence of questions in parliament is to seek information. If the information that the Right Honourable Prime Minister gives today satisfies the Question that the hon. Member for Ikolomani had raised, then the Question will be spent, because the hon. Member for Ikolomani will say that he has no further issues. If it does not and he still wants more information, then he will be allowed to still ask the Question. That will be the position.

**The Prime Minister** (Mr. Raila): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I would like to make the following Statement.

By Gazette Notice Number 12585 dated 18<sup>th</sup> of October, 2010, the Minister of State for Provincial Administration and Internal Security declared the MRC, alongside 32 other groups, to be organized criminal groups under the Prevention of Organized Crimes Act, 2010. I will table a copy of the Gazette Notice.

Section 22 (1) and (2) of the Prevention of Organised Crimes Act, 2010 provides that:-

“Where the Minister has reasonable grounds to believe that a specified group is engaged in any organized criminal activity under section 3 of this Act, he may, by notice, declare that specified group as an organized criminal group for the purposes of this Act. Any person aggrieved by the decision of the Minister under this section may apply to the High Court for redress within twenty one days from the date of publishing the order.”

Mr. Speaker, Sir, on 2<sup>nd</sup> December, 2010, the MRC filed Civil Case No. 468/2010 at the High Court in Mombasa seeking a declaration that the banning of the MRC contravened the Constitution of Kenya, which guarantees freedom of assembly and association. The MRC also obtained court orders on 15<sup>th</sup> December, 2010, restraining the Government security agencies from interfering with its activities until the case is heard and fully determined.

The MRC has, also, by a notice dated 26<sup>th</sup> November, 2010, addressed to the Government of Kenya, indicated its intention to sue the Government at the International Court of Justice at The Hague to demand secession from Kenya and create its own state.

In view of the pending court proceedings, Mr. Speaker, Sir, I will refrain from commenting any further on the legal status of the MRC.

Mr. Speaker, Sir, key amongst our national values and principles of governance under Article 10 of the new Constitution are: people participation in the affairs of the State; inclusiveness; protection of the marginalized; equity and social justice. These values and principles make engagement with any segment of the population on matters affecting their interests or those of the nation as a whole a mandatory constitutional process. The Government's

official position is, therefore, to engage with the MRC or any other group in addressing their grievances. Such engagement must, of course, bear full and complete respect to our Constitution and other laws of the land. The groups must, first, renounce any criminal activities they may have committed before such engagement.

Mr. Speaker, Sir, the MRC's list of grievances include perceived marginalization of indigenous coastal people in employment and business opportunities, loss of land due to irregular and illegal title deeds, selective issuance of title deeds to non-indigenous coastal people at the Coast to the exclusion of indigenous coastal people; harassment and arbitrary arrest of its members and perceived insensitivity by the Government to the genuine grievances of the indigenous coastal people.

Mr. Speaker, official statistics tend to buttress some of these grievances. For example, the Integrated Household Budget Survey of 2007 by the Kenya National Bureau of Statistics ranks the coastal region below all former provinces, except the former North Eastern in terms of rural poverty. The same survey indicates that urban poverty in Mombasa is higher than in the other major cities in Kenya. Of the top 15 poorest districts in Kenya, four, namely Tana River, Malindi, Kwale and Kilifi, are in the coastal region. Underemployment amongst the youth in the coastal region is amongst the highest in Kenya. Other statistics show that the coastal regional has one of the lowest rates of access to title deeds. Education performance within the coastal region does not fare any better. This disparity in development is the result of the implementation of policies, particularly those contained in Sessional Paper No. 10 on African Socialism and its Application to Planning in Kenya, which prioritized investment development in high potential areas.

Mr. Speaker, Sir, though the MRC describes itself as a social movement and professes not to be a political party, not a Non-Governmental Organization (NGO) and not an armed gang, it has embraced some campaign slogans and tactics that compromise its professed character. The slogan "*Pwani Si Kenya*" connotes agitation for secession, which is a direct violation of Articles 3 and 5 of our Constitution and our territorial integrity and the laid down constitutional process of establishing lawful government in Kenya. The campaign by the MRC for coastal people to boycott both voter registration and voting in elections is a violation of Articles 4 and 10 of our Constitution, which establish the Republic of Kenya as a multi-party democratic State founded on our national values and principles, amongst them being patriotism, national unity, participation of the people in their governance and practice of democracy. These calls to boycott elections also contravene the principles of the electoral system under Article 81 of our Constitution, which require that citizens be free to exercise their political rights in free and fair elections, which are free from violence, intimidation, improper influence or corruption.

Mr. Speaker, Sir, the targeting of so-called "*Watu Wa Bara*" or Upcountry People through hostile pamphlets and speeches undermine our national cohesion and violate Articles 27, 28, 29 and 40 of our Constitution, amongst others relating to equality and freedom from discrimination, human dignity, security of persons, protection of right to property and the right to reside freely in any part of Kenya. The Government is alive to the risk that the MRC's genuine grievances may be hijacked for radicalization by external forces such as *Al Shabaab*.

Mr. Speaker, the grievances being articulated by the MRC can only be addressed within an atmosphere of peace, stability, rule of law and greater democracy, transparency and accountability in our governance. The new Constitution presents the best framework for addressing these grievances by way of devolution, that is in Article 6 and Chapter Eleven, equitable sharing of national revenues amongst the 47 counties, that is in Article 218; use of

Equalization Fund to provide infrastructure in marginalized areas, that is in Article 204; affording adequate and equal opportunities for employment at all levels of public service for members of all ethnic groups and diverse communities, that is in Article 232, and entrenchment of rights and fundamental freedoms, including economic and social rights, that is in Chapter 4.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, other measures that will help address the grievances include the new land policy and the Land Bills currently before this House, and which addresses historical land injustices. The Government has also been revoking illegal and irregular titles at the Coast. There have been initiatives to revive various large scale investments at the Coast such as Kwale International Sugar Company, formerly Ramisi Sugar Company and Tiomin Mining. There are plans to establish two special economic zones all at the Coast, one in Lamu and another one at Mombasa. The Government recently inaugurated the new Lamu Port, which is a major project. This is the biggest infrastructure project ever established in this country since Independence. The establishment of the Ministry of State for Northern Kenya and Other Arid Lands is part of the affirmative action for the coastal region.

Mr. Temporary Deputy Speaker, Sir, moving forward, the Government plans to host a Coastal Consultative Forum sometime in June this year to engage with the coastal people in coming up with interventions to their grievances. To prepare for the forum, a task force, under the coordination of my office is to be established shortly to undertake the necessary grassroots consultations and develop position papers on the various areas of concern.

Mr. Temporary Deputy Speaker, Sir, Sir, I thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): Any clarifications?

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

Prime Minister, would you like to take them in batches or would you like all of them and then you can respond at once? What do you prefer?

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

Order!

**The Assistant Minister for Information and Communications** (Mr. Dhadho): On a point of information, Mr. Temporary Deputy Speaker, Sir.

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

Prime Minister, would you want to take them in batches of three or would you rather have all of them and then you make notes?

**The Prime Minister** (Mr. Raila): I can have them in batches of five.

**The Temporary Deputy Speaker** (Mr. Imanyara): All right. I will take the first five, starting at the back; Mr. G. Nyamweya, followed by the hon. Member next to you and hon. Duale, then Dr. Nur and then finally Dr. Kones in that order.

**Mr. George Nyamweya:** Thank you, Mr. Temporary Deputy Speaker, Sir. The issues raised by the Prime Minister apply across the country. If you go to Mt. Elgon, you will find the Sabaot are also agitating for representation, land and so on. If you look at the *Mungiki*, they are raising exactly the same things – some disadvantages, depravation and so on; if you look at *Chinkororo* and so on, they are all agitating.

Now, Mr. Temporary Deputy Speaker, Sir, is it, therefore, Government policy that on one hand, you outlaw these organizations but on the other hand, you want to engage them as if they are properly organized units? If so, then, you would also be saying “Let us engage with *Al Shabaab!*”

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. G. Nyamweya, we are seeking clarification---

**Mr. George Nyamweya:** The clarification I am seeking from the Prime Minister, therefore---

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

**Mr. George Nyamweya:** Is it, therefore, Government policy to engage with unlawful organizations in that manner?

**Mr. Gunda:** Thank you, Mr. Temporary Deputy Speaker, Sir. The hon. Prime Minister has said that measures are being put in place to address some of the concerns that the MRC have, including starting of mega projects at the Coast. We have the issue of unemployment; in a lot of cases, you will find a manager who does not originate from the Coast, mainly employing his or her own kin. How, then, will the Government be able to address that concern about unemployment?

**Mr. Duale:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Prime Minister for this Statement that we have eagerly awaited for.

Mr. Temporary Deputy Speaker, Sir, if you look at the leadership of MRC, in all their fora, these are the four things they propagate.

They propagate that they want to fight for the separation of the coastal region. They are said to be engaged in military training. They are said to be closely working with the *Al Shabaab*. There have been allegations of the MRC burning voters’ cards. Even Article 36 of the Constitution talks about the spirit of the Constitution in terms of stability and the unity of the nation. I am very happy today that the Prime Minister has cited---

**The Temporary Deputy Speaker** (Mr. Imanyara): Seek clarification!

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I want to seek your indulgence; I am just about to seek my clarification. I just want to build my case. The Prime Minister has also talked about Article 3(2) and Article 5. Article 5 talks about the territorial composition of the Republic of Kenya and Article 3(2) talks about the elected Constitution Government. My clarification is this: If you look at all that I have said, then this is a dangerous group. They are not different from *Al Qaeda* and we cannot use poverty---

**The Temporary Deputy Speaker** (Mr. Imanyara): Clarification!

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, if we say poverty, it is in Ukambani, Garissa and everywhere. Could the Prime Minister confirm that if we can engage, as a Government, with that group, then it means in other regions, we will start similar MRCs to agitate for our problems?

(Applause)

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, the Prime Minister has said that the cause which the MRC is advocating are underlying causes which the Government is trying to address, including issues of land. With the recent allegation that even for the Lamu Port, the County Council of Lamu which is a trustee, and which is holding that land for the community, was consulted at the umpteenth time even after the inauguration, and they were coerced into signing documents of allotment for the port; with the allegation that land and title deeds were even allocated to people who were not residents of Lamu County – 2,000 title deeds – how does the Prime Minister think they are addressing the causes which the MRC are trying to recruit the coastal people for if, indeed, they are not helping the cause of MRC?

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well. The Right Hon. Prime Minister, those are five clarifications.

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

Yes, Dr. Kones!

**Mr. Langat:** Thank you, Mr. Temporary Deputy Speaker, Sir, but I am not Dr. Kones. I am Mr. Langat!

**The Temporary Deputy Speaker** (Mr. Imanyara): I am sorry!

**Mr. Langat:** Thank you, Mr. Temporary Deputy Speaker, Sir. Most of the people who engage in such activities are the youth; mainly because of unemployment. The Office of the Prime Minister has a programme called *Kazi kwa Vijana*. Looking at what is happening in Mombasa, the *Mungiki* and the others, it is a confirmation that such programmes are a total failure and, therefore, they have been a public relations exercise.

*(Applause)*

Could the Prime Minister confirm whether or not such a programme is a total failure, and whether he is going to stop such a programme and start a very comprehensive programme that will address the problems facing the youth in this country?

**The Temporary Deputy Speaker** (Mr. Imanyara): I think those are five! Mr. Langat, I am sorry, I did not get your name correctly. I am sorry about that!

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, Mr. G. Nyamweya - and I think a similar question had been asked by Mr. Duale--- I was very categorical in my Statement that the Government will only engage with any of the banned organizations if they first renounce the criminal activities in which they have been involved in, before there can be any kind of engagement. That was very, very clear! In other words, we are not going to just be negotiating and talking to any group. That is because before the action is taken to ban certain organizations, care and thorough investigations are carried out by the intelligence of the country. So, the Government must be satisfied that those organizations have now complied fully with the particular sections of the law that I have quoted before any negotiations can take place.

Mr. Gunda talked about nepotism that is being carried out by some CEOs who are non-coastals; that they employ relatives wherever they are. Nepotism is something that is illegal in this country, just like tribalism or ethnic discrimination. It is illegal in the country. So it is true that it might be practised by some individuals, but that does not make it legal. But I want to

invite Mr. Gunda to understand that this does not only happen in the Coast. There are also other coastal CEOs employed in other parts of the country, who may also be practising the same.

*(Applause)*

So, we must deal with this issue squarely where it occurs. It is unlawful and unconstitutional to discriminate against any particular Kenyan on the basis of race, religion, sex or tribe. It is worse to practise nepotism by just employing blood relatives in any particular institution.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): You are out of order! Let the Prime Minister complete!

**The Prime Minister** (Mr. Raila); Mr. Temporary Deputy Speaker, Sir, I will take his information later.

*(Laughter)*

Mr. Duale asked, more or less, the same question by giving the other examples. I have said that MRC may have been involved in all those, but we have put conditions under which we will be able to talk to them, if they renounced all those engagements, particularly the criminal activities that undermine the security of this country. Secondly, we have also said that this country must remain a united democratic State that we will not agree or tolerate any movement that seeks to dismember this country, to divide this country or to excise a portion of this country and declare it a separate republic.

