

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19<sup>th</sup> September, 2012

The House met at 9.00 a.m.

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

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### IMMINENT EVICTION OF MPEKETONI FARMERS BY EGERTON UNIVERSITY

**Ms. Shakila Abdallah:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Lands the following Question by Private Notice.

(a) Is the Minister aware that about 50 farmers and their families are about to be evicted from land they have occupied for close to 15 years by Egerton University in Mpeketoni, Lamu?

(b) How did the University acquire the land and from whom?

(c) Could the Minister provide copies of ownership documents by the University?

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is the Minister for Lands? On the Front Bench, I can see Mr. Ndambuki. Any idea where your colleague is?

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, can we proceed then see what happens in the second round because I am sure they are still on the way.

**The Temporary Deputy Speaker** (Mr. Imanyara): How does the second round come in?

Mbunge wa Bura!

#### REHABILITATION OF BANGALE DAM

**Dr. Nuh:** Bw. Naibu Spika wa Muda, naomba kumuuliza Waziri wa Maji na Unyunyiziaji Mashamba Maji Swali maalulum lifuatalo.

(a) Je, Waziri ana habari kwamba maji ya Bwawa la Bangale, ambalo ndilo njia pekee ya maji kwa wakazi wa Bangale limeharibika?

(b) Je, Waziri ana habari zaidi kuwa kuna uwezekano wa kuzuka maradhi kutokana na matumizi ya maji haya?

(c) Ni hatua gani Waziri amechukua ili kuepusha wenyeji na hatari hiyo?

**The Temporary Deputy Speaker** (Mr. Imanyara): Waziri wa Maji na Unyunyiziaji Mashamba Maji? Kama hayuko tutakuja kwa mkondo wa pili.

## ORAL ANSWERS TO QUESTIONS

*Question No.1719*

### NON-COMPLETION OF KIRIGITI-KIBICHOI ROAD

**The Temporary Deputy Speaker** (Mr. Imanyara): I am aware that the Committee on Justice is sitting with regard to the election rules and Mr. Baiya is the Chair. Is anybody aware whether he has requested someone to hold his brief in this matter? I will also come back to it later.

*Question No.1653*

### PROTECTION OF NAIROBI CITY COUNCIL PROPERTY FROM IMMINENT DISPOSAL

**Mrs. Shebesh** asked the Minister for Local Government:-

- (a) whether he is aware of the planned disposal of land and property belonging to the Nairobi City Council, in particular land meant for fire stations;
- (b) whether he could also provide a list of land and properties currently owned by the Council; and,
- (c) whether he could inform the House what plans the Ministry has to ensure that properties owned by the Council are secure as the country moves to the devolved governments.

**The Assistant Minister for Local Government** (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of any plan by the City Council of Nairobi to dispose of its land and properties. The City Council of Nairobi does not have plans now or in the future to dispose of property, in particular, fire stations. I know some Nairobi residents have applied to the Council to be allowed to operate kiosks within parts of a fire station, that is, the Tom Mboya Fire Station compound, on a rental basis. The application was, however, rejected by the city engineer who indicated that this would cause congestion in and around the fire station.

(b) Attached is Annex I, a list of Council properties and land, including offices, schools, clinics, dispensaries, parks, housing estates currently owned by the City Council.

(c) My Ministry has already issued circulars to all local authorities, instructing them not to dispose of any properties belonging to them. This is to protect public properties in local authorities as we move to devolved governments.

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

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, you can see the Assistant Minister is tabling the documents now. My Question was very specific. I expected the list of land and properties currently owned by the City Council of Nairobi to be attached to my answer. The Question required him to provide and not table.

Therefore, I am asking whether it is in order for you to allow me to go through that list and, probably, defer the Question to tomorrow; the nitty gritty of the Question is the properties that are currently owned by the City Council, and those that it is in the process of disposing of.

**The Temporary Deputy Speaker** (Mr. Imanyara): Tomorrow may be too late because I think the Order Paper is being prepared. Will Tuesday next week be okay with you?

**Mrs. Shebesh:** Would you then kindly allow me to look at it before the next Question?

**The Temporary Deputy Speaker** (Mr. Imanyara): Can I come back to it at the end of Questions, to give you an opportunity to look at the list?

**Mrs. Shebesh:** Yes, Mr. Temporary Deputy Speaker, Sir. That will allow me time to just go through it.

**The Temporary Deputy Speaker** (Mr. Imanyara): I will come come back to the Question towards the end so as to give you an opportunity to look at the list.

**Mr. Ngugi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Even as Mrs. Shebesh looks at the list, we are aware that even if the Council is not disposing of land, it is entering into long-term leases. Could the Assistant Minister, when he comes to give the answer--

**The Temporary Deputy Speaker** (Mr. Imanyara): You are being premature. He has not even completed answering the Question. Mrs. Shebesh requested to look at the list. You can validly bring up that issue when Mrs. Shebesh has taken the first bite. It is her right to ask the first question.

**Mr. Ngugi:** Properly guided. Thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): Next Question is by Mr. Balala.

*Question No.1709*

LIST OF BENEFICIARIES ISSUED WITH LETTERS OF  
ALLOTMENT/TITLE DEEDS IN LAMU COUNTY

We shall come back to this Question later.

Next Question is by the hon. Member for Keiyo North, Mr. Chepkittony. If the hon. Member is not yet in we shall come back to the Question later.

*Question No.1736*

STALLING OF ITEN-KAPSOWAR ROAD

Next Question is by the hon. Member for Samburu East, Mr. Letimalo.

*Question No.1707*

DELAY TO DEPLOY APs TO  
NDONYO-WASIN AP LINE

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

(a) why the Ministry has not posted security personnel to Ndonyo-Wasin AP Line in Uaso Division of Samburu East District, one year after its construction was completed by CDF, and when will they be posted; and,

(b) whether he is aware that both the CDF and the local community mobilized resources to establish a patrol base unit at Losesia on the border of Samburu East and Isiolo North Districts and, if so, what support will the Minister offer to the community.

**The Temporary Deputy Speaker** (Mr. Imanyara): Is the Minister not here? Mr. Mwakwere, do you have any idea where your colleague is?

*(The Temporary Deputy Speaker (Mr. Imanyara)  
consulted with the Clerk-at-the-Table)*

It has just been brought to my notice that the Minister has actually written to the House, explaining that he will not be available today because of official matters. He has asked that this Question be deferred to enable him make a personal statement.

Hon. Letimalo, do you have anything to say about that?

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, this Question has been filed for quite sometime. I thought that it would actually be prudent if the Minister could give an appropriate answer, given that it touches on security in that particular area.

**The Temporary Deputy Speaker** (Mr. Imanyara): To his credit, he has informed the Speaker's Office of his absence. If the Clerks-at-the-Table can confirm that the Order Paper is not ready, we can put it tomorrow. Will that be okay, Mr. Letimalo?

**Mr. Letimalo:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Tomorrow afternoon. Hon. Mwakwere, please, let your colleague know that this will come up tomorrow afternoon.

*(Question deferred)*

*Question No.1590*

#### INTRODUCTION OF ROOT AND TUBER CROPS POLICY

**Mr. C. Kilonzo** asked the Minister for Agriculture:-

(a) when the Government will formulate and present before the House the Root and Tuber Crops Policy;

(b) what the benefits of the proposed policy are; and,

(c) which other country in Africa has a similar policy.

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

(a) A draft National Roots and Tuber Crops Policy has been formulated after wide consultation and inclusion of stakeholders input. However, further consultations are going on with a view to incorporating the National Potato Council input before finalization of the draft policy. Subsequently, a Cabinet Memorandum currently in draft form will be presented to the Cabinet to await further guidance.

(b) The benefits of the policy as stated in the draft National Roots and Tuber Crops Policy are; the importance of these crops as food crops, which has gained increased importance due to their role in food security, their ability to withstand drought as well as their potential for commercial processing.

(c) A number of countries in Africa are in the process of developing Root and Tuber Crop policies. For example, Uganda has a draft Root and Tuber Crop Policy, while Nigeria, the Democratic Republic of Congo, Tanzania and Ghana have Root and Tuber Crop Policies.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, part “a” of the Question is very specific. The Question is: When will the Government formulate and present before the House the Root and Tuber Crops Policy? The Assistant Minister has not stated when. I am aware that this matter has been in Government offices for the last three or four years. Could the Assistant Minister be specific?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, in the next 12 months, we will have a policy in place. As I said, it is being cleaned up and will be presented to the Cabinet for approval.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, what plans does the Ministry have to sensitize our farmers on this very important policy?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, the Kenya Agricultural Research Institute (KARI) has been given the mandate to spearhead this root crops. There are many farmers whom they have given the cuttings of cassava and even vines for sweet potatoes. People are being sensitized even during farmers’ field days, barazas and agricultural officers’ meetings. Currently, this is a major exercise in the Ministry of Agriculture, to make sure that those who can grow cassava or sweet potatoes can do so. We also have factories. For example, Mr. C. Kilonzo’s constituency has a cassava factory. I also have a cassava factory in my constituency. So, we are moving in the right direction.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just mentioned here that there is a cassava factory in hon. C. Kilonzo’s constituency and also his area. Could he tell us, in formulating this policy, how much time he took to involve the farmers, like those in Migori, who actually depend on cassava for their livelihood? Did you involve them in formulating this policy?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, we have done consultations in every part where cassava is grown. We are still cleaning the document and it will be all inclusive.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House how much the Government is prepared to spend in terms of research, since the type of tuber that we have in this country has been grown in the old ways and we would like, possibly, to have it done in the modern way?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I do not have the actual amount which has been set aside to do this research on cassava. But what I know is that KARI has done a lot with the assistance of also other Non-Governmental Organizations (NGOs), like AGRA and the rest. They are going down to the farmers, giving them cuttings and showing them the best way to plant, and the farmers are really responding to this. I urge the House that we should not just stick to maize. We can also plant cassava and sweet potatoes. That will also help in crop rotation.

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that farmers everywhere are being sensitized on these crops. How much has he set aside for this

planting season per constituency, to ensure that those cuttings are distributed in the constituencies?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, yesterday, we released what is referred to as “high value seeds” to 117 districts. Also, we included about 11 million cuttings and vines of cassava and sweet potatoes.

**Mr. K. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is telling us about districts, when my question is simple and very specific. How much has he set aside per constituency this rain season, to sensitize the farmers? It is not just about his constituency and hon. C. Kilonzo’s constituency. Kenya is bigger.

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I thought each constituency is a district according to the law which---

**An hon. Member:** No, it is not!

**The Temporary Deputy Speaker** (Mr. Imanyara): Just continue answering the question as you understand it.

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, we have delivered to 117 constituencies which are in the ASAL region. I have a breakdown but I do not have the breakdown of what went to each constituency but I know I have figures per district.

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, when Mr. C. Kilonzo asked when this policy will be in place, the Assistant Minister was so emphatic that the policy will be in place in the next 12 months. How sure is he, especially now that we are likely to have had Elections? How sure is he, if he happens to be voted out or if the Government happens to change hands, because he must have put structures in place to make sure that even those who take over from him would also prioritize this policy? How sure is he?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I am not the Ministry. Even when I will be gone, the Ministry will be there and the policies remain there. The plans are for the country and not for individuals who are in offices at the moment. So, I am sure because this is a very important policy which is currently missing and it is going to be put in place whether we go for Elections or not.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, the Ministry has not been kind to farmers and the reason I have asked about the issue of cassava is because the Government promoted farmers in drier parts of this country to grow cotton. This Ministry has reneged on its promise to cotton farmers. Even the Permanent Secretary has told cotton farmers, the stakeholders, that if cotton is not making money, they should look for another alternative. Now the Government is promoting cassava and the Kenya Agricultural Institute (KARI), the Red Cross and other players are doing a good job. He has said that is it going to take them 12 months to come up with a policy and in his answer, he has specifically stated that they are now dealing with the last stakeholder which is the National Potato Council (NPC). Why should it take 12 months? I thought it is only a matter of finishing up with the NPC and then bringing the policy to Parliament for final approval.

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, as I said, it needs cleaning and there are some stakeholders like the NPC which was brought on board. There are others and there are further consultations. From there, it will go to the Cabinet for approval. The only thing I could assure the hon. Member is that the policy is going to be in place because it is required by all farmers who are doing that. It will also enhance the marketing of the cassava although at the moment the cassava grown locally does not even meet the local demand. However, I can assure the hon. Member that in the shortest time possible, we will have a policy on root and tuber crops.

*Question No.1763*

OPERATIONALIZATION OF ETHICS AND  
ANTI-CORRUPTION COMMISSION

**Mr. Duale** asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) what measures the Government has taken to operationalize the Ethics and Anti Corruption Commission since the former Advisory Board's term expired on 5th December, 2011;

(b) when the newly appointed Chairperson and two other Commissioners will be sworn in to office in view of the increased number of corruption cases which require urgent attention; and,

(c) what action the Ministry will take to fully implement Section 6 of the Ethics and Anti-corruption Act of 2011.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Wamalwa is not here? Mr. Mwakwere, where is your colleague?

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I beg your indulgence to have this Question answered---

**The Temporary Deputy Speaker** (Mr. Imanyara): But where is he? Can we come back to it?

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I would suggest that we come back to it at the very end.

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

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I will wait but this Question has been pending for the last two months and every time the Minister asks if I am ready to wait. I hope Mr. Mwakwere will go out and look for the Minister; his office is not very far.

**The Temporary Deputy Speaker** (Mr. Imanyara): I am sure he has heard you so we will come back to this a little later.

*Question No.1623*

LACK OF STAFF/MEDICAL SUPPLIES  
IN OBER KAMOTH HEALTH CENTRE

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is Mr. Olago? We will also give him the same benefit. We will come back to this Question later.

*Question No.1753*

STALLING OF WORKS ON FRESH  
PRODUCE MARKET AT MAJENGO

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Chanzu is not here and so we will also come back to this Question a little later. I will now go back to the beginning.

Ms. Shakila Abdalla, you may ask your Question for the second time.

## QUESTIONS BY PRIVATE NOTICE

### IMMINENT EVICTION OF MPEKETONI FARMERS BY EGERTON UNIVERSITY

**Ms. Shakila Abdalla:** Mr. Temporary Deputy Speaker, Sir, for the second time, I beg to ask the Minister for Lands, the following Question by Private Notice.

(a) Is the Minister aware that about 50 farmers and their families are about to be evicted from land they have occupied for close to 15 years by Egerton University in Mpeketoni, Lamu?

(b) How did the University acquire the land and from who?

(c) Could the Minister provide copies of ownership documents by the University?

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

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, there is a very bad traffic jam towards the center of the City.

*(Loud consultations)*

I will once again request you, humbly, to have this Question answered at the earliest opportunity starting from tomorrow.

