

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 1<sup>st</sup> September, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### QUESTION BY PRIVATE NOTICE

#### MEASURES TO CURB CATTLE RUSTLING IN MIGORI DISTRICT

(**Mr. Pesa**) to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

- (a) Is the Minister aware that in the recent past, several homes in Suna West and Suna Wasimbete Location, Migori District, have been invaded by cattle rustlers that resulted in a loss of cattle which were driven to Tanzania, and that on the night of Sunday 22<sup>nd</sup> August, 2010 six head of cattle were stolen from Mr. Otieno at Maemba Saba by cattle rustlers?
- (b) Is the Minister also aware that on or about 22<sup>nd</sup> August, 2010 armed robbers attacked and robbed two youths of all their clothes and shoes in the same region?
- (c) What plans does the Government have in place to ensure the stolen cattle are recovered and what support is the Government extending to Community policing which could help curb cattle rustling and other incidents of insecurity in the region?

**Mr. Speaker:** Is Mr. Pesa not here? We will revisit this Question a little later.

### ORAL ANSWERS TO QUESTIONS

*Question No.375*

#### NUMBER OF PRIMARY/SECONDARY SCHOOLS IN TURKANA

**Mr. Speaker:** Similarly, we will revisit this Question later.

*Question No.381*

#### NUMBER OF PRISON OFFICERS RECRUITED COUNTRYWIDE RECENTLY

**Mr. Lagat**, on behalf of **Mr. Koech**, asked the Vice-President and Minister for Home Affairs:-

- (a) to provide the number of prison officers recruited countrywide in the most recent exercise; and,
- (b) whether he could also provide the details and locations of those recruited from Nandi North (Mosop) District.

**Mr. Speaker:** Is there anyone from the office of the Vice-President and Minister for Home Affairs?

We will try and revisit the Question a little later if we have time.

*Question No.276*

EXPANSION OF MERU SEWERAGE SYSTEM

**Mr. Ruteere** asked the Minister for Water and Irrigation:-

- (a) in which financial year she will finance the expansion of the Meru sewerage system in view of the rapid expansion of the town;
- (b) whether she is aware that Makutano Town is not connected to a sewer despite the Minister's promise to connect it two years ago; and,
- (c) what measures she is taking to connect Makutano to the sewerage system.

**Mr. Speaker:** Is the Minister for Water and Irrigation not here? We will revisit the Question later.

On the next Question, I understand Mr. K. Kilonzo has instructed Mr. Nyamai to ask the Question.

Proceed, Mr. Nyamai!

*Question No.311*

PAYMENT OF PENSION DUES TO RETIRED ARMY  
OFFICER, CHARLES N. SOLOMON

**Mr. Nyamai**, on behalf of **Mr. K. Kilonzo**, asked the Minister of State for Defence:-

- (a) why Mr. Charles Ndumbu Solomon (Service No.8350), who retired from the army in November, 2005, has not been receiving his monthly pension; and,
- (b) when the Government will start paying the pension as well as all due arrears.

**Mr. Speaker:** Is the Minister of State for Defence not here? We will revisit the Question a little later. But for quite some time, there was intimation that the problem with the Front Bench was want of a Leader of Government Business. I am wondering why the latest development, and why appointment of a Leader of Government Business and an assistant has not cured this problem.

*Question No.345*

FUNDS FOR CONSTRUCTION OF KANYANGI  
SUB-DISTRICT HOSPITAL

**Mr. Nyamai** asked the Minister for Medical Services:-

- (a) how much funds have been set aside for the construction of Kanyangi Sub-District Hospital in the 2010/11 financial year; and,
- (b) when the works will start.

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

- (a) Due to budgetary constraints, no funds have been set aside for construction of Kanyangi Sub-District Hospital in the 2010/11 financial year.
- (b) Work will commence when the Treasury avails development funds to the Ministry for new projects.

**Mr. Nyamai:** Mr. Speaker, Sir, I want to thank the Assistant Minister for his answer. However, I am rather surprised that he is talking about budgetary constraints when on 4<sup>th</sup> February this year, the Minister for Medical Services did promise to allocate money to Kanyangi Sub-District Hospital. How come now he is talking about budgetary constraints when the Minister promised!