Dr. Nuh talked about land in Lamu. I want the hon. Member to seek more information. I want to inform him that in the Lamu case, there have been very extensive consultations between the Government and the local population. The title deeds have been issued to the real coastal people. I am talking about the 2,000 title deeds. I issued them, myself, in a few islands to the indigenous people and they picked them themselves. He may be talking about what had happened in the past, but not now with respect to the new Lamu Port. We have been very fair. We know that in the past, there were upcountry people who were settled there a long time ago and they were issued with title deeds. Even those people themselves do not feel secure that they have title deeds, while the indigenous people do not have. They were the first to petition the Government to give title deeds to the indigenous people. So the indigenous people have been given title deeds. The exercise is still ongoing. The Ministry of Lands is carrying out surveys to issue more title deeds to the people. But we are doing much more as we announced during the launch of the project. We said that we are going to even set up a training institution to train the people of the area, so that they can be able to more meaningfully and effectively participate in the project. When a project of that magnitude comes to an area, of course, it changes the lifestyle of the people. Some people might have to move away from traditional fishing to other methods of fishing or to other trades. We have prepared to empower these people so that they can benefit more from this investment.

Hon. Lagat---

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Prime Minister in order to mislead the House that I should seek more information when in a few days we are

going to table a petition by the residents of Siyu Island? Apart from the area chiefs, a few councillors and their cronies, the rest of the people who have been given title deeds are people who do not belong to Lamu County? Secondly---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Continue, Prime Minister!

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! You are out of order. There is a petition that you are intending to bring in a few days time. This is not the time to canvass that. Continue, Prime Minister.

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, I want the hon. Member to know first that the *Kazi Kwa Vijana* (KKV) Programme is not in the Office of the Prime Minister. The KKV was being implemented by very many Ministries like the Ministry of Youth Affairs and Sports, the Office of the President, Ministry of Regional Development Authorities, Ministry of Water, Ministry of Roads, Ministry of Public Works, Ministry of Forestry and Wildlife, Ministry of Environment and Mineral Resources and so on. Those are the ones which were implementing. My office was just co-ordinating.

Mr. Temporary Deputy Speaker, Sir, we need to know that, that project was only implemented for one financial year. Thereafter, no funds were given. It was starved of funds. It was frustrated under the assumption that it was making the Office of the Prime Minister much more popular. That is why it was frustrated and no funds have been given. Now, we have been talking to the World Bank to give it more money.

**Mr. Ruto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the Prime Minister say that the KKV was frustrated by the Government yet he himself is one of the principals? Could he tell this House that there are others who are capable of frustrating him to the extent that he can come lamenting to Parliament? Who did it? Is he still in charge?

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I was saying that we have been talking to the World Bank, which is in the process of providing funds to a revamped KKV programme, which will be rolled out in the course of the year. So, I want to say very clearly that records will be put straight that KKV was not funded, and that was why it did not continue. It died because no more money was given to it.

**The Assistant Minister for Information and Communications** (Mr. Godhana): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Prime Minister, do you want to take information from your colleague?

**The Prime Minister** (Mr. Raila): Yes, Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister for Information and Communications** (Mr. Godhana): Mr. Temporary Deputy Speaker, Sir, I just wanted to give additional information to the Prime Minister, that I feel that the information that I am going to give him will be of value now and even in the future.

Mr. Temporary Deputy Speaker, Sir, the issue of the ten mile strip and the creation of the Republic of Kenya was as a result of the death of detainees in the Hola Massacre in 1959. That was what started the process of the separation of Kenya from the East African Colony. Then came the memoranda from the people of Kenya on how they would wish the provinces and districts to be organized. With me here are copies of memoranda dating as far back as 1961, which I believe, in pursuit of this project may be of value. I wanted to hand them over to the Prime Minister.

*(Mr. Godhana laid the documents on the Table)*

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

**The Assistant Minister for Information and Communications** (Mr. Godhana): Mr. Temporary Deputy Speaker, Sir, again, after the memoranda were forwarded in 1962 they were compiled into a summarised document.

**Mr. Duale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Under the Standing Orders, it is the Prime Minister's Time and the Prime Minister has issued a Statement which hon. Members are interrogating. Is the hon. Member in order to bring issues that this House even discussed during the Independent Electoral and Boundaries Commission (IEBC) Report debate? Is that part of the Prime Minister's Statement?

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to misinform the Prime Minister regarding a matter that the Prime Minister is not seized of at the moment? The Prime Minister is seized of the issue of the Mombasa Republican Council (MRC)? On what grounds is he misinforming the Prime Minister?

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Members! If you stand up when another Member is on a point of order, you are grossly out of order and you will get what the Standing Orders require me to give you.

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Dr. Nuh, one more of those interjections and it will be the end of your contribution this afternoon. The Prime Minister allowed the Assistant Minister to give information. Have you completed?

**The Assistant Minister for Information and Communications** (Mr. Godhana): Not yet, Mr. Temporary Deputy Speaker, Sir. I have quite some information. I wish to table the first one.

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

**The Minister of State for Defence** (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is misleading the Prime Minister. In the first place, Hola is nearly 90 kilometres from the coastal strip. So, when he relates this to the ten mile strip, he is totally out of order.

**The Assistant Minister for Information and Communications** (Mr. Godhana): Mr. Temporary Deputy Speaker, Sir, I am just trying to give information related to the issue of the ten mile strip, which is part of the issues related to MRC.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Assistant Minister! If you have information to give to the Prime Minister in documents form, please convey the documents to the Prime Minister. Are there any other clarifications? I will take hon. Njuguna, followed by hon. Mr. James Maina Kamau, hon. Chepkitony, hon. Chachu and hon. Ngugi in that order.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Prime Minister for the Statement that he has issued. Secondly, I would like to request the Prime Minister to inform the House what measures the Government is taking to make sure that MRC

does not threaten the peaceful co-existence of different communities in that region; we are aware that the same group has raised many unresolved issues.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, I would like the Prime Minister to give us some clarification. When I listened to the grievances that have been raised by the MRC, I had a lot of doubts as to whether these people are genuine, because they raised the issue of unemployment, yet unemployment is a normal thing in this country. So many people are jobless; in my opinion I do not think it is really a grievance; joblessness is a normal thing because very many people are not working.

Mr. Temporary Deputy Speaker, Sir, I would like the Prime Minister to give us the names of the leaders of this MRC. I do not think it is just moving without a leader. There must be some leadership that has led them to where it has reached.

I would also like him to tell us the people who are inciting these people. This is coming 50 years after Independence. Why is it coming?

Mr. Temporary Deputy Speaker, Sir, the other issue is---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! I have indulged you to seek more than three clarifications when you are entitled to only one, please!

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, the last clarification is, we would like to know whether it is *Al Shabaab* that are involved because they are getting out of heat in Somalia, whether they want to relocate to Mombasa or Coast Province. We would like to know the real inside story on this issue.

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, I would like to ask the Prime Minister to clarify what he meant when he mentioned that if the MRC renounces some of the issues they have brought up, which are not acceptable, he can negotiate with them. This body is banned. Do you not think it would be illegal to still negotiate with a banned body even if they renounced their membership?

Could the Prime Minister further clarify whether the Government feels that there are specific problems associated with the Coast which the Government needs to take action on? Why should the Government not form a Commission to investigate and get a report so as to take affirmative action to correct this problem?

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, I thank the Prime Minister for the bold initiative. The Prime Minister is on record to have even said one time; “we should address the issue of *Mungiki* and engage them”.

To address the issue of marginalization of the coastal people and other parts of this country, the Prime Minister mentioned that there is need for effective affirmative action. One of the precise affirmative action that the Prime Minister mentioned is the creation of the ministry in charge of development of northern Kenya and other arid lands. This is one ministry that is poorly funded. The Prime Minister is aware of the sorry state of that ministry.

Mr. Temporary Deputy Speaker, Sir, could the Prime Minister ensure that the ministry is well funded so that it can address the fundamental problems that it was created to address? If that affirmative action that he mentioned is to be of any meaning, could he assure this House and the marginalized Kenyans that that Ministry would be fully funded?

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Prime Minister for that very comprehensive Statement and also for being one brave leader who speaks his mind; whether he is deciding to engage with *Mungiki* or MRC. However, these groups start well. *Mungiki* started as a genuine organization with genuine grievances. Maybe even MRC could have started with genuine grievances but somewhere along the line, they are hijacked by

politicians and other people. Could he clarify that the Government would be able to deal with the people who hijack such organizations and then politicise and make them even criminal organizations?

**The Temporary Deputy Speaker** (Mr. Imanyara): Right Hon. Prime Minister, those were five clarifications sought. You can handle them.

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, the hon. Member for Lari wanted to know the measures the Government is taking to ensure that MRC does not become a menace. The Government has several machineries of dealing with organizations that are illegal and are of criminal nature. The Government employs legal means of dealing with these organizations. So, those are the measures which have been applied as far as MRC is concerned.

The hon. Member for Kandara wondered why Coast is complaining of unemployment when unemployment is all over the country. What is so special about the Coast? That is true, but what we are talking about here is historical marginalization of certain parts of the country. This gives rise to organizations such as these ones here. Organizations like these operate underground and it is not always easy to identify true leadership. We have names and there would be names, but they operate in cells. So, we have cell leaders who are engaged in one activity or the other. Then we have also other groups with their own leadership and so on.

Mr. Temporary Deputy Speaker, Sir, the intelligence has identified the leadership and knows these leaders. With regard to MRC, they have gone to court. The matter is in court and we know who the plaintiffs are in the case which is before the court. We also know who the financiers of these organizations are. He is asking why these issues are arising now, nearly 50 years after Independence. The country existed for 50 years and for these 50 years, there has been some grievances which people carried with themselves all this time. That is why some of them are now coming to surface.

He asked whether it is *Al Shabaab*. As I said, they are cells. They are cells which are very open and civil, making very genuine demands. But they are, of course, radicalised cells talking about secession, talking about arming the people to fight like a guerrilla war and so on. We are not really dealing with one homogeneous movement. You are moving with heterogeneous movement with different cells and sometimes very different ideologies as far as the solutions are concerned.

Mr. Temporary Deputy Speaker, Sir, hon. Chepkitony said that even if MRC were to renounce their criminal activities, they would still be an illegal organization. I said that if they do renounce their intention, for example, to secede, or to use extra-judicial means to effect their objectives, then they would cease to be an illegal organization and the Government would be perfectly prepared to embrace them, talk to them and address their concerns.

Mr. Temporary Deputy Speaker, Sir, I want to answer hon. Chachu, and hon. Ngugi together. First, it is true that the marginalization is not just confined to the Coast. It is in other parts of the country as well.

Mr. Temporary Deputy Speaker, Sir, if you look at the grievances that are being raised by the group like MRC and you want to compare it with, for example, the north eastern or the upper part of the Rift Valley, you would say that Coast is very developed. When we talk about infrastructure, in the Coast you would find several kilometres of tarmac roads. There in the Coast we have tourist hotels, industries and the Port of Mombasa. We have got investments in Malindi, Lamu and so on.

Look at the North Eastern, for example, there are only a few kilometers along Garissa Town that have been tarmacked. There are about ten kilometers of tarmac road in the whole of North Eastern Province. So, there is a degree of marginalization that one can really talk about here. I want to agree with hon. Chachu that the Ministry of State for the Development of Northern Kenya and Other Arid Lands ought to be given more funds, so that it can roll out more programmes and projects. We hope that more funds will be provided to that Ministry in this coming financial year.

Mr. Temporary Deputy Speaker, Sir, hon. Ngugi has raised a very pertinent issue. He said that some of those groups begin very well with very noble objectives because they are highlighting certain grievances of people generally. They have grievances that they want to be addressed because there are issues that have been swept under the carpet for a long time and have not been addressed. I mentioned Sessional Paper No.10 of 1965 as the starting point. If you read that Paper, you will see that it talks about African Socialism and its application to planning in Kenya. It also talks about the ideology and a mixed economy where the private sector lives side by side with the public sector.

As you go further, it says that the Government should invest in high potential areas in the country. Those are the ones that the Government should target because there will be a high rate of return on investment in those areas. The marginalized areas, the ones we call the arid and semi arid regions will benefit from the trickledown effect. The trickledown effect is what did not happen. As we continue to put more investment in high yield areas, the other areas were continually neglected. That is what has put us where we are today. That is what we are changing with the new Constitution. That is the reason why we have introduced devolution of power so that resources can be distributed equitably and secondly, that we will also have equalization fund which will deal with the historical neglect of certain areas and allow some form of affirmative action. That is because they will be getting some form of special funds to develop infrastructure in those regions.

These issues have been swept under the carpet for far too long and they are the genesis of the problems that we are having. If these matters are never addressed--- Some of these organizations come up with very genuine concerns. Even if you look at *Mungiki*, for example, if their issues are not addressed, then radicalization takes place. Usually, there will be groups that will then hijack the leadership of those movements and radicalize them. If you look at a group like the Tamil Tigers in Sri Lanka, you will see that their origins were very noble. However, they were radicalized because the authorities refused to negotiate with them and, therefore, they saw no other avenue left for them other than physical confrontation with the establishment. That is why we are saying it is necessary to embrace those movements and talk to them. When I said that we should talk to the *Mungiki*, I meant what I was saying because if you look at the origins of *Mungiki*, you will see that it was very genuine. However, politicians, for selfish interests, hijacked the movement, provided funds and started using them as gang for hire. The radicalization of the *Mungiki* started a long time ago.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Prime Minister has said that *Mungiki* started, perhaps, for good reasons, and that the politicians hijacked them and misused them. Can he give us the names of the politicians who hijacked them and how they funded them? That is because what we are being treated to is a tip of double standards in this House? We cannot have on group of people being treated one way and another one being killed. We have many Kikuyu young people who have been killed senselessly.