**The Temporary Deputy Speaker** (Mr. Imanyara): Because of the traffic jam? Are you serious that you are asking for the postponement of this Question because of traffic jam and for that reason you want it answered tomorrow?

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, yes.

**The Temporary Deputy Speaker** (Mr. Imanyara): Ms. Shakila Abdalla, what do you have to say to that?

**Ms. Shakila Abdalla:** Mr. Temporary Deputy Speaker, Sir, if the problem is traffic jam, could this Question be answered this afternoon?

**The Temporary Deputy Speaker** (Mr. Imanyara): It cannot be answered this afternoon, unfortunately.

**Ms. Shakila Abdalla:** Mr. Temporary Deputy Speaker, Sir, then tomorrow afternoon.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwakwere, your colleagues know that failure to answer Questions under our Standing Orders amounts to misconduct and the reason you are giving is not sufficient enough for failure to answer a Question by the Minister or another Member of the Government.

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I plead that you give this special consideration and I will inform my colleagues that it must be answered at the earliest opportunity that you will give us.

**The Temporary Deputy Speaker** (Mr. Imanyara): Ms. Shakila Abdalla, I am going to give the Minister a final chance to answer this Question on Tuesday next week, failure to which the Chair will refer it to the Powers and Privileges Committee because this is getting far too common now on the part of Ministers not being in the House and not giving any explanations at all as to why Questions by Private Notice are not getting the attention they deserve under the



Standing Orders. So, it will be on Tuesday at 2.30 p.m. coupled with an explanation from the Minister as to why they were not in the House to answer the Question.

#### REHABILITATION OF BANGALE DAM

**Dr. Nuh:** Bw. Naibu Spika wa Muda, ningependa kumuuliiza Waziri wa Maji na Unyunyizaji Swali lifuatalo la Dharura.

(a) Je, Waziri ana habari ya kwamba maji ya Bwawa la Bangale ambayo ndiyo njia pekee ya maji kwa wakazi wa Bangale imeharibika?

(b) Je, Waziri ana habari zaidi kuwa kuna uwezekano wa kuzuka maradhi kutokana na matumizi ya maji haya?

(c) Ni hatua gani Waziri amechukua ili kuepusha wenyeji kwa hatari hiyo?

**The Temporary Deputy Speaker** (Mr. Imanyara): Yuko wapi Waziri wa Maji na Unyunyizaji? Bw. Mwakwere?

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I will inform the Minister that this Question was supposed to be answered this morning and failure to do so will---

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am surprised that this Government does not know where the Government is. In as much as I know that the Minister has an official function in my constituency, the Assistant Minister who has been very able in answering Questions--- It cannot escape the attention of the Minister that there is an Assistant Minister unless of course, as usual, he has been arrested by the same Government for fighting for his own people.

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Nuh, there is indication from the office of the Minister that this Question was answered last week. What would you like to say to that before I give any directions?

**Dr. Nuh:** Bw. Naibu Spika wa Muda, hili Swali halikujibiwa wiki jana wakati nilikuwa Garsen kushughulikia shida iliyokuwa huko. Bw. Spika aliamuru kwamba swali liwekwe kwenye ratiba ya leo.

**The Temporary Deputy Speaker** (Mr. Imanyara): It has been explained to me that it was deferred because of your absence and not for any other reason. Now, because of that reason and the fact that the Minister is away this week, I will direct that this Question be pushed to Tuesday next week. The reason I am not putting any sanctions on the Minister is because it was deferred because of your absence. Is Tuesday next week alright with you?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, although the matter is so urgent, I have no option. Again, even though the Question was deferred, the Government has an office in Parliament and they know when Questions are appearing. As the Minister has alluded, Ministers are always unable to come here to answer Questions because of the traffic jam. We will, therefore, request Parliament to build some hostels around here so that when Ministers have Questions to answer they are accommodated there so that they are not delayed by the traffic jam.

**The Temporary Deputy Speaker** (Mr. Imanyara): I am sure your sentiments have been heard by Mr. Mwakwere. This Question will be deferred until Tuesday, next week.

*(Question deferred)*

#### ORAL ANSWERS TO QUESTIONS

*Question 1719*

NON-COMPLETION OF KIRIGITI-KIBICHOI ROAD

**Mr. Baiya** asked the Minister for Roads:-

(a) When the uncompleted 5 kms section of the Kirigiti – Kibicho Road (C64) will be completed; and

(b) if he is aware that the section of the road between Kirigiti – Marige has developed potholes reflecting shoddy work done by the contractor and, if so, what action the Minister will take against the contractor.

**Mr. Baiya:** Mr. Temporary Deputy Speaker, Sir, may I also apologize for having come late. I was engaged in preparations for Committee work which is going on here in Parliament. It was not intentional; I ran out of time.

**The Assistant Minister for Roads (Dr. Machage):** Mr. Temporary Deputy Speaker, Sir, I beg for the indulgence of the House. I was not able to pick the written answer this morning because of disarrangement of my schedule. I beg that I answer this Question in the afternoon.

**Mr. Baiya:** Mr. Temporary Deputy Speaker, Sir, I will have no problem with that for the sake of getting an adequate response from the Minister because this is a road which has been causing a lot of hardships to the local residents. If he can do so in the afternoon, I will really appreciate.

**The Temporary Deputy Speaker (Mr. Imanyara):** We have deferred it to a day other than Tuesday next week. Is Wednesday morning alright with you?

**The Assistant Minister for Roads (Dr. Machage):** That is okay.

**The Temporary Deputy Speaker (Mr. Imanyara):** The Question is deferred to next Wednesday, morning session.

Hon. Rachel Shebesh, have you now acquainted yourself with the answer given? Are you now prepared to ask supplementary questions?

*Question No.1653*

PROTECTION OF NAIROBI CITY COUNCIL  
PROPERTY FROM IMMINENT DISPOSAL

**Mrs. Shebesh:** Thank you, Mr. Temporary Deputy Speaker, Sir, for that chance to look at the answer and the list that was provided. My concern is that the Assistant Minister indicates that he is not aware. His answer is that he is not aware. I have it on good record that all fire stations in Nairobi have been sold. They have been given out in long leases and they have been grabbed; whichever word suits the Assistant Minister. Does he say that he is not aware because he has not consulted or is it that he believes he has been given a wrong answer? Does he really believe that there are any fire stations in Nairobi today that are owned by the City Council? As the Assistant Minister answers that Question, I would like him to be very categorical whether he would want to prove that those fire stations still belong to the Nairobi City Council.

**The Assistant Minister for Local Government (Mr. Nguyai):** Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for taking time to look through the list which has numerous fire stations listed. The documentation on ownership is under the custody of the City

Council of Nairobi. If the hon. Member has any specific concerns on any of the fire stations, I want to assure her that they will not be grabbed and they have not been grabbed under my watch. I also want to assure her that I have consulted with the Town Clerk and we have said that we can avail ourselves with the documentation that she needs so that we can prove and visit the sites she has concerns about.

**Mr. Kutuny:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that he assures this House that these plots are not going to be grabbed whereas as we talk now part of the land meant for fire stations is being developed by private developers? The relevant Departmental Committee has been investigating the matter and that is why you see my able Chairman rising on a point of order on the same issue. Is he in order to mislead the House that they are doing everything to ensure that these properties are not taken by private developers?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Nguyai, is this matter pending before a Committee of the House?

**The Assistant Minister for Local Government** (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I am aware that the House was investigating certain issues, but I have not got the outcome of those particular plots. I would wish that the hon. Member becomes more specific about which plots. That way, we would get down to that and, probably, sort it out at the level of the Committee.

**The Temporary Deputy Speaker** (Mr. Imanyara): What is your point of order, Mrs. Shebesh?

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, my point of order was when the Assistant Minister said that he had consulted with the Town Clerk. I would want to know who the Town Clerk of Nairobi is. These days, Town Clerks are being sneaked in for three months, they collect money for campaigns and then they are received by former Ministers for Local Government into their parties so that they can vie. We want to know who this new Town Clerk you have sneaked in is.

**The Assistant Minister for Local Government** (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, we have a new Town Clerk. I will not go into the details. The new Town Clerk is Mr. Tom Odongo. He already has his appointment letter.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has talked about the protection of the school land in Nairobi. What collective measure is the Ministry taking---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. David Njuguna! I understand that the Committee has actually completed its investigation. I wonder whether there is any Member from the Committee here who can shed some light on this matter.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, we have summoned the Ministry officials and those from the Nairobi City Council to come to the Committee because there have been complaints that instead of selling – there was an embargo to that effect – they are now entering into 25 years, 30 years and 50 years leases which are equal to selling. We have not completed writing the Report. In fact, we are just about to start writing the Report.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister raised the issue of protecting school land in Nairobi. What is the Ministry doing to facilitate the issuance of title deeds to schools in Nairobi?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, this is not only happening in Nairobi, but across the country; we are encouraging all educational institutions to acquire titles, so that

they can further develop as we proceed to county governments. Even though there is an embargo on all private lease transfers, we are still processing and liaising with the Ministry of Lands and as soon we get any minutes from any of the councils, we will give titles to those institutions.

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is either misleading the House or has been misled into providing information that is not very clear. If you look through the list of properties that he has provided to the House, there are several properties in terms of land that he had indicated as zero hectares. Could he tell the House how the Nairobi City Council can own zero hectares of a property? “Zero hectares” means no land.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, you know that computers sometimes round off figures and if they round off, the decimal points are not shown. They will reflect as zero. As to whether this is zero hectares, we will provide sufficient points so that the Member can be assured that that land exists.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is misleading the House by saying that when computers round off figures, the decimal point is not shown. If you go through this list, you will realize that there are several pieces of land which do not have land reference numbers, no acreage in terms of size and some of them have not been surveyed. When will he provide a comprehensive list of all the pieces of land that he is claiming to be owned by the Ministry?

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister ought to come out very clearly. In one of the pieces of land, namely, EN1, Harambee Avenue, it is New Echo Toilet. The acreage is indicated as 0.0258 hectares. If there was any number to be rounded off to zero, it would not have been any other number but this. Close to 50 pieces of land are indicated as zero hectares. What type of land is that that has zero hectares?

**Dr. Eseli:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to blame all those rounding up errors to computer errors, yet we know that computers can be made very accurate? Has he just been infected by the syndrome of his Principal that whenever they make a mistake, they blame computer errors?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, we were requested to provide a list of the properties, clinics, dispensaries, parks and housing estates. Some of these properties are marked on the list as un-surveyed. This basically means that we do not have the full accurate data on what their sizes are. The list has all the Council properties. If there are concerns with any of the properties, I am wondering whether they should be brought to us or to the substantive Committee, so that it can deal with the issues that arise substantively.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, even as we investigate this matter, could the Assistant Minister consider issuing a circular to all local authorities directing them not to enter into long-term leases?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, such a circular exists. It was written and circulated. If it is necessary for us to re-issue the circular re-affirming that issue, we will do that and I will avail that circular to the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Given that this matter is actually pending before a Committee, I direct that today’s HANSARD be provided to the Committee and the Committee meets and completes its report within the next three weeks. Hon. Shebesh, subject to what I have said, you may now ask your final question.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, I thank you for that direction. Let it also go on record that there is a Transitional Authority that should look at the protection of assets that are currently owned by councils in preparation for the county governments. What properties

has the Transitional Authority identified as belonging to the Nairobi City Council and in good hands and not in the hands of hon. Nguyai and his Town Clerks, who sneak them in and out? We want the properties to be in good hands for the people of Nairobi when it becomes Nairobi County.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Assistant Minister, subject to what I have said, this Question will come back on the Order Paper three weeks from today, so that the answers to what hon. Shebesh and others have raised, can all be incorporated in the report. This Question will re-appear on the Order Paper three weeks from today to enable the relevant Committee to complete its work. The issues that have been raised during Question Time this morning should be reflected in that report, given the importance of land issues, not only within Nairobi, but throughout the country.

*Question No. 1790*

LIST OF BENEFICIARIES ISSUED WITH LETTERS OF  
ALLOTMENT/TITLE DEEDS IN LAMU COUNTY

Hon. Balala! I have not dropped any Question this morning and I am not particularly very keen to do so. I order that if hon. Balala wants his Question to be reinstated, he approaches the Clerk of the National Assembly. I will defer it indefinitely. I am just giving him that opportunity to reinstate it if he so wishes.

*(Question deferred)*

*Question No.1736*

STALLING OF ITEN-KAPSOWAR ROAD

**Mr. Chepkitony** asked the Minister for Roads:-

(a) how much money the Ministry has set aside for tarmacking of Iten-Kapsowar Road (D 329); and,

(b) why it has taken too long for the contractor who is already on site to commence the works for the 12-kilometres section of the road which has been tendered.

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, I apologize for coming late.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry, through the Kenya Rural Roads Authority (KeRRA) has set aside Kshs240 million for tarmacking the Iten-Kapsowar Road, otherwise referred to as Road D329.

(b) The contractor delayed in commencing due to a discrepancy on the survey data, but the issue has now been sorted out and the works are progressing.

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his answer. Could he tell this House when the first 12 kilometres of the road will be completed, how much will it cost to complete it and whether this Kshs240 million will be enough or not?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, the construction has been divided into two phases. The first phase is Iten-Burugar which is 12 kilometres, otherwise, referred to as Phase 1. It is going to be completed by April, 2013. Its cost is estimated to be Kshs656,510,497. We have given the first phase of financing and we will finance as we continue.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I have a similar issue in Garissa with the road between Modikar and Nuno and it is 11 kilometres. The contractor, an Iranian company, namely, Icon, was given that contract to begin in February this year, but up to now, it has not started. What punitive measures does the Government use when a contractor fails to start work as per the scheduled time given in the contract?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, every contract has its terms. If the contractor will not work according to the terms of the contract, it will be cancelled.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, time and again, issues of shoddy work on our roads have been cropping up in this House. What is the Ministry doing to comprehensively address these issues, particularly on the roads that will be under construction soon?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, indeed, I am also equally disturbed by some contractors who do not give us value for our money. Unfortunately, most of them are own local contractors. Whereas we are trying to encourage the local citizens to get the jobs for contracting on our roads, I will not accept shoddy work on any of our roads.

In fact, we have shortlisted a few of these contractors who are doing shoddy works on our roads and we will terminate their services immediately. That is what we will do. Let them stand warned.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is aware this road is under Kenya Rural Roads Authority (KeRRA). It extends from Iten to Nyaru. But they have allocated money from Iten to Kapsowar. When will the Ministry allocate money to do this section of road from Iten to Nyaru under the Kenya National Highways Authority (KeNHA)?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, whereas we are looking at all our roads with the purposes of improving them, I will request that the Member prioritizes that road through the Constituency Roads Committee where he is the patron.