**Mr. Kambi:** Mr. Speaker, Sir, before that, the hospital had been allocated Kshs8 million. Due to unavoidable circumstances, the Treasury withdrew those funds. Right now, we are in negotiations with the Treasury to see if they can allocate the same amount so that this development project can take off. This is not only the case in Mr. Nyamai's constituency; it also affects various sub-district and district hospitals.

**Mr. Nyamai:** Mr. Speaker, Sir, could the Assistant Minister confirm once again as he did in February this year, that once they get this money from the Treasury, Kanyangi Sub-District Hospital will be given priority?

**Mr. Kambi:** Mr. Speaker, Sir, I do confirm and concur with the hon. Member. In fact, as I have said, we are negotiating with the Treasury; if you look at our budget, we had asked for almost Kshs1.9 billion and we were given only Kshs800 million. Our partners require that we must put money on the table before projects take off. However, the Treasury has agreed to our projects and we are in the process of sourcing for money. As soon as we get these funds, we will allocate them and the hon. Member will be given the first priority.

*Question No.385*

MAJOR SHAREHOLDERS OF KENYA  
AIRWAYS LIMITED

**Mr. Speaker:** Hon. Members, I have noticed that the Member for Kisumu Town East is unable to be here this afternoon on medical grounds. He has an appointment with the doctor which could not wait. So, I will defer this Question to Thursday next week.

*(Question deferred)*

*Question No.347*

DELAYED PAYMENT OF COMPENSATION  
TO JULIUS KAZUNGU'S FAMILY

**Mr. Gunda** asked the Minister for Labour:-

- (a) why the family of Mr. Julius Kazungu (deceased) have not been paid the full compensation under the Workman's Compensation Act following his death in a road accident, considering that the full amount of Kshs240,000 was paid to the Ministry by his former employers in March, 1988; and,
- (b) Whether he could confirm when the family will be paid the Kshs100,000 balance.

**Mr. Speaker:** Is the Minister for Labour not here? Mr. Ojode, what is happening to the Front Bench in the light of the sentiments that I expressed earlier on behalf of the House?

**The Assistant Minister of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, the Minister should be here by now. I would say that when you do the second round, I think they will be around. In the meantime, I will try and call from the back-side in order for them to come immediately and answer these Questions.

**Mr. Speaker:** Fair enough. I will revisit this Question a little later.

*Question No.370*

SETTLEMENT OF INTEGRATED INTERNALLY  
DISPLACED FAMILIES IN KIRASHA

**Mr. Njuguna** asked the Minister of State for Special Programmes what action she is instituting to settle the huge number of Integrated Internally displaced families of Kirasha in Kamae Location of Kinole Division who are currently under-going stressful life.

**Mr. Speaker:** Minister of State for Special Programmes! We will revisit the Question a little later.

Member for Githunguri! We will give him the benefit of the second round.

*Question No.376*

HAWKING OF GREEN TEA LEAVES  
TO PRIVATE FACTORIES

Member for Kandara! Similarly, we will revisit the Question a little later.

*Question No.379*

NON-PROVISION OF VEHICLE  
TO KABATI POLICE STATION

Now, this is the ultimate round. Member for Migori!

### **QUESTION BY PRIVATE NOTICE**

#### **MEASURES TO CURB CATTLE RUSTLING IN MIGORI DISTRICT**

**(Mr. Pesa)** to ask the Minister of State for Provincial Administration and Internal Security:-

(a) whether the Minister is aware that in the recent past, several homes in Suna West and Suna Wasimbete Location, Migori District have been invaded by cattle rustlers that resulted to loss of cattle which are driven to Tanzania; and that, on the night of Sunday 22<sup>nd</sup> August, 2010 six heads of cattle were stolen from Mr. Otieno at Maemba Saba by cattle rustlers?

(b) whether the Minister is also aware that on or about 22nd August 2010, armed robbers attacked and robbed two youths of all their clothes and shoes in the same region?

(c) what plans does the Government have in place to ensure the stolen cattle are recovered and what support is the Government extending to Community Policing which could help curb cattle rustling and other incidents of insecurity in the region?

**Mr. Speaker:** Question dropped.

*(Question dropped)*

Member for Turkana Central!

#### *Question No.375*

#### **LIST OF ALL PRIMARY/SECONDARY SCHOOLS IN TURKANA**

**Mr. Ethuro** asked the Minister for Education:-

(a) if he could provide a list of all primary and secondary schools in Turkana Central Constituency in particular and the larger Turkana region in general, indicating their boarding enrolment, streams and staffing levels;

(b) what kind of resources does the government provide to public schools to support boarding facilities, indicating the exact resources received by each school and how much food is the Government distributing through the school Feeding Programme per school per term in the larger Turkana; and,

(c) why were the thirty (30) schools approved by the District Education Board (DEB) in 2008 in Turkana Central were not included in the low cost boarding school programme.

