

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6<sup>th</sup> August, 2014

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) in the Chair]*

### PRAYERS

### QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members! We do not seem to have the requisite quorum. I, therefore, order that the Division Bell be rung for ten minutes.

*(The Division Bell was rung)*

We now have a quorum. We will, therefore, begin business.

### STATEMENTS

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, we have responses to four Statements that were sought. I can see that three of them are supposed to be responded to by the Chairman of the Departmental Committee on Administration and National Security, and the other one by the Chairman of the Departmental Committee on Transport, Public Works and Housing. We will start with the Statement by the Chairman of the Departmental Committee on Transport, Public Works and Housing, if

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hon. Olago is present. If he is not in, we will get the three responses from the Chairman of the Departmental Committee on Administration and National Security. This is because I cannot see hon. Olago Aluoch here.

Are you ready hon. Kamama? I am asking this for purposes of good administration.

**Hon. Kamanda:** Hon. Speaker, there was a Committee meeting and, maybe, he was satisfied. I really do not know.

**The Temporary Deputy Speaker** (Hon. Cheboi): We will leave that for the time being. When he comes we will ask him about it.

Let us have hon. Gunga. He is present and so hon. Asman Kamama may take the Floor.

#### REASONS FOR ALTERATION OF ADMINISTRATIVE UNITS IN KALOLENI DIVISION

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, on 27<sup>th</sup> February, 2014 the Member of Parliament for Kaloleni Constituency hon. Gunga Mwinga requested a Statement regarding alteration of the administrative units and the national identity cards entries in Kaloleni Constituency. He stated that although Jibana and Chanagande locations are within Kaloleni Ward, the National Registration Bureau Codes list, 2013 indicate that the aforementioned locations are within Mwana Mwinga Division and recently issued national identity cards indicating the same. The Member further sought to be informed on the following:

1. the circumstances that resulted in the changes in the administrative units and why national identification cards issued to residents of Jibana and Chanagande locations reflect details of Mwana Mwinga Division;

2. steps the Ministry has taken so far to ensure that errors relating to the computer codes of 2013 are rectified and by when;

Hon. Temporary Deputy Speaker, the Cabinet Secretary's response is as follows. The National Registration Bureau created new codes while issuing the second generation identity cards. This program was to assist in fast-tracking the capturing of the names of administrative units. Over the years, many more administrative units have been created,

necessitating the upgrading of their database through additional codes to mark the new administrative units.

The National Registration Bureau Computer Codes List, 2013 was issued to the District Registrars for perusal and thereafter required to give a feedback to the National Registration Bureau. A final corrected issue of the computer code list without errors has already been issued to all Sub-County Registrars.

It is true that the national identity cards issued to the residents of Jibana and Chanagande locations reflect the details of Mwana Mwinga Division instead of Kaloleni Division. As a result there were some technological errors which were occasioned by creation of more codes after more administrative units in Kaloleni District were created.

Lastly, others have already been rectified and the residents, whose national identity cards bear the wrong administrative units, have had corrections done at no cost. The department continues to address these problems as soon as they are detected.

**Hon. Chea:** Hon. Temporary Deputy Speaker, save for the fact that the Statement has taken about five months to be delivered, I wish to appreciate and commend the Chair for this Statement. I seek one clarification. Does the Government have any plans to recruit local people as officers from the respective locations or divisions so as to avoid this kind of mix up in future?

**Hon. Kombe:** Hon. Temporary Deputy Speaker, I would also wish to seek clarification as to whether at the headquarters, there are any plans to have the heads of the respective regions to be people from the respective regions, so that if there are any such errors, they are detected. For example, the ID of my son indicates the district as Lamu, location as Magarini and Division as Malindi. Such a mix up shows that the person in charge does not have the slightest idea of the region he is dealing with. If there were plans to have people from those respective regions to head the headquarters, then it would be most appropriate.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will give the last chance to hon. Gichigi. Are you interested in that specific one? It looks very straightforward.

**Hon. Gichigi:** Hon. Temporary Deputy Speaker, the clarification I am seeking is that some of these problems arise because of the fact that the Ministry has not posted the

relevant officers to different sub-counties. I am seeking a clarification whether the Ministry, indeed, intends to staff the new districts or sub-counties that we have created in recent years. For instance, in a place like Kipipiri, people have to go all the way to Kinangop to get their IDs, and details are likely to get mixed up if they go to places away from their own sub-counties.

**The Temporary Deputy Speaker** (Hon. Cheboi): The very last one from Hon. Njagagua.

**Hon. Njagagua:** Hon. Temporary Deputy Speaker, in fact, earlier I pressed the intervention button because as you know, this is a House of records. At times we are prone to do what we call double speak. I have just heard my hon. friend say that the people who should be manning registries should particularly---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Njagagua, I have given you an opportunity to seek clarification from the Chair. Now you seem to be interested in a clarification from Hon. Kombe.

**Hon. Njagagua:** Hon. Temporary Deputy Speaker, it is only that I want to lay the ground for my clarification.

When hon. Members say that we need people to man those registries from those particular areas, are we not entrenching what we call “tribalism” or “nepotism”?

**The Temporary Deputy Speaker** (Hon. Cheboi): Even if I want to be very magnanimous in this, yours is not coming out well.

**Hon. Njagagua:** Hon. Temporary Deputy Speaker, just confirm whether---

**The Temporary Deputy Speaker** (Hon. Cheboi): It is obviously not coming out well and you know---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! You know you are my former good classmate and I know you are fishing on this one. I am not going to allow you. You can ignore that one. Let us see if hon. Manoti has something on this; it should be the last one.

**Hon. Manoti:** Hon. Temporary Deputy Speaker, thank you for the opportunity. I would like to get further clarification on this one. In most cases when the officers in charge of issuing ID cards, when they move from their offices to the districts where they

are supposed to register applicants, they normally complain of not having fuel to go round and do it. What is the Chairman going to do to make sure that when those people are doing their work, they have enough fuel and personnel to do the noble work?

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Chairman, proceed and respond.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, Hon. Ominga asked whether the local people should be given first priority. I agree with him that local people should be given the first priority and we will convey these sentiments to the Cabinet Secretary, but we should also integrate as requested by Hon. Njagagua; we will not entrench clanism and nepotism. We will integrate and make sure that, at least, there is a local person from the particular sub-county to be given priority, but they should also work together with other Kenyans. We will not expect hostilities from communities in that region. This being a national function and not a county function, we expect most Kenyans to be integrated in that area. That answers the question raised by Hon. Kombe, that we need local people to distinguish the regions. He said that his son's ID reflects Lamu, Magarini and Malindi. That is a misnomer and that child, when it comes to employment, can actually be disadvantaged; that requires that we have some locals who know those regions. So I agree with him that that is a priority.

On the issue raised by hon. Gichigi of staffing, we try to get some money to the National Registration Bureau and the Department of Immigration but this year we had a lot of problems getting funds. If the Chairman of the Budget and Appropriations Committee were here, we would--- We took some time to request some money for these two areas but we still have a problem; when funds become available, that will be given priority.

On the issue of fuel raised by hon. Manoti, this is critical because even personally I have had to intervene through the Constituencies Development Fund (CDF) for those people to get IDs. We will insist, as a Committee, that fuel must be availed to those officers instead of them relying on charity, or CDF offices to execute what they are supposed to be doing. We will take action.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We will go to the next one, which is the request made by Hon. Aluoch. Hon. Kamanda, it does not matter if hon. Aluoch will be satisfied for any particular reason. Remember this is now a property of the House; the rest of its membership would like to participate. Proceed and respond now that hon. Oluoch is here.

#### CONSTRUCTION OF MAU SUMMIT-BUSIA ROAD

**Hon. Kamanda:** Thank you, Hon. Temporary Deputy Speaker, I just wanted to tell you that Hon. Aluoch is a very good Member. He has been attending Committee meetings as required. He requested a Statement concerning the construction of Mau Summit-Busia Road and the related Nyamasaria-Kondele-Kisat by-pass as follows.

(i) The status of the Nyamasaria-Kondele-Kisat section of the Mau Summit-Busia Road.

(ii) The reasons for the stalling of the construction of Kisumu Airport-Kisian Section of Mau Summit-Busia Road and when work is expected to resume.

(iii) The progress of construction of Mamboleo Junction/Rita Section of Mau Summit-Busia Road.

Hon. Temporary Deputy Speaker, I beg to respond as follows.

1. Nyamasaria-Kondele-Kisat Road, known as Kisumu Southern Bypass, is one of the roads under construction in the on-going rehabilitation of Nyamasaria-Kisumu-Kisian Road; it includes the Kisumu Bypass Road A1 and B1 project. The progress of the work on the bypass is currently at 75 per cent. The combined progress of the two projects is 84 per cent.

2. The construction of Kisumu Airport-Kisian Section has not stalled. However, there has been slow progress of work on that road due to financial constrain. At the moment, the Government is making arrangements to provide funds to rehabilitate the section.

3. The section between Mamboleo Junction and Riat is part of Mau Summit-Busia Road Project. The section falls within the ongoing rehabilitation of Kisumu-Kakamega Road which includes dualling of the Mamboleo-Kiboswa section of the road.

Thank you, hon. Temporary Deputy Speaker.

**Hon. Aluoch:** Hon. Temporary Deputy Speaker, it is true that I attended most of the meetings of the Committee when we were discussing this issue. I was particularly concerned about the section between Kisumu Airport and Kisian, which is in a very poor state. I was assured that funds would be allocated for emergency repairs on this section as the major works are going on. To that extent, I am satisfied.

**Hon. Limo:** Thank you, hon. Temporary Deputy Speaker. This road which starts from Mau Summit to Kisumu has really taken time. It is now nearing completion, but there are pertinent issues which seem not to be addressed properly. I want to seek clarification from the Chairman on them.

One of the issues is that most of the shopping centres that include Kedoga, Chepseon and Brooke have big trenches which have been dug by the contractor along the road. The contractor has not created parking bays for lorries, and this is posing danger to the road users.

Secondly, I would like to know whether in the contract, they took into account lighting for the shopping centres. This is because most of the contracts countrywide include lighting.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Limo. The Chair is all over. I am sure that you will not take keen interest if you are consulting. Anybody who would like to consult you should actually come to you and not the other way round. I think you have made your point.

**Hon. Limo:** Hon. Temporary Deputy Speaker, I want to make the last one.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Limo, you cannot seek three clarifications. You have already asked for two.

**Hon. Limo:** Hon. Temporary Deputy Speaker, we had raised earlier on some concerns about the design of this road. It seems our engineers are moving with times. This is because if you look at the design you will find that it is like the one which was

used back in 1982. This is because there were areas during the construction of 1982 which were empty but currently have upcoming shopping centres. One of them is a place called Sitian, which is popularly known as “Camp David”. This was a forest in 1982 but it is now a shopping centre.

**The Temporary Deputy Speaker** (Hon. Cheboi): No! No! Hon. Limo, I think you had sought your clarifications earlier on.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I use that road every weekend. It is utter nonsense that a road that leads to an airport---

**The Temporary Deputy Speaker** (Hon. Cheboi): Just a minute, hon. Wandayi. Seek a clarification. If you want to give information, then you rise on a point of information, and the Chair will find out whether the hon. Member wants it or not.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I seek your indulgence on this. To make my point, I have to build it.

The Chairman has stated in the response that the project has slowed down because of unavailability of funds. That is a critical road that requires the Government to put in place emergency measures to have it completed. Even if we leave out the sections between the airport and Kisian, there is a portion between---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wandayi, you see you have a very valid clarification. If you were asking the Chair what emergency measures---

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, why can I not ask it myself?

**The Temporary Deputy Speaker** (Hon. Cheboi): No! The problem is that you are building a big case. Honestly, hon. Wandayi, you will not go that direction. The clarification has to be very specific.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, you know---

**The Temporary Deputy Speaker** (Hon. Cheboi): I can see you are beginning to engage the Chair on this matter. Hon. Wandayi, what were you doing all along? Let us give hon. Njenga the chance.

**Hon. Njenga:** Hon. Temporary Deputy Speaker, the issue of roads is quite sensitive. The Chairman is aware that it is of a major concern, especially in the Budget and Appropriations Committee. What we are seeing out there, especially what the hon.



Member has said, is time wasting, delay and expenses that prevent us from building enough roads. We are even very concerned about the quality of the roads that have been built. I hope this does not happen to *mheshimiwa*.

I have in mind Road C66, which does not have a single bump; it passes through our constituency. The Chairman should clarify to us why such a road from Thika all the way to Kamwangi, Kanjuko, Nyahururu and Nakuru does not have bumps, yet very many people have died on it as a result of accidents. The quality of our roads does not meet our expectations. On this one, time wasting should also be a concern.

**Hon. Kisang:** Thank you, hon. Temporary Deputy Speaker. The Chairman has said that when they get funds they will complete these roads. There are several roads within Upper Hill that have been constructed in the last three years. It is very painful to go to that place to visit offices. These roads have taken very long to complete.

There is another road in Elgeyo Marakwet County which is between Iten and Bugal. When will the Government release funds because it is embarrassing to see these roads taking too long? This is the case, yet some are less than five kilometers long.

**The Temporary Deputy Speaker** (Hon. Cheboi): You will answer the last question generally. If he wants to seek a Statement he will seek one on a particular road.

**Hon. Kamanda:** Hon. Temporary Deputy Speaker, it is true that we promised the hon. Member for the area that something would be done on this section within a short period. I want to confirm that we have already started awarding a tender. I wish he could visit the site next week and see whether there is a contractor on the ground.