**Mr. Kiptanui:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that we prioritize this road? The road from Iten to Nyaru is a "C" road. It is under KeNHA. We do not oversee roads being done by KeNHA? Is he in order?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, whereas it might be an oversight on my part, but he is the Member of Parliament of that area, and he still has that obligation if he thinks it is necessary to give it priority. But I have taken his sentiments.

**Mr. Kutuny:** Bw. Naibu Spika wa Muda, zabuni za ujenzi wa barabara nyingi hapa nchini zimetolewa lakini ukarabati wazo umecheleweshwa.

Mheshimiwa Rais alizuru maeneo ya Bonde la Ufa kuzindua rasmi ukarabati wa barabara ya Ziwa hadi Kitale. Wakati huo mwanakandarasi alikusanya mitambo yake kwa minajili ya kumwonyesha Rais alikuwa tayari kuanzisha ukarabati wa barabara hiyo. Ni aibu kuona ukarabati wa barabara hiyo haujaanza. Ni hatua gani Waziri anachukua kuhakikisha kwamba ukarabati wa barabara hiyo unaanza mara moja?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I thought that is a completely different Question from what I have been asked this morning. However, I have noted that concern. A presidential directive is important and it must be adhered to. I will find out why that

directive was not followed and why the contractor assembled equipment for the President to see he was already on site.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, if I got the Assistant Minister right, he says he allocated Kshs70 million this financial and intends to complete this road by April. Is that money sufficient to complete the road?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, unfortunately, the Member got me wrong. I said we have allocated this road Kshs240 million. We will continue financing the road up to the tune of over Kshs600 million this financial year.

**Mr. Mwaita:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has attributed the delay in the commencement of the work to survey discrepancy. Could he confirm that they did engage a consultant to prepare the survey and tender documents before the tendering procedures were commenced?

*(Mr. Mwakwere consulted loudly)*

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I beg that the hon. Member repeat his question because hon. Mwakwere was loudly consulting. Therefore, I did not hear his question. I beg for protection.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Mwakwere, please, allow your colleague opportunity to listen to the question.

Hon. Mwaita, will you like to repeat your question?

**Mr. Mwaita:** Mr. Temporary Deputy Speaker, Sir, yes, I can repeat the question for the benefit of the Assistant Minister.

He attributed the delay to commence the work on survey data discrepancy. Before the commencement of the tendering procedures, did the Ministry recruit or engage the services of a consultant which could have included the survey work of this road?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, engineers in my Ministry took a lot of cognisance of this fact and everything was done in order.

**Ms. Shakila Abdalla:** Mr. Temporary Deputy Speaker, Sir, on the same note, could the Assistant Minister tell us why the Miritini-Mombasa Road has been delayed and the tender was out for one year?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, would you like to answer that question? It appears to be a completely different question.

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, it is true it is a different question, but I have taken note of the concern of the hon. Member.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well, last question hon. Chepkitony.

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, according to the records, the 12 kilometres portion of this road was allocated Kshs100 million last year. They have also allocated it Kshs70 million this financial year. Phase two of this road has been allocated another Kshs70 million. In total, the Assistant Minister says they have allocated Kshs240 million for rehabilitation of this road. What is the logic of them starting to do another section of this road before they complete the first 12 kilometres? Why not concentrate all the money on the 12 kilometres, so that you complete it by April next year?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, those are Ministerial logistics on financing. I thought the Member will be happy that we are considering and actually starting phase two. But if he so wishes, I will stop it.

*Question No.1763*

OPERATIONALIZATION OF ETHICS  
AND ANTI-CORRUPTION COMMISSION

**Mr. Duale** asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) what measures the Government has taken to operationalize the Ethics and Anti Corruption Commission since the former Advisory Board's term expired on 5th December, 2011,

(b) when the newly appointed Chairperson and two other Commissioners will be sworn in to office in view of the increased number of corruption cases which require urgent attention; and,

(c) what action the Ministry will take to fully implement Section 6 of the Ethics and Anti-corruption Act of 2011.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, I wish to apologize for coming late. However, I beg to reply.

(a) The Government took the following measures to operationalize the Ethics and Anti Corruption Commission:- The nominees for the position of the Chairperson and members of the Commission were selected, as provided for under Section 8 of the Ethics and Anti Corruption Act, 2011. Upon selection of the applicants to these positions, my Ministry forwarded these names to this honourable House for approval as per Section 6 (6) of the Act. The nominees, having been approved by the House, were duly appointed by the President and are now awaiting their swearing in. This swearing in is dependent on the determination of the High Court Case No.19 of 2012, which is challenging the approval and appointment of the Chairperson to the Commission.

(b) The swearing in of the Chairperson and Commissioners is dependent on the outcome of the High Court Case No.19 of 2012 which was filed by the Trusted Society of Human Rights Alliance against the Attorney General and three others.

(c) Section 6 of the Ethics and Anti-Corruption Act which provides for the appointment of persons to the position of Chairperson and Commissioners has been implemented as the appointment process has been undertaken. The only pending issue is the swearing-in of these appointees that is required by Section 74 of our Constitution and Section 8 of the Ethics and Anti-Corruption Act, 2011 which is subject to the ruling of the High Court.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Duale, as you ask a supplementary question, be mindful that the matter is *sub judice*. Therefore, ask questions that do not directly relate to the case that is pending before court.

You may proceed.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I want to seek your indulgence to brief the Assistant Minister because the answer he has given is not sufficient. However, I am ready to provide the correct and current position.



**The Temporary Deputy Speaker** (Mr. Imanyara): Order! If you have an answer to a Question, it would be inappropriate to ask the Question in the House!

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, this is not an answer because the information that the Assistant Minister is giving---

**The Temporary Deputy Speaker** (Mr. Imanyara): You can point out that it is misleading. How is it misleading?

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, it is misleading because the Ethics and Anti-Corruption Commission and the Police Service Commission are very critical and important constitutional offices that this Government has not operationalized up to now.

The Chair and the two Commissioners were gazetted on 11<sup>th</sup> May, 2012 and the High Court case in Nyamira has been withdrawn. The only case that is pending is the Nairobi Case No.229 of 2011, which is awaiting determination tomorrow. The Chief Justice has not been enjoined in that case. In that case also, there are no orders directing the Assistant Minister or the Government not to swear-in the two other Commissioners. I want the Assistant Minister to categorically tell the nation whether there is something going on in the Ethics and Anti-Corruption Commission that they want to sort out, probably some cases, before swearing-in Irene Keino and Prof. Jane Onsongo as we wait for the determination of the High Court case against Mumo Matemo?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, let me begin with the last part of the question. I am not aware that there is something going on in the Ethics and Anti-Corruption Commission with an intention to sort out certain cases before the Commissioners are sworn-in.

Secondly, if you look at Section 4 of the Act, you will find that the Commission consists of the Chairperson and two other nominees appointed in accordance with the Act. So, there are three members and one of them is the Chair. We have Court Case No.19 of 2012 in Nakuru where the Attorney-General is a party to the suit. The court issued some orders restraining any action to swear-in the Chairperson.

**Mr. Olago:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Chair, the Assistant Minister and I know, as lawyers, that there is no requirement to the effect that the Commissioners must only be sworn-in if the Chairman is there. The only case to my knowledge that is stopping the Chairman from being sworn-in is one, but there is nothing stopping the two other Commissioners from being sworn-in. So, is the Assistant Minister in order to mislead the House by saying that all the Commissioners cannot be sworn-in just because there is a case against the Chairman?

**The Temporary Deputy Speaker** (Mr. Imanyara): I would like the Assistant Minister to respond to that issue together with the one to be raised by Mr. Duale who is on a point of order. I would like the Assistant Minister to respond to the two issues if I sustain Mr. Duale's point of order.

**Mr. Duale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I said earlier on that this Assistant Minister is misleading this House, and he must get the facts right. The Nakuru case has been consolidated and brought to Nairobi High Court under Petition No.229 of 2011 formerly of Nakuru High Court where the Chief Justice has formed a Three-Bench-Judge. So, the Assistant Minister should not mislead us because currently, there is no case in Nakuru because the one that was pending in Nakuru was brought to Nairobi. So, the Assistant Minister is misleading the House. Let him put his facts in order. Is he in order to mislead this House?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, I think it is important that you clarify the issue of those cases. The way to do it, as you know, is to present

the pleadings to the House. If you rely on the principle of *sub judice* under our Standing Orders, you are required to table before the House particulars of the case and point out their status so that we know whether they are active so that you can dispel the issues being raised by Members that, indeed, there is no case pending in Nakuru. What would you like to say to that?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, let me confirm to the House that, indeed, Nakuru Case No.19 of 2012 was brought to Nairobi and that is the case under which the orders subsist. The ruling will actually come up tomorrow 20<sup>th</sup> September. So, it is true that the Nakuru case was transferred to Nairobi and what hon. Duale is saying is, indeed, true.

Let me now deal with the issue raised by hon. Olago. There is no order stopping the swearing-in of the two Commissioners. However, we should not act in vain because even if we swore the two Commissioners under the Act, for the functions of the Commission to be effective and be fully operational, the Chairman should also be sworn-in. So, our position is, though it is possible to swear-in the two Commissioners, however, that will not help us, as a Commission, to proceed. Since the ruling will be given tomorrow, I plead with my colleagues that we allow the court to issue it.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, even as the Assistant Minister pleads with us about the ruling that will be made tomorrow, I think he should do things right and on record. There has been a precedent set before; that is, we approved the name of the Director of Public Prosecutions (DPP) in this House, he was sworn-in and yet he still had a pending court case. The Assistant Minister has not told us whether he has orders from the court to the Chief Justice stopping the swearing-in of Mumo Matemo because of a court case. So, can we be clear? Who is making this decision not to swear-in two Commissioners who have no court case and the one who has a court case, because it is only orders to the Chief Justice that can make that decision?

**The Temporary Deputy Speaker (Mr. Imanyara):** Order! I think the Assistant Minister has given an explanation that for the Commission to be fully constituted, the Chair must be fully sworn-in. They have deemed it reasonable to await the outcome of the decision tomorrow so that they can swear in the three of them because swearing-in the two Commissioners will not facilitate the work of the Commission without the Chair. That is what I understood the Assistant Minister to be saying. Nevertheless, Mr. Assistant Minister, what is it that you want to add on to what hon. Shebesh has raised?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, what I said really is what you have just emphasized, that we feel that we should not act in vain. This is a very important Commission. We know what it is supposed to do. There is no order that bars the swearing-in of the other two commissioners. But we feel that even if we proceed and have them sworn in, they may not be able to discharge the duties of the Commission as spelt out in the Act. Tomorrow, the 20<sup>th</sup> of this month is the day the ruling will be given. I would plead with my colleagues not to anticipate the ruling of tomorrow. But I think from tomorrow, this issue will be sorted out and we will be able to have our Commission really proceeding with the functions and the duties they have been given under the Constitution.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, when PLO Lumumba left office, he must have had a handing over list of pending cases. Could the Assistant Minister undertake to table the list of cases that were pending when PLO Lumumba was leaving office so that when they eventually swear in Mr. Matemu, this House is certain that the cases will not have been tampered with? Files should be handed over to Mr. Matemu or whoever will come into the office.

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, that is indeed a very important issue because then it will deal with the fears that hon. Members have that maybe there are some things being done behind the scenes. Since this is a different question, my Ministry can call for those cases that existed before the former CEO left and be able to table them before this House. This is information which is critical for us to know and we have no reason to hide it. That can be done under a Ministerial Statement because this Question is fully answered.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, knowing that the political class and the Government are always happy when we have a moribund and “dead” Anti-Corruption Commission, could the Assistant Minister now confirm to the nation that whichever way the court ruling will be tomorrow, on Friday morning we will have the commissioners sworn in and operationalize the new Ethics and Anti Corruption Commission---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Duale, are you not anticipating the decision of the courts tomorrow?

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, the decision of the court tomorrow will be only on the chairman.

**The Temporary Deputy Speaker** (Mr. Imanyara): So, you may ask a question relating to the other two but not on the chairman.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I will rephrase my question. Whichever way the court will rule on the chairman tomorrow morning, could the Assistant Minister confirm to the nation that on Friday morning the other two commissioners; Irene Keino and Prof. Jane Onsongo will be sworn in on Friday and take office?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, the issue raised by the hon. Member again is what I had answered earlier, that it is true there are no court orders to stop us from swearing in the two, but it would be more prudent if the chair is also sworn in.

I do not want to anticipate the outcome of tomorrow’s ruling but let us really not---

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

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, I was still dealing with the issue raised by the hon. Member. The outcome of tomorrow’s ruling cannot be anticipated. So, I cannot confirm to this House that the entire Commission should be sworn in on Friday. If the court rules, there is no order stopping us from swearing-in the other two. But swearing in the other two will not be useful to this Commission because they cannot function without the Chair.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Samoei, that was the last question but I will exercise my discretion and allow you to ask your question.

**Mr. Samoei:** Thank you, Mr. Temporary Deputy Speaker, Sir, for your indulgence. I think the Assistant Minister is running away from responding directly to the question asked. I think he should tell the country clearly that when these people applied for these jobs, they did not apply as a group. They applied as individuals to the jobs that were advertised. So, how does the swearing-in of one affect the swearing-in of another who has a court case? The Assistant Minister is just going round. He should be clear; these people applied for these jobs independently. The jobs were advertised independently. So, how does a court case affecting the chairman bar the other two from taking their positions, which they have rightfully been engaged? When will the Assistant Minister swear-in these other people into office and stop taking the country round in circles?

**Mrs. Shebesh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am actually very worried that this could be discrimination against women. If they were two male commissioners with no case pending, would there be people running round in circles not

swearing them in? Is it because they are two women and you think you can manipulate the situation?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, I am always and I want to continue to be truthful to this House. I should be able to undertake what I think is right and will be done. Although these commissioners were appointed separately, this is now a body; a commission. You have to look at them as a team.

Section 4 of the Act as I said earlier, is very clear that the Commission shall consist of a chairperson and two other members. You cannot look at them separately. You need to look at the Commission as a body able to discharge the functions of the Commission as a team. When you look at the quorum even under the Act, it should be a quorum taken by a majority of the commissioners.

If we have two commissioners, for example, sitting and dealing with the issue of the Commission and there is a tie between the two, how will you break that tie? Therefore, we have to look at the three members as a body to be able to discharge the functions of the Commission. This is a very important aspect. As I said, tomorrow is not far; let us wait. I believe this Commission will proceed.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, please accept my apologies for coming late. I was chairing another meeting.