Mr. Speaker, Sir, I wish to apologies for running slightly late just behind.

**Mr. Speaker:** Order, Member for Turkana Central. The time this House commences business is so explicit and fixed; as a matter of fact, cast in stone. So, it is not a good explanation for you to say that you were following the Speaker closely. You are supposed to be ahead of the Speaker.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg the indulgence of the House to allow me to answer this Question tomorrow afternoon. I do not have an appropriate answer to this Question today.

**Mr. Ethuro:** Mr. Speaker, Sir, I have no problem with tomorrow afternoon for purposes of getting the proper answer.

**Mr. Speaker:** Question deferred to tomorrow 2.30 p.m.  
Member for Mosop!

*(Question deferred)*

*Question No.381*

RECENT RECRUITMENT OF PRISON  
OFFICERS COUNTRYWIDE

**Mr. Lagat**, on behalf of **Mr. Koech**, asked the Vice-President and Minister for Home Affairs:-

(a) whether he could provide the number of Prison Officers recruited countrywide in the most recent exercise; and,

(b) whether he could further provide the details and locations of those recruited from Nandi North (Mosop) District?

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, I want to apologize to the Member for Mosop and, by extension, wonderful runner, Member of Parliament, Mr. Lagat for coming a little late.

Mr. Speaker, Sir, I beg to reply.

(a) The Prisons Department recruited a total of 1,935 officers countrywide.

(b) A total of eight candidates were recruited in Nandi North (Mosop) District; seven men and one woman. Other details of the recruited candidates are as follows:

1. Valentine Jebet, Nandi North District, female from Kosirai. She is currently undergoing training.
2. Edwin Kipchumba from Nandi North, Cheptewai Division. He is also undergoing training.
3. Onesmus Kiptoo Sirma from Nandi North, Kosirai Division, undergoing training.
4. Jonah Kiptoo Murkenda from Nandi North, Kipkaren Division is also undergoing training.
5. Edwein Kibichi Joiech from Nandi North, Kabiyet Division, also undergoing training.
6. Meshack Kipruto Rotich from Nandi North District, Kosirai Division was dismissed on account of corruption involving his recruitment.
7. Sammy Kimutai from Nandi North, Kosirai Division, undergoing training.
8. Kiptoo Joseph of Nandi North District, Kurgung Division, is undergoing training.

**Mr. Lagat:** Mr. Speaker, Sir, there are two issues that I am seeing in the recruitment. First of all, they are not balanced in terms of gender because only one lady was recruited against seven men. Secondly, many of them come from Kosirai Division. This means other divisions were left out. This is a serious issue because only one division benefited from this recruitment.

Could the Vice-President and Minister for Home Affairs assure us what he will do so that next time, recruitment will be done in a balanced manner?

**Mr. Musyoka:** Mr. Speaker, Sir, I can give that assurance, particularly in the light of the new Constitution which gives primacy of place to gender. I know that in the armed forces, the story has been that you better have men who can fight better than women. But I think we have all been proved wrong. We are now moving in that direction. Under the new Constitutional dispensation, I want to give an assurance that this imbalance because it is one against seven, I think we will have to do better with regard to gender.

With regard to the divisions, I also note that. But clearly, all of them are from one constituency. I think that is where it all begins. All of us, as Members of Parliament, should give some appreciation to the Prisons Department for ensuring that every constituency is represented in the training that is ongoing.

**Mr. Lagat:** Mr. Speaker, Sir, I want to thank the Vice-President and Minister for Home Affairs. There is only one issue, when you look at number six in the list of recruited officers. There is one problem about corruption. What steps will he take so that next time, we do not find some recruits being dismissed because of corruption?