**An hon. Member:** Who does not know what *Mungiki* have been doing?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Hon. Kioni, the Chair was listening. Hon. Ngugi raised that issue. He merely agreed with what hon. Ngugi said. Hon. Prime Minister, you may continue. If you are through, I will take the next lot.

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I am not yet over. I hope the hon. Member watched television yesterday. The leader of *Mungiki* was talking about what I am saying right now, the origin of *Mungiki* itself. The event we are talking about is of 1997. Do not worry about 2008 which I know that the hon. Member has some interest in. But what we are saying---

**Mr. Kioni**: On a point of order, Mr. Temporary Deputy Speaker, Sir. It was only yesterday that a document was tabled here that linked the Prime Minister to issues of the ICC. Could he declare and tell us what interest he has in those issues?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Kioni! If you stand on a point of order, it had better be a point of order. Hon. Prime Minister, continue.

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I do not know what the hon. Member is talking about, although he is saying that it is about a document that was tabled here. I do not know what he means. However, I am saying that generally, some of those organizations - I gave the example of Tamil Tigers in Sri Lanka and I was making a very fundamental point here. If their grievances are not addressed on time, they can mutate into some dangerous movements. Then some political interests can move in and hijack some of those movements and radicalize them. I was saying that the MRC had very noble origins and intentions. However, because they are not addressed, other movements with ulterior motives will try to capitalize on those grievances. We, as a nation and country, have the responsibility - if we want to create stability in this country - to address some of these issues. We have very major issues in Vision 2030. That is the reason why we cannot afford to have a situation where there is political stalemate and so much instability and dissatisfaction among our youth. This, we are determined to end. We are saying that we should create, as politicians, an enabling environment, free of ethnic discrimination. We should embrace democracy. If we are competing, let us compete with tools that are modern. Let us compete along ideological lines.

Let us agree along ideological lines and say: "I do not agree with you. You are too leftist or too rightist, but not because you come from this tribe or that tribe. Let us unite as tribe A, B and C, to capture political power." There is no room for KKKs in modern Kenya.

**The Temporary Deputy Speaker** (Mr. Imanyara): I will take hon. Keter, hon. Kioni, hon. Baiya, hon. Affey and hon. Ogindo in that order.

**Mr. Keter**: Mr. Temporary Deputy Speaker, Sir, I want to seek a clarification from hon. Prime Minister. He has tabled a gazette notice dated 18<sup>th</sup> October, 2010 which outlawed about 33 groups after thorough investigations by the organs in charge. I want to know, therefore, when they agreed as a Government policy to single out two out of 33 groups, whether there were thorough investigations by the organs of Government which have cleared all these groups that had already been outlawed. If so, why is it that before engaging them there was not a de-gazettement of that gazette notice, so that we do not encourage other groups to come up? Land issues are very crucial not only at the Coast, but all over including the Rift Valley. So, if you open up one side, you should make sure that you also open up the other side. That is what I want the Prime Minister to clarify.

**Mr. Kioni**: Mr. Temporary Deputy Speaker, Sir, what we have been treated to today is a case of double standards. This is because we have had young Kikuyu men---

**The Temporary Deputy Speaker** (Mr. Imanyara): Seek a clarification!

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I am going to do that. I will do so, but I need to lay the basis for it.

**The Temporary Deputy Speaker** (Mr. Imanyara): You must do it by way of clarification and not debate!

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, we have had young Kikuyu men who were associated with the outlawed *Mungiki* sect. They were shot all over senselessly and never given an opportunity to the point where their leader was jailed. The Prime Minister did mention that the MRC is in violation of Articles 4 and 10 of the Constitution. Could he inform this House whether anyone within the MRC has been taken to court? Secondly, could he confirm whether this MRC was given audience by the United Kingdom High Commission?

**Mr. Ogiado:** Mr. Temporary Deputy Speaker, Sir, I would like the Prime Minister to clarify what the Government is doing, after the establishment of the National Cohesion and Integration Commission and Truth, Justice and Reconciliation Commission, to ensure that the grievances being raised by organizations like MRC, *Mungiki*, *Chinkororo* and Baghdad Boys who have suffered marginalization is adequately addressed and mainstreamed in the Government policy framework.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I also thank the Prime Minister for the Statement. The issues raised by the MRC, as the Prime Minister himself has confirmed, are genuine and current, which require a quick resolution. This group has the support of the entire communities within the Coast Province in as far as the articulation of issues is concerned, save for secession or other hostile activities. I want the Prime Minister to consider whether, in fact, as the Government, they should be able to tone down their aggressive fight or the manner in which they are engaging these youth violently and, instead, dialogue with those ones that he has said are moderates. This is because he has already said that there is no homogeneity in this group and that there are certain members of this group who are ready to listen. Could he consider then dialoguing with these ones early enough because the issues they raised are genuine?

**Mr. Baiya:** Mr. Temporary Deputy Speaker, Sir, this being an election year, the political players in the country have maintained continuously a tendency of becoming very generous in terms of promises to Kenyans, and then at the level of delivery, they forget them as soon as the election is over. The problem being posed by the MRC is essentially the same problem throughout the country. It is about the Government's inability to generate comprehensive and integrated economic policies, plans and programmes that can address poverty and unemployment. Even if you give dialogue to these groups without a clear programme of the kind that we are talking about, the problem will persist at the Coast, Rift Valley and everywhere.

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Prime Minister in order not to respond to the clarification that I sought? If the Government is not assisting the cause of MRC and propagating their agenda, why did they not consult the County Council of Lamu until after the ground breaking ceremony of the port by the Prime Minister and the President?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Prime Minister, you can respond to that as a clarification sought. I think you have five and that will be it!

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, hon. Keter asked that since 33 groups or organizations were banned, why the Government singled out only two of them for negotiations. I want to be very clear that we are ready to talk to any organization, so long as they renounce criminal activities and agree to talk to the Government and bring up their grievances. So, we are not yet negotiating with the *Mungiki* or MRC because they have not met

the conditions which we have set. So, the conditions apply to all the 33 organizations. If they renounce their criminal activities which they were involved in, and an assessment has been done and the security agencies of the Government are satisfied, then we are willing to sit down and talk to them.

Mr. Temporary Deputy Speaker, hon. Kioni---

**Mr. Keter:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Prime Minister left out a part of my clarification which I sought. I wanted to know why the Government cannot degazette that Gazette Notice of 18<sup>th</sup> October, 2010, so that they can negotiate with those groups.

**The Prime Minister** (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, actually, that is the question that I am answering. The Gazette Notice stands, but we will only remove the names of organizations which have satisfied the conditions that we have set. As we are talking right now, none of those organizations have satisfied those conditions. Therefore, there is no reason the gazette notice should be repealed, since they have not satisfied those conditions.

Mr. Temporary Deputy Speaker, Sir, hon. Kioni said that the *Mungiki* were killed. Yes, quite a number of innocent people also lost their lives in the process. This is because when you are shooting, there is nobody with any signs written on their faces saying that this is a *Mungiki* member. Once somebody is dead, you will never know because they will only put guns next to the body and say: "This is a criminal who has been sought by the agencies for a long time."

That is what it was then. Two wrongs do not make a right. I want the hon. Member to know that there are quite a number of members of MRC who are right now in prison. This is one of the conditions they are putting to the Government, that all their members must be released and that they must be recognised by the Government before they can talk to it. So, it is not true that there are double standards. The standards have been very uniform. The security agencies have been dealing with all these organisations in a similar manner.

Mr. Temporary Deputy Speaker, Sir, I am personally very much against the use of force, particularly the use of weapons like guns to deal with issues which are of political nature. Political problems require political solutions, and not armed solutions. That is why I am suggesting the route of negotiations.

As to whether the Government of the United Kingdom (UK) has given them audience, I do not know. I have no evidence. I know that they have sent a petition to the UK Government. This is a misguided notion that "mwambao" was Coast because this group is talking about "pwani". The agreement that was in place was between the Government of the UK, the then Government of the Sultan of Zanzibar and the Government of Kenya as at that time, led by Prime Minister Jomo Kenyatta.

Mr. Temporary Deputy Speaker, Sir, first, there was a letter written by the then Prime Minister of Kenya and another letter written by the then Prime Minister of Zanzibar, a Mr. Shamte. There was, finally an agreement which was signed that denounced all other former claims that were arising from the agreements of 1890 and 1895, which had ceded that strip to the British administration. It was then annexed to Kenya and became fully part of the Republic of Kenya. Therefore, we have nothing to do with the Government of the UK.

Mr. Ogindo raised the issue of whether the Truth, Justice and Reconciliation Commission (TJRC) has heard the grievances from all these groups, or whether they can be heard and have their issues addressed. These groups can only be embraced and be heard by the TJRC if they renounce their criminal activities. That is when they can be brought to the negotiating table and people can talk to them. Until that happens, there will be no room for negotiations

Mr. Temporary Deputy Speaker, Sir, hon. Affey also said that the Government should tone down the high handedness in dealing with these groups and embrace dialogue. I could not agree with him more. I totally agree that we should renounce force in dealing with groups that are probably just airing grievances of the society at this point in time and travel the route of dialogue. That is what we are doing. That is why I am addressing Parliament on this subject.

On the matter raised by hon. Nuh, I confirm that we have been negotiating with the people of Lamu. We started negotiating with them when this project was coming, but I have said that we have addressed issues across the board. Only last month, I restored to the people of Kwale the title deed of the Kongo Mosque, which had been grabbed. The Minister for Lands revoked the title and we handed it over to the management of Kongo Mosque in Kwale. So, these issues are being addressed. A team has been to Malindi and Kilifi, and the hon. Members from those areas can actually confirm. So, it is true that the Government is addressing the historical injustices not only all over the Coast Province but also around the country.

Mr. Temporary Deputy Speaker, it is true that around campaign times, there are lots of promises that abound. Politicians make promises in a desire to get votes from the people. However, this is not the case with regard to the MRC. This has nothing to do with politicians trying to get the votes there. I mentioned in my Statement that this group is canvassing the people not to register as voters in the Coast. They are urging the people to boycott the elections. This can be very counter-productive as it will disenfranchise a number of people in that region. That is why we see it as our responsibility to address this issue specifically.

I know that some Members of Parliament from the Coast are afraid of speaking on this subject for fear that they will lose votes from amongst the electorate but I know that the issues that have been raised here are very genuine, and that they need to be addressed, if we are to have free and fair elections at the Coast. That is why this issue must be addressed.

Mr. Temporary Deputy Speaker, Sir, finally, I just want to inform hon. Baiya that in an election, we actually give the people an opportunity to chose their leaders. This is done in this country through political parties. So, political parties are the instruments for peaceful brokering of competitive political ideas. That is why we are saying that political parties must be organised along the ideological lines that they represent. Political parties short of clear and concrete ideology are not political parties.

So, political parties that say we should unite with this party, not on the basis of policy but on basis of personalities are bankrupt and do not deserve their names. We would like to see political parties graduate to the platform of ideologies. So, let us disagree along ideologies. Let us not hate each other merely because they come from this community or from this other community. Let us also not say that this region belongs to this group and this other region belongs t

o this group. Every group and every party has a right to canvas the votes and support throughout the Republic of Kenya.

Thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, the business under Order No.8 is spent. I understand that this Bill has already been read the First Time. So, we shall proceed to Order No.9.

## **BILLS**

### *First Reading*

THE KENYA PLANT HEALTH INSPECTORATE SERVICE BILL

*(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)*

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

*Second Reading*

THE PUBLIC FINANCIAL MANAGEMENT BILL

*(The Minister for Finance on 13.3.2012)*

*(Resumption of Debate interrupted on 13.3.2012)*

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. I want to say from the outset that Kenya is at this historical moment with the sole purpose of breaking with the past.

The Bill we are debating now is one of the three most important Bills on the devolution concept. The Public Financial Management Bill is very critical to the realization of devolution. The other Bills are the Land Bills and the County Government Bill.

Mr. Temporary Deputy Speaker, Sir, on this Bill, allow me to say that as Members, we are looking forward to seeing to what extent the devolution chapter is entrenched in that Bill so as to ensure the realization of aspirations of devolution.

I know that we are going to have two levels of government; the National Government and the devolved government. It is the function of the Treasury to mobilize funds and to distribute those funds. It is important that we separate certain functions from others. One of the functions that I want separated from the function of the Treasury is the management of public debt. It is important that we separate the public debt office from the Treasury because it undermines the concept of accountability when it is the same department of Government that borrows, spends and services the loan.

Mr. Temporary Speaker, Sir, as you are aware, today as I speak, the debt level in this country is such that if it was to be equally divided, each and every Kenyan citizen today would carry a debt loan of Kshs31,000. That is very heavy. We realize that the Constitution says that the loans of this country should be used in a manner that is beneficial to all generations because all generations will share the burden. It is also important that some counties would be keen in borrowing money. If we leave this function to the Treasury, it would be hard for those counties to get good evaluation on their proposals.