On hon. Limo's clarification, this is a road that covers 25 kilometres within Kisumu Town. This is a World Bank project. The World Bank has blacklisted the contractor for the last one year. That is where we have been having a problem. This road is 25 kilometres long. They have done 20 kilometres but the five kilometres that the Member is complaining about is the portion that the Ministry has decided to give to another contractor. So, the slow pace of work is as a result of the contractor; since he is a foreign contractor the World Bank does not want to fund him any further.

Hon. Temporary Deputy Speaker, on hon. Wandayi's question, it is true that this is a very important road. The Ministry has taken that route of giving it to another

contractor, so that the road can be passable; maybe within one or two weeks they will be able to do the five kilometres that the hon. Member was promised.

On hon. Njenga Kigo's point, normally the Ministry does not erect bumps on highways. You cannot build a highway and then you put a bump on it. Maybe we can recommend a flyover, and I am going to talk to the Ministry to consider doing so.

**The Temporary Deputy Speaker** (Hon. Cheboi): Is that the factual position, hon. Chair?

**Hon. Kamanda:** Yes. That is what I have been told happens on a highway.

**The Temporary Deputy Speaker** (Hon. Cheboi): It might be the rule but is it what is happening?

**Hon. Kamanda:** That is what they have been recommending; on a highway, they can arrange for a bus stop or a flyover but they are not very keen on putting bumps.

Hon. Sang has talked of stalled projects. It is true that there was a problem there before, but since Members passed the last supplementary budget---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Chair. What is it hon. Olago?

**Hon. Aluoch:** On a point of order, hon. Temporary Deputy Speaker. My point of order is on the erection of bumps; the Chairman has told the House that it is the policy of the Ministry not to put bumps on highways. Is it in order for him to mislead the House and the country when he knows very well that what the Ministry ought to do is to educate drivers, so that when we have highways people know how to cross and how to drive on them instead of saying that they do not put bumps on highways?

**The Temporary Deputy Speaker** (Hon. Cheboi): Chair.

**Hon. Kamanda:** Hon. Temporary Deputy Speaker, he attended that meeting and he requested a Statement from Ministry officials. However, they did not say it is a policy; they said that normally they do not put bumps, but I do not want to say that they will not put bumps, although that was their recommendation; maybe, if requested they can do it.

On hon. Kisang, it is true that there has been slow work by many contractors since last year, but from the time this Parliament passed the Supplementary Budget and Kshs15.9 billion was released, I want to assure the Members that most of the contractors

went back to work. I want him to check on the ground either this week or next week and he will find the contractors on site.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We will move to the next one. I see there are quite a number. Hon. M'eruaki, hon. Mwaura and hon. Ndiritu. Is the interest on the one which we have just debated? I will give chances for very quick ones and they have to be very straightforward clarifications requests. We will start with hon. M'eruaki.

**Hon. M'uthari:** Thank you, hon. Temporary Deputy Speaker. Just regarding what the Chairman has said, there are issues around contractors and the money given. We have been given promises and I will ask him to follow them up with the Ministry. This is because in my place, Igembe North, the road between Maili Tatu and Mutuati, the contractor has left. After building the road, he cut off business people from it. So, I would like him to make a follow up, so that what he is telling us is what is happening on the ground. This is so that the information we are given here does not reflect the reality.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, I will give the hon. Member for Gilgil a chance, but it has to be specific to this one.

*(Loud consultations)*

**Hon. Ndiritu:** Yes. I would like to take on what he has said about bumps, but he is not listening. I can see he is consulting.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Members.

**Hon. Ndiritu:** He has talked about bumps and we have requested bumps on the Gilgil-Turn Off on the Nairobi-Nakuru Highway. In the last two weeks four, people have died and several have been injured at that spot. Could the Chair tell us the criteria for having bumps erected? We know that building a footbridge would cost Kshs100 million and it can take three to five years to complete. How many people are going to be injured or killed on that spot before bumps are erected?

**The Temporary Deputy Speaker** (Hon. Cheboi): Lastly, hon. Gikaria on this one.

**Hon. Gikaria:** Thank you. Hon. Temporary Deputy Speaker, I do not know whether I will be in order since hon. Kigo Njenga is requesting me to recognise the presence of a catholic priest, who is here.

**The Temporary Deputy Speaker** (Hon. Cheboi): You are totally out of order.

*(Laughter)*

**Hon. Gikaria:** Hon. Temporary Deputy Speaker, I want to seek clarification from the Chairman. Could he tell us during the design of a road--- Arising from the issues about bumps that have been raised, do they take into consideration flyovers? They say that as a Government policy they cannot erect bumps, and at the same time they do not prepare designs for flyovers. Does the Ministry take into account public participation with regard to where flyovers and bumps should be built on roads during the design stage?

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well; the very last one from the hon. Member for Kabondo Kasipul.

**Hon. Magwanga:** Thank you, hon. Temporary Deputy Speaker. Could the Chair come out very clearly regarding bumps? When you drive around in this country you will find communities putting up crude bumps along roads without even road signs; these have really caused accidents on a number of occasions. Could he come up with a very clear policy to address this issue of crude bumps across roads, specifically along Mai Mahiu-Kaplong-Kisii Road?

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Proceed, Chair.

**Hon. Kamanda:** Thank you, hon. Temporary Deputy Speaker. Let me start with the last speaker, then go to hon. Wanyonyi, hon. Mathenge and hon. Kigo who have all asked about bumps. I will take up this matter with the Ministry. I agree it is also good to allow public participation, especially where roads pass near towns or shopping centres. I am going to inform the Ministry of this, so that the next time they do road designs they, at least, take into consideration the issue of public participation when putting up bumps on roads. On *mhe* Joseph of Igembe, this is a process of releasing the money. Maybe since

the supplementary budget was passed it is now the Ministry is releasing money. Maybe money has not reached your Constituency; just be patient; maybe within a week or two the contractor will be paid.

**Temporary Deputy Speaker** (hon. Cheboi): We will go to the next one by hon. Shakila Abdala. Chair, if you are ready you can proceed.

#### STATEMENT ON RECENT MASSACRE IN MPEKETONI

**Hon. Abongotum:** Thank you hon. Speaker on 25<sup>th</sup> June, 2014 the Member of Parliament for Lamu county, hon. Shakila Abdala, requested a Statement regarding the Mpeketoni Massacre. The hon. Member sought to be informed on the following, whether the perpetrators of these heinous acts have been arrested and prosecuted; two, the circumstances that led to the delayed response by the security officers and administrators in the area; three, whether the Government has a policy for compensation of the affected family and businesses; four, the long- term measures the Ministry has put in place to stop recurrence of such incidents.

The Statement from the Cabinet Secretary is as follows. In the recent past Lamu County has experienced a series of insecurity incidents. On 15<sup>th</sup> June, 2014 at about 9.00 p.m. a militia gang believed to number between 30 and 40 invaded Mpeketoni Township with a mission to kill and destroy property. The gang arrived in two matatus, with number plates KBG 430F, and KBL 684J. Some of the raiders attacked the trading centre while the rest engaged both the Kenya Police and Administration Police officers at the police station and Deputy County Commissioner's Officers respectively. As a result, 49 people lost their lives at Mpeketoni and Kibaoni shopping centres while various properties were razed down.

Following the incident, a contingent of police officers drawn from the Administration Police service, Kenya Police Service and the General Service Unit responded. Investigations on the incident have since been commenced, and so far three suspects have been arrested and charged with murder before Mombasa High Court; sixty nine other suspects are being investigated, and five other suspects have been gunned

down and three AK47 riffles and five magazines have been recovered. Further, crucial leads are being followed which may lead to arrest and prosecution of more suspects.

The allegations that administrators and security officers did not respond in time to the incident is a matter under investigation. I wish to confirm that these officers took a long time to respond; really, it is an issue that must be investigated. As a Committee, we are following that to ensure that we get to the bottom of it. Currently, there is no policy that governs the compensation of affected families. However the Government has met hospital expenses of the injured persons and provided Kshs50,000 to the families of the deceased to cater for funeral expenses, besides providing humanitarian assistance to them.

Lastly, following the attacks, the following measures have been employed; One, security forces with logistical support from the military have mounted a serious operation in the area. Two, there has been deployment of adequate police officers and equipment. Three, a GSU camp has been established at Kibaoni and a rapid deployment unit stationed at Ndehu. Four, investigations are ongoing in order to identify those who participated in the attack and ascertain the motive behind the attacks.

I thank you hon. Speaker.

**Hon. (Ms) Shakila:** Thank hon. Speaker. I want to thank the Chairman for the very shallow answer he has given me. It is very sad for such an incident to have happened and to see that there are more questions than answers to it. We have the National Security Intelligence. What was the nature of the intelligence report which was presented prior to the attack? When was the report presented and what did it say? There were 69 people arrested; why were only three taken to court? I know that one of the three is my governor, who has not even been charged because there is no evidence. We have a GSU camp in Mokowe, which is 20 kilometres from Mpeketoni. What action did the GSU officers take against this attack? What do you think the new GSU camp, which has been put there, will do if the other one did not do anything? There were six more attacks, after a whole team of security officers was transferred. What action has been taken by the new team, which was on the ground when six more attacks took place?

Thank you hon. Speaker.

**Hon. Oyugi:** Thank you hon. Speaker. I would just like to get a clarification from the Chair. He says that a couple of attackers have been arrested and charged in court. Were the perpetrators of the *Al-Shabaab* origin, or were they a politically-motivated militia? What was the motive of the attack in the Lamu incident?

Thank you.

**Hon. Maanzo:** Thank you hon. Speaker. I would like to seek a clarification from the Chair about the compensation of the victims of Mpeketoni; in my constituency I lost four people and the funeral arrangements were almost entirely left to me. The Government promised that it was going to assist with funeral arrangements and subsequent compensation of the people killed in Mpeketoni. Could he clarify what steps are being taken and when compensation is likely to happen because their families are suffering?

**Hon. (Ms) Amolo:** Thank you hon. Speaker. I would like to have a clarification on the Mpeketoni incident; what we have in the media and what is going on are more of land issues. Is the land the major issue that caused the attacks in Mpeketoni? We see the Cabinet Secretary busy revoking some title deeds. Are the owners of these title deeds the ones who caused the attack in Mpeketoni? How are insecurity and land related? We want that to be clarified; from what he has read, there is nothing touching on land, yet land is now the major issue. It is as if the only thing that has caused what is going on in Mpeketoni is land.

Thank you hon. Speaker.

**Hon. Njenga:** Thank you hon. Speaker. The Chair should clarify to us, first as said, whether there is a relationship between the violence and land, which is said to have been illegally allocated. Has the Chair made any efforts together with his Committee to do a national land audit as the cause of insecurity in this country, and started with Lamu? Can the Chair also table before this House, the list of those who died and what compensation the Government will give their families.

Thank you hon. Speaker.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. I wish to seek clarification from my friend, hon. Kamama, the Chair of the Committee on

Administration and National Security, in terms of whether the attacks in Mpeketoni had any relationship with politics. The Cabinet Secretary for Interior and Co-ordination of National Government indicated that the CORD Coalition had a linkage to this. If possible, he should tell us the following: Who is this CORD politician who was involved in the Mpeketoni attacks? What action is the Government taking? If there is no linkage, the Cabinet Secretary should be asked to withdraw his allegation.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, hon. Shakila Abdalla wanted to know the nature of the intelligence that was relayed or conveyed to officers by the NIS, and whether the report was presented. She also wanted to know why these attacks continued even after posting officers to Mpeketoni.

The information that we have is that an intelligence report was relayed by the County Commissioner to the OCPD and the AP Commander. The two officers did not respond in good time. They never took this information seriously. The two of them have been interdicted and the County Commissioner transferred from that area. A new County Commissioner has now been posted there. So, an intelligence report was conveyed to the two commanders.

I just want to confirm to hon. Shakila Abdalla that the Committee is concerned that officers took quite some time to respond to this distress. I know that place, as a former officer in that area, and we have so many officers in Mokowe and even in Hindi and it should have taken them 30 minutes to respond. That is why we have taken appropriate action against the two commanders. There was that delay and the Government is taking action against the officers concerned.

Hon. Neto wanted to know whether this was perpetrated by *Al Shaabab*. Yes, indeed, it was done by *Al Shaabab* in cahoots with some locals. There was some co-operation with the locals. So, the *Al Shaababs* who had been trained in Somalia were the ones who were used by the locals to perpetrate these attacks. Hon. Maanzo says that four of his constituents were killed and their families were not assisted by the Government. We will follow up with the Cabinet Secretary and the Member to ensure that there is no preferential treatment to the victims. All those who suffered must be treated equally, whether they came from Mpeketoni or upcountry.



Lastly, an issue has been raised as to whether the attacks are related to land issues. Yes, they are related to land and that is why the Government is taking serious measures to ensure that land grabbers are dealt with according to the law.

Hon. Kigo wants to know whether the violence is related to land matters. I have agreed that they are all related and action is being taken to that extent. As to whether the list of the people can be tabled, we can request that information and we will convey it to hon. Kigo through the Committee.

About compensation, the Ministry has said that there is no compensation because it is not provided for in the law. However, Kshs50,000 and some humanitarian assistance were given to all the families that were affected.

Hon. Wamalwa wanted to know whether there is a relationship between this violence and politics. Yes, you have heard the Cabinet Secretary give this kind of information, but, as a Committee, we have not interrogated him to confirm specifically whether it was CORD, or whichever other party, that was involved. We are yet to confirm from the Cabinet Secretary the specifics of whether some politicians were involved and what action has been taken against them.