*Question No.1623*

LACK OF STAFF/MEDICAL SUPPLIES IN OBER  
KAMOTH HEALTH CENTRE

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

(a) whether she is aware that the Municipal Council of Kisumu lacks capacity to operate Ober Kamoth Health Centre to optimum levels due to its inability to hire sufficient number of staff, equipment and medical supplies; and,

(b) what steps the Ministry is taking to either alleviate the shortcomings or take over the running of the facility to make it offer adequate health services to residents of the surrounding areas.

**The Assistant Minister for Medical Services** (Mr. Kambi): Mr. Temporary Deputy Speaker, Sir, following the principle of collective responsibility in the Cabinet, I beg to answer this Question for and on behalf of the Minister for Public Health and Sanitation.

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

(a) No, I am not aware that the Municipal Council of Kisumu lacks capacity to operate the Ober Kamoth Health Centre. However, I am aware that my Ministry has seconded to the facility staff as follows:- One Kenya registered community health nurse; two Kenya enrolled community health nurses; two community health extension workers, and one VCT counselor through Capacity Kenya Project.

(b) The Ministry of Public Health and Sanitation has no immediate plans to take over the facility since it is the property of the Municipal Council of Kisumu and such a request has not been submitted to my office.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, this Assistant Minister is ordinarily very diligent in his duties, but I am very disappointed this morning because Ober Kamoth Health

Centre is the only health centre in that part of my constituency that serves members of the public. As I speak now before this House not even paracetamol is available at the hospital.

Two months ago, power was disconnected from the health centre and I had to personally pay to have it re-connected, but I wish to thank the Ministry for seconding officers to the facility. For that, I am happy. However, as I speak, the hospital is being under-utilised. It cannot serve its purpose. There are no drugs. Power will be disconnected again very soon. What is the Ministry doing to ensure that they take over the running of the health centre since the Council is not willing to release it to them?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, whereas I appreciate the concerns of the hon. Member, who is my good friend, I would like to state categorically that the facility is under the Ministry of Local Government. We cannot just take it over. The request must, first, be made through their relevant committees and have it forwarded to my Ministry.

On the issue of supply of medicines, I acknowledge that the facility has not been registered with the Kenya Medical Supplies Agency (KEMSA). I urge the hon. Member to ask his people to register it, so that it can draw medical supplies from the pool. We have a system where all registered health facilities draw medical supplies from a pool. Once the facility is registered, supplies will be made to it.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, hon. Shakeel.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I beg your indulgence. I was the mayor of that city. So, you can probably give me a little time to explain.

**The Temporary Deputy Speaker** (Mr. Imanyara): Not to explain but to ask a question.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I wish to confirm that the City of Kisumu does not have the capacity to operate Ober Kamoth Health Centre. While I was the mayor, we tried. It was taken over.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, Mr. Shakeel! Can I know whether you are answering or asking a question?

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I am going to ask a question. I just wanted to confirm first. All the local authorities in this country have no health management boards. It was the policy of the Government that all health centres are taken over by the Ministry of Public Health. That provision is contained in a policy statement.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, hon. Shakeel! I am going to disallow you from further proceeding if you are not going to ask a question. The responsibility of answering questions and giving policy statements belongs to the Government, unless you are seeking to become a Member of the Front Bench in order to answer the question by the hon. Member. So, please, ask a question, if you wish. If you do not want to ask a question, desist from seeking the attention of the Chair.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I thank you for your guidance. When is the Ministry of Public Health and Sanitation going to take over the health centre, as per the listed policy?

**The Temporary Deputy Speaker** (Mr. Imanyara): Very good! Yes, Minister.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, even before a child walks, he must crawl. It is for this facility to initiate the process. We cannot take over the facility if a request to that effect is not made by the relevant authorities.

**The Temporary Deputy Speaker** (Mr. Imanyara): What is your point of order, hon. Shakeel?

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is not answering the question. We are not asking whether we can make a request. It is a policy of the Ministry of Health to take over all public health facilities.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! He is telling you to initiate the process.

*(Loud consultations)*

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, protect me from this heckler.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, hon. Shakeel! You must withdraw your statement about being protected from a heckler, if you want the protection of the Chair.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I withdraw.

**The Temporary Deputy Speaker** (Mr. Imanyara): Proceed.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is well aware that the local authorities only run health centres upon being licensed by the Ministry of Health. If a local authority is not able to run a facility due to inability to do so, it is within the authority of the Ministry of Health to run the facility. So, he cannot say that the Ministry must be requested to take over the health centre. It is the Ministry of Health which gave the franchise to the local authority. If the local authority is not able to run the facility, the Ministry should take back the franchise.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Shakeel! You stood on a point of order but the Chair is not satisfied that what you have raised is a valid point of order. So, Assistant Minister, you may continue with your answer.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, it has never been the policy of my Ministry to take over facilities from local authorities. The Ministry of Local Government also has the capacity to operate health facilities. However, if the Municipal Council of Kisumu feels that it does not have the capacity to run the health centre, there is a process which must be followed to the letter.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, hon. David Njuguna.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for responding to the plight of this facility by seconding personnel. Could he also, as an interim measure, consider sending equipment to facilitate the health centre to give better services to the people?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I want to confirm to this House that we are in the process of procuring equipment not only for this facility in Kisumu but also for other medical facilities countrywide. Eighty per cent of the health facilities that have been put up under the Economic Stimulus Programme have already been supplied with equipment and personnel.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, in his answer, the Assistant Minister said that in order for a health facility to get services from KEMSA, it must be registered.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Shabir, what is your point of order? It really has to be a point of order.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to mislead the House by saying that his Ministry does not give licences to local authorities to run health centres? That is really what he is saying. Is he also in order to continue saying that a local

authority must apply to his Ministry in order for his Ministry to take over a medical facility? Both of those statements are incorrect. It is in law. So, is he in order to say what he has said?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I wonder which law the hon. Member is referring to. The law is very clear that regarding facilities under the Ministry of Local Government, the only thing we can do, as the Ministry of Public Health and Sanitation, is seconding our personnel. The facilities procure their own medication. However, if they are registered with KEMSA, they get medical supplies from my Ministry. So, there is no law which allows us to take over the running of such facilities without due process being followed.

**The Temporary Deputy Speaker** (Mr. Imanyara): Continue, hon. Letimalo.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I was saying that the Assistant Minister said that in order for a health facility to get medical supplies from KEMSA, it has to be registered. We have got several health facilities which have been constructed through either the Constituencies Development Fund (CDF) or other organisations. What is the registration process like, so that once health facilities are constructed, they do not lie idle since their services are required? What is the process involved? Who is supposed to initiate the process of registering health facilities?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, that is a very genuine question. Firstly, the completed health facility must be registered by the Ministry of Public Health and Sanitation, after which it will be gazetted by the Attorney-General. Once it is gazetted, we can send the registration certificate to KEMSA for the facility to be registered there too, so that it can be among the facilities within its pool. So, distribution of medical supplies is done as per the registration within the pool.

**The Temporary Deputy Speaker** (Mr. Imanyara): Ask the final question on this one, Mr. Olago.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, allow me to commend the Assistant Minister. Considering the fact that he is not a substantive Assistant Minister for the Ministry of Public Health and Sanitation, he has done very well. Having said so, I want confirmation that if the due process is followed, Ober Kamoth Health Centre will be transferred to his Ministry and that it will receive medical supplies from KEMSA.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I wish the hon. Member, who is my friend, had followed the due process yesterday. By today, the health facility would be receiving medical supplies from KEMSA.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Imanyara): With regard to Question No. 1753, I have been informed that the hon. Member and the Minister have agreed that it be deferred and I am, therefore, deferring it to two weeks from today.

*Question No.1753*

STALLING OF WORKS ON FRESH  
PRODUCE MARKET AT MAJENGO

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Next Order! This is Business appearing under Order No.7. Are there any Statements due this morning before I come to requests? Yes, Mr. Mwakwere.

## STATEMENTS

### MINISTERIAL STATEMENTS

#### REMOVAL OF WATER HYACINTH FROM WINAM GULF

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, while on a point of order, the Member of Parliament for Kisumu Town, hon. John Olago, sought a Ministerial Statement from the Minister for Environment and Mineral Resources about the state of water hyacinth in Winam Gulf and what the Ministry was doing to remove it.

Mr. Temporary Deputy Speaker, Sir, the most recent survey that may give the current indication of the status of the infestation and distribution of water hyacinth was conducted in December 2010. I think we should give that plant a local name. However, the level of infestation and distribution has been said to be spatial and temporal. I have tabulated the status of infestation and distribution of water hyacinth within Winam Gulf in Annex 1, which I shall table.

Mr. Temporary Deputy Speaker, Sir, the Winam Gulf and associated bays are vulnerable to infestation by water hyacinth because they are shielded from open waters of Lake Victoria. Water hyacinth infestation is a symptom of broader watershed management and pollution problems. These are brought about by, amongst others:-

(i) Partially treated effluent from sewerage treatment facilities and factories released into water bodies.

(ii) Lack of adequate sanitation facilities in beaches and communities living adjacent to water bodies.

(iii) Lack of appropriate sewer sanitation facilities in vessels including boats venturing in the lake for transport and fishing.

(iv) Inappropriate farming practices and other human activities upstream, resulting in segmentation and nutrient loading of water bodies draining into the lake.

Mr. Temporary Deputy Speaker, Sir, I am aware of the negative impact the water hyacinth menace has brought to the communities residing in the Lake Victoria region. These include:-

(i) Economic impacts when the weed blocks accessibility and affects transportation and fishing.

(ii) General increase in several diseases as the weed creates excellent breeding areas for mosquitoes and other insects. There are increased incidents of diseases such as skin rashes, cough, malaria, bilharzia and gastro-intestinal disorder.

(iii) Interferences with water treatment, irrigation and water supply systems.

(iv) Hindering the development of aquatic life by de-oxygenating the water which reduces nutrients for the young fish.

(v) Interruption of local subsistence farming or fishing and recreational activities by blocking access to the beaches.



Mr. Temporary Deputy Speaker, Sir, my Ministry has instituted a number of water hyacinth management measures which have reduced levels of infestation and distribution substantially. These include:-

(i) Completion of a research into the causes of water hyacinth proliferation, its resurgence and the effects of sinking dead weed.

(ii) Manual, mechanical and biological control methods.

(iii) Establishment of surveillance systems and hot spot areas.

(iv) Establishment of 72 weevil rearing centres and training of local communities on how to manage them.

Mr. Temporary Deputy Speaker, Sir, an emergency manual removal of water hyacinth was undertaken in April/May 2011, in response to the directive of the Central Council of Ministers for Lake Victoria Basin during the meeting held on 29<sup>th</sup> January, 2011. The local committees from the areas adjacent to the targeted beaches were engaged to provide labour, hand carts and boats for hire. A total of 1,800 man-days were engaged in the manual removal during the period and approximately 51 hectares of water hyacinth was removed. A total of Kshs26,008,800 was used to undertake that activity.

Mr. Temporary Deputy Speaker, Sir, we have recently developed a regional water hyacinth surveillance management and control system and the action plan is also in place. It has been agreed upon both nationally and regionally. These regional efforts to control water hyacinth in Lake Victoria are being implemented through the Lake Victoria Environmental Management Project (LVEMP) with funding from bilateral/multilateral donors here in Kenya.

Measures that are being undertaken to address the water hyacinth problem in Lake Victoria include:-

(i) Preventive measures targeting watershed rehabilitation and sewerage treatment facilities and industries.

(ii) Curative measures targeting the lake and other water bodies within the basin. This is an integrated approach involving biological, manual and mechanical removal of the weed.

Mr. Temporary Deputy Speaker, Sir, it can be noted that these earlier efforts to control water hyacinth were largely funded by development partners like the World Bank and Food and Agricultural Organisation (FAO). Currently, the LVEMP II is also involved and is being funded by the regional governments - Kenya included - World Bank, the Swedish International Development Agency (SIDA) and global environmental facilities.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to say that in order to reduce the menace of water hyacinth to an environmentally and economically acceptable level, it is imperative that efforts are intensified, extended and sustained over a long period of time and to involve mainly mechanical removal at the start, manual removal and biological control at a later stage and, in the long run, this will bring satisfactory results. This can be achieved through mobilization of resources such as the Constituencies Development Fund (CDF) and the county budgetary provisions for sustainable management of water hyacinth in the country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, this Ministerial Statement was sought as a result of the fact that bilateral funding to LEVMP has been misused on several occasions. Despite the complaints of Members of Parliament from around Winam Gulf – what used to be called Kavirondo Gulf - the programme still continues to misuse the funds to the extent that when hon. Orege asked in February before this House why the leadership in the local areas had not been involved, hon. Kajembe, the very able Assistant Minister--- Allow me to read from the

HANSARD the response of hon. Kajembe to the concerns of the hon. Members. He said as follows:-

“Wabunge wamelalamika kwa kusema zile kamati zingine hazikuwajulisha. Lakini sasa, mimi kama Waziri Msaidizi, nasema kwamba wakati huu, pesa hii ikija, badala ya Waheshimiwa Wabunge kuwachwa nje ya kamati, Wabunge watawakilishwa kikamilifu. Nimetoa amri hiyo, Bw. Spika na itafuatwa.”

Then he went on to say:-

“Ninakubaliana nao kwamba hawakushirikishwa wakati wa kutumika kwa pesa hizo. Hawakushirikishwa katika utendaji wa kazi hii. Lakini sasa ninawaahidi mimi mwenyewe kwamba wakati huu pesa zikiingia, nitawaita pamoja na tutawashirikisha. Msiwe na shaka juu ya jambo hili”.

Mr. Temporary Deputy Speaker, Sir, then the money came. This time LVEMP decided not to follow procurement procedures and tendered for some company from Nairobi and we complained. As a result LVEMP incited some members of the public to hold demos, indicating that Members of Parliament from around the gulf had stopped the funds from being used. This is the thrust of the matter. What are you doing to ensure that the funds allocated to LVEMP are used openly and transparently?

**The Temporary Deputy Speaker** (Mr. Imanyara): Minister, take notes. We will take two more and then you can answer all of them.

**Mrs. Odhiambo-Mabona:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. In the Minister’s response, he has given indication of the effects of the water hyacinth and has forgotten to indicate that it has now caused loss of lives, even as recent as last month. There were fishermen who were marooned as they could not move out; they died as a consequence of that. Government rescue efforts were too slow for the fishermen.

Mr. Temporary Deputy Speaker, Sir, I have, indeed, been asked several questions by the fishermen around Lambwe and Homa Bay areas. Right now, the lake is completely choked. There is no activity that is going on by persons who purely undertake fishing as their main stay.