**Mr. Musyoka:** Mr. Speaker, Sir, I thank my friend for that Question. I want to request the whole country, particularly parents because there is always the temptation to say, I want my child recruited. I am appealing because we have gone on live transmission that Kenyan parents should avoid the temptation of giving any money to any recruiting officer, whether from the Prisons Department or any other departments of Government. What happened in the case of Meshack Kipruto Rotich from Kosirai Division was that he was recruited outside his district which is unprocedural, after failing to succeed in his home district. He alleges to have given the recruiting officers and an agent Kshs100,000 in order to secure the position. The moment my officers got wind of this, the Commissioner had clearly to dispense with this particular candidate. Therefore, I want to appeal to all our countrymen to realize that this is a new era. We must say no to corruption. Nobody should accept to be given money on behalf of another person to go and secure recruitment for their relatives. Certainly, we will be taking a very firm view of this.

Mr. Speaker, Sir, allow me to use the Floor of this House to even give warning to all the officers who serve under the Prisons Department. I am sure this applies to the Government across the board; that any case of corruption will be dealt with mercilessly.

**Mr. Sirma:** On a point of order, Mr. Speaker, Sir. If I heard the hon. Vice-President and Minister for Home Affairs well, he said that money was given out by one of the candidates who wanted to be recruited. Did he secure the job or he got his money back? This is because he cannot lose both of them. What did the Vice-President and Minister for Home Affairs do with the officer who received the money? I know that the Commissioner of Prisons is forthright and clear on what he does. What will the Vice-

President and Minister for Home Affairs do with the recruitment officers so that they do not demand money from those to be recruited?

**Mr. Speaker:** Order, Mr. Sirma! You stood on a point of order and you have asked three questions. So, I rule that out of order. Mr. Vice-President and Minister for Home Affairs, you need not respond.

*Question No.276*

EXPANSION OF MERU SEWERAGE SYSTEM

**Mr. Ruteere** asked the Minister for Water and Irrigation:-

(a) in which financial year she will finance the expansion of the Meru sewerage system in view of the rapid expansion of the town;

(b) whether she is aware that Makutano town is not connected to a sewer despite the Minister's promise to connect it two years ago; and,

(c) what measures she is taking to connect Makutano to the sewerage system.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, I rise to seek the indulgence of the House to be given more time on this Question because we are dealing with donor funds on this project. We have not got any confirmation from the donors in order for us to give a concrete answer. I have also humbly requested the Member for North Imenti to give me more time and we are in agreement.

**Mr. Speaker:** Is that all you want to do, Mr. Assistant Minister?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, are you asking me how much time I require?

**Mr. Speaker:** No! I am asking if that is all you want to do.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, first of all, I apologise that I was not here when the Question was called out for the first time. I require some time to answer this Question in an able manner.

**Mr. Speaker:** That is not good enough! That is still very casual. You apologise for not being here when the Question was asked. There must be an explanation as to why you were not here and the House needs to be satisfied that you were not here for a good reason.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, I was within the precincts of Parliament. I was still consulting the Ministry officials. In fact, I was with the Vice-President and Minister for Home Affairs and so, we came in good time. I was here early enough.

**Mr. Speaker:** Were you still consulting with among others, the Leader of Government Business?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): No, Mr. Speaker, Sir.

**Mr. Speaker:** But that is what you have just said!

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, let me repeat exactly what I said. First of all, I apologise for coming late. Secondly, I seek the indulgence of the House that I do not answer the Question today because we are



still consulting. This project will require donor funding and not Government funding. Therefore, it is important that I come here and give a concrete answer.

Thirdly, a similar Question was asked in this Question during the last Session and we made an undertaking. It is important that we come and fulfill the promise that we gave in this House. At the end of the day, we have the HANSARD which can be used to challenge us on what we promised last time I answered this Question. I have also consulted with the hon. Member and we are in agreement that I seek more time. That is exactly why I am requesting that you give us more time, knowing very well that I have always been here to answer Questions effectively.

**Mr. Speaker:** Fair enough. You are accommodated and I defer this Question to Tuesday next week. Is that fine with you?

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Speaker, Sir, I have said that we are consulting with donors and because it is not a Question by Private Notice, we required, at least, a week. I request that you give us two weeks.

**Mr. Speaker:** Mr. Ruteere, are you comfortable with two weeks from today?

**Mr. Ruteere:** Mr. Speaker, Sir, I have no objection, since his consulting will result in us having the sewerage system.

**Mr. Speaker:** Very well. It is so ordered! The Question will be on the Order Paper two weeks hereafter.

*(Question deferred)*

Mr. Assistant Minister, since the HANSARD has already captured, as part of your explanation earlier on that you were still consulting and you were, in fact, with the Vice-President and Minister for Home Affairs, now that I have accepted your explanation, do you want to withdraw the part that you were with the Vice-President and Minister for Home Affairs? This has already been captured on record.