**The Temporary Deputy Speaker** (Hon. Cheboi): For the next lot, let us give the first shot to hon. Mwaura.

**Hon. Mwaura:** Asante sana Bw. Naibu Spika wa Muda. Ningependa kumwuuliza mwenyekiti wa hii kamati swali moja. Amesema kwamba hili jambo lilitendeka kwa sababu ya wale magaidi wa *Al Shabaab* na ilihali tumesikia kwamba hapo awali kulikuwa na habari kwamba ilikuwa ni tetezi za kisiasa. Uwiano uko wapi kati ya mambo haya mawili? Ni *Al Shabaab* ama ni siasa?

Pili, tunaona kwamba Serikali ya kitaifa imepatiana Kshs50,000 kwa kila muadhiriwa, lakini Serikali ya kaunti ilipatiana Kshs100,000 kwa kila familia. Hiyo kweli inatosha? Tulikuwa tunafikiri kwamba Serikali ya kitaifa ingepatiana hela zaidi. Kama kweli haya mambo yalitendeka hata baada ya watu kufutwa kazi - tunaona bado kule Lamu kulikuwa na majanga mengine - wale maafisa wengine wamechukuliwa hatua ama ni wale wa mbele ambao walionekana kuwa walizembea? Wangechukuaaje

msimamo wa kuwalinda watu wa Lamu na hali watu ambao waliokuwa wa kwanza kuwezwa na hao majambazi walikuwa ni polisi?

**The Temporary Deputy Speaker** (Hon. Cheboi): That is fine. For purposes of balancing, I go to hon. Letimalo.

**Hon. Letimalo:** Hon. Temporary Deputy Speaker, we appreciate the action taken by the Government to deploy security personnel to Mpeketoni to maintain security. However, given the fact that the inhabitants of Mpeketoni are drawn from different ethnic communities, making the area cosmopolitan, in addition to deploying security personnel and setting up security camps to ensure that security prevails in the area, has there been any efforts to use traditional mechanisms to bring these communities together with a view to restoring relationships? If there are land issues, then certainly there is need to bring these people together, so that this problem does not recur.

**Hon. Opiyo:** Thank you, hon. Temporary Deputy Speaker. I just wanted to understand something from the Chairman. He has admitted here that the killings in Mpeketoni were related to politics, the land question and also to *Al Shaabab*, which one of these specifically caused the Mpeketoni killings? Did all the three agents of the three factors work together to cause that mayhem at the Coast? Two---

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us just ask for one clarification for purpose of allowing other Members to have a shot at it. Let us have hon. Nassir. You have sought your clarification.

**Hon. Nassir:** Asante sana, Bw. Naibu Spika wa Muda kwa nafasi hii. Kwanza, nataka kuchukuwa fursa hii kuomboleza pamoja na ndugu zangu wa Amu.

Zamani pahali pale palikuwa panajulikana kama sehemu ya mandhari ya usalama, lakini leo pamegeuka kuwa mahali pa karaha.

Bw. Naibu Spika wa Muda, kitu ambacho ningependa kupata ufafanuzi juu yake ni kuhusiana na kuchelewa kufika kwa maafisa wa usalama. Serikali imekubali kwamba kulikuwa na udhaifu katika sekta hiyo. Lakini hawajatupatia muda maalumu ambao uchunguzi wao utaweza kumalizika.

Pili, ningependa kutaja kwamba---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Nassir, you make only one request.

We will go to the Member for Kitui South, hon. (Ms.) Nyamai.

**Hon. (Ms.) Nyamai:** Thank you, hon. Temporary Deputy Speaker. I wish to seek clarification from the Chairperson of the Departmental Committee on Administration and National Security on what measures the Government is taking, together with his committee, to ensure a similar incident does not happen again, especially in areas having the same circumstances.

I would like to give him an example of the border between Kitui County and Tana River County, where we have a “Mpeketoni in waiting”.

**Hon. S. A. Ali:** Asante sana, Bw. Naibu Spika wa Muda. Ningependa kupata maelezo kutoka kwa mwenyekiti wa kamati ya utawala na usalama wa kitaifa kuhusu mikakati ambayo Serikali imeweka kuzuia janga jingine kwa kuwa imesema kwamba tatizo hili, ama yale yaliyotokea Mpeketoni, lilitokana na Al Shabaab.

Tukizingatia kwamba eneo la Ubunge la Lamu Mashariki linapakana na Somalia pale Kiunga, Serikali imeweka mikakati gani kuhakikisha mpaka ule wa Kiunga umekuwa na usalama? Hii ni kwa sababu tunadhani kwamba Al-Shabaab wanatoka Somalia. Mpaka ule wa Kiunga hivi sasa uko hali gani ya kiusalama? Usalama uko Mpeketoni pekee kwa sababu ya yale yaliyotokea ama Serikali imeweka mikakati ya kuhakikisha kwamba katika mpaka ule kuna usalama wa kutosha, na kwamba tukio kama hilo haliwezi kutokea tena katika siku zajazo.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Chair, I can see three hon. Members have talked in Kiswahili and three others in English. Proceed and answer.

Hon. Members, I can see there is a lot of interest in this matter. Unfortunately, we will have to stop here.

**Hon. Abongotum:** Bw. Naibu Spika wa Muda, mhe. Mwaura aliuliza kuhusu uhusiano kati ya utetezi wa kisiasa na lile janga lililotokea kule Mpeketoni. Pia alitakata kujua sababu gani waathariwa walilipwa Kshs50,000 na Serikali ya Kitaifa na akalinganisha pesa hizi na zile pesa ambazo serikali ya kaunti iliwalipa, ambazo zilikuwa

Kshs100,000. Alitaka pia kujua ni hatua gani imechukuliwa kwa maafisa wa polisi ambao walizembea katika kazi yao.

Nafikiri nilisema hatua ambayo imechukuliwa na Serikali; nilikuwa nimejibu swali hili awali.

Kuhusu pesa, ningependa kueleza mhe. Mwaura kwamba Serikali ya kitaifa ina pesa za dharura na mara nyingi hizi pesa zinasaidia waathiriwa katika Kenya nzima. Kwa hivyo, zile pesa Serikali ilionelea ni vizuri zitolewe ni Kshs50,000. Kuna pesa nyingine ambazo zinawekwa ili janga lingine likitokea, waathiriwa waweze kusaidiwa.

Bw. Naibu Spika wa Muda, kuhusu utetezi wa kisiasa, nilikuwa nimjibu hili.

Mbunge wa Samburu Mashariki, mhe. Letimalo, alisema kwamba Mpeketoni ni eneo la watu tofaouti tofauti, yaani *cosmopolitan* area. Nakubaliana naye.

The area is cosmopolitan because we have all tribes of Kenya there. I agree with him. He wanted to know whether the Government has initiated traditional mechanisms of dealing with this matter through use of elders, religious leaders and women leaders. As a Committee, I think we will insist that these mechanisms be put in place, so that we can have long lasting solutions. This can be brought about by putting traditional mechanisms for dispute resolution in place.

On the issue of deploying security personnel, I want to confirm to him that a sufficient number of officers has been deployed in that area.

Hon. Opiyo wanted to know whether there was conspiracy between land, politics and *Al-Shabaab agents*. Yes, I agree. But this is still under investigations. As committee, we intend to visit that place. We were actually supposed to have visited the area but we had no Exchequer issues. You all know that there was the issue of mileage allowances, which were not easy to get. In the next two weeks, we hope to visit that area and come up with a report to this House.

Mhe. Nassir alitaka ufafanuzi kuhusu kuchelewa kwa---

**The Temporary Deputy Speaker** (hon. Cheboi): I have a problem with hon. Members seeking clarifications and then walking out; when that happens---

**An hon. Member:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, you are not the only one I was suspecting. There was also another one who walked out. In future, when you seek a clarification and want it responded to, you must be here.

Finalize, hon. Abongotum.

**Hon. Abongotum:** I will finalize hon. Temporary Deputy Speaker. Mhe. Nassir anataka ufafanuzi kuhusu kuchelewa kwa maafisa na udhaifu ambao ulidhihirika katika Mpeketoni. Ningependa kumweleza kwamba hatua madhubuti zimechukuliwa ili kuhaikisha kwamba wale makamanda ambao walikuwa wafanye kazi hiyo--- Hatua zimechukuliwa na kamishina wa Kaunti aliyekuwa huko amepatiwa uhamisho; wale maafisa wengine wamechukuliwa hatua za kinidhamu. Mhe. Nassir pia alitaka kujua ni muda gani maalumu ambao uchunguzi utachukuwa. Ningependa kusema kwamba tutajua muda huo kutoka kwa Waziri. Kamati yangu itamwita Waziri na kujua ni muda gani uchunguzi utachukuwa. Lakini ninajua kuna opresheni inaendelea, na tungependa hiyo operesheni iendelee mpaka tuwe na usalama wa kutosha na wa kudumu katika eneo la Mpeketoni.

Hon. (Ms.) Nyamai wanted to know what the Government is doing because there is a simmering tension between the people at the border of Tana River and Kitui counties. She also said that this is a Mpeketoni in waiting. I think this is good information and we are not going to take it lightly. We will actually summon the CS to come and tell this Committee what the Government is doing to stop possible attacks similar to what happened in Mpeketoni. Hon. Nyamai, we will do that.

I think there is even a Statement that I will be giving sometime this week or next week on this issue. That issue has really bothered the hon. Member and we need to go to the bottom of it.

La mwisho, Mbunge wa Lamu Mashariki angependa kujua hatua gani Serikali imechukua kuhakikisha kwamba kuna usalama katika sehemu ya Kiunga karibu na mpaka wa Somalia na Kenya.

Ningependa kumjulisha kwamba kamati yangu itakaa chini na Waziri. Hata mimi kama mwenyekiti nitaongea na Inspector-General pamoja na Waziri kuhakikisha kwamba watu wa Kiunga wanapatiwa usalama kikamilifu.

Asante sana, Bw. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Cheboi): Now, what is it hon. Shakila? I hope you are not going to take us back to that one because we have really spent a lot of time on it.

**Hon. (Ms.) Shakila:** Hon. Temporary Deputy Speaker, I just want to seek clarification. Is it in order for the Government to deny the people who are suffering money so as to keep it to await another disaster that they do not know when it will come? Do they have arrangements in place?

*(Applause)*

Is it in order for the Chairman to mislead the House by saying that the County Commissioner was transferred and yet his transfer was out before the attack?

*(Applause)*

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, first, I want to confirm to my good friend, hon. Shakila Abdalla that I will not mislead the House especially on matters of security which you do not play about with. First, the Committee is aware---

**The Temporary Deputy Speaker** (Hon. Cheboi): You were supposed to specifically respond and I can see you are already on “first, second and third”.

**Hon. Abongotum:** The information that we have is that he was transferred after the incident. If he has contrary information then he should forward it to the Committee.

On the issue of contingencies, I just wanted to remind her that in planning, in Government, we have a budget for emergencies or contingencies. Normally, it is never exhausted because should anything happen, the Government should be in a position to respond. That budget for contingencies is always there and it is not meant for one specific place. So, please, you should take time to learn more about Government issues.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Neto Oyugi is here and so you can respond. You really have to summarize.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, it is not a long one. On 27<sup>th</sup> March, 2014 the Member of Parliament for Ndhwa Constituency, hon. Agostinho Neto requested a Statement regarding remand prisoners in our prisons. He stated that many of our prisons are overpopulated with a significant number of the prisoners being those in remand, beyond the stipulated time period. He sought to be informed on the following:-

(i) the number of remand prisoners across the country including the average number of months or years they have been in remand;

(ii) the county with the highest number of remand prisoners and what this can be attributed to; and

(iii) the measures put in place, if any, by the relevant Ministry or Government department to assist in expediting these people's hearings to avoid further infringing on their rights.

I wish to respond as follows: As at 23<sup>rd</sup> July, 2014 there was a total of 21,022 remand prisoners comprising of 1,283 females and 19,739 males. On average, the prisoners have been in remand for approximately six months. Nairobi County has the highest number of remand prisoners totaling 3,764 comprising 3,422 males and 342 females. This can be attributed to the high population density in Nairobi, high level of unemployment and the high number of referral courts and cases in the city.

The Government has employed the following measures to assist in expediting the remandees cases:-

(i) The Prison Department has been taking the remandees to court for trial of their cases and also produces convicted prisoners with production orders to court.

(ii) The judiciary has formed a task force which is currently developing a policy on bails and bonds.

(iii) The Constitution has empowered the Judiciary under Article 49(2) not to remand a suspect if the offence is punishable by a fine only or by imprisonment for not more than six months.

(iv) The National Council on the Administration of Justice has formed Court Users Committees at the county level to identify the challenges that hinder expeditious delivery of justice and has proposed effective measures to hasten the trial process.

**Hon. Oyugi:** Hon. Temporary Deputy Speaker, I listened very well to the Chairman and I want to seek two clarifications only. My question was very specific in terms of the number of remand prisoners and the number of years they have stayed in remand. He said that some of them have stayed there for six months on average. However, a spot check on various remand prisons in this country will tell you that some prisoners have been locked up for three years, or even five years. Some of them are actually in remand more than their jail terms. The things he says that are measures taken by the Government are actually not measures. This is because he said that the Prison Department takes the remandees to court. That is not a measure! That is a facilitated process.

He further said that the Judiciary has formed a task force to put a policy on bails and bonds. How can that be a measure? That is a policy that ought to be put in place. My question was very specific. This has got to do with what Article 50 of the Constitution anticipates in terms of fair hearing. Has the Ministry thought about using the provisions of Article 50(h) which is to have an advocate assigned to the accused persons by the State at the expense of the State if substantial injustice would be the result because of this? That is what the Constitution anticipates in that Article.