The other thing I want to bring out is that there are certain critical offices in the Treasury, even as I speak today. One of them is the Accountant-General's office. This is a very important office that is charged with the responsibility of overseeing the accounting process of the Government. It is important that this office is profiled high enough by the Act so that the recruitment process is spelt out, the functions are clearly spelt out and it is held accountable against certain functions. The same would go to other offices in the Treasury like the External Resource Mobilization, the Economic Affairs and above all, we also need to profile the

Department of Internal Audit with a view to giving it some independence so that it does not remain subordinate to the Treasury administration. As such, the creation of the Internal Audit Department must be clearly spelt out in the Act.

Mr. Temporary Deputy Speaker, Sir, the other thing I want to bring out is; if we are to realize devolution, it is important that we duplicate what is happening today at the National Government, whereby the constitutionally created offices at the National Government are a charge directed to the Consolidated Fund under the Consolidated Funds Services. Similarly, the similar constitutional offices that are created at the county levels should enjoy the same privileges if we are to have a sustainable devolved system. With hindsight, you will realize that one of the ways that was used to kill devolution as was conceived in the early 1960s was to starve the counties. We do not want to see a repeat of that.

The other point I want to bring out is that we are assured by the Mover of the Bill that other development funds like the Constituencies Development Fund (CDF) will not die, Local Authorities Transfer Fund (LATF) will not die and with this Bill we want these provisions clearly spelt out. The other thing is for the disbursement of funds. It is important that timelines are given in the manner that the funds are going to be disbursed. It is important that we all appreciate that taxes are collected over a period of time but a timeline be drawn so that we know that the first disbursement shall be received by the county governments not later than a specific date so that we wait for the date to avoid queuing in Nairobi looking for funds for the devolved Government.

Mr. Temporary Deputy Speaker, Sir, the other thing is the format of budgeting. The new Constitution envisages a revision on our format of budgeting. What we have had previously are huge volumes of books where an ordinary person is unable to see clearly what the Government intends to do or how much money it is collecting. So, it is important that we take advantage of this Bill today so that we can revise the format of budgeting so that we can have simplified budget that all and sundry are able to see what there is in our budget.

I would have been more privileged to have had the ears of the Minister, nonetheless, I think he has his institutional ears at the corner. It is my call that this Bill is key to the next dispensation and that we cooperate with the Treasury and the Treasury cooperates with Parliament so that we bring up a raft of amendments that will make this Bill good for every Kenyan in this country.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): One of the Mbita Members; Mrs. Odhiambo-Mabona!

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, thank you for acknowledging that I am one of the Mbita Members which has now become Suba North.

Mr. Temporary Deputy Speaker, Sir, I want to start by supporting this Bill. In supporting, I would also want to agree that this is one of the most important Bills in ensuring effective devolution. Having said that, I just want to note a few comments; some are really drafting issues which I hope the Minister or the relevant Committee will look into and deal with, especially under clause 186 on page 464. "Financial Objectives" means the financial objectives set out in a Budget Policy Statement of the national; government a County Fiscal Strategy Paper". I do not know what that means. I do not think it was intended. Maybe that needs to be relooked at.

The other issue that I also want to speak to is the issue under Clause 6 which provides that the Act is to prevail in certain matters. One of the issues that the Act is to prevail over is the establishment, operation and dissolution of State corporations.

The Bill, itself, provides for State corporations for both national and county governments. Unless we look at this carefully it would be a cause of conflicts between national and county governments. It is also not clear why the State Corporations Act does not have precedence over this Act on issues of State corporations.

Mr. Temporary Deputy Speaker, Sir, I would also want to urge you that whereas certain clauses like clauses 7 and 8 make reference to issues of public participation, it is not very clear. So, I would want to encourage that we add following the procedure that is spelt under the Fiscal Management Act that will provide a firmer way of public participation. I want to encourage Members of the Budget Committee and the Departmental Committee on Finance that the Fiscal Management Act is one of the very good pieces of legislation, which I am seeing is being mainstreamed here and which, I presume, will die with the coming into effect of this Bill. If that happens, then I would want to hope that all the procedures and standards that we set under that Bill do not die with this Bill. That is because they had actually entrenched a very good system in this Parliament, and a very good system of public participation.

I would also just want to urge a re-looking at clause 9 which says that the Parliamentary Budget Office shall continue to exist as part of the Parliamentary Service. It is poor drafting and, maybe, if we want to set it up, we should set it in a more affirmative way instead of saying it shall continue. I want to speak about Clause 12 and I want to laud the Minister and the drafters, especially in relation to Clause 12(b) that provides that the National Treasury shall manage the level and composition of national public debt, national guarantees and other financial obligations of the national government within the framework of this Act and develop a framework for sustainable debt control. I know that a few years ago, we did a research where it was indicated that every child in Kenya at birth owes this country over Kshs40,000. Therefore, if we provide a framework for sustainable debt control, then it means we will not be bequeathing debt ridden children to this country.

Mr. Temporary Deputy Speaker, Sir, I also want to speak to the same clause that provides under (e), the National Treasury shall prescribe regulations that ensure that operations of a system under this paragraph respect and promote the distinctiveness of the national and county levels of government. This is very important and one of the things that this Bill seeks to do is just that. However, there are certain provisions that, having said that, do not actually respect that principle. You will see in many instances in this Bill where the national government strives to dominate the county government even in the structure of some of the authorities that have been set up. Therefore, if we want to live that principle, the entire Bill must live by that principle of ensuring distinctiveness so that we do not just mention it but yet, on the other hand, we do not ensure that it is effectively carried through.

I also want to speak about Clause 13 and again there is redundancy. We are talking about where reasonably necessary. I think it should be where necessary. But the issue of concern is Clause 13(1)(b) which talks about state organs or other public entity. I think this might create problems in future because then, we will be trying to define what a public entity is. It is through clauses like this that the national government might try to manipulate county governments. So, I would like to encourage that we either state that other state organs or other national public entities or delete all together the sentence “public entity” because public entity is very vague. Therefore, you want to be sure that when you are talking about the control and mandate you are giving national government, it is national public entity. It is not county public entity because that makes it a little vague.

I would also want the Minister, in his response, to just address the issue of what mischief was sought to be addressed by Clause 13(1)(e) which says: “Provided that a person providing the information shall not be liable if at the time of providing the information that person, in writing, objected to providing such information on grounds that the information may incriminate him or her.” Is this a way of trying to protect people who have done wrong? Perhaps, he may address himself to that when he is responding.

Mr. Temporary Deputy Speaker, Sir, again I would like to encourage that under (f) of the same clause, we define what “state entity” and “state organ“ are. Under the clause on definitions, they are not defined and when you are dealing with the national and county governments, when you are not very clear about definitions, those will be causes of conflict. We know that this Parliament was brought to a standstill because we were not able to define the issue of consultation. So, if you are not able to define what “state entity” or “state organ” is, we will also be brought to a standstill and this would be 47 counties against one national government. So, we need to be very clear about that!

I also want to speak about Cause 15(2)(f) and I think it is a very good standard to provide that in managing the national government’s public finances, the national treasury shall enforce the following fiscal responsibility principles: “a reasonable degree of predictability with respect to the level of tax rates and tax bases shall be maintained”. You know that all hon. Members were caught off guard on the issue of taxes. Then we were set up against the public when it was not the fault of hon. Members that they were not being taxed. So, this makes it very clear so that when the next Parliament comes in, this is very clear. But that is not the only point. I, personally, have been a victim where, out of the blue, I get a bill from Kenya Revenue Authority (KRA) – and I am not the only one – other than the one that they are asking from Parliament. I am given another bill of Kshs3 million that I owe KRA. So, I am wondering what other private income I have other than this. We have to be clear what I am being taxed about. So, that is why it is very important that we are very clear. I am not a rich woman; I am a very ordinary Kenyan and so, we have to be very clear when you are taxing me; what you are taxing me over.

I also want to talk about Clause 17. Again, I think one of the issues that I would want to highlight are areas that might bring conflict between national and county governments. If you look at Clause 17(5), (6), (7) and (8) it takes away even the role of revenue authorities that have been set up; the budgetary body, the revenue authority that has been set up and we are giving it to this new committee that we are setting up here. Therefore, what I am urging is that we make certain amendments that make it very clear what the role of the Revenue Allocation Commission (RAC) is. For me, actually, this is a very dangerous clause that would ensure that the national government has gained a backdoor way of controlling national funds. The Constitution is very clear and so, let us not set ourselves up for going into court with constitutional cases when we know that the Constitution has given us very clear directions about how to handle some of these issues.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the issue of the Equalisation Fund. I am horrified at the way this clause is put here. I am not too clear what Equalisation Fund here is and what is the Contingencies Fund. That is because of the way it is put here. It is like they are merged together and under Clause 18, we are talking about Equalisation Fund. Under Clause 19, the Contingencies Fund is the same as the Equalization Fund. The Constitution is very clear. The Equalisation Fund is not the one for disaster management; it is very clear. It is about marginalization and so do not give us a Contingencies

Fund which is the same as an Equalisation Fund. Let us not operate as though there shall be no money because we do not know how we are going to raise the money.

In any event, the Prime Minister has just been speaking on the issue of the discontent of the MRC, the *Mungiki* and all that and it is in relation to issues of marginalization. That is why we put up this Equalisation Fund; it was set up in order to look at marginalised groupings. So, what I want to say is that even if the committee does not bring amendments, I will bring an amendment to ensure that we separate very clearly this Equalisation Fund from the Contingencies Fund.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for being very candid about the issue of the CDF. I know a lot of people have spoken and said that it is unconstitutional. I am a lawyer and was involved in drafting the Constitution; I am sitting in the Constitution Implementation Oversight Committee (CIOC). I do not know anything that is unconstitutional about it. It is us who can decide whether we want to keep it by an Act of Parliament or reroute it to the counties, or whether we want to operate independently. It is not unconstitutional; what I would want to urge as a principle is that we amend this law and provide for it in principle because it is the mother finance law. So, let us provide for it clearly; I would also want to urge that the part in the Constitution that makes provision for provisions services, money and procurement for marginalised groups like the women and youth be actually provided for here.

With those few remarks, I beg to support.

**The Minister for Public Works** (Mr. Obure): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make a few comments on this Bill. I want to say from the beginning that I support this Bill. I think it is very well drafted. It is very comprehensive. It covers practically all the aspects we would like to see in the management of public resources.

Mr. Temporary Deputy Speaker, Sir, in the new Constitution, one of the most fundamental changes that has occurred is introduction of the devolved system of Government; that was what Kenyans were looking for. The devolved system of Government gives Kenyans a new hope and a new promise for prosperity and going forward into the future. In actualising the devolved system of Government, this particular Bill is going to be very critical. It is a very important Bill, because it spells out a number of measures and controls in the management of public resources.

Mr. Temporary Deputy Speaker, Sir, devolution promises faster economic development in all the counties. We see the potential of attracting more investments into the counties. We also see an opportunity for exploiting some of the resources available in the counties; therefore, as leaders and Members of Parliament we have a duty to make sure that the devolved system of Government is implemented to the full for the benefit of our people. The only thing that worries is the quality of staff likely to be available at the county level; I think we must take into consideration the amount of resources that are going to be channelled to the counties. It is important to ensure that we have quality public officers managing these resources at the county level, otherwise the objectives will not be achieved if we do not have quality staff managing these resources. Therefore, every effort must be made to ensure that even where the staff are not available, the counties are assisted by making sure that quality staff are posted to those areas.

Mr. Temporary Deputy Speaker, Sir, one of the major things we have noticed, particularly with respect to aspects which have already been devolved, is that the general public out there want to get involved. They want to see what is happening in their own areas and what

programmes have been put in place in their respective areas. This involvement and participation by the public is important if we are going to encourage efficient resource application. It is very important that the general public is sufficiently informed to understand what programmes are in place in their particular areas. Therefore, I want to urge members of the public, particularly public officers and servants, that they should view this as a nuisance encroaching into their areas. They should on the contrary welcome public involvement in what happens in their areas, because it is this public involvement that will encourage accountability. The essence of this Bill is to ensure that public officers are accountable to the general public for the manner in which public resources are used. It is very important.

I have seen cases out there in the rural areas, where, for example in the area of maintenance of access roads, the general public want to know what kind of road is being made, and whether it actually conforms to the designs and specifications which have been entered into in the agreements between contractors and those people. In a number of cases, that public involvement has resulted in substantial savings of money because the quality of work done has gone up to the extent that we are now achieving better output. We are able to see a situation where we are getting value for money, and where we are using public resources much more efficiently than what we used to see in the past. This is why this whole Bill is very important; it encourages aspects like public involvement and participation and good use of resources; the whole essence of this Bill is really to try and ensure that the taxpayer gets a return on his money and this is very important.

Mr. Temporary Deputy Speaker, Sir, we must go out there and strengthen our monitoring and evaluation systems. We must strengthen our internal audit system, if the objectives of this Bill are going to be achieved. I want once again to thank the Minister and his staff for coming out with a Bill that responds to the aspirations and hopes of the people. I hope that all of us, including the general public, will ensure that this Bill is enacted into law, and that it will help us to achieve our objective, namely to apply public resources much more efficiently than we have done in the past.