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Speaker, Sir, I was referring to why I was late. I was within the precincts of Parliament. I was inside Parliament Buildings and not outside. I do not want to give excuses that I was held in a traffic jam when, indeed, that was not the case. I was just being honest.

**Mr. Speaker:** That is fair enough! What you need to do is easy. So that you do not include the Vice-President and Minister for Home Affairs in your explanation, withdraw your claim that you were with the Vice-President and Minister for Home Affairs and, therefore, it becomes part of your explanation.

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Speaker, Sir, I took lunch with him. We were with him within Parliament Buildings.

**Mr. Speaker:** In that case it will remain on record. We just want to be very honest.

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** I was very honest, Mr. Speaker, Sir. I took lunch with the Vice-President and Minister for Home Affairs.

**Mr. Speaker:** That is fair enough! Let us move on to the Question by the Member for Mutito.

*Question No.311*

PAYMENT OF PENSION DUES TO RETIRED  
ARMY OFFICER CHARLES N. SOLOMON

**Mr. Nyamai**, on behalf of **Mr. K. Kilonzo** asked the Minister of State for Defence:-

(a) why Mr. Charles Ndumbu Solomon (Service No.8350), who retired from the Army in November 2005, has not been receiving his monthly pension; and,

(b) when the Government will start paying the pension as well as all due arrears?

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaissery):  
Mr. Speaker, Sir, I seek the indulgence of the House that this Question is deferred because the Minister, hon. Yusuf Haji, who agreed to answer it has gone for a funeral. We had agreed in the Ministry that he was the one to answer this Question. Therefore, I did not carry the answer. This Question could be answered on Tuesday, next week.

**Mr. Speaker:** It is so directed. I defer the Question to Tuesday, next week!

*(Question deferred)*

Let us move on to the Question by Mr. Nyamai!

*Question No.345*

FUNDS FOR CONSTRUCTION OF KANYANGI  
SUB-DISTRICT HOSPITAL

**Mr. Nyamai** asked the Minister for Medical Services:-

- (a) how much funds have been set aside for the construction of Kanyangi Sub-District Hospital in the 2010/11 financial year; and,  
(b) when the works will start.

Mr. Speaker, Sir, I had already asked that Question and it is on the HANSARD.

*(Question deferred)*

**Mr. Speaker:** Let us move on to the Question by Member for Bahari!

**Mr. Gunda:** Thank you, Mr. Speaker, Sir. I rise for the second time to ask Question No.347.

*Question No.347*

DELAYED PAYMENT OF COMPENSATION  
TO JULIUS KAZUNGU'S FAMILY

**Mr. Gunda** asked the Minister for Labour and Human Resource Development:-

(a) why the family of Julius Kazungu (deceased) have not been paid the full compensation under the Workman's Compensation Act following his death in a road accident, considering that the full amount of Ksh.240,000 was paid to the Ministry by his former employers in March 1998; and,

(b) if he could confirm when the family will be paid the Ksh.100,000 balance?

**Mr. Speaker:** Is anyone here from the Ministry of Labour and Human Resource Development? Yes, the Leader of Government Business!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, I seek the indulgence of the Chair and the House to have this Question deferred until next week because the Minister should have been around, but he is not. I think we will be able to deal with this matter next week.

**Mr. Speaker:** Hon. Vice-President and Minister for Home Affairs, while you were away, among other things, most of the Members of the Front Bench were not present to answer Questions directed at the different Government departments. Quite often, before you were appointed as the Leader of Government Business, the Front Bench gave, as a reason, the fact that you were not appointed for failing to be in the House. Do you want to say anything to that or even lobby them so that they now rise to the occasion, given the fact that the position is filled?

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, I intend to bring this matter before the Cabinet because in addition to the doctrine of collective responsibility, I believe that as the Leader of Government Business, I will require the support of every Member of the Front Bench - Ministers and Assistant Ministers - to be available and be committed to the business of this House. I intend to take this matter up very seriously in Cabinet.

For a start, if it pleases the Member for Bahari, I have a copy of the written answer. If I read it, perhaps, I may not be able to deal with the supplementary questions and that is why I feel that I should take this matter as a case study. I will talk to the Minister, Mr. Munyes and his Assistant Minister to make sure that any Question directed to the Ministry of Labour and Human Resource Development again will not go unanswered or, at least, unexplained.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! I defer the Question to Wednesday next week, at 2.30 p.m. The Minister will be expected to offer a reasonable explanation as to why he was not present to answer this Question.