Could the Minister clarify whether they have undertaken a comprehensive study on how to deal with water hyacinth menace? Right now, the response appears to be very reactionary? Could the Minister, therefore, confirm in his response if they have considered bio-control methods, including using species such as weevils and Argentine Water Hyacinth moth that were used in States like Louisiana and Mississippi in the US? Could he tell us whether the Government has looked, very comprehensively, into dealing with this menace?

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I want to join my colleagues in this issue. I want to thank the Minister for a very comprehensive Statement. However, LVEMP has been in operation for over 20 years in respect of water hyacinth. LVEMP in Uganda is working very efficiently. LVEMP funded by DANIDA in Tanzania is working very efficiently. The problems of water hyacinth are not to the same extent in both of these countries. Uganda started the weevil project very much earlier. Why is it that LVEMP-Kenya has been bedeviled by all sorts of mismanagement and lack of transparency? They buy four-wheel drive vehicles and go round. Eighty per cent of the money that they say they receive goes to workshops and organizing demonstrations.

*Waziri*, we, as Members of Parliament, are leaders. We only requested, and the Assistant Minister confirmed it, that we should be consulted. However, LVEMP and other groups held demonstrations against both Mr. Olago and me due to misinformation that we demanded that this

money goes to the CDF. We would like a confirmation from you that none of the money that is for LVEMP has ever gone to the CDF of any Member of Parliament.

Furthermore, please---

**The Temporary Deputy Speaker** (Mr. Imanyara): One clarification at a time, please. That is our rule.

**Eng. Rege:** Mr. Temporary Deputy Speaker, Sir, with due respect to the Minister, Mr. Mwakere, my former Mathematics teacher, he spoke for almost five minutes with only one line indicating the action he is going to take to eradicate water hyacinth on Lake Victoria.

I do not know where his scientists come from and why they do not understand that hyacinth is growing in the gulf area because of siltation of rivers that bring in dirt from the highlands, and the gulf is not breathing. The gulf is not breathing because of the Mbita Cause way. If the Mbita Cause way is not acted upon now, we will continue to get bad water in the gulf that is not useful to the residents of the Nyanza region. I would like to ask the Minister to kindly go back and constitute a proper research institution that can understand why hyacinth is growing in the gulf of Lake Victoria. They must consider doing something about the Mbita Cause way.

Mr. Temporary Deputy Speaker, Sir, I am speaking in this regard because---

**The Temporary Deputy Speaker** (Mr. Imanyara): Eng. Rege, you have already made a request. Please, do not turn it into a debate.

**Eng. Rege:** Mr. Temporary Deputy Speaker, Sir, two of my constituents died just this month.

**The Temporary Deputy Speaker** (Mr. Imanyara): That is no justification for converting this into a debate. You can ask it in the form of a clarification.

**Eng. Rege:** Mr. Temporary Deputy Speaker, Sir, could the Minister indicate when the hyacinth on the gulf will be eradicated?

**Mr. Onyancha:** Mr. Temporary Deputy Speaker, Sir, I would like a clarification, now that it is quite obvious that this programme has failed because it has been there for many years; funding has been given but nothing has improved. What is the Minister doing to dismiss the people in charge and institute a new body of managers to handle the problem?

**The Temporary Deputy Speaker** (Mr. Imanyara): Let us have Mr. David Njuguna and then the Minister will respond.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, emanating from the Statement offered by the Minister, could he indicate to this House the level of co-operation our country is receiving from the neighbouring countries, namely Tanzania and Uganda, in order to eradicate this weed threat?

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, there is every reason to believe that this is a very serious problem, and needs not just the intervention of the Ministry and the institutions that have been put in place, but also the intervention of all of us, particularly the leadership that we depend on to get things done around the lake. I fully agree with Mr. Olago's observation that not much has been achieved in our initiatives towards the removal or elimination of the water hyacinth in the basins, particularly the Winam Basin and other basins of Lake Victoria. However, this does not mean that we have not been doing our very best to eliminate the weed. It just confirms that we need to come up with other innovations, or even take note of what is being done elsewhere, where there is probably greater success, and apply the same methods in our endeavour to succeed.

Mr. Temporary Deputy Speaker, Sir, I would like to make a further comment or suggestion; that in order for us to be reading from the same script, I personally will go to Kisumu to join my colleague legislators for a tour of the areas that have the weed and meet other leaders. I believe together we will come up with a strategy that will, hopefully, give us a lasting solution.

Mr. Temporary Deputy Speaker, Sir, on the question of loss of lives, this is truly regretted. But it all amounts to the same thing; that we have not succeeded in removing the weed. Probably, there could be even more lives lost, God forbid, but this should be sorted out in one form or the other once we get together as leaders. I would recommend that we meet within the next four weeks. I know that we are very busy, but we should set aside a day when we shall all be together in Winam Gulf and other areas around the lake which are affected by the weeds.

Mr. Temporary Deputy Speaker, Sir, LVEMP-Kenya, is doing the same programmes as the other lake basin countries. Maybe our problem is that we have more effluents and siltation that gets into the lake from the Kenyan side because of the many farming activities and the bigger cities and towns around the lake. As I said earlier, these discharges into the lake create a fertile environment for the growth of the weeds. So, the problem is bigger on the Kenyan side, but we shall, indeed, overcome it when we put our heads together very soon.

Mr. Temporary Deputy Speaker, Sir, hon. Eng. Rege was a very brilliant student and no wonder he did so well in his A-Level. He got straight "As". I believe I contributed in one way or the other for the straight "As" that he got.

*(Applause)*

Nonetheless, I would like to confirm to him that when we visit the Lake Basin area, we shall also have a look at Mbita Causeway. We know there is a problem because it was sort of closed at a point where water should be flowing freely. We shall have to come up with alternative means of ensuring that people can move from one point to the other. So, we shall look into that when we get together as leaders.

Mr. Temporary Deputy Speaker, Sir, hon. Onyancha was suggesting that we dismiss those concerns as resulting from poor management of LVEMP. I would not be prepared to take that action now, but it could be taken once all facts and figures have been presented to me. When we take any action of that magnitude, we do so with total confidence and full information.

Mr. Temporary Deputy Speaker, Sir, I am not in a position to comment on the CDF question because CDF programmes are constituency-based. Therefore, it is a question of all of us taking a common position. It is not easy for me to make a comment on behalf of my colleagues on a fund which is under their jurisdiction.

Mr. Temporary Deputy Speaker, Sir, I am inviting hon. Shakeel to give me more information in relation to that because I do not have the full information. I must admit that I cannot know everything. There are certain things that I am prepared to take note of and understand better. But, all in all, we have a common position; that we should put all our good intentions together to ensure that the weed is eliminated once and for all. So, I humbly request hon. Shakeel not to make it an issue now because I am ready and we shall discuss even after this intervention.

Mr. Temporary Deputy Speaker, Sir, on hon. Njuguna's question on co-operation with other East African countries, yes, we co-operate very closely with the Lake Basin member states. As I said earlier, the problem is bigger on the Kenyan side because of the size of the cities and

the farming activities which contribute to greater siltation and discharge of effluent to the lake, both of which contribute to a very fertile ground for the growth of the weed.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, two important issues were brought up by both hon. Shakeel and hon. John Olago regarding a specific undertaking given by your Assistant Minister with regard to involvement of hon. Members when the money was made available, but this was not honoured. The Chair appreciates that you have offered to visit the area with the hon. Members.

In view of the undertakings that have been given previously by your office, I direct that this issue, together with today's HANSARD be referred to the Implementation Committee with whom you will work on the visit to the area within the next four weeks, so that you can investigate all those claims that have been made, particularly with regard to the disbursement of monies as undertaken by your colleague in the House. This is so that you can deal with the issue comprehensively. So, the matter will go to the Implementation Committee together with today's HANSARD. Together with the hon. Member and the Committee, you can work on the modalities of visiting the area, so that the report can be tabled in the House within the next two months.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Shakeel! If you insist on running the affairs of the House through points of order which are not coming in the manner provided for, then I will not allow it!

Although I have several other requests for statements to be made, let us hear Mr. Haji.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, hon. Yusuf Haji?

## PERSONAL STATEMENT

### REACTION TO ALLEGATIONS MADE AGAINST HON. HAJI

**The Minister of State for Defence and the Acting Minister of State for Provincial Administration and Internal Security** (Mr. Haji): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for allowing me to make this personal statement following a statement made by the hon. member for Galole, Mr. Dhadho Godhana on Thursday, 13<sup>th</sup> September, 2012, in which he mentioned me allegedly for discussing his conduct on the Floor of the House. In his statement, hon. Godhana alleged that I portrayed him as a murderer.

Mr. Temporary Deputy Speaker, Sir, the HANSARD of Thursday, 23<sup>rd</sup> August, 2012, will bear me witness that I never referred to the hon. Member in that context. During my statement on the material day, I highlighted the happenings in Tana Delta where the Pokomo and the Orma communities were engaged in ethnic conflict. At that juncture, one hon. Member stood up on a point of order saying that hon. Godhana was bragging in the corridors of Parliament that he will never attend a meeting chaired by myself as the Acting Minister for Provincial Administration and Internal Security. He also said this to my Permanent Secretary.

Mr. Temporary Deputy Speaker, Sir, on 23<sup>rd</sup> August, 2012, in my capacity as the Acting Minister for Provincial Administration and Internal Security, I called a meeting of leaders and Members of Parliament from Tana, Garissa and Mandera counties. True to the word, hon. Godhana never attended the meeting. In response to the hon. Member who said that he had heard hon. Godhana bragging on the corridors of Parliament, I said "Yes, indeed, I called a

meeting for Members of Parliament from the region and one Assistant Minister refused to attend the meeting and is still bragging on the corridors of Parliament.” It is at this juncture that several Members of Parliament demanded that I mention who the Assistant Minister was and that is how I said it was hon. Godhana. I then said that I will ask the Criminal Investigation Department (CID) to investigate him. This was prompted by his failure or refusal to attend the leaders meeting and participate in the efforts by the leaders to find a solution to the serious problem that was causing death, injury and destruction of property.

In his statement, hon. Godhana went on to say that hon. Haji and Maj. Sugow are his neighbours. That is stating the obvious since it is a matter in the public domain.

Further, on 24<sup>th</sup> August, 2012, Mr. Godhana, in his statement, made very serious allegations; he said that my cattle are in Kipini and that my herdsmen were the ones who were chopping off people’s hands in that area. To the contrary, my cattle are in Galana in Malindi District, and anybody is free to go and verify this. Similarly, on Friday, 7<sup>th</sup> September, 2012 a lone herdsman from my constituency, who was watering his cattle along the Tana River, was hacked to death with a *panga* at Kikuyu Sub-location in Mr. Godhana’s constituency. The following day, on Saturday, when the deceased was being buried at Masalani District Headquarters, the hon. Member’s constituents cut water pipes that supply the Ijara District Headquarters with water. Later on when the District Water Officer sent a water bowser to fetch water from the river, it was chased away by his constituents. This unfortunate behaviour caused a lot of suffering to the people of Masalani, considering that the town has a hospital, women and children who rely on water for cooking and other needs. This is most inhuman.

Following the hacking to the death of the lone herdsman from my constituency, it is clear that there was an attempt to create animosity between residents of the two constituencies and draw me into these alleged conflicts. However, fearing the repercussions and possible retaliation from the people of Ijara, I directed the area OCPD to immediately make a request for reinforcement from the General Service Unit (GSU). Consequently GSU officers were sent to the area to deal with about 500 people who wanted to storm the police station. I am happy to report that the situation was contained and is now calm.

Mr. Temporary Deputy Speaker, Sir, Mr. Godhana, in his interview with *K24* television channel, further mentioned that the leaders of all Somali clans in Mandera, Wajir, Garissa and Ijara were issuing identity cards to refugees of their clans from Somalia. He went further to say that it is difficult to differentiate between an *Al Shabaab* member and one who is not a member, thereby by extension saying that some of us are *Al Shabaab* members. He further questioned the loyalty of leaders from North Eastern Province.

In another incident, the hon. Member was live on *Citizen* Television on Monday 10<sup>th</sup> September, 2012 at 9.00 p.m. news, where he alleged that unless I was sacked “you are yet to see more”. True to that, so many people lost their lives the following day. This is totally unacceptable. This has been repeated severally both in the print and electronic media. I have restrained myself from responding to all those allegations, considering the impact it would have had on my constituents and people in neighbouring constituencies, including, Mr. Godhana’s.

Further, in his Statement to this House, the hon. Member stated that he and the elders in Tana Delta were meeting to discuss how to restore peace in the area. The question the hon. Members should ask themselves is this; one, since Mr. Godhana’s constituency is Galole, why was it that he was meeting elders in the absence of the Member of Parliament of Garsen? Two, Mr. Godhana has in the past refused to attend leaders meetings and this has been confirmed by the leaders who attended my meeting on 23<sup>rd</sup> August, 2012.

In conclusion, I wish to once again refer this House to the HANSARD of 23<sup>rd</sup> August, 2012 when one hon. Member lamented that Mr. Godhana had on several occasions filed Questions in her name without her consent. In particular, Mr. Godhana had without her consent filed a total of 16 Questions with the Speaker. This, hon. Members, is yet another clear indication that Mr. Godhana has his own issues, and that I am being unjustly accused by him for matters that I have absolutely nothing to do with. I am neither an Orma nor a Pokomo, and the fighting is not even in areas that border my constituency. I border Mr. Godhana's constituency and there is no fighting anywhere near us.

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

## MINISTERIAL STATEMENT

### RESETTLEMENT OF IDPS

#### **The Assistant Minister, Ministry of State for Special Programmes**

(Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, I wish to deliver a Ministerial Statement which was sought by several hon. Members, including Mr. Ethuro, Mr. Duale and Dr. Khalwale. The Statement relates to the resettlement of Internally Displaced Persons in the country. Specifically the hon. Members wanted to---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Ethuro, you are the Chairman of the Committee and I see that, that is the business that is coming under the Order following this Order. Is the Ministerial Statement related to that and can it come within the debate on the Bill? The Bill is actually coming after this. Mr. Ethuro, what do you have to say, as the Chair of the Committee?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, this is slightly different. This concerns the most recent displacements that have taken place.

**The Temporary Deputy Speaker** (Mr. Imanyara): So, it is not related?

**Mr. Ethuro:** It is related in the sense that it is about Internally Displaced Persons (IDPs), but it is different in terms of it being the Mau matter.

**The Temporary Deputy Speaker** (Mr. Imanyara): Then could it not be more conveniently dealt with under the next Order?

**Mr. Ethuro:** In fact, the next Order is a Bill, but this is a Ministerial Statement. This information will inform the debate on the Bill; so, it is good if it comes before the debate begins.

**The Temporary Deputy Speaker** (Mr. Imanyara): That information can come within the context of the debate that will follow after this.