Thank you and I support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is now 5.00 o'clock and we are now calling on the Member for Kamkunji to move his Motion for Adjournment.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.23**

#### **GRENADE ATTACKS AT MACHAKOS COUNTRY BUS STATION**

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn under Standing Order No.23(1)(2) for the purpose of discussing the grenade attacks on Saturday, 10<sup>th</sup> March, 2012 at Machakos Country Bus Station, and the consequences of it, which include nine Kenyans losing their lives with the risk of more deaths. Some of the victims are in critical condition in hospital.

Mr. Temporary Deputy Speaker, Sir, there is high tension and fear, with many Kenyans in Nairobi feeling unsafe and unable to carry out their daily activities. I wish to raise this matter to facilitate the House to debate this issue and the Minister to specifically state the action the

Government is taking to arrest the situation of insecurity and at the same to assure residents of Nairobi and Kenyans at large about their safety.

Thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): Who is seconding you?

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, I call upon hon. Shebesh to second.

**The Temporary Deputy Speaker** (Mr. Imanyara): Move the Motion and then call her to second.

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, I beg to move and I ask hon. Shebesh to second the Motion.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, I want to second this Motion brought by the Member of Parliament for Kamkunji.

I want to congratulate him for seeing the need to raise this issue to national level, because of the number of people who have died, those who have been hospitalized and the danger that is portending for Nairobi residents, because this is not the first time that we have had a grenade attack.

Mr. Temporary Deputy Speaker, Sir, it is not really even about asking Government what they intend to do because we have asked that question before. The answers have not been satisfactory. Obviously for it to recur, it means that the measures that the Government has put in place ever since the country went into the *Operation Linda Nchi* which we knew would have repercussions of the sort that we are seeing, obviously, have not been fruitful. This is because we would not be having nine people dead and over 52 currently hospitalized at the Kenyatta National Hospital (KNH).

Mr. Temporary Deputy Speaker, Sir, I think it is more about us asking ourselves as a House how we can move the issue of insecurity in relation to *Al Shabaab* and in relation to our operation in Somalia. We cannot continue having Kenyans die and abducted as the Government continues to give us updates. Every Saturday we see a very nice gentleman from the Kenya Defence Forces

**Mrs. Odhiambo-Mabona:** And handsome!

**Mrs. Shebesh:** He is also handsome! So hon. Millie says.

(Laughter)

He keeps giving us very good progress reports about *Operation Linda Nchi* and how the country is doing well. We watch on the television journalists telling us how the Government has put in machinery. Recently, there was even a conference in London. We are now told that our defence forces have been integrated into the African Union Mission in Somalia (AMISOM). So, we are asking; as all these are happening for the people of Somalia, of whom we would like peace in that country, we lose Kenyans. We must now remember that our citizens even one, is more important certainly than Somalia.

So, as the Government is responding and as we are debating this Motion, let us also be sincere, whether this *Operation Linda Nchi* is costing us more than we expected not only in terms of money, but also in terms of lives of our people. It is also making our country insecure and making our crowded places such as bus parks insecure, making Kenyans unable to move in peace. Is this something that we want to continue? As I have said, the Government definitely does not have an action plan. That is why I would like to second this Motion.

(Question proposed)

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, I rise to thank and congratulate my colleague, MP for Kamkunji for bringing this important matter to the House.

Mr. Temporary Deputy Speaker, Sir, Kenya went to war with Somalia. This matter has been talked on in this House before. The main question in our country is: Where is our safety? How safe are our borders? That is the issue. Before we went to this war in Somalia, there was the issue of some tourists in Lamu. An English man was killed and some French lady was abducted. But the issue in the minds of Kenyans is; we have seen Ethiopian army cross the border and kill some Kenyans. We have seen it on the western borders. The security of our country has to do with us ensuring that our border is safe.

Mr. Temporary Deputy Speaker, Sir, again, we are in Somalia fighting some amorphous group called *Al Shabaab*. This *Al Shabaab* is not just *Al Shabaab* in Mogadishu. There is no doubt that it links itself with *Al Qaeda*. There was even a statement to that effect. I want to ask one cardinal question: No country in this world as of today has managed to fight and defeat terrorists. America has not! Europe has not! The main question is; can we really say that we would be able to defeat this war on *Al Shabaab*? You are not fighting a conventional army. You are fighting somebody, who--- Of course we defeated the colonial army here. We were called guerrillas in the forest, but we defeated them. There is nothing that is more of a nuisance than fighting somebody who does not face you in the day so that you see this is the general and this is the army. You are fighting somebody who appears and disappears into thin air.

The fear and concern of some Kenyans is; our army is doing a good job. Our army is definitely very disciplined, but can we win war with some amorphous people who appear and disappear in a second? That is the main issue. The other bigger question is: The Minister said the other day that there have been about a 100 terrorist managed attacks and we have been foiling them. The greatest insecurity is when you do not know, when you are in a hotel, hospital or a supermarket whether you are safe or not. That is where our people are. Now, I would wish the Government to really relook into this matter and decide whom are we fighting in Somalia, because Somalia does not have an army that we are fighting. I feel that it would be better for us to ensure our borders are safe to ensure that these moles do not creep through our porous borders and come into this country. That is the insecurity we should be looking for.

Mr. Temporary Deputy Speaker, Sir, today, President Obama said that he wants to ensure that his army is out of Afghanistan. He is not saying that because he has defeated terrorists in the mountains. I think he has decided to leave them alone, because we know they are still there. They appear and they go. If President Obama of United States of America is saying that he wants his army back, Britain has already pulled their boys back to Britain, are we sure that we would be able to really win this war against some animal that we do not know? An animal that we do not see; that appears and does whatever it does. The worst thing is that they are capable of coming in here. That is the worst thing.

This is not a war we can win with a conventional army. Nobody has ever managed and I believe that I am talking on behalf of Kenyans. We need to have a time limit. Why can the Government not say when our soldiers will leave Somalia? Could we know when the war will come to an end? We are already in an election year and we may not be able to afford this.

**Mr. H.M. Ali:** Mr. Temporary Deputy Speaker, Sir, I wish to support this Adjournment Motion. I represent Mandera East and I have firsthand experience of the violence emanating from our forces' incursion into Somalia. Since our military forces moved into Somalia, there

have been a number of explosions in Mandera. Somalia has been without a government since 1991. So, the reason why those explosions and insecurity is increasing and happening is because of our military forces going into Somalia. Much as we have supported - and up to now we support the incursion into Somalia - we also have to look at our situation seriously. We do not leave our House vulnerable and try to save other people's homes. I think it is not fair. The people of Mandera are under a curfew today, when their country is peaceful. The people of Wajir cannot go about their businesses after sunset. The people of Garissa cannot also do business or even go to the Mosque after sunset. Here in Nairobi, we are also under attack and this is not the first time. This has to be seriously tackled. We also have the police who are supposed to deal with internal security. I do not know what is happening.

In the incidences that have happened in Mandera, Wajir and Garissa, since the explosions, no one has been arrested, arraigned in court or jailed for the crimes committed; despite the fact that; the public have reported suspects who have been accused of doing that. We are asking our Government, where is the investigative arm of the police? What are they doing? When they arrest suspects, what should be done? Should they just release them? That makes the situation worse because *wananchi* are afraid to report any suspects.

The other day in Mandera, a chief was killed at sunset, at about 6.30 pm. He was walking from a Mosque to his home. He was killed in daylight and, up to now, no one has successfully been arraigned in court. The chief was killed because he had reported some suspects previously to the police and said that he knew that those are the people who had been suspected of participating in explosions in Mandera. Now, when the police abdicate their responsibilities and, sometimes, even expose people who have been good enough to report such incidences or suspects, I think we have a serious problem. Our police are not doing the right thing and it is high time that they did their job very well. Of course, the military is not dealing with internal issues unless the police ask them for support. It is the responsibility of the Kenya Police to make sure that security in Kenya – in Nairobi and everywhere else including Mandera - is upheld. This is where we have to zero in. If they do not have the proper personnel or equipment, they should be empowered. They should be given proper facilities to do their work. When you hear that people have been reported and there is evidence that so-and-so was involved in this matter and nothing happened, that is where the problem is.

In Mandera, people have been asking us: "What are we supposed to do because criminals have been moving about freely in Mandera Town, and nothing is happening? Are we also supposed to join the *Al Shabaab* or the Transitional Federal Government (TFG) in Somalia?" They do not seem to be getting the confidence they need from the police.

The other day, some three gunmen came to Mandera at 11.00 a.m., and they had the audacity to shoot an individual for whatever reason. After shooting that Kenyan, they ran away. But luckily *wananchi* caught up with them. One of them was arrested by the public and lynched by the same public. The reason why the public lynched that suspect was because they could not trust the police. Probably, they thought that if they handed over the suspect to the police, the suspects would be released the following day. That is why they had to take the law into their hands.

I think it is high time that--- Our police, despite the changes in the Constitution and reforms here and there, they do not seem to be doing their work very well. If they have issues with communication equipment, they should ask for support.

With those few remarks, I support.

**Ms. Karua:** Thank you Mr. Temporary Deputy Speaker, Sir. I rise in support of the Motion. This is about our internal security. Sometimes, internal security can be threatened by external matters. We remember the incident in Lamu where people from across the border came to abduct tourists and threatened our homeland security. I, therefore, from the outset, want to say that I support *Operation Linda Nchi* and commend our armed forces for a job well done. I also appreciate the fact that they are now joining African Union Mission for Somali (AMISOM). That is because Kenya should not be an occupational force. Once the job is done, it is important that we give it to AMISOM.

I want to condemn, in the strongest terms possible, the grenade attack on innocent Kenyans at Machakos Bus Station and commend the Member for Kamukunji for moving this Adjournment Motion. In my view, the failure by our internal security apparatus to investigate previous incidents of lawlessness is one of the causes of such incidences. I recall the grenade attack during the “NO” Rally at Uhuru Park. To date, even after the police promised that they would not leave any stone unturned, they have left all the stones unturned. Two years later, we do not know who was responsible. I remember the grenade attack on River Road at the bus stop to go to Uganda the same year in 2010, and the case has not been concluded. Nobody has ever been arrested. There are many other incidences.

Recently, there have been several incidences in Garissa but no prosecutions have taken place. There have been several incidences in Wajir and no prosecutions have occurred. That includes a daring raid on an AP Camp. There have been incidences in Garissa and on our border where our DO and several other people were abducted. Those are incidences occurring inside Kenya. Kenya is being dared! But I also recall that after the incident at the Machakos Bus Station, the *Al Shabaab* issued a statement, if at all it was theirs, saying that they do not engage in such low level incidents. What I am wondering is: Are the police too quick to label everything happening internally as *Al Shabaab*? Has *Al Shabaab* become the excuse so that no thorough investigations are done? By so doing, are we promoting and encouraging criminals to commit acts of murder and injure Kenyans, knowing that *Al Shabaab* will be blamed? This is a wakeup call to the police. We have seen them neglect internal security in Moyale and Isiolo. This is an election year and we can very well encourage criminals to start causing mayhem pretending that it is coming from outside. I want to urge the Government to carry out thorough investigations. A Government cannot claim to be in charge when it cannot protect its own people. We are, therefore, calling for the police to up their game. We are asking the National Security Intelligence Service to show that they are worth the money that Kenyans vote for them every year.

What are they doing? Why are they not warning us in advance? Why is the police not taking pre-emptive measures, if they can tell us so quickly that it is the *Al Shabaab*? If you have that information, then why not take corrective measures? This is a Government that is asleep on matters of security. The police reforms are key. We need to weed out rogue elements in the police force. This is why these lapses are occurring. We had the other day an incident where senior police officers caused the dismissal of juniors who had caused the arrest of a criminal foreigner and, the officer who allows or facilitates the absconding of the foreigner is not punished.

Mr. Temporary Deputy Speaker, Sir, once again, may I call upon the police and all the security operators to up their game. Let us show the seriousness that our armed forces have shown in *Operational Linda Nchi*. Let the police borrow a leaf from the Armed Forces and do a thorough job, so that we can be secure, not only at the border points, but also within our borders.

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

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I would also like to commend the Member for Kamukunji for bringing this Motion for Adjournment, so that we can discuss a matter of national importance and urgency.

Mr. Temporary Deputy Speaker, Sir, we must from the outset, condemn in the loudest voice possible, this dastardly and cowardly act perpetrated by enemies of Kenya. It may be of interest to let the hon. Members know that what our Kenya Defence Forces are doing in Somalia is a commendable job. Since our forces entered Somalia, piracy cases at the coast of Mombasa, Somalia and Dar-es-Salaam have all gone down and, therefore, we need to commend this. In my view, we should have done this 20 years ago, but it is never too late. I must also commend the Defence Forces for the humanitarian efforts that they are engaged in, in areas where they have been able to clear the *Al Shabaab*. They are providing medicine, food and even treatment.

Mr. Temporary Deputy Speaker, Sir, our forces have no intention of staying one day longer than necessary in Somalia. Kenya is not an occupation force. In fact, they are handing over any area that is liberated to the Transitional Federal Government (TFG) of Somalia. So, they are doing a good job. They have no intention of staying for one second longer than necessary.