*(Question deferred)*

*Question No.370*

SETTLEMENT OF INTEGRATED INTERNALLY  
DISPLACED FAMILIES IN KIRASHA

**Mr. Njuguna** asked the Minister of State for Special Programmes what action she is instituting to settle the huge number of integrated internally displaced families of Kirasha in Kamae Location of Kinole Division who are currently under-going stressful life.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M. M. Ali): Mr. Speaker, Sir, first and foremost, I apologize for coming late into the House. I was caught up in a traffic jam at County Hall. You called out the Question just before I entered the Chamber.

**Mr. Speaker:** Fair enough! I will accept your apology, although it is not satisfactory. Refrain from giving that explanation in future, because we all travel on the same roads. So, traffic jam is not a good enough excuse. Will you, please, furnish the hon. Member with a copy of the written answer?

**Mr. Njuguna:** Mr. Speaker, Sir, I already have it.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M. M. Ali): Mr. Speaker, Sir, I assure you that I will not give that excuse again.

I beg to reply.

Mr. Speaker, Sir, no action has been instituted to settle the huge number of integrated internally displaced families of Kirasha in Kamae Location of Kinole Division because my Ministry has not received any such claim from the area District Commissioner where they are reported to be.

**Mr. Njuguna:** Mr. Speaker, Sir, I am somehow taken aback by the response given by the Assistant Minister, aware that a list showing the families affected, who are about 248, was submitted to the Ministry's headquarters by the Office of the President. With your indulgence, I wish to table the list of the affected families.

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

**Mr. M.M. Ali:** Mr. Speaker, Sir, this matter has been coming up every now and then and I think we have been giving the same explanation for the Internally Displaced Persons (IDPs) who are properly registered. The Ministry has got its own database and is handling all the IDPs who are properly registered. For these other ones where they may be producing lists, profiling of IDPs closed on 31<sup>st</sup> December, 2008. Any list after that is not being considered by the Ministry until we dispense with the ones who have been properly registered.

**Mr. Mureithi:** Mr. Speaker, Sir, whereas the Assistant Minister is talking of the IDPs who have not been registered with them in Lari, I would like him to also tell us what he is doing about the IDPs who are duly registered and currently suffering during these long rains in some areas, including my area of Ol Kalou.

**Mr. M.M. Ali:** Mr. Speaker, Sir, before I come to the Ol Kalou bit, the hon. Member has mentioned Lari. Lari is a new district which was just created recently. It used to fall under Kiambu West. We have been able to resettle 2,112 IDPs. The District Commissioner (DC), Kiambu West, still has got some monies which have not been claimed by anybody. I would have expected the hon. Members to first clarify with the old DC. A total sum of Kshs2.5 million is lying unclaimed with the Kiambu West DC. This is enough for 250 households. Possibly, I would request or guide the hon. Member concerned if he can get in touch with the DC, Kiambu West. But for the rest of the IDPs,

the programme is at hand. It is only two weeks ago when I answered a similar Question. For those who have been properly registered, the progress is ongoing. The bit which has been outstanding, as I said earlier, is only about the purchase of land which is being tackled by the Ministry of Lands and we are awaiting their direction.

**Mr. Ruteere:** Mr. Speaker, Sir, the Assistant Minister has said that it is only the genuine registered IDPs who are supposed to benefit. How sure is he that those names which have been tabled by the Member for Lari are not genuine or were not left out because the Ministry did not know them?

**Mr. M.M. Ali:** Mr. Speaker, Sir, I think the hon. Member knows too well that this Government has got ways of identifying genuine and fake IDPs because this issue has been here for rather too long now. The list of genuine IDPs is normally submitted by the DCs. For heaven's sake, if you have got any IDP who claims to have been a victim of post-election violence, please, let it pass through the DCs and then it will reach us, and we shall deal with it.

**Mr. Warugongo:** Mr. Speaker, Sir, my constituency has got about 3,000 or more IDPs who came from the Rift Valley and other areas. What plans does the Assistant Minister have to also settle those IDPs who are in my constituency and are all registered with the DC?