*(The Temporary Deputy Speaker (Mr. Imanyara)  
consulted the Clerks-at-the-Table)*

Mr. Gabbow, I have received guidance and the way we will deal with it is that we will provide you with the opportunity to respond on behalf of the Government during that debate, so that you have the fullest time to issue not only that Ministerial Statement but also respond to other issues that will come up during the debate. Are you comfortable with that?

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Just a moment, Mr. Ethuro, let me hear what the Assistant Minister has to say with regard to that? Are you comfortable with that?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, these are two different issues. Could you allow me to just highlight some of the issues which I want to discuss?

**The Temporary Deputy Speaker** (Mr. Imanyara): You may proceed; it is your right.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Thank you.

One of the clarifications sought by the hon. Members was whether a Cabinet Minister, two Assistant Ministers and one Backbencher from the Mau Forest Evictees Resettlement Committee have truly resigned from the Committee and the circumstances that led to their resignation. This cannot be found in the Bill.

The second thing that they sought was whether the Ministry could give the current state of IDPs resettlement. I will table all the documents relating to that; it is a huge document and I do not need to go through it.

I want to answer the first question, that the resettlement programme includes the Mau Forest Evictees, and is managed by a three-tier committee, namely the Cabinet Committee comprising of Ministers for finance, special programmes lands and agriculture. The Permanent Secretaries in these Ministries also sit in the committee. It is chaired by the Head of the Public Service. There is also a technical committee, or task force, comprising of officers from member Ministries.

Mr. Temporary Deputy Speaker, Sir, I am not aware of any Member from the above committee who has resigned, nor the circumstances that may have led to the resignation. The Ministry has never been advised of the incorporation of any other committee or members that deal with IDPs.

On the state of IDPs, out of the targeted population of 9,571 households of 2007 Post-Election Violence victims, 7,724 households have been resettled on 15,152.6 acres of land purchased by the Government, and 1,404 acres donated by the Municipal Council of Lodwar and the County Council of Turkana, leaving a balance of 1,847 households. Land required to resettle these households is about 5,859 acres. Of this, 5,312 acres of land are undergoing procurement processes. I do not want really to go through all these, but I will table a document indicating where the land is and what the status is; whether it is still being procured or it has a problem.

Mr. Temporary Deputy Speaker, Sir, I also wish to table the list of parcels of land that the Government has purchased, the ones under procurement and parcels with pending issues. I also wish to clarify that the Ministry was only mandated to purchase land for resettlement of IDPs in camps, which did not include the integrated IDPs.

Mr. Temporary Deputy Speaker, Sir, regarding the victims of clashes in Tana River, Mandera, Wajir, Turkana, Baringo, Samburu and Marsabit counties, the Government has been providing humanitarian assistance, which includes food and non-food items. I wish also to table a list of items that the Ministry has distributed to the clash victims recently. I wish to state that the Ministry will be able to finalize the resettlement programme of all targeted IDPs and forest evictees before the next general elections, once land is availed.

Mr. Temporary Deputy Speaker, Sir, the Government has embarked on the implementation of the Parliamentary Select Committee's Report on the resettlement of IDPs in Kenya. However, some recommendations can only be implemented once the Treasury and Cabinet approve the financial implications of the Report.



Thank you, Mr. Temporary Deputy Speaker, Sir.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Are there any requests for clarifications on that Statement?

Yes, hon. Ethuro!

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I sought this Statement on the specifics of Mau resettlement and also in light of the clashes that have been going on, culminating in the tragic losses in Tana Delta. So, this was specific and must not be tied to the next Order, which is a Bill.

Mr. Temporary Deputy Speaker, Sir, first, I want to thank the Assistant Minister for answering the question, although he has ambushed me and the rest of us. This is because last week they were at pains to demonstrate that it would be answered on Thursday this week.

Mr. Temporary Deputy Speaker, Sir, Members of this House, who are also Members of that Committee on Mau, went public in our Press Center here and said that they had left that Committee. The Assistant Minister is telling us that he is not aware. Secondly, he is claiming now that the Government has been assisting the victims, who have been displaced as a result of the clashes in the various counties of Tana River, Wajir and Garissa. We would like him to confirm that even Red Cross, a humanitarian organization, has been denied access to support the people in Tana Delta. We would like the Assistant Minister to be truthful to this House, because the Government has an obligation on issues of IDPs. He says: "We will resettle the IDPs before the next general elections if land is available." That is conditional. Our request, as per the Report of the Select Committee on IDPs which was passed by this House, is that you must resettle all the IDPs. Even the Government itself has been giving those elastic deadlines. But this House has passed a resolution that all the IDPs should have been resettled by May, 2012. At least, we gave up to December. The Government must give a specific timeframe because this is part of Agenda Four.

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, we have been promised that this issue of IDPs will be sorted once and for all, since 2008. I have been in the forefront fighting for this. The Assistant Minister has said that all IDPs will be resettled before the end of this year, if land will be available. I think that the Government is taking Kenyans for a ride and it is high time it came out clearly and said whether these Kenyans have a right to be settled like any other Kenyans or they are just playing politics, so that they buy time until we go for the election.

Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister clarify this issue of the caveat on Mau, that they have been talking about? Everytime they go there, they promise *wananchi* that it will be lifted. Last weekend, they were there and promised, but in actual fact, there is nothing on the ground. They are going now to an extent of evicting those who are already settled. Could the Assistant Minister state clearly the cut-off line between Mau Forest and the settlement scheme, so that the *wananchi* can know where they belong? This is because---

**The Temporary Deputy Speaker** (Mr. Imanyara): Now you are debating.

Hon. Langat!

**Mr. Langat:** Mr. Temporary Deputy Speaker, Sir, this issue of Mau Forest evictees has been dragging for a very long time. It is unfortunate that the Government evicts people very fast and then it takes three years to resettle them. Recently, the Prime Minister gave---

**The Temporary Deputy Speaker** (Mr. Imanyara): Seek your clarification, please.

**Mr. Langat:** Mr. Temporary Deputy Speaker, Sir, he has been giving a two-week timeline for resettlement of the Mau evictees. Could the Assistant Minister confirm whether that is an official Government position or political statement meant to appease our people?

**Mr. Onyancha:** Mr. Temporary Deputy Speaker, Sir, listening to this Statement, I am really very upset. The Assistant Minister has said that this programme did not involve integrated refugees. The people of Kisii suffered from post-election violence more than any other group. They are a burden to our society, knowing how much land we have. Why are they left out of this programme? That is the first question. Secondly, what programme---

**The Temporary Deputy Speaker** (Mr. Imanyara): The rules are clear. You choose the one you want to ask.

**Mr. Onyancha:** Mr. Temporary Deputy Speaker, Sir, what programme does the Government have to resettle the integrated refugees, specifically from Bonchari and Kisii in general?

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, it is really shocking that the Ministry and the Government continue to take this matter of resettling the Mau Evictees less seriously. We can see it from the Statement and from the way they have downgraded it to a mere answer from somebody who does not quite understand the issue.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Ruto! You cannot allege that the Assistant Minister does not understand what he is doing when he is giving you a Statement on the Floor of the House. You must withdraw that aspect that he does not know what he is doing.

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, I think he knows and I now withdraw the fact that he does not know; now he knows. The question of Mau resettlement is a very serious matter and you can see the Government is saying that they will resettle people when land is available, but there is a caveat. You cannot buy any land to resettle them yet they are telling us when land becomes available and then they stop the possible purchase of land. It is a contradiction in terms. These people are suffering, the Government evicted them and there was a feeling that they should be given money to go and buy land wherever they can get it. Are they making arrangement to avail this money? Can anybody go and look for land *na yeye mwenyewe anunue* – he himself buys it? I am sorry to mix languages. Can everyone be free to purchase land? Maybe I will stand on a point of order but let me start--- That is enough for now.

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

**Mrs. Odhiambo-Mabona:** That should be the last one.

**Mr. Ruto:** Millie is part of the problem.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, when the Assistant Minister stood up, he said that the Government is doing what it can.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard Mr. Ruto say on record that “Millie is part of the problem.” I do not know if I am part of the problem by sitting next to him and reminding him of parliamentary procedures. Could he, please, withdraw? I am not a problem in the Mau. He is more of a problem because of his policy of *atiechi*, so he should be the one with the problem.

**The Temporary Deputy Speaker** (Mr. Imanyara): But according to the rules, you must also have risen immediately when he said that and not after.

**Mrs. Odhiambo-Mabona:** I did, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well. Mr. Ruto, I do not want to debate. If you said that, you withdraw without further debate on it.

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, I said Millie is---

**The Temporary Deputy Speaker** (Mr. Imanyara): Did you or did you not say that Mrs. Odhiambo-Mabona is part of the problem?

**Mr. Ruto:** I did not say!

**Mrs. Odhiambo-Mabona:** You said it!

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, it is the party she is in; it is ODM and the Prime Minister.

**The Temporary Deputy Speaker** (Mr. Imanyara): Did you or did you not say that Mrs. Odhiambo-Mabona is part of the problem?

**Mrs. Odhiambo-Mabona:** He said it!

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, I did; I said it and I withdraw and apologize to Mrs. Odhiambo-Mabona.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, in his Statement, the Assistant Minister has said that he is doing what he can to assist the IDPs from the Tana Delta, Wajir and other places. My clarification is with regard to the Tana Delta IDPs. In the neighbouring counties of Lamu and Kilifi, our people from the Tana Delta from both communities that have been affected have taken refuge in these areas. What is the Government doing about those IDPs in Magarini and Lamu?

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, I wanted to contribute to what the Assistant Minister said by asking him what the Government is doing given the fact that it is causing a lot of suffering. Apart from the suffering, these IDPs are unproductive and idle. They could easily be productive people who could be contributing to improving their lives and also our economy yet it has taken so many years for the Government to resettle them. I want to give him the benefit of doubt - that they can do so between now and December? Is he being realistic by giving us that short kind of timeline?

**The Temporary Deputy Speaker** (Mr. Imanyara): Although he did not say December; he said between now and the next election. He was quite careful on what he said.

**Mr. Hassan:** Mr. Temporary Deputy Speaker, Sir, but even then, next year is just five months. Is that realistic? I think that might get back to him when it does not happen.

**The Temporary Deputy Speaker** (Mr. Imanyara): We will take the last one now from Mrs. Shebesh before the Assistant Minister answers.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, the Statement was hinging on the resignation of four or five Members of Parliament, I am not wrong, which was supposed to show a sign of political goodwill. We know that we are going to a General Elections and as a Ministry losing political goodwill on this issue of the Mau evictees at the point when we are going to an election is asking for tension and uncertainty around the area where the Mau evictees are and especially around the area where the Members of Parliament come from. Does the Ministry and by extension the Government realize that when you start losing political goodwill like resignation of those members of the committee, that they are actually showing that they have failed and that as we are going towards an election they are not in charge?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Gabbow, you may now respond to those issues that have been canvassed by hon. Members.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, there is a difference between the other committee and those members who sit in the committee. The members who resigned, and I am not sure whether they have resigned, were the members from the local community leadership at the ground in the Mau

Forest evictee region. Those are other committees and so I want us to separate between the local committee and the Government committee. So those are two things.

I totally agree with you that we need that political goodwill and I am sure the Ministry is handling that to make sure that we are able to convince the other committee to continue giving support to the Ministry. The status of most of the land to resettle the IDPs is at an advanced stage. For example---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, the question was how you get land if you have placed a caveat. That was the issue that you need to address.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, I can assure you because the committee comprises the Minister for Land, he will and he has said and that is the Government's position that a caveat will be removed from that land so that we can purchase it. Most of the lands are almost ready. If you can give me a minute, for example, we have 11 parcels of land; one in Molo South, Ikumbi Block 1 and 2; Nakuru Longonot Block 2; Trans Nzoia, Cherengany and Nakuru Boron. The status is that money has already been paid about Kshs239 million for 1,309 acres and they are only awaiting survey. So this will be done immediately and I can assure you that you can hold this Ministry by its word that we will resettle the post-election violence victims and the forest evictees before---

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Assistant Minister ask for a minute and telling us that we can hold this Ministry to account on their word. Is he in order to mislead this House and the country? This Assistant Minister committed to resettlement before December last year. That was the Assistant Minister's word! He wants us to take more words from him; he wants more time for people who are still in camps and have no homes when he is about to conclude his term as an Assistant Minister in a very comfortable zone.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Ethuro, you are the Chair of the Committee. He is talking about immediately. Let him complete and say when and then you can revisit the issue after the number of weeks because he talks about immediately.

**The Assistant Minister for Special Programmes** (Mr. Gabbow): Thank you for that clarification. I would like to table the documents showing the following:

1. Land purchased for forest evictees, a total of 1,301.76 hectares costing Kshs239,691. This is achievable before the next General Election.

2. Land purchases for IDPs is at various stages. We have 5,312 acres. We have shown where the land is located, remarks and the stage where this is.

**Mr. Ruto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is just telling us about 1,000 acres or hectares. How many acres per family? How does 1,000 acres satisfy 3,700 Mau evictees? Will they be living in a quarter of an acre or 0.01 of an acre?

**The Temporary Deputy Speaker** (Mr. Imanyara): Perhaps you can take a look at the documents that he has tabled and then you can revisit that issue.

**The Assistant Minister for Special Programmes** (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, that is what we have currently and what we have purchased. We are not saying that all of them will benefit from that piece of land. However, I have assured you that before the General Election, we will be able to achieve our target.

I also have a document on land purchased by the Government for the resettlement of IDPs. It is a 13-page report which I wish to table.

On the issue of the Red Cross in Tana River, currently, the Ministry is distributing relief food and non-food items to various populations and I have done a report for that touching on Wajir, Tana River, Baringo Central, Marigat, Samburu, Turkana and Marakwet. I would like to table them too.

You understand that there is an Act of Parliament on Red Cross. It, therefore, does not come under the Ministry of State for Special Programmes. If there are issues with the Red Cross, say, why they are not allowed there, I think this Ministry is not responsible for it. The Red Cross does not report to my Ministry.

#### PROTECTION TO MR. MATTHEW LOGULALE

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I rise to ask for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the circumstances in which on the night of 13<sup>th</sup> September, 2012; that is, Thursday, last week the house of Mr. Matthew Logulale, a Governor aspirant for NARC Kenya in Turkana County was torched and his bedroom was burnt down and his properties destroyed. I would like to know how far the investigations have gone. Have there been any arrests and any arraignment of suspects in court? What is the Minister doing to stop such politically motivated attacks not only on this aspirant, but also on other aspirants in the country? In other words, what is he doing to nip this problem in the bud as we approach the elections? Has the Minister provided security to this particular aspirant who is now targeted and his family? Will the Government offer humanitarian support to this person like the Government has been doing in other situations where we have a humanitarian crisis? Is the Minister able to assure us that no such incidents will occur in the future? Without adding debate to this matter, this is a very bad pointer as we approach the elections.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I just wanted to support hon. Karua. Only last Saturday, I visited the house of the aspirant. Knowing the kind of environment in which we operate in northern Kenya where there are too many illegal guns, we are really worried about violence towards the general election. I think it is important that the police come clear on the motive of this particular action. Secondly, if it is turning to be political, the other State organs such as the IEBC and the National Cohesion and Integration Commission must try to address this particular problem.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Beth Mugo, will you stand in for your colleagues here?