Mr. Temporary Deputy Speaker, Sir, we must also look at ourselves here internally. Who are perpetrating these grenade attacks? Going by the history, they are our own Kenyans. They are not foreigners. You will find Kenyans calling themselves different names. Those are the ones that we need to condemn. We need to find out why our young people are joining *Al Shabaab*. What is it that is lacking? That is what we need to do, so that we discourage them from joining *Al Shabaab*. The hon. Member has been to my office and, in fact, drew my attention to the fact that with the recent increase of duty on *mitumba*, the *mitumba* business is almost collapsing in Gikomba, and that there are now many young people who are unemployed as a result of the collapse of that business. I can assure this House that I am taking that matter seriously. Today, I had a meeting with Kenya Revenue Authority (KRA) and we are going to review those rates, so that the *mitumba* business can go back and boys who were doing business in Gikomba can be gainfully employed. This is because I will not be surprised if one of the reasons it is so attractive to join *Al Shabaab*, is because of having nothing to do. So, we must give them something to do.

Mr. Temporary Deputy Speaker, Sir, in fact, in my time at the Treasury, I would like to recruit all the young people along the borders of Kenya and put them in the National Youth Service (NYS). This will be a special kind of recruitment, so that we remove this attraction of *Al Shabaab*.

Mr. Temporary Deputy Speaker, Sir, lastly, I must commend the police and even the National Security Intelligence Service (NSIS). It is only that they do not announce the number of attempts that they foiled. But I have information that they have foiled so many attempts both by the NSIS and the police. It is only that they cannot announce, every time they are successful, that they there was this and that plot but they have been able to foil it. So, I urge that when the budgets for the NSIS and police come to this House, let us support them. They need even more money, so that they have an ear in every place in Kenya, including Gikomba and Eastleigh, so that they will be able to know in advance before these terrorist acts are perpetrated here. I have also spoken to the Commissioner of Police and told him that he also needs to increase the budget on police intelligence. When people used to say that the Kenyan Police Force was the best, it was because of their intelligence aspect. That is very important. The police must also have an ear on

the ground. They must know what is happening every day, so that these criminals are arrested before they perpetrate these cowardly and dastardly acts that are just geared towards driving our economy down.

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

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

Mr. Temporary Deputy Speaker, Sir, from the outset, I want to thank and congratulate the Member for Kamukunji for bringing this matter before the Floor of the House, so that we can ventilate and speak on it, since it is of great national importance. I want to condemn this act of brutality and violence against innocent civilians and request the Government --- When these incidents happen, always there are statements by the Government that they will leave no stone unturned until the culprits are brought to book. Just before they bring those culprits to book, another incident happens. It becomes a pattern of a Government that is not serious or on top of its job.

Mr. Temporary Deputy Speaker, Sir, Nairobi is a soft target. I think if the Government cannot protect the capital city which holds the pride of the country, then I do not know which other part of the country it can protect. I happened to be in Wajir a few weeks ago and there was a similar attack. These ones that are happening in Nairobi, there is also a tendency of quick conclusion. Every time these things happen, we, of course, now have found a way to blame *Al Shabaab*. We need to blame them and also clear them. That is why we are fighting in Somalia on a matter that all of us think is a just war. But it should not also be a soft excuse for the Government. When things happen just a few metres away from the Office of the President, it is blamed on *Al Shabaab*. How can the *Al Shabaab* have so easy an access? Next time, they will come and bomb Parliament, and we will say that it is *Al Shabaab*. So, I think it is important that before the Government issues a Statement, it should be sure, otherwise, the credibility of Government statements will be questioned. You must be sure and have sufficient intelligence. You must announce what you know. Do not just give us an excuse because it is something that is in favour with the country. It could be a criminal gang operating here in Nairobi, and you might be blaming it on a matter that might not be concerned.

Mr. Temporary Deputy Speaker, Sir, as many of my colleagues, mostly in Government, have said, the war in Somalia contributes to the rise of terrorism activities in Kenya. I think that what we are doing in Somalia is what we should have done many years ago.

Mr. Temporary Deputy Speaker, Sir, as somebody who has been an ambassador, I know that we advised about seven years ago that we had to get this engagement early enough, so that we could deter these people. The interest of Kenya was to be able to make Kenya safe. However, we allowed these criminal gangs to operate along our border with Somalia, to manufacture and recruit. It has now become more expensive to engage them.

I want to raise a matter that I want the Minister to deliver to the Minister for Foreign Affairs or, if he has an opportunity, to discuss with the President. Security engagement alone is not enough. There is need to engage in a political process. What is lacking now is a robust political engagement by Kenya, so that when we liberate the areas between Kismayu and Garissa, Wajir and Mandera Counties, the people who live in those areas will have the capacity to govern themselves.

We do not want our military forces to stay there indefinitely. It is not in the interests of this country for the Kenyan forces to remain in Somalia for longer than we need them to be there. They should have the shortest possible stay there. The only way we can have sustainable

peace is to have a political process, where the local population inside Somalia has an opportunity to determine their future. As of now, that is lacking.

Mr. Temporary Deputy Speaker, Sir, hon. Githae said that there is radicalisation of the Kenyan youth, and that this is taking place because the youth in this country are feeling very frustrated. There is need for the Government to give these young people hope. We have to identify if these are the cells that are operating in Nairobi or in other parts of this country. This country has one of the most sophisticated intelligence gathering systems in Africa, and it is known. Why is it so difficult for them? They cannot identify these cells, have them arrested in good time, retrain them and give them hope! Why must we wait until they are so radical?

On the matter of Kamukunji, when incidents like this one happen, there are people who fall victim to police brutality. The Minister must be very careful not to target innocent civilians who are going about their businesses. There is always a tendency by the security forces to be overzealous. I want to thank hon. Hassan for bringing this matter to Parliament. He has been in this House for a short period but his impact has been massive. Congratulations!

We support this Motion.

**Ms. Leshomo:** Ahsante sana, Bw. Naibu Spika wa Muda. Mimi pia ninaiunga mkono Hoja hii.

Kwa kweli, hakuna mtu ambaye angefurahia kile kitendo ambacho kilitendeka kwenye steji ya mabasi ya Machakos hapa mjini Nairobi. Maisha ya watu yanafaa kulindwa. Jambo la kushangaza ni kwamba kila kunapotokea jambo kama hili, tunalaumu wanamgambo wa kundi la *Al Shabaab*. Inafaa tuangalie hali hii ili kubainisha ni shida gani tulionayo.

Hii ni mara ya nne mabomu kulipuka. Kila wakati inasemekana tu bomu limelipuliwa pale ama pale. Tunangonjea kitu gani kifanyike ndiyo tusikie uchungu? Ni watu wangapi watakufa ndiyo tusikie uchungu kama hatuwezi kusikia uchungu kufuatia vifo vya hao watu wachache? Ninaiomba Wizara ya Utawala wa Mikoa na Usalama wa Ndani, kwa sababu Waziri Msaidizi yuko hapa, wahakikishe wanajua ni kitu gani kinachoendelea. Jambo kubwa litakuja kufanyika na tutashindwa tufanye nini.

Bw. Naibu Spika wa Muda, mabomu yanalipuliwa kila siku. Hali hii siyo wizi wa mifugo unaofanyika miongoni mwa jamii za Wapokot, Wasamburu na Waborana. Haya ni mambo mengine. Hii ni Nairobi, na Nairobi ni ya Wakenya wote. Ukisikia watu wameumia Nairobi, utaona kwamba watu kutoka kila Kabila wameathirika.

Kwa hivyo ninaiunga mkono Hoja hii na kusema kwamba jambo hili ni lazima liangaziwe zaidi kubainisha kinachoendelea. Hii ni kwa sababu tunaweza kungojea halafu jambo kubwa likafanyika, na haitakuwa vizuri kwa nchi hii.

Ahsante, mheshimiwa, kwa kuileta Hoja hii Bungeni.

**Mr. C. Onyancha:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I would like to thank the Member for Kamukunji for being very prompt in presenting it to the House.

I wish to start by sending my condolences and those of the people of Bonchari to the families of all the people who lost their lives in this incident in Kamukunji, as well as those who are elsewhere in the country who have been under attack. I would also like to say *pole* to those who are in hospital.

Mr. Temporary Deputy Speaker, Sir, I want to disagree with some of our speakers today who have proposed that we surrender and recall our armed forces because they claim that our intervention in Somalia is the reason for these attacks. We were attacked before we went into

Somalia. We were under attack for a long time. Our tourism industry was under attack. We did not have an alternative other than to move in and try and nip the problem in the bud.

So, with all my resolve, I support *Operation Linda Nchi*. I want to commend our soldiers in the Kenya Defence Forces who are out there, fighting for us. I also send condolences to the families of those who have lost their lives while trying to preserve our security.

With regard to the recruitment into *Al Shabaab*, I think we need to go back to Agenda Four of the National Accord, which seeks to address joblessness in this country and how to get youth out of joblessness and poverty. I guess this is the reason why they are easy recruits into these criminal organisations. We really need to look into this as Government and as Kenyans.

Mr. Temporary Deputy Speaker, Sir, police reforms are also underway. I would urge the Minister responsible for the police, who is present here, to make sure that those reforms are hastened. In the same breath, I would like to ask hon. Members that when the Minister asks Parliament for money, we should also be able to accommodate him in order for him to be able to make things possible because without security, we cannot have investment and without investment we cannot create jobs. Without jobs, we will have more insecurity.

Therefore, I want to request hon. Members to support our national defence forces, the police and the Government, so that we get over this problem as soon as we can. I am sure that it is not Kenya's intention to stay in Somalia for a day longer than is necessary, but as long as that threat is there, it is necessary that we stay there and secure our country.

Mr. Temporary Deputy Speaker, Sir, I have looked at the list of the people who were hurt and those who passed away at Kamukunji in this grenade attack. It is like a list of who-is-who from all over the country. I do not want to read out their names; all I can say is that Kamukunji is a very cosmopolitan constituency and we are all involved and concerned. Even if it was not cosmopolitan, any part of Kenya belongs to us, as Kenyans and more so as Members of Parliament; it hurts when we find that we are under attack. We must, therefore, condemn this act with all our vigour.

With those remarks, I beg to support.

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to contribute to this very important Motion.

I would like to take this opportunity to congratulate the Member for Kamukunji for moving this very important Motion for Adjournment to discuss this very important national security issue. I would like to also take this opportunity to join my colleagues in sending a message of condolences to the bereaved families and friends of the departed Kenyans, and wish those who are still in hospital quick recovery.

Mr. Temporary Deputy Speaker, Sir, we continue losing lives across the country as a result of the problems we face with our neighbouring nation. When incidents happen deep inside Kenya, away from the borders, generally it is an indication of what we are doing along the borders in order to contain the entry into the country of these bad people.

Mr. Temporary Deputy Speaker, Sir, my constituency is one of the constituencies that hosts refugees. Fafi Constituency hosts more than 150,000 refugees. They are haphazardly settled in a camp that was meant for only 30,000 people. They have spilled over and are occupying areas together with Kenyans. You cannot tell who is who. Today, some of the areas that are meant for registration of identity cards; the locational or sub-locational headquarters have become centres of refugees. Unless the Government comes up with a strategy in the interim, pending the hope that we are going to move the refugees back to their country, to try and

decongest some of these camps and put refugees away from our settled areas, there is this danger of having refugees mingling with our locals and, therefore, risking our security as a nation.

We always wonder how these people come in, but once they are mixed and settled with our people, it is very difficult to tell how they came in. Therefore there is need to look further and find out the sources of these elements. As much as I agree that these criminal elements are actually now across the spectrum of Kenyans in terms of identity, it is also clear that the origin is North Eastern Province and those areas where refugees are hosted. The Government must, therefore, pay particular attention to how the refugees are managed. We seem to have lost that particular aspect.

Mr. Temporary Deputy Speaker, Sir, the other issue is the treatment of Kenyans and the refugees who are here. We must handle matters in such a way that we do not play into the hands of *Al Shabaab* and get ready recruits. There are quite a number of young men who are idle in refugee camps. It is good for the Government to dialogue with the UNHCR and other agencies in order to come up with strategies to commit these youth rather than harassing them when an incident occurs in those areas. Many of these refugees, earlier in the days when incidences were taking place in Fafi, the police were indiscriminately arresting refugees and local Kenyans. For Kenyans, they have nowhere to go but for the refugees the young men will trek back to Somalia and probably end up joining *Al Shabaab*. It is kind of shooting oneself in the foot. It is very important that we handle the refugees carefully so that we do not antagonize and provide ready recruits for *Al Shabaab*.

Let us maintain vigilance as a country. Our security forces have been trying their best in the early days but somewhere along the line when the number of incidences started going down in the country, we seem to have got a bit relaxed whereas, prevention is better than cure. There is no need to put many soldiers in a place where an incident has taken place because they will have done what they have done and will be gone. It is very important that we forestall these activities and make sure that we provide sufficient troops.

The other suggestion I would give is that our security forces are overwhelmed. Some of the areas---

**The Temporary Deputy Speaker (Mr. Imanyara):** Your time is up!

**The Assistant Minister, Ministry of State for Public Service (Maj. Sugow):** With that, I support.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for brining this Motion. I would also want to give a message of condolence to the families who are bereaved and also send a message of quick recovery to those still in hospital.