**Mr. M.M. Ali:** Mr. Speaker, Sir, I have the same plans that we have for the rest of the IDPs in the country. As I said earlier, the process is ongoing for those who have not yet been resettled. We have faced problems before of financial flow, but this one now has been addressed. So, the process is ongoing.

**Mr. Njuguna:** Mr. Speaker, Sir, while I acknowledge the response given by the Assistant Minister that there is some money amounting to Kshs2.5 million that could be utilized by these families at Kirasha, could he issue a directive to the Kiambu West DC on the same? Secondly, given that these families have been suffering since 2008, could he consider providing toilet facilities and relief food to those people?

**Mr. M.M. Ali:** Mr. Speaker, Sir, on the first bit of directing the Kiambu West DC, the answer is "no". This is because, first of all, we do not know whether or not, the DC has got that list. The DC is empowered only to pay those IDPs who are in his list. In case, they are in his list, then the hon. Member and his new DC can liaise with the Kiambu West DC to find out whether or not, they are actually on that list. If they are not, then we cannot issue any directive.

Regarding the second question, yes, we shall provide relief food to those who do not have. About the toilet facilities, we shall liaise with the Ministry of Public Health and Sanitation to ensure that our people are in a healthy environment.

**Mr. Speaker:** Where is Mr. Baiya? That Question is dropped.

*Question No.376*

HAWKING OF GREEN TEA LEAVES  
TO PRIVATE FACTORIES

*(Question dropped)*

**Mr. Speaker:** Next is Member for Kandara. Is he not around? That Question is dropped!

*Question No.379*

NON-PROVISION OF VEHICLE TO KABATI  
POLICE STATION

*(Question dropped)*

**Mr. Speaker:** Hon. Members, that brings us to the end of Question Time. We will now move on to the next Order.

**MINISTERIAL STATEMENTS**

ACTIVITIES OF CALVARY TEMPLE OF KENYA

**Mr. Wako:** Mr. Speaker, Sir, I beg to make the following Ministerial Statement that was requested by hon. Prof. Kamar and pursued by Mrs. Millie Odhiambo-Mabona, whom I think is around. It was on the activities of Calvary Temple of Kenya and she asked it on 8<sup>th</sup> June, 2010. The Office of the Prime Minister received serious allegations against the above mentioned church, which included influencing both parents and students to discontinue their education. Female students were being coerced into marriages by the church pastors and confiscation of their title deeds, log books and marriage certificates from some of the members.

Concurrently, the Registrar-General in my office and the Commissioner of Police received similar complaints. Vide a letter dated 24<sup>th</sup> June, 2010, the Director of Public Prosecutions directed the Director of Criminal Investigations (CID) to investigate the matter. We are yet to receive the investigation file in spite of a reminder of the same. After talking to them, they have said that we will have the file within the next two weeks or so. Vide another letter dated 10<sup>th</sup> August, 2010, the Deputy Registrar of Societies wrote to the Director-General of the National Security Intelligence Service (NSIS) to probe the church activities and give us a report on the same. My office is yet to receive the report from the Director-General, NSIS and the CID. As soon as we receive the same, appropriate action will be taken in accordance with what is contained in the reports.

**Mr. Speaker:** Any Member who wishes to seek clarification on that Statement? Well, none.

**Dr. Khalwale:** Mr. Speaker, Sir, you directed yesterday that following a point of order raised by hon. Mbadi, I substantiate my claims that NARC (K) party sponsored her own cocktail party at the City Cabannas.

**Mr. Speaker:** Very well, I recollect that. Just wait; I will give you a slot later. Mr. Khang'ati!

**The Assistant Minister, Office of the Prime Minister** (Mr. Khang'ati): Mr. Speaker, Sir, this morning, under Question 279, hon. Otichillo asked the Minister for Environment and Mineral Resources a Question regarding the disposal of raw sewage by Naivasha Water and Sewerage Company into Lake Naivasha. Hon. Kajembe, Assistant

Minister for Environment and Mineral Resources responded to the matter. The ensuing debate revealed that the matter contained cross-cutting issues and that it was not receiving serious attention. The Chair directed that the Prime Minister should coordinate all the relevant Ministries - Ministry of Water and Irrigation, Ministry of Environment and Mineral Resources and Ministry of Public Health and Sanitation - so that he can provide an all-inclusive answer to this House.

I want to confirm to this House that, indeed, the matter has been brought to the attention of the Prime Minister. He has directed me to come here and inform the House that in the next Sitting, he will come up with a comprehensive answer regarding the matter.