He says that Nairobi has a high number of remandees because of the high number of referral courts. I do not know what “referral courts” in this instance mean. So, the reasons given as measures are just futuristic things. Is there a deliberate effort by the Government to use the provision of Article 50(h) of the Constitution by giving an advocate to the remand prisoners because some of them may not be assured of their right to bail and might not even know of their right to bail? This could be the reason we have many remand prisoners.

**Hon. Dawood:** Hon. Temporary Deputy Speaker, I want clarification regarding overcrowding in prisons. In Meru the prisons are overcrowded three times more. With regard to prisons in town centres, is there a policy to move prisons out of town centre?

**Hon. (Ms.) Chidzuga:** Bwana Naibu Spika wa Muda nilikuwa nataka kuchangia lile suala la Lamu wala si hili.



**Hon. Gakuya:** Hon. Temporary Deputy Speaker, I want to seek clarification from the Chairman with regard to the death of a mechanic who was arrested by police officers from Kasarani Police Station and detained there. Within a day, the same person was made to take poisonous illicit brew which took away his life. I want to know the position of that matter and what action has been taken against the particular officer who---

**The Temporary Deputy Speaker** (Hon. Cheboi): Which one is that, hon. Gakuya? I am sure you know that we are talking about the issue of congestion in the prisons.

**Hon. Gakuya:** Hon. Temporary Deputy Speaker, this is a burning issue; kindly allow me.

**The Temporary Deputy Speaker** (Hon. Cheboi): I have no problem allowing you, but are you seeking clarification or you have a specific one that is different?

**Hon. Gakuya:** Hon. Temporary Deputy Speaker, this is a different one but a burning issue.

**The Temporary Deputy Speaker** (Hon. Cheboi): If it is a different one and I agree with you it is, I would rather you seek a Statement yourself and I am sure you will be given an opportunity. In any case, you have made your point but you can seek a Statement. So I am giving the Floor to hon. Wekesa.

**Hon. Wekesa:** Hon. Temporary Deputy Speaker, I would like to know the criterion used to determine the maximum number of prisoners a prison is supposed to accommodate at a time.

**The Temporary Deputy Speaker** (Hon. Cheboi): You see, where hon. Members are confusing is that when you put it at the request; it will be difficult for me to determine whether you want to speak to a particular Statement. I can see hon. Ochieng all the time. I will give you an opportunity but it has to be brief and straight to the point.

**Hon. Ochieng:** Hon. Temporary Deputy Speaker, this is a very important matter and what I wanted the Chairperson to clarify is whether; in view of the problem being something that has been there for the last over 40 years, is there something that this Parliament can do in terms of legislation to regulate the way we handle prisoners in this country and settle this matter once and for all?

**The Temporary Deputy Speaker** (Hon. Cheboi): Let me ask you; are you asking whether this House has the--- To me, it looks like you are asking a question which is relatively straightforward. The House has that power.

**Hon. Ochieng:** Hon. Temporary Deputy Speaker that is not the question. The clarification is related to the question. It is to the effect on whether the Chairperson and his Committee have explored any possibility of this House playing a role in doing legislation to reduce the number of prisoners and to reduce congestion in prisons.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is okay! Hon. Abongotum, you will quickly go through the clarifications that have been sought by hon. Members.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, I will be very brief. Hon. Oyugi wanted to know whether what the Government is doing is a facilitative process in expediting justice to prisoners. I want to agree with him that, that is what the Government is doing in addition to other strategies and policies. On the issue of referral courts in the context of this Statement, the Minister is referring to the number of referral courts in Nairobi being more compared to other areas or counties. On the issue of whether the Government can hire an advocate to assist prisoners, they have a right to be given this service. It is an issue we can take up in our Committee and ask the Cabinet Secretary what the Ministry is doing to ensure that, that law is being adhered to. In other Commonwealth countries, this service to prisoners is usually available. So, we will take it up with hon. Oyugi to ensure that it is done. There is even a budget by the Government to ensure that prisoners get representation.

Hon. Gakuya wanted to know about the death of a person. You have guided him that he needs to request for a Statement. Someone is between you and hon. Gakuya but he needs to get a Statement so that we can respond in this House.

Hon. Njagagua referred to me as “OGW”. Actually, I have MGH and OGW; the two of them combined. But I want to tell him that I am aware there is a lot of congestion in Meru Prison and that we will get in touch, as a Committee, with the Commissioner-General in charge of prisons to ensure that we mop other areas. We have prison remands in other sub-counties so that this area is decongested.

Lastly, hon. Wekesa wanted to know the criterion used to know the number of prisoners in a particular county. Normally, the rate of crimes and population are the parameters that are used. So, the higher the rates of crimes and the population, you will expect the population of prisoners to be higher. Those ones are usually considered among other parameters. Lastly is the issue that was raised by hon. Ochieng on whether we have a plan as a Committee to decongest our prisons in Kenya. We have done this. We have visited most prisons including Kamiti and the Committee is liaising with the Commissioner-General to ensure that there is a concrete policy to decongest our prisons.

**The Temporary Deputy Speaker** (Hon. Cheboi): I see hon. Abdi, and I am inclined to give him an opportunity. We will do this in three minutes and hon. Abongotum, just take the clarifications quickly and respond.

**Hon. Abdi:** Hon. Temporary Deputy Speaker, I just want to remind the Chairman that I had a request for Statement, a very urgent request, on 25<sup>th</sup> June, of which he had agreed to respond to.

**The Temporary Deputy Speaker** (Hon. Cheboi): That should not come now. I thought you were seeking clarification. I am going to give hon. Gikaria a brief one.

**Hon. Gikaria:** Hon. Temporary Deputy Speaker, this thing came up when we went to play football in Nakuru GK Prison; members of Parliament versus the prisoners. It was code named “The lawbreakers versus the lawmakers”. So, that is why hon. Oyugi asked about it. When we sat to talk, we discovered there was a lot that was going on in prisons. The person in charge told us that at one time he had to break into a store of a person who was supplying them food because they did not have food. The Government had not paid for the food so it could not be supplied. The person in charge of the prison broke into somebody’s store to get food to feed the remandees.

As hon. Oyugi has put it, we have been given the number of females and males, without children. When we were there with hon. Oyugi, we found hardcore criminals put together in the same cell with kids below the age of 18. What is the number of children and what policy is there in prisons to put kids away from the hardcore criminals? Secondly, the Court Users Committee which are very important---

**The Temporary Deputy Speaker** (Hon. Cheboi): That should be it. I will have hon. Okoth because we want to start the Motion at exactly 11.00 a.m. which is about now. Make a straight clarification.

**Hon. Okoth:** Hon. Temporary Deputy Speaker, I also seek a clarification on a general aspect about the number of young people who are being held in remand. There is someone who said that when you build a school, you close the gate to a jail. If you look at Nairobi County where we are hardest hit with almost 4,000 young people being held in remand, is there a way we could not invest in a cheaper option of giving them the required training, for example, put all of them in the National Youth Service (NYS) or something like that? This is for people who are major offenders. We should give them the required training and capital to do business and save this nation and families a lot of troubles.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is it but were you speaking in English or French? That is with a light touch.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, hon. Gikaria raised the issue of the budget. Because of the report that we got about the shortage of funds in the Prisons Department, there is an enhanced budget this year to address that issue. So, that matter rests there.

On the number of children, of course, the Member who requested the Statement did not indicate that. However, we will find out whether children are put together with hardcore criminals. This is totally unacceptable. So, we will find out and if this is happening, we will advise the Cabinet Secretary and the Commissioner-General in charge of Prisons to ensure that corrective action is taken. At least I am happy that there were some associations between law breakers and law makers. It is hilarious to hear that kind of interaction.

Hon. Okoth wanted to know whether there is training of minor offenders which he said are over 4,000. This will be looked into as part of our engagement with the Cabinet Secretary and the Prisons Department. We will make sure that some form of training is offered to the minor offenders. We will also liaise with the counties to ensure that they play their part.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us move on to the next Order!

The next Order is Motion and it is good for Members to know this. I know we have not been doing Motions for quite some time. We have been doing Bills. Look at your Order Paper for you to confirm the timings that you are supposed to take. If you have an issue with the time that hon. Members should take to contribute to this Motion, you can proceed and make the relevant requests.

Let us proceed. Hon. Diriye, move your Motion. Just for clarity, you have a maximum of 20 minutes but you could spend less than that.

## MOTION

### ISSUANCE OF IDS TO ELIGIBLE KENYANS

**Hon. Mohamed Diriye:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware every Kenyan having attained the age of 18 years is entitled to be issued with National Identity Card (ID) upon registration; further aware that a National Identity Card represents ‘proof’ of citizenship without which an individual may not have access to basic services, including exercising the right to vote; cognizant that the number of persons who are yet to be issued with the National ID Cards has risen over the years and was recently estimated at 12,000 persons in Wajir, Garissa and Mandera counties alone; this House urges the Government to urgently put in place measures that will ensure that all eligible Kenyans are duly registered, including having an amnesty to those living in Wajir, Garissa and Mandera counties who may have erroneously registered as refugees in order to restore their privileges as citizens of Kenya, including their integration into the community.

We have a big problem in this country. Kenyans and particularly Kenyan Somalis have difficulty in accessing national identity cards and other documents. We have our people who have attained the age of 18 years and above who are Kenyans but have been denied ID cards.

Nothing has been done in my constituency, after the election of March, 2013 to date to issue IDs to the people who are eligible. Why is the Government denying Kenyans IDs and passports? What is happening right now is that when you deny people IDs and passports, you are denying them their basic rights. This is because somebody without an ID cannot look for employment, cannot travel and cannot join university. We have Form Four leavers who completed high school but they cannot do anything in their life because they do not have these documents. These people cannot look for jobs, study at the university, travel and open a bank account. Therefore, the Government is basically curtailing their basic rights as enshrined in the Constitution.

Article 12 of the Constitution says:-

“(1) Every citizen is entitled to—

(a) the rights, privileges and benefits of citizenship, subject to the limits provided or permitted by this Constitution; and

(b) a Kenyan passport and any document of registration or identification issued by the State to citizens.

(2) A passport or other document referred to in clause (1)(b) may be denied, suspended or confiscated only in accordance with an Act of Parliament that satisfies the criteria mentioned in Article 24.”

A Kenyan who attains the age of 18 years and above must be given an ID and should not be discriminated against. What is happening currently is that the Kenyan Government is discriminating against Kenyans who live in Wajir, Mandera and Garissa by denying them IDs. This is contravention of our Constitution.

Hon. Temporary Deputy Speaker, I would also like to bring to your attention Article 27 of the Constitution. It says:-

“(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.

(5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).” This includes discrimination on the basis of race, sex and ethnicity.

I am saying here that the people who live in Wajir, Mandera and Garissa counties; the Somalis are being discriminated against on the basis of ethnicity. This is because we have our cousins in Somalia. We look alike and share hereditary lineage. We are discriminated against because of that. Many of our people lack IDs which affects their lives.

Hon. Temporary Deputy Speaker, historically, when Kenya got Independence in 1963 and other Kenyans were celebrating, the Somalis had aspirations to join their brothers in Somalia but that did not happen. Even the referendum that was conducted at that time shows that the Somalis overwhelmingly voted to join Somalia. However, we do not wish to do that and it is good that, that referendum was not adopted. Now, we are fully in Kenya. However, why is Kenya Government denying Kenyans IDs? Why are they not being given IDs just like the rest of Kenyans? This is something that touches our hearts and can even make us cry. Right now, there are many youths who finished Form Four but they cannot go anywhere. These people cannot do business or travel. There is a bridge in Garissa you cannot cross without an ID.

Most of the youth contemplate joining *Al Shaabab* and maybe some of them have already joined. I have text messages in my phone that say that the youth do not have IDs and as such they cannot join colleges, get employment and they cannot even get basic rights. This even includes opening a bank account or accessing a Government office. If you want to access a Government office or any other office, normally you deposit your ID at the reception. If you do not have an ID or passport, how will you access services or Government offices? Even accessing the DC’s Office is a problem.

Therefore, we are asking the Government to ensure that these Kenyans are given identity cards. This is because if we continue like this our people will continue being alienated. Insecurity will continue escalating because the youth who do not have identity

cards have no means of livelihood and they will look for alternative ways of living. These people are now stateless. Actually, we have a group of Kenyans who are stateless and if something happens today, the Kenya Government cannot protect them because they do not have proof of citizenship. So, the State does not recognise them.

Hon. Temporary Deputy Speaker, we are asking: Are we not Kenyans? Are we, people who are living in North Eastern, second class citizens? This is what we are asking the Government. Why are we being denied identity cards?

The second thing is that the Government has accepted a refugee camp to be opened in Dadaab. Many of our people are poor. Nowadays we have drought coming up every two to three years. During drought people lose their livestock. After this, they go and register in the nearest refugee camp and remember they are doing so because they have lost their livestock, livelihoods and all their belongings. When they register, their fingerprints are captured in the database of the United Nations High Commissioner for Refugees (UNHCR). Once that is done they are treated as refugees and as Somalis from Somalia and yet these people are Kenyans.

Hon. Temporary Deputy Speaker, just to clear doubts here, we are talking about Kenyans of Somali origin, who after losing their livestock and livelihoods go and register in the refugee camps just to get food. You can imagine in this day and era our people are subjected to dehumanizing situations. That means the State has failed and it cannot provide basic food and amenities to the Kenyan population. These people are forced to go to refugee camps. If they could only have food and other basic services provided by the Government, they would not register as refugees.

So, we also have this category of people who are in the database of the UNHCR and the Commission for Refugee Affairs. They are Kenyans but they are treated as refugees. So, we are also asking the Government to grant these people amnesty and be vetted so that they are removed from the database of the UNHCR or the Commissioner for Refugee Affairs. This is so that they can attain their full rights and be eligible to get identity cards.