I will be very brief and just indicate that as a country, we need to look at the issue of youth and unemployment. If you look at the faces of the persons who are suspects in these cases, they go by names of Odhiambo, Kamau and all that, yet in the past we have always assumed they will be foreigners coming from very far. I am not saying the foreigners are not there; they are also there but increasingly we are getting recruits who are people from within and are very young people. So, really, we need to look at the issue of unemployment and that is why sometimes it is very unfortunate when we politicize programmes that are supposed to help young people. Let us support programmes that come and are supposed to help young people.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that the Minister for Finance has left. Since I am seeing Mr. Ojode here, I would encourage that when the Budget comes, we need to see the link between the money we are giving the National Security Intelligence Service (NSIS) and the action that is on the ground. Just the other year, we gave Kshs3 billion. I know

the police are trying their best but I think they should be doing better. That is because of the issue of corruption. Only yesterday, I was watching a programme on news where a young man was saying how they get these scrap metals, having bribed the police to look the other way. So you cannot rule out the fact that our police are also bribed to look the other way in issues of insecurity especially in cases where there are people who are suspected. The parents were talking and saying: "This young man's actions are very suspect".

I want to talk to the issue of our porous borders. We are not taking control of our borders very well especially over the issue of foreigners who are coming in. I know there are parts of this country; we have Kenyans who are Somali but we also have Somalis who do not speak Kiswahili. We know that a majority of Somalis who do not speak Kiswahili are not actually Kenyan Somali. We let them thrive in this country and again, because of the issue of corruption--

**Mr. Duale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member in order? My mother is a Kenyan and yet she does not speak Kiswahili. She is not in order; not all Kenyans of Somalia origin know how to speak Kiswahili. The same case applies to other communities including the Kikuyus, the Luos and the Kalenjins.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, if the Member listened to me clearly I said, "most". I did not say "all". I know that as a fact, but if you find a Luo who does not speak Kiswahili it is most likely a Luo from Zambia, Sudan or somewhere else. I said "most" and because I do not want to name names because I will be told that I am playing politics, Mr. Ojode knows very well about the places I am speaking about where you will find very many Somalis who do not speak Kiswahili and they are not Kenyan Somalis. When one of the places was raided, they were tipped and went and hid. We know them and we are not speaking about them.

With those few remarks, I support.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, thank you for the opportunity to contribute very briefly on this very important Motion.

Let me start by thanking the Mover of this Motion, Hon. Hassan of Kamukunji for finding time to file this Motion. I am wondering what is really happening to our security organs in this country. When I reflect in my memory, M15 of Britain is able to tell when a terrorist attack is likely to be felt at Heathrow Airport. Mossad of Israel is able to tell when an incident is likely to happen. KGB of Russia is able to tell when Putin is likely to be attacked. CIA is also able to foretell when Obama is under attack. What is happening to the NSIS? Where are they?

Mr. Temporary Deputy Speaker, Sir, I recall the late Patrick Shaw who would confront any crime in this nation with a degree of commitment. We have seen very serious commitment and aggressiveness exhibited by the Assistant Minister, Ministry of State for Provincial Administration and Internal Security in this House. What really happens with that aggressiveness outside there? This is the tempo and the spirit that we want to see outside there.

We have seen kidnappings, robberies and even carjacking in this country. This must be stopped if Kenyans are to enjoy happy lives. We sympathize with the nine families who have lost their loved ones. Their lives were terminated prematurely because our security was not very tight. I would urge the Government to make sure that it meets the burial expenses of the affected families.

Mr. Temporary Deputy Speaker, Sir, it is also important to recognize the Kenyatta National Hospital (KNH) administration that came to the assistance of the affected victims. Notable is Dr. Simon Monda who led a high powered doctors' team to address the crisis

affecting those victims. We note that there are some other critically injured Kenyans who are admitted in hospital. We also, in addition, ask the Minister to make sure that the bills incurred will be met by the Government. It is high time that security organs in this country woke up to the reality. That is because within the last four months, we have had some Kenyans who were brutally murdered and their bodies dumped in Kinale Forest. Up to date, no investigations or real suspects have been apprehended. Where is the Government? What is the role of the Government in terms of protecting the lives of Kenyans? The image of this country is already tarnished; tainted by this callous attack at the “Machakos Airport”. Therefore, it is important that we try to reclaim this image. This House has already voted massive funds to the Department of Defence. What is the use of those funds that have been invested to protect the lives of Kenyans? It is, therefore, important that the Machakos Bus Station, which is the hub of transport in this country, is given a 24-hour security surveillance so that Kenyans and transporters can move about in their daily activities without any fear. To increase the number of tourists in this country, we need to enhance our security.

With those few remarks, I fully support the Motion.

**Mr. George Nyamweya:** Mr. Temporary Deputy Speaker, Sir, I also rise to support the Motion and, perhaps, we ought to mention to the Ministry of State for Provincial Administration and Internal Security that the other day, the Departmental Committee on Defence and Foreign Relations had a joint meeting with the Minister of State for Provincial Administration and Internal Security, Minister of State for Defence and Ministry of Foreign Affairs. There was a clear impression that from that meeting, our problems were more of internal than external. I think so far, our mission to Somalia has been handled commendably by our defence forces and our Ministry of Foreign Affairs.

But even earlier on, this afternoon, we were discussing the Mombasa Republican Council (MRC). I know I was a Member of the Select Committee investigating organized and unlawful gangs and, indeed, our young people have been radicalized; radicalized to the extent that they are easy recruits for internal and external forces which are against the Republic. When we recommended here - after submitting our Report--- If you go back to our education system; the education system we have does not even prepare our young people for a decent way of managing their own lives and affairs. When you have an education system that is designed to exclude and throw out 13 years olds as we do with our current system of education, what is it that we expect those 13 year olds to go and become? How do we expect them to survive where there is no other hope other than look for ways in which they can get a little living?

You will also note - and this has come from the Ministry itself - that indeed, too much of the time we are blaming external forces, and particularly the *Al Shabaab* and *Al Qaeda*. But those are external. The problem is internal and until we get to the root cause of our poverty and unemployment and give a meaningful life to our people, we are not going to get away from those sorts of incidences. When we went into Somalia, we were quite aware that there would be external and internal repercussions. It seems that our Ministry of State for Provincial Administration and Internal Security must have relaxed because, at the beginning of the war, we were quite alert; everybody was. There was proper engagement with the people of Kenya. It was alerting them to beware of areas where you have huge numbers of people. We were told about the shopping supermarkets. We were told about offices. We were told about bus stations and so on. So, I would urge the Ministry to go back to being fully alert and not to expose or relax, thinking that things are going on well, now that we have become part of the UN force in Somalia; and that, therefore, translates to internal stability or security. That could only happen

because of that relaxation. If, indeed, and we also know that the National Intelligence Security Service (NSIS) is alert--- We know as we have heard that there are many plots which have been foiled, but they are not announced. But it is not sufficient to come and tell us: “Out of 100, at least, we have sorted out 99 and the hundredth is the one that has got us into this problem.” If it is, indeed, the question of the ability in terms of : “You know the suspect as I think they do”, and if it is necessary that we have legislation, why can the Government not have legislation to deal with clear areas of where you know there are acts of terrorism anticipated and so on, rather than say: “We know it is so-and-so. Arrest him and then release him”. Then, the same people are the ones who go and cause this problem.

So, I think it is also necessary that in the process, as we are doing the police reforms and other security arrangements, to factor into that where Kenya is. We have problems. We have problems, not just with our neighbours. We are a transport hub and so, there is a problem of drug trafficking. There is a question of illicit weapons. All those things are there and we know them. So, it is necessary for us, as a House, to factor that despite the fact that we have a very liberalized Constitution. We must also enable our forces to prevent the acts of terrorism that are taking place on our soil.

With those few remarks, I beg to support.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I add my voice to support this Motion and, on the outset, congratulate Mr. Yusuf Hassan for bringing this Motion. I would like to say that after observing the kind of engagement that he is doing at the constituency; bringing people together, be they Christians or Muslims or other denominations including the Hindu, it is the way to do things and ensure that harmony exists in the community. Therefore, it is very sad that while he is making those efforts, we get the sad scenarios of the skirmishes attributed to terrorism and, hence, costing a lot of lives. I render my condolences, on behalf of my family and also my constituents, to those who have lost dears ones and also our sympathies to those who are still recuperating in hospitals. We give the Constituency of Kamukunji and, indeed, the city of Nairobi and this country encouragement in the scenario.

This Motion could not have come at a better time, given the tragedy. So, it is timely because we are giving our messages of condolences and support. We also join the Government in ensuring that we assist those who are affected and also the area Member of Parliament.

Having said that, it is good to realize that the kind of problems the youth are facing in this country amidst a lot of frustration, at times, is not a justification for one to become a criminal. We know of a lot of frustrated youth living in villages and slums, walking kilometres every morning to eke out a living; they scratch the earth with their bare hands for minimum survival. Therefore, there should not be any excuse and the youth of this country must be told that they should not engage in criminal activities and give an excuse that they are poor. We know our parents have struggled in the villages to see us through school. The young people without families coming out of primary schools, high school and even colleges need to be told that there is a price to pay for engaging in criminal activities. In some instances, like the scenarios we see on television and the testimonies we go through, it is clear that some of these young people from poor homes are struggling and achieving some basic livelihood.

Mr. Temporary Deputy Speaker, Sir, but having said that, I support the sentiments by the Acting Minister for Finance, and actually hope that the Budget will capture in a big way recruitment of additional young men and women into the National Youth Service (NYS). This is one way to help but we know that we have delayed. My Ministry has done the necessary

arrangements to ask the President and Prime Minister for this kind of financial assistance to be given; we are supposed to have engaged new numbers; these youths go into training in engineering, accounts and hospitality careers. Some are recruited into the armed forces. Given the complications we have, it is good to encourage closer interaction with the National Security Intelligence Service (NSIS), the Criminal Investigation Department (CID), the Kenya Defence Forces (KDF) and the Kenya Police. I know that in my constituency - I can share this with many others - civilians are doing a lot of work in volunteering information that is helping in curbing violence in many areas. Therefore, it is important for the internal security docket to invest more in community policing in the neighbourhoods, villages, urban estates, shanties or leafy estates. It is good to invest there because sometimes corruption does not spare leafy estates. Just as it happens to the political class, the bureaucracy and the corporate world we are witnessing now; it also happens sometimes in the security forces, and it may require some kind of benchmarking with community input.

Mr. Temporary Deputy Speaker, Sir, I think we also need politicians to send the right messages. I think the time for confrontations or disagreements should end. For instance now we have the police oversight commission. We do not need statements from the Office of the President and the Office of the Prime Minister. If, indeed, they have not been consulted, let us hear statements being given by a secretariat or an officer in the Office of the President or from the Prime Minister's office, because it gives a wrong message to this country. If people are not agreeing on a security institutions, what inspiration and hope are you giving?

Mr. Temporary Deputy Speaker, Sir, we need to invest very much in harmony, patience, intelligence; we need to put in what is necessary to give people a lot of hope. If the political class is in disarray and in confrontation, the rest of the country may follow suit; people may ask if these two are not agreeing, who are we to agree? I commend Mr. Hassan. Keep up the good work. You may be the Tom Mboya of Kamukunji.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I want first to thank my colleague, hon. Yussuf Hassan for bringing this Motion. It is timely and I think it is of national importance.

Secondly, I want to join him in sending my condolences to the nine Kenyans who lost their lives.

Mr. Temporary Deputy Speaker, Sir, I want to say from the outset that the Ministry of State for Provincial Administration and Internal Security is doing its best. Why do I say so? Since the invasion of Somalia - for some of us it is an invasion in pursuit of the *Al Shabaab* - a number of attacks have taken place in my constituency and in the larger Northern Province. Community leaders, security agents, or intelligent networks have come together and today that is a thing of the past. If you walk around in this City you would find the investments the Ministry of State for Provincial Administration and Internal Security has put in place to make sure that lives and property of Kenyans are guarded since this programme started.

As a country, we are losing a lot in terms of investments. What happened at Machakos Bus Station, where we lost nine Kenyans is going to affect our economy. When the international media splashes, there are many corporate investors who will wonder whether Kenya is a safe destination or not.

Mr. Temporary Deputy Speaker, Sir, at this trying moment, as leaders, we should not dwell more on blame games. We must give the Ministry of State for Provincial Administration and Internal Security and the National Security Intelligence Service (NSIS) more funding to make sure they live up to their mandate. It is not the police. It is the intelligence network that is

supposed to give that information. I am sure they must have done their best and these are isolated cases. But even isolated cases cannot be excused for a Government agency.

Mr. Temporary Deputy Speaker, Sir, finally, there is an *Al Shabaab* phobia in this country. The days when particular communities and particular religions were stigmatized and carried the brand of terrorism are gone. There were days when the people of northern Kenya and more so, people of the Somali decent and the Muslim community were denied even their rightful citizenship documents on the basis of terrorism. The anti terrorism team in this country should go back and do more strategy than they had before. In their old strategy, they were looking for Mohamed or Abdullahi as terrorists. They must include the Opiyos, Muchiris, Mutindas and Kipyegons of this country. When a bomb blast took place in Kampala, we know the names that were behind it. So, the face of terrorism is changing. It is not the old one.

Mr. Temporary Deputy Speaker, Sir, I want to tell the Minister of State for Provincial Administration and Internal Security, who is sitting here; the focus of every criminal activity that happens in this country must not be that of *Al Shabaab*. The *Al Shabaab*, in their own agenda, want to take power in a neighbouring country. They are one of the key players in the political dispensation in the Somali geo-politics. It is not the business of the Kenyan Government, the IGAD, the African Union or UN to decide who forms the next Government of Somali people. If the world wants to be very fair, they must invite all the players into that----

**Mrs. Shebesh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House when we have already acknowledged on the Floor of this House – and even the Ministry in charge of internal security - that the *Al Shabaab* exists even within Kenya and it is part of the problem of Kenyan insecurity? Is he in order to imply that it does not involve Kenyans?