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I propose that the Statement be delivered next week on Wednesday.

**The Temporary Deputy Speaker** (Mr. Imanyara): Is that okay with you, Ms. Karua?

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I would have preferred Tuesday, but I will leave it to the Chair.

**The Temporary Deputy Speaker** (Mr. Imanyara): We have deferred a lot of business to Tuesday next week. So, let us make it on Wednesday afternoon.

What is your point of order, Mr. Kabogo?

#### INSECURITY IN GATUNDU AND RUIRU

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, I seek your indulgence. On 6<sup>th</sup> September, 2012 I requested for a Ministerial Statement from the Ministry of State for Provincial Administration and Internal Security regarding the disappearance of a *matatu* operator in Gatundu. The Speaker ordered that the Statement be given on Wednesday last week, but it was not. I seek your assistance that the Statement be issued this afternoon or latest Tuesday in the afternoon.

**The Temporary Deputy Speaker** (Mr. Imanyara): I wish we could have managed to contact one of the Ministers so that we get a definite answer, but nevertheless, Mrs. Mugo, would you be in a position to have your colleague deliver this Statement this afternoon or tomorrow? It was requested, I think, more than two weeks ago. When can this be done?

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I do not know exactly why the Minister has not been able to give it up to now. Should we say next week?

**The Temporary Deputy Speaker** (Mr. Imanyara): Since you do not know I would direct that it be given tomorrow afternoon.

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, much obliged.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Beth Mugo, please, inform the Minister that it is tomorrow afternoon. The Statement has been pending for a long time. At least we need an explanation from him tomorrow in the afternoon.

Next Order!

## DEFERMENT OF COMMITTEE OF THE WHOLE HOUSE

### THE ENERGY AND COMMUNICATIONS LAW (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, with regard to the business appearing on Order No.8, I understand that a number of amendments have not yet been processed. Hon. Members, you are reminded that there are quite a number of issues pending under the Private Members' Bills because amendments have not been submitted to the Office of the Clerk. Please, if you have any amendments on any of the pending Bills from the Private Members', the Clerk's Office is requesting that this is submitted by Monday at the close of business so that they can be included in the order of business for next Wednesday.

Please note that. The business appearing on Order No.8 will be deferred until next Wednesday.

*(Committee of the Whole House deferred)*

## BILLS

### *Second Reading*

### THE INTERNALLY DISPLACED PERSONS BILL

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I beg to move that The Internally Displaced Persons Bill, Bill No.21 of 2012, be now read a Second Time.

This House formed a Select Committee on the IDPs to look into the issues of immediate humanitarian assistance to the IDPs and also to come up with a Bill that will look into this problem. I am happy that we have delivered as a House and I have the pleasure of moving this particular Bill.

This week, we will be celebrating the International Peace Day on Friday, 21<sup>st</sup> September, 2012, in Eldoret, for our case in Kenya. As we celebrate this day, I am happy that this Bill is also coming this week. This Bill has two particular objects. The first one is to provide for the prevention, protection and assistance to the IDPs. The IDPs in this Bill are defined beyond just the post-election violence that everybody seems to be familiar with. We have also expanded the definition of the IDP to include victims of clashes, natural disasters and even where the State may have to force displacements for purposes of large-scale development projects. The second objective of the Bill is to give effect to certain instruments and Treaties that the Government has committed itself to. One is the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons and the United Nations Guiding Principles on Internal Displacements.

The Bill is a small one. It has about 24 clauses and there are five parts. I just want to highlight a few of the things that the Bill is looking into. First, is to give a definition of the IDPs. The second one is to create organs that will manage this process. It must be recalled that at the height of the post-election violence, the State found itself in the most embarrassing position where it was not prepared for any kind of disaster. It was not prepared for the victims of such disasters. Any country and Government worth its name must always be in a state of preparedness for any eventuality. The publication of this Bill does not mean that we expect this country to be in a perennial state of post-election violence or that elections should translate to violence. This Bill has been prepared with a firm believe that never again shall this country go into a post-election violence mode. But we have learnt some lessons from the situation of the post-election violence and also from the situation of the Mau Forest evictees, who are Government generated IDPs. It is a shame that the Government, in its final year, cannot settle all the IDPs in this country.

In Clause 3, we are looking at an administrative mechanism that will give the legal effect on how to address this and also provide for a rights based response to internal displacements. We hope that the Committee that will be formed, the National Consultative Co-ordination Committee on Internally Displaced Persons, will be the nerve-centre of co-ordinating this effort. In Clause 5, we are giving the Government the mandate and other State actors to ensure that the protection, prevention and displacements of IDPs is taken care of by responsible State agencies. The Bill has also provided not only for the National Government, but the county governments as well as urban and cities to provide more durable solutions to this issue of the IDPs.

In Part III under Clause 14, we have established protection and assistance to the IDPs. We have expanded the existing Fund, namely, the Humanitarian Fund for Mitigation of Effects and Settlement of Victims of 2007 Election Violence established by Regulation 3 of the Government Financial Management (Humanitarian Fund for Mitigation of Effects and Settlement, Regulation 2008. In fact, this is limiting and it was not for this purpose. It was for a particular purpose of dealing with post-election violence. This Fund must be expanded to include all the victims of forced displacements. Clause 15 provides for how the Fund will be operated and gives the Committee the overall role in terms of administration of the said Fund.

Clause 8, which I just want to emphasize, we are talking about creating education to the nation. We live in a country that has embraced a progressive Constitution that is considered the

best by all standards in the world and public participation is important. Public participation cannot be sought if public education is not given by the State agencies. So, we have also provided for that. In terms of the parts of the Bill, we have the last provision which is Part V where we have provided for miscellaneous matters. In particular, Clause 23 provides for offences relating to internal displacements.

Having said that and in the interest of time because there are many Private Members' Bill that we would like to consider, I will be very brief. However, I want to make a few points. First, we want our country back. The Coalition Government was formed on the basis of the blood of 1,300 people who died as a result of the post-election violence. This Coalition Government was formed on the basis of 650,000 people who were displaced. This Government has concentrated on the IDPs in camps while this House has made it extremely clear that there are more categories of IDPs than just the IDPs in the camps. There are integrated IDPs. Ordinary Kenyans took the burden of helping their brothers and sisters, and I want to applaud them for that. If ordinary Kenyans can take the burden, what about the burden of the responsibility placed on the shoulders of a Government that was formed as a result of such a problem? This Government owes it to this nation that they must get it right and deal with the problem.

If it was not for this House, this Government would still be asleep. This country is expecting a policy on the IDPs. Ordinarily, the policy should have come even before the Bill, but we have been persuading, interrogating and chasing this Government to come up with the IDP policy. We have asked Questions to that effect on the Floor of this House. The Draft Policy is ready but I do not know what it is doing sitting in the Cabinet. We want that policy to come out as a matter of priority. I was happy the Minister responded to the Ministerial Statement which had sought about the issue of the settlement of the Mau Forest evictees. I want this country to appreciate one thing that if the Coalition Government is not going to resettle an IDP, it means that it has failed to discharge the obligation of a basic task that it accepted to perform as part of the negotiated process of Kofi Annan.

I want to plead with Kenyans that the time will come when any person who had been given the mandate of a specific task like this one and did not perform must be discharged at the ballot box come the next general election.

Mr. Temporary Deputy Speaker, Sir, we had even contemplated a slogan like this: "No resettlement of IDPs, no elections". However, then we realized that we will be giving this incompetent Government more time in office when they should have left office many years ago by failing to implement all the agendas that was agreed, as part of the Serena talks.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I want to refer to Article 43 of the Constitution, so that this Government does think, it is just rubber stamping, hon. Ethuro, Member for Turkana Central, who is trying to be a pain for them. But they have a constitutional obligation to this nation. Article 43(1) says:-

"Every person has the right—

(a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

(b) to accessible and adequate housing, and to reasonable standards of sanitation;"

Mr. Temporary Deputy Speaker, Sir, we can confirm that in all the camps that was never assured by this Government.

"(c) to be free from hunger, and to have adequate food of acceptable quality".

I can confirm to you what the Minister was tabling here, were ordinary ration of relief. What we had even sought in the Statement was that the Government must always be in a state of



preparedness, so that when there are clashes in Tana River, the Government will have been there to provide, if they took our report seriously and learnt any lessons from the post-election violence.

“(d) to clean and safe water in adequate quantities;  
(e) to social security; and  
(f) to education”.

Even in today’s media, they talk of an IDP candidate, who is worried, whether he will sit for his examinations because this Government has failed to make teachers to go back to the classrooms.

Mr. Temporary Deputy Speaker, Sir, Article 43(3) states:-

“The State shall provide appropriate social security to persons who are unable to support themselves and their dependants”

This is the position and situation of IDP people. When this law comes into effect, it will actually be giving effect to that provision of Article 43(3). The State is under obligation and by law under compulsion to be able to support the IDPs.

Mr. Temporary Deputy Speaker, Sir, I, therefore, beg to move and request hon. Grace, Millie Odhiambo-Mabona - the girl nyar Rusinga, from Chilambwe, a daughter of Kenya, Gezageza, who has demonstrated like the hon. Rachel Shebesh, hon. Sophia Noor, that there is value in nominating serious women to this Parliament; women who have come with specific agenda – to second.

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

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the hon. Millie Odhiambo has worked with this Committee. She has demonstrated that you can work across the political parties. The issue of children is her priority No.1. The issue of gender is her priority. Female genital mutilation, hon. Sophia has been spearheading against the practice and, indeed, all the issue of minorities and the marginalized, including the pastoralists, where I am the son of the soil.

It is my pleasure to request the hon. Gezageza to come and second this Motion. Thank you.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Millie Odhiambo, of course, you will be able to second and I think hon. Ekwe Ethuro has been able to say good things about you. Proceed!

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, first of all, I want to thank hon. Ekwe Ethuro for those beautiful remarks, especially for the women Nominated Member of Parliament and recognizing the work that we have done in this Tenth Parliament. I am sure it will go down in history. But I also want to thank him because he is one of our honorary Members of Kenya Women Parliamentary Association. He has supported us. Indeed, as women Parliamentarians when we had a fundraiser for women, we all came out in support for him, which is very rare. But we have done that because he has really supported women’s agenda.

Mr. Temporary Deputy Speaker, Sir, I just want to also congratulate the hon. Member - He was our Chair in this Committee - for a good work that he has done for the internally

displaced persons in this country. The IDP issue, though it actually picked in 2007, has been a problem in this country for more than 20 years. I will give an example of Talai Community who were displaced from Nandi and were taken to Gwasssi Hills who are my neighbours. Today, they speak both Suba and Kalenjin language as well. They were taken back to their community, but they are still displaced within their community. So, this Bill is very timely because it does not only look at the issue of IDPs of 2007, but before that. It also anticipates any instance of displacement in the future, which, God forbid should happen.

Mr. Temporary Deputy Speaker, Sir, I want to indicate that whenever we have cases of displacements, the persons who are most affected are women, children, persons with disability and also young persons. It is, therefore, very important that this Bill is actually providing very extensively for the protection of women, children and special interest persons.

One of the things that the Bill has not mentioned is the way persons of mixed marriages are affected in instances of displacement. I know I sit in this Committee. One of the things I would be suggesting for amendment is that we include persons of mixed marriages in terms of displacement because they are usually torn apart. We have cases where you find a Kalenjin who is married to a Kikuyu. In situation of displacement, he or she is not acceptable in either of the communities. This creates a problem, especially for women and children.

Mr. Temporary Deputy Speaker, Sir, I also want to indicate that I am happy the Bill recognizes that we must do everything possible, as a country to stop instances of displacement by creating a lot of awareness and seeking peaceful co-existence between communities. Indeed, one of the things that we hope the National Cohesion and Integration Commission can do a lot more is talking to communities to learn to co-exist with each other.

I am also happy the Bill recognizes Security Council Resolution 1296 that is applicable to the protection of civil population during armed conflict. Much more also the Security Council Resolution 1325 applicable to the protection of women and their roles in armed conflict, including their participation in decision making and administration of programmes in respect to their safety, welfare, health, meal, sanitary care, reproductive rights, amongst others. We know during displacement that we saw in 2007, many women had a lot of problems relating to productive rights and health care and problems relating to sanitation that a lot of the humanitarian organizations were not able to deal with.

Mr. Temporary Deputy Speaker, Sir, I would want to indicate, however, that to strengthen this Bill, I know that some of these issues that I want to speak to should actually fit very well in other documents, say, for regulations, but because as a country, we tend to forget and sometimes because we do not use what is in the law, I would want to suggest that some of these things need to be provided here. Indeed, I have actually sponsored a Bill, the Victim Protection Bill, that is almost a sister to this Bill because it talks about issues of victimization.

One of the things that I had provided is a step by step approach in cases of victimization. I would I want to suggest that this Bill also provides a step by step approach in case of displacement and one that will provide that in case of displacement. How does the Government set up centres? How do people know where these centres are? What are the security deployment in terms of numbers and gender? What kind of persons would be deployed in those sorts of places, for instance, providing by law that we need to provide counselors, deploy lawyers, nutritionists, especially because of the issue of persons living with HIV/AIDS? We need to deploy persons with special skills, especially for persons with disabilities.

Mr. Temporary Deputy Speaker, Sir, we need to deploy humanitarian workers to document certain critical information especially immediately upon arrival at camps. Such will include the means and direction that a person used in arriving at that place. This is especially in case of unfortunate demise immediately thereafter, any known names in relation to children, any language spoken, clothes worn, any form of identification and any person that will be accompanying these persons especially in case of minors. I will be encouraging my Chairman, at the Committee Stage--- Legally, this will optimally fall within the regulations but because the issue of Internally Displaced Persons (IDPs) is very urgent, we may need to incorporate them within the body of the main Bill.

I encourage hon. Members to expand the definition of IDPs as currently exists to acknowledge integrated IDPs so that when we are looking at the issues--- In his response, the Minister has acknowledged, and they have consistently acknowledged that the Government has no policy, plans and funds to deal with the issues of integrated IDPs and yet we know that there are very many persons who were integrated. In fact, the word “integrated” is false because most of them are living with a lot of difficulties and problems. So, we need not only to look at the integrated IDPs but also the past injustices in relation to the IDPs.