Hon. Temporary Deputy Speaker, the new Constitution prohibits all forms of discrimination. Even in the few places where we are given identity cards, we are



subjected to a very discriminatory vetting process and I want this to be taken very seriously. You can imagine that we are discriminating against our people. Our Kenyan citizens are being discriminated against. They are not being given their rights and are treated as second class citizens. These are very serious crimes which the Government is committing and I wish my colleagues would support this issue. They should treat it as a priority. I urge the Government to ensure that all Kenyans irrespective of where they come from, even if they are from Lamu or Migori get identity cards. If not so then the Government should tell us officially that they are discriminating against us and that we are second class citizens. It looks like it is the official position of the Government. It is something that we cannot stomach anymore. As the Member of Parliament, whenever I go to my constituency I meet my constituents who do not have identity cards and who are discriminated against on the basis of their ethnicity.

So, hon. Temporary Deputy Speaker, we are urging the Government to immediately issue identity cards to the people in Mandera, Wajir and Garissa. Secondly, we are requesting that the discriminatory vetting process that is meted only on Somalis and to some extent to the Muslims be stopped immediately. Why are we being subjected to discriminatory processes? Are we not Kenyans? Thirdly, we are asking that those people whose names are in the database of the Commissioner for Refugee Affairs who have been erroneously and wrongly captured as refugees and yet they are Kenyans, be given amnesty. We know those people because they come to my office. The local chief knows them. Their fathers, mothers and grandparents have Kenyan identity cards which they took a long time. The youth who erroneously registered as refugees, their citizenship should be restored and identity cards be given to them. Otherwise, what the Government is doing right now amounts to crimes against humanity because you deny somebody all his or her rights. You gag somebody. You are not treating them like other citizens. You have discriminated against him or her. What do you think this person will do?

As elected leaders from that area, we are faced daily with problems that successive regimes have propagated from as far back as Jomo Kenyatta's era. There is a roadblock as you come from Wajir, Mandera and Garissa. It is on a river bridge where everybody, including me must show identity cards and other documents. My fingerprints

must be checked and those who do not have identity cards cannot be allowed to pass. What does this Government of Kenya want, honestly speaking?

Hon. Temporary Deputy Speaker, the situation became worse after the Westgate attack. After this attack, it seems the Government's official policy is now to discriminate against Somalis. If you have a name similar to those found among Somalis, Arabic speaking people or Muslims you must be treated differently from the rest. Our people have applied for passports and they are lying here in Nyayo House. Their applications are not even processed. I am unable to deliver on my role as a Member of Parliament because every time my constituents are harassed there. I have to go to Nyayo House and plead with the officers there that I know this and that person. You see, I am not like my friend Neto who is not tormented daily. I have to go to Nyayo House every week twice or thrice to plead for my constituents. I have to say that I know them or write letters for them. Can you imagine? I am discriminated against because I am not treated like other Members of Parliament here. It is very serious.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) took the Chair]*

So, hon. Temporary Deputy Speaker, I honestly want these things to be taken very seriously by the Government. However, if the Government of Kenya has become a Government that harasses, discriminates and does injustices to its own people then it is a very different thing. I urge President Uhuru Kenyatta to ensure that we are not discriminated against. I will not shy away from saying that the Somalis are discriminated against. It is a fact and it is historical! Perhaps, we are discriminated because in 1963 our grandfathers wanted to secede to Somalia but that has long gone. Some of us are very proud Kenyans. I am here as a Kenyan Member of Parliament. I am actually very happy that those people did not even succeed to join Somalia because right now you can see

what is happening there. It is good that they did not succeed. We are fully Kenyans. However, can we get our full rights? I am urging the President that for those of us who come from those areas and who have not been subjected to---

**Hon. Gikaria:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. David Gikaria, there is nothing like a point of order. We are all in this House. When the Mover is moving his Motion, we have to wait until he is through and then it becomes property of the House. Hon. Members, let us be advised. Hon. Mohamed Diriye, you can move on.

**Hon. Mohamed Diriye:** Thank you, hon. Temporary Deputy Speaker. I am urging the President on behalf of those regions where we come from, North Eastern to remember us. Up to now we do not have any road. The other day we travelled on that road from here with Members of Parliament and they could not imagine why the Government is not tarmacking it. That is the discrimination we are talking about on every sphere of life. Even the insecurity you normally hear about is part of the discrimination because there are no enough police officers or enough security posts. So, I am urging the Government, please, we have the opportunity now. I am urging the President himself; we have the opportunity to correct all the mistakes that were done over the last 50 years. The Government of Kenya has missed many opportunities to correct that mistake. They have squandered a lot of opportunities. They keep blaming the people from those parts of the country. Right now, we have the opportunity. We have the opportunity to correct the mistakes that were committed over the years by the Government. We are telling the Government that those people from those regions are no less Kenyans than everybody else. We are asking the Government to stop discriminating against our people on the basis of ethnicity.

Otherwise, we will petition the House and go to courts. If the Government will continue like this, we will have to resort to other things. The youth may resort to joining *Al Shabaab* or becoming criminals. What else can somebody who completed Form Four and scored "B" or "C" do? He does not have identity card to use to look for a job and even if he got that job, what can he use to open a bank account? What else do you want him to do? He will do anything on earth. That is why we are saying we will take legal

action against the Government. We can do anything including going to court, petitioning the Government or moving to the United Nations to intervene in this. It is a very serious crime. It is like silent genocide that is happening. So, just to summarise, we are pleading with the Government and this House to pass this Motion so that all Kenyans including those living in Nyanza, Central, Nairobi and Kibra can be given identity cards. The other day, I talked to my County Commissioners and asked them why they have not been issuing identity cards in the last one year. They told me that they had received orders from above not to open registration centres because of the insecurity problem. They said we have to wait. What insecurity are you talking about? Why do you not transfer all Government officers if they do not want to work? Every time they give excuses and refuse to work. What are we going to do? Thousands of students who completed high school do not have identity cards. You can imagine the number of people who have attained the age of 18 years and above. In other parts of Kenya, identity cards are issued daily.

As I conclude, I want to urge the House to support this. I am urging the Government to correct this serious injustice. I would like to invite my colleague, hon. Shidiye to second the Motion. Let me make it clear that my constituency borders Somalia and the refugee camp. Hon. Shidiye's Lagdera Constituency is the same. We are victims of what happened.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over for Moving. Hon. Shidiye to second the Motion.

**Hon. Shidiye:** Thank you, hon. Temporary Deputy Speaker. I would like first to thank hon. Diriye, the Member for Wajir South and my neighbour for bringing such a Motion. I think this Motion is very timely in the sense that majority of people in northern Kenya today are facing the worst discrimination in terms of issuance of identity cards. Why do I say that? There are many Somalis, Boranas, Gabras and Oromos who are stateless in this country. They are stateless because they are not being issued with identity cards. On that note, they are unable to travel, access jobs and cannot do any business. They have been suffering for many years. You will see somebody who has a

waiting card being stopped by police. They are not allowed to travel since they lack identity cards.

Such a person is literally an animal; he does not exist as a human being. Even an animal has more freedom than that person because he cannot get access to any Government service, cannot open a bank account, cannot go to University and cannot access Government buildings. He cannot move anywhere. It is really painful when you are a Member of Parliament from that area and you cannot get your people identity cards. They ask why you are not helping them yet they elected you and you are in Government. I have seen mothers who have given birth to eight children and they do not have identity cards. I have seen people who are over 60 years and they do not have identity cards. These people cannot go back to Somalia because they do not come from there. They cannot go to Uganda, Tanzania or anywhere else. They are in this country and they are with us yet they cannot access identity cards. You need to realize that with this kind of situation, there will be insecurity. When you have people who have no hope in life, who live in despondency, it is very dangerous.

In the past, it was very easy to get an identity card. Nowadays you are told to hold on to a waiting card as the rest of the documents are processed in Nairobi and they take donkey years. This document is very important. You now see why many youths are joining the *Al Shabaab*. They are joining these militia groups because we do not have them in any database. They are neither Kenyans, Somalis nor Ethiopians. They end up being refugees in their own country. We want this Government, our Government to heed because if it does not heed, the problem will escalate to higher levels. We did not plan to have refugees in our area. We have many refugees in our area today, and some of them have been there for the last 25 years.

Since refugees are given food, they have access to education, good water and good sanitation, we end up having our people registering as refugees, yet they are Kenyans. Those people's lives are far much better, particularly now when we have drought. Everybody goes there, lives there and he gets those basic services. When your fingerprints are captured into the database of the refugees, it becomes extremely difficult for people to get identity cards. Even people who have identity cards end up losing them

because they are viewed as refugees. So, today as we speak, there are about 200,000 Somalis who are stateless. They are Kenyans yet they are not Kenyans and they have nowhere to go. They cannot get jobs; they cannot get education; they cannot do business, they cannot travel and they cannot get married because for you to get a marriage certificate, you must have an identity card. So, those are basic things which we need to address.

Hon. Temporary Deputy Speaker, If you travel from Mandera to Nairobi, there are about 60 roadblocks and officers manning them do not ask for anything else, but identity cards. Some of the people have to pay their way up to here.

The other point I want to make is that even for the Somalis who are living in other parts of Kenya, call it Diaspora in the sense that they are in other parts of Kenya, if they are in Kisumu and today they want to get identity cards, they are told to go back to their homes yet they are born and bred in Kisumu. If you are in Nyeri, you will be told to go back to Garissa or Wajir, because that is not your home. So, we are facing discrimination that is pushing people to the brink. The bitterness is palpable and you can literally feel it. You are struggling right from childhood. The weather is harsh, there is shortage of food and water and the worst thing or the clincher is that you have no identity card and you cannot travel to any part of Kenya. You cannot access opportunities. Mind you, this is the most painful thing to be a Kenyan.

To get a passport is also a bigger nightmare. You will be vetted and told to come with your Member of Parliament's letter, the chief's letter or an endorsement from wherever you can. You will be taken round and round. Many have lost scholarships and jobs abroad. Many are languishing here. To be a Member of Parliament in northern Kenya is very painful because you do not have answers. These problems keep occurring day and night to us. They ask themselves: Are you really Members of Parliament? What are you doing? There must be a paradigm shift in our thinking. Identity cards must be issued right in schools, villages and all centres of the Government. We have the *Huduma* Centre here, but we do not have *huduma* centres in our areas. To get an identity card is a nightmare.

On security matters, if the Government is serious and committed, let us register all the refugees. Most of these refugees end up in Europe and others in North America and in less than three months, they are given identity cards, passports or a nationality in those countries. If a *mzungu* is giving identity cards, nationalities and recognizes those people, why are we not doing that? There are many Ugandans who came here and ended up settling. Immigrants normally upscale the economy of any country. If I leave here today and I stay in Europe or in Canada, within a short time, I will end up being a citizen. In any case, you are not permanent. The maximum number of years somebody lives is maybe 60 to 70 years and then he expires. We are all here for a season and we are all going to leave. So, if we are committed to help our people and make sure that they get opportunities and reduce insecurity, we have only two options, namely, either take back the refugees or make the refugees who are here Kenyan citizens for the sake of peace, unity and harmony. This is for us to come together as a country.

In the Bill of Rights, every Kenyan who is born here has a right to be a citizen of this country. But are we following the law? Are people realizing that we are in the new constitutional dispensation? Are we doing the right thing? Are we doing justice to our people? You will realise that time has come where we must shed the old thinking and everybody should be looked at as a Kenyan. If you go to Tanzania today, people look at themselves as Tanzanians.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Seconder, your time is over. Thank you for your contribution.

*(Question proposed)*

Members, I have 31 requests. Every Member as per the notice on your Order Paper, will have ten minutes starting with hon. Michael Onyura, Member for Butula.

**Hon. Okoth:** On a point of order, hon. Temporary Deputy Speaker. Since there is such great interest in this topic, would I be in order to request that before we begin the debate? I propose that we reduce the time of speaking to five minutes to allow all the Members to contribute?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Five minutes. Hon. Member, it is at your discretion. My work as the Speaker is to moderate the debate. So, it is up to the House to make a decision on the number of minutes as proposed by hon. Okoth. He is in order to propose the limitation of debate pursuant to Standing Order No.97. So, I will propose the question.

*(Question, that debating time be reduced, put and agreed to)*

Hon. Members, it is your decision that Members are going to take five minutes each to contribute to the Motion by hon. Diriye, starting with hon. Onyura.

**Hon. Onyura:** Thank you, hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Motion. I thank hon. Diriye for bringing it up. It is very timely and perhaps overdue.

This is a very important Motion. It touches on a very fundamental right of the citizens of this country. The Constitution provides that every citizen of this country has a right to get access to these documents, namely, the identity card, the passport or any other identification document that then enables them to carry out all manner of transactions. An identity card in this country is almost a matter of life and death. Without the identity card, you may not be able to do many things. In fact, the presumption would be that if you do not have an identity card, you are not a citizen of this country.

So, I fail to understand why the Government that is supposed to be looking after the welfare of all its citizens would deny this fundamental document that is enshrined even in the Constitution to its citizens. This has been done through imposing so many rules and bureaucracy. Unfortunately, the officials that are charged with the responsibility of issuing these documents take advantage of all these rules and bureaucracy to extort money from the citizens. One of the complaints that we come across as Members of Parliament in our constituencies is on the issue of identity cards. People complain that the registration officials corruptly issue these identity cards or extort bribes from the citizens.