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I want my colleague to come for a consultancy on the birth and emergence of political players in Somalia. I am not talking about--- It is the work of the Minister of State for Provincial Administration and Internal Security to treat *Al Shabaab* the way he treats the *Mungiki* or the Mombasa Republican Council (MRC). I am talking in reference to our activities in Somalia.

I support the Motion.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I support the Motion and thank hon. Yusuf for bringing it. I also want to encourage him. I would like to take this opportunity to condole with the affected families within his neighbourhood and from across the country. Of particular interest is that we have 23 year old men who are certainly trying to make a living. I also want to congratulate the Kenya Defence Forces (KDF) for what they are doing. I thank the Police Force for what they are doing and, as others have said, the NSIS and the CID. But I would like to ask for more staffing for CID, so that they can track these issues a little bit earlier.

It is unfortunate to mention that the Cable News Network (CNN) took it upon itself to show that this country has gone back to where it was. That coverage was played over and again. They even re-played the ugly incidences of 2007. I think that was unfortunate and the media must also identify their positive role in these processes, so that we can be able to deal with them positively. We should not use them to give a false impression of our country.

I want to agree with those who have said that, until we relook at the education system in this country, we will continue nurturing candidates for those groups. Our education system condemns every year, almost 500,000 young people who are left with nothing else to do. It is not that they should engage themselves in crime. But that becomes an easier option and they are tempted into it very easily.

I want to also say that we have to be very careful with what we say on the Floor of this House. That is because in so doing, we could be encouraging others to become members of these gangs. The *Al Shabaab* and the Mombasa Republican Council (MRC) have been known to be working together. That has been given to us before. So, I think it is important that we are not seen to be lenient when we are dealing with some groups, and when we are dealing with others, we seem to be encouraging other forms of engagement. I am particularly a bit appalled by the position that was shared this afternoon by the Prime Minister, that instead of handling the MRC with the firmness it deserves, the Government thinks that the best way is to engage them. They are part of *Al Shabaab* and *Al Shabaab* is part of the MRC. Our army is in Somalia because the *Al Shabaab* had become a problem to us. If we are engaging them one way this way, and our army is engaging them in another way the other side, that is what I hold as an aspect of double standard and is not useful. That is what I said.

The continued stay in camps of Kikuyus--- That is because the camps we call IDP camps, ideally, 90 per cent of the occupants are Kikuyus. The continued stay of those people in camps is also another fertile breeding ground. Unless we talk about these issues candidly without coating them in some form of names that do not bring out the realm of problems, we will have many of those attacks in the country. We have already had six of them, probably one arrest and one prosecution. Until we are able to deal with the issue of unemployment holistically---

Let us not look at unemployment like we talk about it in the Coast. This is an issue that is across the country. You will find the same numbers in Nyanza and Ndaragwa. We must talk about unemployment of the young people across the country with one policy and agree that, if we do not deal with it that way, any other group will feel that it is being discriminated against. We do not want them to react in a manner that is not useful. The assumption that the terrorist attacks are being conducted by people of Somali origin is a myth that is long gone. It is now very clear that all the unemployed young people that we have can be candidates who can be misused by those who want to benefit from those attacks.

We, again, have taken a very simplistic way of explaining this; that the politicians are funding or are the beneficiaries. Until we get to deal with the issue head-on without just assigning or trying to get political mileage, one way or another, we will give these groups room to grow and mutate to the radical grouping that we now have seen.

Mr. Temporary Deputy Speaker, Sir, I led the Select Committee that dealt with these unlawful grouping. That Report is a public document which was accepted by this House. We talked about all these issues that are now coming up then. So, it is important that even those in the Government also pay attention to some of the recommendations that are carried in the Report, because they are fairly elaborate and covered all these groups including the MRC and the *Al Shabaab*.

Mr. Temporary Deputy Speaker, Sir, I beg to support and want to encourage hon. Yusuf that we also share with him at this time of grief in his constituency.

**Mr. Muthama:** Bw. Naibu Spika wa Muda, nina simama kuunga mkono Hoja hii iliyoletwa na Mbunge was Kamukunji, mhe. Yusuf.

Bw. Naibu Spika wa Muda, nilipokuwa nikija nilisikiliza mazungumzo haya kupitia Idhaa ya Kiswahili ya KBC. Mazungumzo haya yanatangazwa moja kwa moja na Wakenya wanahamaki sana ya kujua kilichofanya nchi hii kwenda kupigana katika nchi ya Somalia. Swali ni moja na Wakenya wanataka kujibiwa. Je, vita hivi vya sasa vinahusu nchi yetu ya Kenya vipi? Uwazi wa mambo ni kwamba Kenya ilidharauliwa. Kenya haina nia ya kuchukua hata inchi moja ya Somalia. Kenya haitaki kukaa katika nchi ya Somalia. Lakini madharau yaliingia katika

nchi hii wakati maharamia walitoka kwao na kuingia katika nchi yetu kwa uwazi na madharau ambayo hayajaonekana. Walichukua mtalii na kutoroka naye. Walienda wakumuua na kurudi tena na kuchukua mtalii mwingine.

Bw. Naibu Spika wa Muda, vijana walioko katika vita kupigania nchi yetu ni watoto wetu. Kwa nini wako katika mstari wa mbele vitani? Wako mbele ili kulinda taifa letu. Taifa hili halitalindwa na Mmarekani, Mhindi wala Mtanzania. Taifa hili litalindwa na Wakenya ambao ni watoto wa nchi hii waliozaliwa na akina mama na wazee wa nchi hii. Wale watoto wetu ambao wanapigana wanataka kusikia kwa sauti moja kwamba wanachokifanya kinaungwa mkono na Wakenya. Hii ni kwa sababu wako pale kutoa maisha yao. Katika vita hivyo, kuna vijana waliouwawa miaka miwili iliyopita na wengine hata hawana watoto. Kama watatusikia tukisema kwamba vile vita wanavyopigana havifai au ni vya kubahatisha, hawatakuwa na roho ya kujitolea. Kwa hivyo, ili wajitolee mhanga na kupigania nchi yetu, inafaa tutangaze wazi kwamba vita wanavyopigana ni kwa sababu ya kulinda nchi yetu.

Bw. Naibu Spika wa Muda, kuhusu mlipuko ulitokea katika uwanja wa mabasi, ningependa kusema kwamba Kenya sio nchi ya kwanza kwa mambo hayo kutokea. Kudharau na kutoona kwamba kikosi chetu cha polisi kinafanya kazi--- Nchi hii iko katika ramani ya ulimwengu. Mataifa yanayotuzunguka yanatuona sisi kama Marekani ya Afrika. Mtu anayetaka kuwa mwizi mwenye ujuzi sana anaingia katika taifa letu la Kenya. Je, ni kwa sababu gani? Ni kwa sababu hapa ndipo utapata mali ya kuiba. Katika nchi zingine, hakuna kitu cha kuiba. Hata ukiiba bilioni moja ya pesa zao, ukibadilisha fedha hizo ni kama Dola 10,000 tu. Mtu akiiba billioni moja za Kenya, atakuwa amepata karibu Dola milioni moja. Katika nchi zingine, hakuna usalama kama nchi yetu ya Kenya. Kwa hivyo, mambo yanayotokea hapa sio kwa sababu ya kushindwa kwa polisi. Tunajua kuwa tunalindwa kutoka asubuhi hadi jioni. Tunajua taifa hili liko katika matata kutoka asubuhi mpaka kesho kutwa. Idara ya polisi imeweza kufanya kazi kwa sababu miaka nenda miaka rudi, ni mlipuko mmoja tu ulitokea hapa. Ninataka kuwaunga mkono polisi wetu na kusema kwamba majeshi yetu yafanye kazi na polisi na kuona kwamba mambo yanaenda vyema.

Kwa hayo machache, ninaiunga mkono Hoja hii.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for Kamukunji for bringing this Motion to the House.

Mr. Temporary Deputy Speaker, Sir, some of us here are not aware of the background to what actually happened on Saturday. I want to give a brief overview of what happened on Saturday at 7.30 p.m. I am saying this because I have to deliver an elaborate Ministerial Statement with regard to the same matter tomorrow.

On Saturday, at around 7.30 p.m. a motor vehicle came from the City Centre, driving on Landhies Road. When it reached the first bridge, its occupants threw two grenades. When they reached the bus stop, they threw another grenade, which exploded. They continued driving. When they reached Nacico Plaza, where we have a petrol station, they threw another grenade, which killed one unidentified person instantly. About 72 people were injured. Nine people have so far died. Forty people were admitted to Kenyatta National Hospital. Some of them have so far been discharged.

Mr. Temporary Deputy Speaker, Sir, we have done a number of things, some of which I am able to say here. We have arrested some people. As you all know, we have so far arrested four people and we are still hunting for more.

On the outset, I want our people to note that the police are doing a commendable job. The police are not sleeping in order for us to sleep. A number of detectives are not sleeping in order for Kenyans to sleep or go shopping freely within the streets of Nairobi. I wonder why some people bash the police. I have mentioned here that if we withdraw the services of police officers for just one hour, people within this country will not be free to move.

Mr. Temporary Deputy Speaker, Sir, as you are aware, we have refugee camps in Dadaab. Each of those three camps is supposed to hold 30,000 people. How many people are those camps holding as we speak? They are holding 500,000 people as opposed to holding 90,000 people. We have porous borders. That is why we have been saying that we must remove these refugees and take them even four kilometres away from the Kenyan border with Somalia. These people are not running away as a result of insecurity in Somalia. These refugees are coming for food relief. They are coming for medicines---

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

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Why do you not wait for me to finish since there is not much time left? You can interrogate me tomorrow.

**The Temporary Deputy Speaker** (Mr. Imanyara): Assistant Minister, we still have two minutes. It is hardly time for interruption of our business.

What is your point of order, Member for Kamukunji?

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should concentrate on the issue at hand. Is he in order to sort of wander around and talk about refugees? The refugees are here under our own protection. They are also victims of the conflict in Somalia. Should he not concentrate on the issue of Nairobi's insecurity?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, with due respect, what is the source of insecurity? It is porous borders and the refugees. We have our sons and daughters joining the *Al Shabaab* for training. Later on, when you come, thinking that you are going to get somebody else, you just get a man from your own area, who has turned into an *Al Shabaab*. Those are the things I am talking about.

Those are the sources I am talking of. I must appreciate what my colleagues are saying in this House; that we need to engage the younger generation. We need to engage the youth in some meaningful employment. Let us come up with factories. Let us come up with institutions so that we run away from being idle. An idle mind is the devil's workshop.

Mr. Temporary Deputy Speaker, Sir, I want to assure Kenyans that they are free and they can walk freely in Nairobi. The police are going to do all that it takes to ensure that Nairobi is a free city and you can move freely.

I also want to assure my colleague, the Member for Kamukunji not to worry, my officers are alert. They are going to go on the streets every time. They are on the streets as I speak and it is not only Kamukunji. I am talking about the whole of Nairobi---

**Mrs. Shebesh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to repeat the very questions we are asking here rather than giving us concrete answers to what this Motion is asking; the bombing in Nairobi and the people who died? He should not just tell us that his people are alert. If they were, we would not be having this Motion.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we are in a city housing

over four million people. I have said what it is that we have done. We have actually beefed up security within Nairobi City and other cities. It is not just Nairobi. All these problems are scattered; you will find some in Kisumu, Mombasa, Nyeri and Eldoret. I thought I was asked what we are doing as the Government.

I want to assure hon. Members who are my colleagues that we are doing all that it takes to make sure---

**The Temporary Deputy Speaker** (Mr. Imanyara): Give the Member for Kamukunji the last two minutes to respond.

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, I am really disappointed that the Assistant Minister has taken us around on a *tour de force* and other issues when, in fact, the issue he should have addressed is the growing insecurity and the crisis we face in our capital city.

I would like to say that there is a very real and strong case and an urgent one for police reforms in our country. Apart from the incident of the Machakos Country Bus Station, there have been three deaths in my constituency as a result of violent attacks by criminals. All the Assistant Minister can tell me is that there is vigilance and protection. We know there is not. In fact, the families of the people who have lost their loved ones would not accept that argument. This is because had there been protection, had there been police in place, they would have been saved from those attacks.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that there are very hard working police officers, committed police officers who are working day and night but they are handicapped by wrong priorities, lack of facilities, equipment and vehicles. The other day I passed through Thika Road and saw the hard working Officer Commanding Station (OCS) from Pangani whose vehicle was broken down at that place. There are police officers spending a lot of their time collecting money, turning the people of Kamukunji into mobile ATMs instead of doing their work. These are officers who have turned the noble concept of *Utumishi kwa Wote* to *Utumishi kwa Mtu Mmoja* ---

## AJDOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! Mr. Hassan, the Assistant Minister will be giving what he says will be a very comprehensive Statement on the same matter tomorrow. Because it is at your request, you will have plenty more time to seek further clarifications.

At this time we must adjourn the proceedings of the House. The House is, therefore, adjourned until tomorrow, Thursday 15<sup>th</sup> March, 2012 at 2.30 p.m.

The House rose at 6.30 p.m.