I also want to comment very briefly---

**Ms. Karua:** Maliza Bwana!

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I know that hon. Martha is very eager to speak but I will just summarize in a minute.

**An hon. Member:** Are you Mabwana?

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, hon. Mabona. Are you done with your seconding?

**Mrs. Odhiambo-Mabona:** I am not done, Mr. Temporary Deputy Speaker, Sir. There is an hon. Member here who is asking me whether I am Mabwana or not. I am not “Mabwana” but “Mabona”.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right.

*(Laughter)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I would also like to say that the protocols that we have annexed as schedules, we should, as much as possible integrate their contents within the body of the main Bill because, again, even though the schedules are usually part of the Bill we have a tendency, as Kenyans, to treat them as inferior. So, unless we have them within the main body, it may not be very helpful. I have certain suggestions for amendments within the clauses but because I sit in the Committee, I will not talk about them except for Clause 12. I will leave the rest to the Committee so that we save on time and give the other Members a chance to speak on some of them. However, I want to comment on Clause 12. We need to include the Commission on Gender, the Secretary for Children Affairs and somebody from the National Council for Persons with Disability in the Committee to be set up because these are the groups that are normally affected in case of displacement.

With those few remarks, I second the Bill.

*(Question proposed)*

**Ms. Karua:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise in support of this Bill. I want to begin by congratulating the Mover and his entire Committee for this very thorough and good piece of legislation which they are proposing to the House.

We have heard a sad story of not taking care of Internally Displaced Persons (IDPs); of not taking care to prevent incidents leading to people becoming IDPs. We have various categories of displaced persons and our narrow view has tended to be victims of clashes. But this Bill is introducing a very comprehensive way of looking at IDPs. These are not only those who are avoiding effects of armed conflicts. It is also those who have been displaced by large development plans.

We have seen people in the City of Nairobi and in other places in Kenya being displaced in a most inhumane manner to give way to developments. These people are now being catered for by this Bill.

Incidents like the Mau evictees; all those incidents where the Government displaces people for good cause, this Bill is providing a guide on how to deal with and protect the persons affected.

Mr. Temporary Deputy Speaker, Sir, I am particularly happy with Clause 3 of the Bill which is incorporating the provisions of the Great Lakes Protocol and also the provisions of the guiding principles. This Bill is incorporating both the UN Convention and the Great Lakes Protocol on displaced persons. These are the standards that we have not been having.

In the recent past after the Government got tired of the IDPs, they cut off supplies of food and medicine. When the IDPs raised their voices, they were called fake IDPs. I think this Bill will guide us on how to deal with them. It becomes the responsibility of the State, both the national and the county governments, to ensure that those who are internally displaced live in conditions that are humane and that their needs are catered for from medical, food to shelter. This indeed is good.

Although we must say that, yes, the Government did try to do its best initially, but prolonging resettlement of the displaced is a very great injustice and this is something we have been unable to avoid.

I want to commend once again the Mover of the Motion. They are helping us as an institution, as Parliament to discharge our responsibility to the people of Kenya to provide a legal guideline on how to deal with the IDPs. This will help us to complete the resettlement. It will help us to focus on all categories of IDPs. It will also help us to focus on the integrated IDPs who have been largely ignored.

Mr. Temporary Deputy Speaker, Sir the problem of IDPs is largely in the Rift Valley, Nyanza in relation to the integrated, in Central Kenya in relation to the integrated and now in Nairobi, in parts of Coast Province, in North Eastern Province. Shall I say this problem is countrywide? So, it is time we had a legal framework to avoid any discrimination.

I am also happy that it is giving a guideline on how to administratively go about administering the fund and dealing with the IDPs. We are aware of the governance challenges that have attended the resettlement of IDPs with a lot of money being siphoned by those in authority and very little done by way of prosecution.

Mr. Temporary Deputy Speaker, Sir, in conclusion, this legislation is telling us, as Kenyans, to wake up and be proactive and not reactive. It is telling us to put measures in place to prevent occurrence of displacements of this nature and for reconciliation. We all know that we have failed, as leaders. Both the Executive and Parliament, we have not really put our time and

public in efforts to reconcile Kenyans and ensure that future displacements of people do not occur.

This Bill will compel the Parliament to put up a legislation which will force us to be proactive, and not reactive; and to have a permanent fund to deal with situations of this nature, so that we can manage such a crisis. Although the Bill may have room for improvement, I want to commend it as very thorough and very appropriate.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well, hon. Martha.

Proceed, hon. Gabbow.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, I wish to move the following amendments to the Bill---

*(The Chair consulted the Clerk-at-the-Table)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Assistant Minister, I am guided very well by our Clerk-at-the-Table. What you can do is to contribute to debate, just like any other hon. Member, and then you move those amendments during the Committee Stage. I also recommend that you see the relevant Departmental Committee, so that you can come up with amendments which are agreeable to both you and them, so that we can move faster.

So, if you wish to contribute and share the particular sentiments that you have, you can take the opportunity and do so. Contribute just like any other hon. Member. Is that what you want to do?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, I thank you for your guidance. I would like other hon. Members to continue contributing to debate. I can make my contributions at a later stage.

**The Temporary Deputy Speaker** (Prof. Kaloki): What is your point of order, hon. Ethuro?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to assume the role of the Member for Wajir North when, for purposes of this Bill, he is the Minister responsible?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Ekwe Ethuro! What is the Assistant Minister doing? Could you make it more clearer for all of us? What is he assuming?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I wanted to bring to your attention the fact that hon. Gabbow is not sitting here only in his private capacity, as the Member for Wajir North. Even given where he is seated, on the Front Row; he is seated as the Assistant Minister in the Ministry responsible for this Bill. So, he must give the official Government response to the matters raised by hon. Members during debate, and not his personal opinions.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Ethuro, hon. Gabbow is here as Minister and Member of Parliament. So, what he is doing is really correct.

So, we will go to hon. David Njuguna.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Chairman of the Departmental Committee responsible for this Bill, hon. Ekwe Ethuro, for very diligently leading the Committee, and for allowing the Committee to make very good recommendations.

I also note that the extension that the Committee was given was also used well. The Committee was able to visit all parts of the country to consult and hear the views of members of

the public. However, I note that the Committee was not able to visit Lari Constituency, where we have integrated IDPs. I hope that the law we are legislating on will address some of the issues.

Mr. Temporary Deputy Speaker, Sir, the Bill seeks to address some of the historical injustices that Kenyans have experienced for many years. For instance, some of the MAU MAU heroes and heroines who participated gallantly in the struggle for the freedom of this country were displaced, and their land was taken by other people. Therefore, the law that will arise from this Bill will give these people hope.

Mr. Temporary Deputy Speaker, Sir, we have also noted that there are squatters who have not been settled. There are other people like the emergency village squatters who have not been settled. This law will give maximum protection to those people. The Internally Displaced Persons (IDPs) that were created as a result of the 2007/2007 post-election violence still continue to suffer without water, health facilities, education for their own children and even security. We have seen them demonstrating in the streets and this must be brought to an end.

While the Minister was making her contribution in terms of resettling the IDPs, we noted that about 2,000 families---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Njuguna! I have about seven or eight requests from hon. Members who are waiting to contribute. We have a lot of business before us. If it is agreeable with hon. Members, could we reduce contribution time to three minutes?

**Hon. Members:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. I think that is carried. So, please, you have a minute to make your remarks.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, in conclusion, let me say that this Bill will now settle all those IDPs. As we had suggested, the committee to manage their affairs will be put in place. It will be expected to attract donations and funds from international partners. We expect the committee to utilize those funds well.

Mr. Temporary Deputy Speaker, Sir, finally, let me urge the Government to ensure that the remaining IDPs are settled as soon as possible.

With those few remarks, I support.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, I also rise to support this Bill and particularly, congratulate this Committee - although I am a member - because not all select committees end up publishing a Bill. So, it is quite commendable that after going around the country looking at the issue of IDPs, the Committee was able to come up with such a Bill.

Mr. Temporary Deputy Speaker, Sir, this Bill is very good because it recognizes the current dispensation of a central Government and county governments. Under Part III on Administration, it places legitimate responsibility of IDPs on the Government. But it also says that the county governments shall also be responsible for administrative implementation of the provisions of the Bill in respective counties. In this respect then, all parts of the Government have taken responsibility.

Mr. Temporary Deputy Speaker, Sir, in concluding my remarks, I want to say that the issue of integrated IDPs is one that needs to be really addressed since it is still pending. There are many integrated IDPs particularly in Nyandarua County where we bore the influx of the IDPs. This is a matter that the Government should look into. The Government should settle them just like any other Kenyans.

With those few remarks, I support.

**Mr. C. Onyancha:** Mr. Temporary Deputy Speaker, Sir, I rise in support of this Bill. I am especially happy to note that the Bill gives the Government absolute responsibility with regard to ensuring prevention and also taking care of refugees, including integrated refugees, who have been discriminated against by previous programmes. I would have, however, like to see some punishment meted out to those who pretend to be refugees and flock into camps just to take advantage of the suffering of the genuine refugees and create a burden for the State. This means the genuine refugees do not benefit as they should.

Mr. Temporary Deputy Speaker, Sir, with regard to the Clause 14, I would recommend that the burden of funding this be squarely given to the budgeting process, so that it can be funded by the Government and Parliament. This is in line with the Constitution in terms of taking care of all people who are not able to take care of themselves at any one particular time.

In conclusion, I want to thank the Committee for doing this good job, and Mr. Ethuro for bringing this Bill to Parliament.

Let me add that the people of Kisii are very concerned about the lack of consideration of our integrated refugees. I would urge the Government to do something about it, as a matter of urgency.

I support.

**The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando):** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill and to congratulate the Mover for a well documented proposal for legislation. It will make systems work in order for us to be accountable as the Government; the Government includes this arm. It is the best way to get out of the mess; we have had of displacement of many caused by conflicts between communities or political competition that results in disagreements.

Getting a system that will bring accountability in finance is very critical. This is because you know the Central Government has used a lot of money in the IDPs' resettlement programme. However, that money may not have been directed into the benefits of the IDPs because of lack of accountability and systems.

Mr. Temporary Deputy Speaker, Sir, there is also compliance with issues of the Constitution. This piece of legislation is proposing that we have the responsibility of creating awareness and having a campaign, so that it is understood. In this country, there are very many IDPs who feel they are not accepted by the hosting communities where they live. We need to have a campaign, so that people can be sensitive and appreciate that wherever these IDPs exist they are entitled to service in the educational amenities and preferential treatment to children who are either orphaned, or whose parents have been displaced and are, therefore, economically challenged.

I support this because it will give a solution that is legal and predictable. There are institutions like the national committee and the local committees that take responsibility. All the people involved in the responsible Ministries and departments of Government will be making a contribution, so that we can have a system that works.

*[The Temporary Deputy Speaker  
(Prof. Kaloki) left the Chair]*

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

In conclusion, in the awareness campaign, particularly at this time, we all need to be sensitive to the fact that we have individual responsibilities as enshrined in the Constitution. This is part of the implementation of the Constitution because all the rights of IDPs are provided for by the Constitution.

I want to strongly support and congratulate the Mover for this good initiative.

**Prof. Kaloki:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Internally Displaced Persons (IDPs) Bill, Bill No. 21 of 2012.

Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion because, first of all, it is a shame to this Government that for the last four-and-a-half years, there are some people who were misplaced because of politics and, up to date, they are still living in IDP camps. It is a pity that the Government is not serious about resettling them. So, this particular Bill will, therefore, address some of the challenges and difficulties facing these Kenyans who are living in pathetic situations. It is only this Government which can solve their problems.

Mr. Temporary Deputy Speaker, Sir, in Kibwezi Constituency, we have a lot of people who were moved from Kyulu Hills. They are scattered all over the constituency. Most of them live at a place called Makindu. They have been living in five camps for the last 20 years. They have been living there in a pathetic condition. They do not have clean water, shelter, medical care, land of their own or basic necessities. This particular Bill will even address the plight of our people in Kibwezi to make sure that they are resettled. We want the Government to give them land which they can call their own so that they can continue living like any other Kenyans in this country.

So, Mr. Temporary Deputy Speaker, Sir, I support this Bill because it is timely and it will take care of other parts of the country to make sure that our people are living in peace.

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

**Mr. Gitari:** Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to congratulate the Mover and the Committee. Although they were not able to visit the IDPs in Kirinyaga Central Constituency, I beg to support this Bill. I particularly support Clause 3 which calls upon the Government to address all the IDPs in this country.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): What is it, hon. Cheruiyot? Are you on a point of order?

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

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

**Mr. Cheruiyot:** Yes, Mr. Temporary Deputy Speaker, Sir. Realizing that most of the speakers are contributing in favor of the Motion, could I be in order to call upon the Mover to reply?



**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Cheruiyot, let me get that feeling from the hon. Members.

Hon. Members, should the Mover be called upon to reply?

**Hon. Members:** Yes.

*(The Clerk-at-the-Table consulted the Chair)*

Because of the interest of time, hon. Gabbow, would you like to respond on behalf of the Government for a minute? Please, could you allow hon. Gabbow to reply before we move to the Mover?

Proceed, hon. Gabbow!

**The Assistant Minister for Special Programmes** (Mr. Gabbow): Thank you, Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mr. Temporary Deputy Speaker, Sir, first of all, may I congratulate the able hon. Member for Turkana Central and a pastoralist like me for considering to improve the plight of IDPs in this country. Clashes, like the pastoral clashes, have never been considered in these Bills. Today, we have a Bill before this House that is an all-inclusive. I am sure that this Bill will be a milestone in his career.

We, as a Government, fully support it and we will make sure that it becomes an Act soonest time possible.

Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to reply

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, hon. Ethuro.

**Mr. Ethuro:** Thank you, Mr. Temporary Deputy Speaker, Sir. In the interest of time, I just want to thank each and every contributor for their overwhelming support.

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

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Hon. Ogindo, do you have something to say on a point of order?

Proceed, hon. Ogindo, and then I will put the Question.

**Mr. Ogindo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I have consulted the Mover to donate a minute to me---

**The Temporary Deputy Speaker** (Prof. Kaloki): I think he is keeping his word.

Proceed!

**Mr. Ogindo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to support this Motion. It is time we got back only to the naturally displaced persons because the Constitution today protects freedom of movement and freedom to own property. We must criminalize very, very seriously people who fan political animosities, so that we do not end up with IDPs again.

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

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the Whole House tomorrow)*

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon on 19<sup>th</sup> September, 2012, at 2.30 p.m.

The House rose at 12.30 p.m.