The Government has put too many rules and so there is so much bureaucracy. In my view, this registration should even be done at school level because it will assist in speeding up the issuance of identification cards. This will be very easy because we have records of our children from the time they join nursery school through to primary school and even secondary school. By the time they are finishing secondary school; nearly 60 per cent or even a higher percentage have attained the age of 18 years. I do not see where the difficulty is if that could be one of the avenues for registering our citizens. It will be easier because the records are already there.

We should also promote mobile registration centres because there are remote areas where it may be difficult for citizens to go to registration centres. We should have mobile units in villages to ensure that all our people are registered. What is important and what is impeding registration is the issue of corruption. That is what should be addressed. I would really want to invite the Criminal Investigation Department (CID) and the Ethics and Anti-Corruption Commission (EACC) to move into these areas to see what is happening. This is because it is easier for a non-citizen to be registered than a citizen. It is very ironical.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Onyura.

**Hon. H.K. Njuguna:** Thank you, hon. Temporary Deputy Speaker. I wish to support this Motion subject to some amendment. I have no problem with all Kenyans being issued with identification cards because that is a fundamental right to all Kenyans. But I have a problem when we propose amnesty for people living in Wajir, Garissa and Mandera counties who may have been erroneously registered as refugees. That would be opening a whole legal regime on issues of immigration, vetting and all those other related matters. For me, if the Motion reads that we issue identity cards to all eligible Kenyans and we duly register them, I do not have a problem. We are talking about a Kenyan because you are entitled to an identity card. But when you start bringing in the issues of refugees, then it becomes something else. In 1980s, the Kenyan passport was highly respected anywhere in the world. Today if you travel with a Kenyan passport, you are

vetted and vetted and you are made to look like a criminal because of what has been happening at the Immigration Department; corrupt practices.

When we say that all eligible Kenyans are entitled to identity cards, that takes into account even Somalis as long as they are Kenyans. When we raise the issue of refugees, we are opening a Pandora's box. We are likely to bring in people who are not Kenyans and we all know that our borders are porous. Therefore, I will support this Motion.

**Hon. Mohamed Diriye:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (hon. (Ms.) Mbalu): Order! There is a point of order from the Mover of the Motion. Is it point of information or point of order?

**Hon. Mohamed Diriye:** It is a point of order, hon. Temporary Deputy Speaker. Is the hon. Member in order to mislead the House when he talks about refugees? The Motion is not talking about refugees; it is talking about Kenyans who, because of poverty, have erroneously registered in the refugee database because they are looking for food that the Kenya Government cannot provide. I also want to inform him that---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order! You cannot inform him when he has not accepted to be informed.

**Hon. Mohamed Diriye:** Hon. Temporary Deputy Speaker, I am talking about Kenyans---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your point of order is delivered.

Proceed, hon. Kimani Njuguna.

**Hon. H.K. Njuguna:** Hon. Temporary Deputy Speaker, the amendment I am proposing is towards the end of ---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): As you are debating, you can still address the point of order raised by the Mover of the Motion.

**Hon. H.K. Njuguna:** I want to move the following amendment:-

THAT, aware every Kenyan having attained the age of 18 years is entitled to be issued with National Identity Card (ID) upon registration; further aware that a National Identity Card represents 'proof' of citizenship without which an individual may not have access to basic services, including exercising the right to vote; cognizant that the number

of persons who are yet to be issued with the National ID Cards has risen over the years and was recently estimated at 12,000 persons in Wajir, Garissa and Mandera counties alone; this House urges the Government to urgently put in place measures that will ensure that all eligible Kenyans are duly registered and issued with identity cards.

**Hon. Gikaria:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): He is on a point of order. You cannot rise on a point on top of a point of order. He is addressing the issue of all Kenyans that has been put by the Mover, hon. Mohamed Diriye. That is why in his debate he should address what has been raised by hon. Diriye.

**Hon. H.K. Njuguna:** Hon. Temporary Deputy Speaker, I would like to ask hon. Waiganjo to second this amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is no amendment, hon. Members. We are not any more students in this House. You know the process of amendments and you should know what should be done anywhere anytime. Therefore, we are not students any more.

Hon. Member for Nakuru Town; you know how to approach the Clerk's desk when you have an amendment or you have an issue. Hon. Members, let us also not keep on going to the Speaker or coming to the Chair. Let us address our issue from the Clerk's desk. Any advice or consultation will be done. Any amendment or any proposal should be given to the Clerk's desk and the Speaker will be advised accordingly.

**Hon. Gikaria:** I hope that starts from now. I rise not to support but also not to oppose. But as hon. H.K. Njuguna has just said, there is need for an amendment. I am speaking from a point of view. I am the vice-chair of the Implementation Committee and some of the resolutions which are done in the House and Motions which are brought in the House--- Of course, as Committee, we are doing some proposals to the Liaison Committee to try and consider actualization of some of these Motions.

I am saying this because right now there are Government policies which require that registration of persons has to follow due process. That due process is stipulated very clearly under the law as to who is supposed to be registered as a Kenyan. In Nakuru Town, we have a registration point. If I look at the way the Motion is phrased, "The

Government to urgently put in place measures that will ensure that all eligible Kenyans are duly registered---” I think this has been happening save for isolated cases. When it comes to the issue of amnesty--- I am also a member of the Departmental Committee on Administration and National Security. When we were working on the Westgate Report, it was obvious that the terrorists who came to attack us came to our country through the borders and into the refugee camps. They then came to Nairobi did what they did and went back the same way.

The Mover talked about persons who are erroneously registered as refugees. Unless he is telling us about people who were forcefully taken to the refugee camps and forcefully registered, then these are the cases that we need to look at. If somebody went to a refugee camp voluntarily and registered and now he is requesting for amnesty, I think that is going to create a lot of insecurity. As my colleague said, we will be opening a Pandora’s box where everybody will want to---

I have Muslims of Somali origin in Nakuru. Sometimes I have to go personally to the chief to endorse that I know the parents of the children. Eventually, they get the identification cards. If we say that some people will not be vetted then we will be opening an issue that will never be solved in this country. Even at our borders, including Busia, there is a process that has to be followed. If the Mover has specific cases, he needs to bring a Statement. If there is enough proof that these people are Kenyans then they can be registered as Kenyans.

The President’s name has featured in the Mover’s speech very conspicuously. Where does the President come in when it comes to registration of persons? For somebody to entice me to support something, they also need to come to me with clean hands without mentioning the name of the President; the President has no business in the registration of persons. This business has been assigned a specific Government agency which is supposed to undertake that process. We will support this Motion if that amendment is passed.

With regard to amnesty, that is something that this House needs to consider so that we are able to move forward. It is unfortunate that some of our Muslim brothers and especially those of the Somali origin are denied identification just because they are

Somalis. That in my view is not acceptable. I know the Mover and, of course, those who elected him must have done so because they have identification cards. It is only a small percentage that needs to be considered on a case by case basis. If this amendment goes through, then it is a right amendment that has been brought by hon. Njuguna---

**The Temporary Deputy Speaker** (Hon.(Ms.) Mbalu): Hon. Members, pursuant to Standing Order No.54, hon. Njuguna has an amendment. You know the procedure. You will move the amendment to the Motion by hon. Diriye. You will have a seconder. The amendment will either be carried or negatived. After the results are announced, we will then debate the Motion as either amended or as it was before.

Let me take this opportunity, before you move your amendment, hon. Njuguna, to welcome and appreciate the presence--- Of course, this appreciation is by the County Member of Parliament from Elgeyo Marakwet. We recognize the presence of pupils from Kokwongoi Primary School.

*(Applause)*

**Hon. H.K. Njuguna:** Hon. Temporary Deputy Speaker, I wish to propose an amendment to this Motion by deleting all the words after the word “registered” and replacing them with the words “and issue with identity cards”.

Hon. Temporary Deputy Speaker, this is so that the identity cards are available to all Kenyans who should be duly registered and issued with identity cards. The reason for this amendment is the fact that all Kenyans are eligible to get identity cards. When we start bringing in the issue of refugees and amnesty and issues of integration then we are bringing in other dimensions. We are in fact, opening a Pandora’s box. We are bringing issues that have to be dealt with by other legal regimes. We should focus on all Kenyans.

I would like to request hon. Waiganjo to second.

**Hon. Waiganjo:** Hon. Temporary Deputy Speaker, I would first of all like to thank the hon. Member who brought this Motion. I second the amendment proposed by hon. Njuguna on the grounds that registration of persons is a legal regime and it is done within the framework of the law. There are issues that are spelt out in that legislation. When this Motion opens up, issues of erroneous registration of persons from this

particular area as refugees must be addressed. We want to understand what is erroneous. What is the error? Is it fraudulent? Is it a genuine error? Those are issues that cannot be cured by a Motion on the Floor of this House. Remember that there are different legal regimes that deal with issues of immigration; there is the Refugees Act which deals with the issues of refugees and so on. Considering that Kenya, now more than ever before is under great threat of terrorism and has a new influx of refugees and the Refugee Act has not been enforced properly, we need to follow the properly laid down framework of the law to find out whether the people who are living in Wajir, Garissa and Mandera are properly identified and given identification documents. This is because that is their constitutional right. They need to feel and belong to this country.

If we bring a Motion that says that we want to restore their privileges as citizens of Kenya, we need to remember that every Kenyan is born and those privileges are inherent; they are in every Kenyan. We cannot fight a situation where we are saying we want to restore privilege on Kenyans because there has been an error in the manner in which they were registered. This is a good Motion, but it should end as hon. Njuguna says that every Kenya should be registered and issued with an identification card. When we go to other issues of immigration, restoration of privileges and integration into the community, we shall be treading on very slippery ground which borders on infringement of our Constitution.

I second the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): For your information, you cannot have a point of order. I have just stated before that when a Motion or an amendment to a Motion is being moved and seconded, when we start debate, now you have your points of order. Hon. Members, let us agree with each other and accept our own Standing Orders - the Bible that guides us. Let us be revisiting the Standing Orders so that we can have an easy time in the House and informed decision-making. Hon. Gitau has moved an amendment and will I propose it.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, we are debating the Motion as amended by hon. Njuguna.

**Hon. Members:** Put the Question!

**Hon. Ochieng:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Motion has been moved. It has also been seconded and hon. Members are satisfied and so, there is nothing out of order.

**Hon. Ochieng:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, can you be advised from the Chair. The Mover and the Seconder are already through with their duty. There is no way you can have a point of order if it is on that case. I have already finished it.

**Hon. Members:** On a point of order!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): All the debate should be to the amendment of the Motion by hon. Njuguna.

**Hon. Ochieng:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): What is your point of order?

**Hon. Ochieng:** Hon. Temporary Deputy Speaker, I want to seek your guidance on the just proposed amendment. The reason the Member brought this particular Motion is to achieve a purpose. I have been reading the Motion as read to us and the amendment as proposed. I need your guidance as to whether the amendment as proposed negates the very purpose for which this Motion was brought. If that is the case, would it be in order to allow that amendment to proceed?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I can tell you for free that this is an amendment to a Motion and we are debating the amendment by hon. Njuguna. It is at the discretion of the House either to approve or not. If we do not approve the amendment as proposed by hon. Njuguna, then we debate the Motion as it is by hon. Diriye. You either negate it or you approve it. Please, let us be advised. So, there is

nothing out of order! I will, therefore, put the Question. But I need to get the mood of the House. It is at your discretion. Hon. Wamalwa, you are the first one on the amendment.

**An hon. Member:** On a point of order!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is nothing out of order. I am the Speaker. Please, be informed. Read your own Standing Orders. This is the Bible for this House.

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, I rise to support the amendment. Any Motion that comes here should not negate any law that is already there. We are aware of the Refugees Act. When refugees come, they are put on a *prima facie* principle and there is a process of screening. We have had a lot of insecurity in this country and we know it is a big country with the registration of identity cards. When the issue of amending the Motion comes to the Floor, it does not matter whether it is positive or negative so long as it is within the Constitution and the written law. Why I support this dearly is because once we encourage such kinds of Motions, we are going to bring in discrimination. The problem of IDs is everywhere. It is in Trans Nzoia where I come from and Ugenya.

We have a problem with IDs and it is important that this House, as we debate, must make laws and put things in place that are going to empower or help all Kenyans, including our friends from the North Eastern part. An ID is very critical. You cannot access any basic need. But the moment we bring in the issue that somebody might have registered erroneously, the question is: Is it erroneously or was it illegally? In fact, we have had criminal cases where people come to this country, found themselves as refugees and in the long run, they are criminals. If such a situation is not taken care of, this will blow up. Such people must be prosecuted. They are criminals coming to pretend that something is erroneous. We are opening a Pandora's box as far as the security of this country is concerned. So the issue is this and in any case, for you to become a refugee and then go and purport to want those privileges is illegal. It is a criminal offence. Why should you go in the first place to gain those benefits and yet, you are not a refugee? That shows you are going with the wrong mind. Maybe, you have come from somewhere and you want to find your way to become a Kenyan.



When you look at the population of this country, there are some regions where the population has been exaggerated. It has even affected the allocation of revenue in this country. We have seen some counties are even given so much money as opposed to others because the population has been exaggerated.

**An hon. Member:** On a point of order!

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, I have not mentioned any county. This is an issue that we must debate without any anger so long as we put the facts in place. I support that amendment because it is objective; it is legal and anyone who came erroneously should be prosecuted.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I will take one more. Hon. Wamalwa was supporting the amendment by hon. Njuguna. Hon. Members, we are debating the amendment and I want to repeat it for your record and information. We are deleting “including having an amnesty to those living in Wajir, Garissa and Mandera counties who may have erroneously registered as refugees in order to restore their privileges as citizens of Kenya, including their integration into the community.” and replacing that paragraph with “and issued with identification cards.”

**Hon. Members:** Put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I can see most of you are saying I put the Question, but let us hear hon. ole Ntutu.

**Hon. ole Ntutu:** Hon. Temporary Deputy Speaker, I want to take this opportunity to support the amendment to this Motion which has been brought by my good friend, hon. Njuguna.

We must be very careful as lawmakers. This House has already passed the Refugee Act. It is very clear that we cannot register refugees or people who come from another country. However, as Members of this honourable House - and I hope that my good friend, hon. Diriye understands that it is very important to note that we support him – should ensure that all Kenyans who have not been issued with IDs must be given. We support that fully. However, when it comes to giving foreigners or non-citizens IDs, we do not support it.

Hon. Temporary Deputy Speaker, we have problems in this country because of registering people who have come from other countries. As a country, we have agreed to help our brothers from Somalia to stay in the refugee camps. However, the hon. Member cannot come to this House and tell us that we should register people from Somalia. That is a “NO” to me and I think it is a “NO” for the whole House.

*(Applause)*

Let us not entertain petty politics because the issue of refugees has brought problems to this country. As a matter of fact, if it was me, I would have asked that we really look into the people who stay in North Eastern because they are the ones who are bringing problems to our country. The insecurity we have is because of them. The people from Somalia are using them to come and bomb us. Do you think we will agree? I want to say categorically that we will not allow that.

I was surprised to hear my good friend, hon. Diriye, say that the County Commissioner told him that they will not be registered. I know for sure that the districts within our porous borders are normally taken care of by vetting. We normally vet them almost every month. So, the ones who have not been registered are those ones who are not Kenyans.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, hon. Members! The consultations in the House are too high. Hon. Diriye, let us consult in low tones so that we can get what hon. Patrick ole Ntutu, the Member for Narok West is saying.

**Hon. ole Ntutu:** Thank you, hon. Temporary Deputy Speaker, for protecting me.

I was saying that I was very shocked to hear that my good friend, hon. Diriye, is saying that the County Commissioner told him that they will not register Kenyans. I think that is something that we should follow up because all Kenyans are supposed to be

registered. However, if my good friend is fighting for people from Somalia to be registered, he should think twice because we will not allow that as Kenyans.

Let me also say that in every district, particularly in North Eastern, there is normally what we call “Vetting Boards” and Kenyans are involved in that. If somebody is from Kenya, he or she will be issued with IDs. However, if they are from Somalia, they will not be issued with IDs. I hope my good friend is not trying to circumvent the laws that we have already passed in this House.

Hon. Temporary Deputy Speaker, with those very few remarks, I support the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, as we debate the amendment, let me take this opportunity to recognize and appreciate the pupils and teachers from Sarian Academy in Buret. You are welcome to the Eleventh Parliament.

*(Applause)*

Yes, hon. Oyoo, the Member for Muhoroni.

**Hon. Oyoo:** Thank you very much, hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this amendment. I want to say that the amendment is not in good faith because the fact that somebody walked to a refugee camp is a self-manifestation that he is not a Kenyan, but a refugee.

Giving opportunities for refugees to come and register will not be a very good thing for Kenyans. We need the IDs like yesterday because they will help Kenyans who want to get jobs and passports. It will be in good faith for us to use this opportunity to help the Government fast-track the registration of Kenyans by making those responsible for registration to avail the requisite materials that we need for registration and make sure that the exercise is corruption free.

Today, the inhibiting factor in registration is the obstacles or the bureaucracy that Government officers create for the purpose of soliciting bribes. While we need them as politicians for voter registration and making sure that we have proper census, we will not help them when we bring in strangers like people who have walked to the nearest refugee

camps to enable easy living. I think that is not in good faith and I will support my not my very good friend but colleague, hon. Njuguna from Gatanga. He knows that his predecessor was my very good friend and he gave him very hectic time when he was representing the people of Gatanga. However, the people of Gatanga are now complaining that hon. Njuguna may not be equal to the task.

*(Laughter)*

However, I want to take this opportunity to support him because the amendment is in good faith. The registration must be done transparently and efficiently. I ask my good friend and colleague, hon. Diriye, to accede to the amendment because we are not going to open a door for registering aliens.

My good colleague, hon. Ntutu has explained here that the source of rampant insecurity in this country - which is hurting the economy and everybody - is the influx or proliferation of refugees and, more so, the brown ones. I do not know whether they are Somalis or Arabs who are fond of throwing bombs everywhere and disrupting our economic activities in market places and industries.

So, I would like to take this opportunity to support wholesale the amendment and say that the Government needs to do more than it has done in fast-tracking registration. It should make it mandatory that anybody who is leaving secondary school at 18 years is enabled to register at the point of their exit. This will ensure that immediately somebody is 18 years old, he or she is sure of being registered. However, those people must be Kenyans and not Kenyans who are coming from refugee camps. That is because Kenyans do not go to refugee camps. They go to IDP camps if they are affected by calamities. Of course, they are very many. We now have economic and political calamities.

Hon. Temporary Deputy Speaker, I support.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Before we put the question, I can see some discussions. If you have other amendments, you can bring them later. Hon. Member for Ndhiwa.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Speaker. I would like to oppose the amendment. I am hoping that the hon. Member for Gatanga listens to me because of the reasons why I am opposing the amendment.

The Motion that hon. Diriye has moved speaks to Article 27 of the Constitution, in my opinion. It speaks to past discrimination of a particular nature; discrimination that has been inherent in terms of giving them identification cards.

Hon. Temporary Deputy Speaker, if you look at the provisions of the law, how does one become a citizen of Kenya? You become a citizen of Kenya vide Articles 15 and 16 of the Constitution. Article 16 of the Constitution allows you to have dual citizenship. That means that if I am a Kenyan and unfortunately or fortunately I end up as a refugee in Tanzania or Uganda, I do not cede my citizenship.

Hon. Temporary Deputy Speaker, people living in the Northern Frontier have suffered several acts of discrimination. To travel to Garissa or any part of the Frontier, you are subjected to all manner of checks – things which are not fair. The reasons hon. Diriye was giving for the amnesty are things which I really believe Article 27(6) of the Constitution speaks to. There are moments when there will be discrimination. But how then do you redress that manner of discrimination?

Of course, if you look through Article 27 of the Constitution, it speaks about the equality of every human being who is then a citizen of Kenya. Article 27(6) says:-

“To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action; programmes and policies designed to redress any disadvantages suffered by individuals or groups because of past discrimination.”

Hon. Temporary Deputy Speaker, I really think what hon. Diriye is proposing in the last paragraph – and that is what the hon. Member for Gatanga is proposing to delete - is redress because of the community that has suffered from due injustice and discrimination. That is why I am saying that if you remove that, then that defeats the spirit of this particular Motion and that will not be in good faith.

Hon. Temporary Deputy Speaker, it is true that all Kenyans are entitled to identification cards as is espoused in Article 12 of the Constitution. In fact, Article 12 of

the Constitution is very clear. We do not need to amend this particular Motion. We do not need to readjust it in any manner if the effect is to give all Kenyans identification cards. That is because Article 12 speaks to that very well. If you are a Kenyan and 18 years of age, you are entitled to a passport and an identification card. But there has been a problem for those living in the Northern Frontier. Some of them have ended up in the refugee camps not because of their liking, but because of constant subjection to discriminative acts.

So, hon. Temporary Deputy Speaker, the only way to redress this is by looking for affirmative action principles in Article 27(6) of the Constitution. To do this does not mean that you are bringing in or opening the flood gates for refugees from Somalia. That is because you can only become a Kenyan citizen by two ways. You are either born in Kenya. You are either registered in Kenya or then you enjoy what is called dual citizenship. So, for you to get an identification card, you must then, first of all, prove either you are of dual citizenship by registration or by birth.

Hon. Temporary Deputy Speaker, so, this redress - and I am requesting my hon. colleagues to listen to it - is not about going to Somalia, bringing in truckloads of Somalis and then opening for them to get identification cards in the manner of those of them that have been in refugee camps. It speaks specifically to those who are Kenyans who deliberately or not, erroneously or somewhat, have ended up in refugee camps. That is all that he is asking.

Hon. Temporary Deputy Speaker, in fact, you do not even have to belabour the point because if at all he can prove that they are citizens of Kenya, whether they are refugees or not, they are entitled to an identification card. So, the point you are belabouring is not whether you bring in Somalis. You only want to prove if they are citizens or not.

Hon. Temporary Deputy Speaker, if at all he can prove that they are citizens of Kenya, the only way we can deny them their identification cards is as per Article 24 of the Constitution. That says that you must have a law that says you Somalis or Kenyans who have been living in refugee camps or you people who have been living in refugee camps and are erroneously registered---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. Hon. Members, we are debating on the amendment. Let us not be irrelevant. Let us not go to the original Motion. There is an amendment by the hon. Njuguna. There are 34 requests. Are you requesting to contribute to the amendment and not the original Motion?

**Hon. Members:** Yes. The amendment!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Phillip Rotino, the Member for Sigor.

**Hon. Rotino:** Thank you very much, hon. Temporary Deputy Speaker. I want to stand to support the amendment. I am supporting this amendment because of the following reasons:- One, the original Motion says:- “The person who has moved to a refugee camp and intends to come out and be registered again as a citizen.” In the first place, why did he take himself to the refugee camp so that he or she decides now to get out and be registered?

*(Applause)*

Hon. Temporary Deputy Speaker, many of the people who go to refugee camps do so with the intention of getting permission to get settlement out of this country. So, when they do not get it, they now revert back to get an opportunity to be a Kenyan now again; which means they are not very sincere Kenyans. That is because if you are a sincere Kenyan, you cannot go to a refugee camp to make yourself a refugee so that you can get that status to get out of the country. No. That is not necessary.

So, hon. Temporary Deputy Speaker, we want everybody in this country to get an identification card. I come from a border county where we have people who purport to be Pokots from Uganda but they go through the vetting process which is there in all the border districts. Of course, we do not refuse since there are a lot of problems in those processes of vetting that we need to scrutinize very well so that the officers who are supposed to be vetting people should be very sincere. The people go through a lot of problems but we cannot purport to say: Let us get people come out of refugee camps to be registered as Kenyan citizens and yet they took themselves there intentionally intending to get permission to go out of the country.

So, hon. Temporary Deputy Speaker, I want to request hon. Members to support the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I want to put the Question on the amendment by hon. Njuguna.

*(Question of the first part of the amendment,  
that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in  
place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The amendment is carried. So, hon. Members, let us go to the original Motion, but now as amended in your Order Paper and debate it as amended. The amended Motion for this matter reads:-

“Deleting the paragraph that starts with - and please look at your Order Paper - “including having an amnesty to those living in Wajir, Garissa and Mandera counties who may have erroneously registered as refugees in order to restore their privileges as citizens of Kenya including their integration into the community and for this matter reading: “registered and issued with identification cards”.

So, hon. Members we have three requests. So, we are debating on the Motion by hon. Diriye as amended by hon. Njuguna. The hon. Member Dr. Otuoma of Funyula. He has not spoken on this Motion. Hon. Members, I want to direct. Let us visit our Standing Orders. Let us not look like--- The public is watching and we are the representatives of Constituencies. Let us have informed Members of Parliament. Your bible is the Standing Orders.



**Hon. Otuoma:** Thank you Temporary Deputy Speaker. I stand to support the Motion as amended. I want to say that all Kenyans have a right to have national identity cards regardless of which part of Kenya they come from. I happen also to come from a border county. One of the issues that was elaborated by the hon. Mover of this Motion was that some peripheral counties have been discriminated when it comes to vetting and making sure that all Kenyans get their identity cards. The issue of security has been used as one of the reasons for discriminating against Kenyans and yet, the law is very clear. The sovereignty of Kenya, the parcel or piece of land that is called Kenya, does not allow any part of Kenya to be superior to another.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Order Members! Hon. Otuoma, Member representing Funyula Constituency is contributing. Hon. Members, we are all representatives. Let us give him time so that he can give his sentiments.

**Hon. Otuoma:** Thank Temporary Deputy Speaker for ensuring there is order in the House so that the people of Funyula can be represented truly. I want to say that we are going to get equality in this country, if all parts of Kenya---

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Members, coming to the Speaker's Desk will not help. It is at the discretion of the Speaker so that we can all have chances of speaking. We are all full Members and I want to feel confident that you represent a constituency in this House. Hon. Members, I have 25 requests and, maybe, just as a reminder from the Speaker is that today – and this is meant to allay the anxiety of those who have not been around - that the House will adjourn at 1.00p.m., not 12.30 p.m. We are all safe and we will be able to contribute to this good Motion. Thank you for the anxiety, urge and need to contribute to hon. Diriye's Motion. Today is a Wednesday when we have the private Members Motions. This is a right move. We are doing the right thing hon. Members. You are representing your Constituencies very well and that is why I think it is important for us to have some sanity and decorum in the House. Thank you.

**Hon. Otuoma:** Thank you Temporary Deputy Speaker, I hope you are going to add me some more time. As we have said, many young people are the ones who are affected; young men and women who are just leaving schools and they want to find their positions in society. They want to look for opportunities to cater for their livelihoods. Those are the people who are denied the identity cards and they cannot be able to access any services. They cannot be able even to register companies. We have talked now about affirmative action of 30 percent procurement. If the young men and women are unable to access identity cards, they cannot even register those companies that are needed for them to be able to participate in this procurement quarter that they have been given of 30 percent. It is also very clear that in some areas when those registrars are sent, the vetting process which is supposed to be done by the chiefs, the assistant chiefs, the council of elders and the national security, sometimes, those young people should be given identity cards. But you find the registrars still refusing and either asking for baptism cards from churches that we do not understand and yet, the local people have already identified that, that person belong to that area. He is neither a Ugandan nor an Ethiopian. That is a process that needs to be streamlined. Once the chief or the assistant chief or the elders have already ascertained that, that person is known and born in that area, that should be guarantee enough to say: “This is a Kenyan and should not be subjected to further discrimination or denial of getting the identity cards.”

It has also come to my attention that one of the issues that today we call tyranny of numbers starts with discrimination in issuing of identity cards to certain parts of this Republic. That is where the problem starts. How do you explain that you can have a high percentage of people with identity cards but when it comes to voter registration, discrepancy is so high? In other areas, when you have got identity cards, and you look at the voter registration, there is some similarity or some correlation? But in other areas, how does somebody manage to register for an identity card and yet the same person cannot be registered as a voter? This is something that we need to look into, so that when the issuance of IDs is streamlined properly, we should be able to look and say that since representation is a basic human right, those people with IDs must be able to get their voters card without such a large discrepancy like we have seen in some parts of this

country. This has translated itself into this Parliament as if people can get IDs but cannot---

**The Temporary Deputy Speaker** (Hon.(Ms) Mbalu): Hon. Members, there is a reminder about the five minutes. Five minutes for your planning hon. Otuoma.

**Hon. Otuoma:** Thank you Temporary Deputy Speaker. I am almost through. That is because we cannot belabor the point that anybody who has gone through all sorts of schools in this country; anybody who has been born in this country and you have been identified and your parents are known, it should be your basic right to be given an ID and not be subjected to further questioning. I agreed with the amendment but we also know for some of us who come from the border areas that there is fluidity of movement of Kenyans like myself between Kenya and Uganda. We really move a lot. We even have people who have got families across the border. I know part of this has been cured by passing that we can now be dual citizens and also free movement of people within the East African Community. But I was just looking at the issue in North Eastern and I have been saying that many of those people go to register as refugees either to get some access to go to foreign countries or to be given food or privileges that come through being a refugee. But how do you have a country where somebody feels that it is more honorable to be a refugee than a Kenyan? We need to look at some of those issues that make those people feel that they can be refugees and not Kenyans, so that we can address the underlying issues that make them do that. But I agreed with the amendment knowing very well that by registering as a refugee---

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Good contribution hon. Member. Hon. Member for Rongo, hon. Dalmas Otieno.

**Hon. Anyango:** Thank you Temporary Deputy Speaker. This Motion raises six key issues. The first one is on the identification of Kenyans, the second is on citizenship, third, is on terrorism and security in the country. Fourth---

**Hon. Simba:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Simba Arati, there is nothing out of order. Let us have sanity in this House. Let us not keep on saying point

of orders when we cannot differentiate points of order and points of information. Hon. Otieno, carry on.

**Hon. Anyango:** Four, the issue of refugees. Five is our border controls and six is the issue of discrimination particularly of the genuine Kenyan- Somali citizens. First, with the identification of Kenyans, what we need is a single identification document. That, it will be an ID; it will be a voter's card; it will be a passport number and it will be also a tax pin. Anything you do as a Kenyan with this number, we are able to track whatever you have done within the country. If you have travelled out, if you have voted or if you have committed any fraud, we have enough data base. Right now, the fiber optics has gone to the entire country. We can know and track every Kenyan as far as their identification is concerned. The Motion is calling on the Government to move with due speed to introduce the single identification system in the country so that we can capture all Kenyans adequately and can track them - including even their driving licenses. It can all be in one particular document if you press it from any relevant terminal, we can tell everything else about that particular individual.

As to the issue of citizenship arising out of this Motion, there is no question of amnesty as we have already resolved. Any person who wants to apply to be a Kenyan citizen, whether originally a Somali or not, can apply any time and if you qualify, you will be given that citizenship. The moment you are, our identification system will track your every movement. With this single identification system, it will be possible to have a terminal at any station, when any suspect reports to that station; we can get his history of everything he has done in the country, including where he has travelled or any other brushes with the law.

As to the issue of terrorism, this is very tricky. The suspicion and the discrimination of our Somali citizens arise out of the suspicion that initially, *Al Shaababs* were largely Somalis. But now they have recruited many other Kenyans who are also members of the *Al Shaabab*. The Somali elders must agree to work with our security systems to stop the issue of terrorism and the *Al Shaabab* threat to this country. Until they do so, the Mover of the Motion would have to request you to round up the entire Somali

community in Kenya, so that they can agree to help Kenya to control security adequately for all of us.

As to refugees, we already know that Somali refugees are a special category in this country. If anything, they should be IDPs in their own country and not refugees here. How can we have 12,000 of them and allow them to be citizens to vote and change the power balance in the country without due process of becoming actual citizens? So, our North Eastern counties of Wajir, Garissa and Mandera will just have to agree that ideally, if the western side of Somali Jubaland is already liberated, all these refugees who do not want to apply to be Kenyan citizens should be IDPs on that side and we should persuade the international community to handle their

problem on the other side of the border.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Dalmas Otieno, very well spoken. Members, your time is only five minutes, please, for your planning. Hon. Member for Kacheliba.

**Hon. Lomunokol:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this important Motion. I support the Motion as amended because the issue of security in this country is paramount. We must be alive to the fact that us, as lawmakers, we need to make laws that enhance security. We should support our security agents by making laws that enable them to work effectively.

I also want to concur with the Mover of the Motion on discrimination. This is evident in Pokot County where we have Somalis living as residents. They get discriminated in terms of the issuance of identity cards. I represent a constituency that became part of Kenya in 1971 and has witnessed discrimination and marginalization. As I speak, a number of elderly persons in my constituency are not eligible to the funds for the elderly people simple because they do not possess the Kenya National ID card. Those are Kenyans. This happened because of marginalization and discrimination. The population of Kacheliba Constituency, according to the 1999 Census is 156,000, but the constituency can hardly raise 30,000 voters. This is simply because the largest part of the population is not registered as voters because they cannot access identity cards.

According to the estimates by the IEBC of last year, the constituency is supposed to register 72,000 voters. The actual registered voters were 24,000. This is because the constituents cannot access the registration centres or there were no immigration officers at the registration centers are required. Some Kenyans are qualified to be employed, but because they do not possess identity cards, they miss job opportunities. A case in particular was during the recent police recruitment exercise where we had people who had certificates and who came with waiting cards. Others did not have identity cards. This is a very serious matter. If we have to show that we are one Kenya, all the services in this country must be shared equally to the rest of the nation. Everybody should be given equal opportunity to access the services that are required. Today, we speak of the *Uwezo* Fund. I am sure a number of Kenyans in other constituencies, apart from mine, will not enjoy the benefits of that Fund because they do not have identity cards.

This is a serious matter that even before trying to address other issues like unemployment, the Government should be concerned about how to register those citizens first.

With those few remarks, I support the Motion as amended.

**Hon. Opiyo:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion as amended. The issuance of identity cards in this country is a very serious matter. The total population of this country is estimated at about 40 million Kenyans. During the last general elections, we had about 12 million registered voters. Ordinarily, you would expect that up to about 60 per cent of a population are of voting age. Therefore, we would expect that the voting population in Kenya would be about 24 million.

This matter disenfranchises many Kenyans and they are not able to make decisions with regard to who can become their leaders. Because the Chairperson of the Budget and Appropriations Committee is present, I would suggest that in future, when we do budgets for the Ministries, the budget for the Ministry in charge of registration of persons should be ring-fenced and protected. Sometimes, you give adequate money to the Ministries and they fail to fund the registration of persons adequately. The Chairperson of

the Committee on Budget and Appropriations should in future take up that matter seriously.

Hon. Temporary Deputy Speaker, the regions that are far-flung at the border districts of Kenya have a lot of problems in registration of persons. There are a lot of excuses and convoluted vetting process that ends up alienating people. I think we should come up with ways that will enable our people get identity cards. In my own interpretation, these are just documents for identification. Why then can we not even legislate and allow children as young as 15 years to get identity cards while they are still in school? These days many students who graduate to universities are younger than 18 years of age and they cannot access loans from Higher Education Loans Board (HELB) because they do not have identity cards. We should legislate and allow children of 15 years of age to have identity cards, because ultimately it shows their age.

Hon. Deputy Speaker, there has been a lot of skewed resource allocation to the office of the Registrar of Persons in this country. Like the area I come from, those people have got offices and officers who do without finances and without vehicles to move around and do mobile registration.

I think hon. Diriye could have brought this Motion at a better time. It is timely and we really have to confront this issue. We must compel the Government of the day to ensure that they avail resources, vehicles, manpower and enough facilitation funds so that our people are registered. We cannot live in a country where a certain section of our population cannot access simple things like banking facilities or even joining groups. There are groups you cannot join without registering as a citizen.

Hon. Temporary Deputy Speaker, I think we have to re-look at the way we distribute resources to the National Bureau of Registration in this country.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Okay, You support. Let us hear the voice of a lady. The Member of Parliament for Isiolo County, hon. A. Galgalo, you have the Floor?

**Hon. (Ms.) T.G. Ali:** Thank you, hon. Temporary Deputy Speaker, I stand to support the Motion as amended and I want to raise some very pertinent issues.

One of them is the identity cards which are very important documents. Many of the students and the youth from some of areas including Wajir, Garissa, Isiolo and Marsabit fear being arrested. Some of them cannot even come to Nairobi.

Hon. Temporary Deputy Speaker, it takes too long for these identity cards to be issued and I do not know if the Ministry and the department concerned with the issuance of identity cards have a service charter.

Sometimes the issuance of identity cards takes like six to seven months and this puts the youth who are looking for these documents at an awkward situation. Most of them cannot even get jobs. Sometimes, jobs are advertised including, for example, for uniformed officers like the police, the army and the rest. The requirement is that one has to have an identity card. That has not been very fruitful. The Ministry or the department concerned should give timelines on how long identity cards should take to be ready and be given to the youth. Some of the youth just sit there and wait for months and years and the identity cards are never issued.

Hon. Temporary Deputy Speaker, I would also want to talk about corruption that is going on in the National Bureau of Registration of Persons. I think this is one of the areas where we have seen corruption of the highest order. Officers who are there, including the vetting Committees collect money from the public and the youth who are looking for identity cards. In the process, many of the people who do not have goodwill for this country get identity cards through corruption. At the end of the day these brings a lot of problems to this country.

I want to give an example of a county that had a vetting committee member who was brought on board and about 400 youth were approved, but when the identity cards got to the Director of the Bureau, those identity cards were returned after about four months. The concerned committee member was said to be a foreigner and yet he was given the role of vetting people. Therefore, I think we should ensure that we also have the right people to give out these identity cards. The vetting committee which is supposed to be vetting people should be constituted properly so that we do not get embarrassed at the end of the day.



In my county, 400 identity cards were returned on allegation that the person who was doing vetting was a refugee. His identity card showed that he was supposed to be in a refugee camp. Therefore, the youth are suffering because they do not have identity cards up to today. That tells us how corruption in the National Registration Bureau is very high. That should be handled to ensure that, at least, when we are giving out identity cards, we give them to the right people. We will benefit when we are sure that we do not have security issues in this country and people who are not supposed to be having identity cards do not have them.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Let us hear from hon. Simba Arati. It is important always to be patient. Your time will always come, hon. Members. I know his was not a point order. Hon. Simba Arati, you have a request, not an intervention.

**Hon. Simba:** Thank you, hon. Temporary Deputy Speaker. I was dismayed this afternoon. I have been here since morning and, indeed, I came ahead of my colleagues who have spoken. It has happened for the whole week that I press this gadget and I do not get a chance to speak.

**The Temporary Deputy Speaker** (hon. (Ms.) Mbalu): Hon. Simba Arati, it is your time to speak. Unless you want to forfeit your time of contributing, then---

**Hon. Simba:** Hon. Temporary Deputy Speaker, I have said what I wanted to say and you have heard.

**The Temporary Deputy Speaker** (hon. (Ms.) Mbalu): We are sorry you have a cold. You can make your contribution as your people of Dagoretti are listening.

**Hon. Simba:** Hon. Temporary Deputy Speaker, I want to support the Motion as amended. I want to point out three issues.

Unless and until we engage secondary school students when they are registering for the Kenya Certificate of Secondary Examinations (KCSE) that they too registers for their identity cards; we cannot control this menace of being told that this region has not, indeed, registered or people have not got their identity cards.

Hon. Temporary Deputy Speaker, many children attain the age of 18 years when they are in Form Four. We expect that this is the only time that they would have to get their identity cards. I agree with the hon. Members who have spoken, especially our brothers from North Eastern. They suggest that we cannot open our borders for the Somali citizens who are in Somalia to be registered in Kenya under the guise of giving them amnesty in our country to be registered as citizens. There are other avenues they can use if they wanted to become citizens of this country. They can do so, either by staying here for seven years or get work permits.

The only way we can control the registration of foreigners--- The problem is the current Government. I do not think that it is serious, unless they want to steal the election of 2017. Then they would want to give it that direction. They can open it for all---

We know very well that even during the last elections and the Leader of Majority Party comes from that region---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Simba Arati you will have three minutes in the next sitting. Sorry for the cold. We hope you will be well; we wish you a quick recovery. Hon. Members, I want to thank you for the many requests including from George Omondi, Yusuf Chanzu, Christine Ombaka, Ali Rasso, and others. I must appreciate the interest you have shown to contribute to the Motion by hon. Abdullahi Diriye. If you have an amendment, please, read Standing Order No.5 (4).

### ADJOURNMENT

Hon. Members, it is now 1.00 p.m. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.