Thank you.

**Mr. Speaker:** Very well! Hon. Member for Ikolomani!

**Dr. Khalwale:** Mr. Speaker, Sir, I would like to take this opportunity to lay on the Table, the following documents as substantiation. One is a letter written to me by the Executive Director responding to my requests for the following documents. One, a confirmation signed by Mr. Taabu Daniels, the Executive Director of NARC (K) confirming among other things that, NARC (K) had a registered secretariat which funded its own "Yes" campaign and, subsequently, they had a bash which they funded.

I have also attached a copy of an advertisement in a daily newspaper which has been authenticated by being counter-signed by the Executive Director which shows that the party invited all Kenyans to their bash. It is indicated very clearly that the guest of honour was hon. Ms. Karua and Messrs. Kamama and Mungatana. The people who came to participate were charged Kshs500 per person at the entrance and, subsequently, bought their own food and drinks.

Thank you.

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

**Mr. Speaker:** Order, Member for Gwassi. Let me, first of all, look at the documents.

*(Mr. Speaker perused the documents)*

**Mr. Speaker:** Order, hon. Members! I have looked at the documents tabled by Dr. Khalwale. I am afraid that I need time to compare this communication with the record on the HANSARD as to the assertions which were made by the Member for Ikolomani. The HANSARD record is not immediately available, so I will defer the making of any finding as to whether or not, this is admissible, until after I have acquainted myself with the accurate record of the HANSARD. On the face of it, the letter seems to go into a lot of other matters that were not raised yesterday. So, I will address my mind to that and make a finding.

**Mr. Mbadi:** Mr. Speaker, Sir, I appreciate your ruling and even as you go through the document, as an accountant, I believe that proof of expenditure is receipts. In carrying out your finding, I would request you to check if there are any receipts to that effect. I heard Dr. Khalwale saying that people were paying for the meals. I wonder what kind of a party that was, where you pay for the meals. No wonder, I did not attend it.

**Mr. Speaker:** Hon. Members, trust me to take all those matters into account, even as I make my finding.

Requests for Statements! Dr. Nuh!

## POINTS OF ORDER

### DISSEMINATION OF ALARMING SHORT MESSAGE SERVICES

**Dr. Nuh:** On a point of order, Mr. Speaker, Sir. This morning, I received an SMS which advises me not to receive calls from about five strange numbers that were listed. The SMS says that these calls come in red colours. The SMS advises me that one may get brain heamorrhage due to high frequency and about 27 people have already lost their lives because of receiving such calls.

In the foregoing, there are many phone calls and SMSs going round the country, warning Kenyans not receive calls from certain numbers. In the light of that, I want to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security to tell this House whether these allegations are true. Could he re-assure Kenyans that there is no harm in conducting their business as usual of communicating across the board and across networks? Could he also assure them of their security, whether or not they receive calls from any number?

I would also want him to tell the House how he intends to deal with persons or entities disseminating alarming information among Kenyans. I would also want to know where it all started and whether this is not about subscription wars between the giant mobile telephone providers. Is it a scheme by the mobile telephone providers to fleeze Kenyans by duping them to share security alerts or concerns, so that they go on a frenzy to make calls and send SMSs?

**Mr. Speaker:** Which Minister is the Statement directed to?

**Dr. Nuh:** Mr. Speaker, Sir, because this touches on the security of Kenyans and there are allegations that Kenyans have lost their lives, I want to address the Statement to the Minister of State for Provincial Administration and Internal Security.

**Mr. Speaker:** Minister, when will this be available?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I think he is misdirecting this Statement because the Communications Commission of Kenya (CCK), which regulates the use of mobile phones and other gadgets, whether digital or analogue, falls under the Ministry of Information and Communications, which is under hon. Poghisio.

**Mr. Speaker:** That appears logical. I will direct that Statement request to the Ministry of Information and Communications.

**The Assistant Minister for Information and Communications (Mr. Godhana):** Mr. Speaker, Sir, my Ministry is still not aware about that kind of information, but---

**Mr. Speaker:** Order! You have become aware now. When will you deliver the Statement?

**The Assistant Minister for Information and Communications (Mr. Godhana):** Mr. Speaker, Sir, I am happy that the Member---

**Mr. Speaker:** When will you deliver the Statement, Mr. Assistant Minister?



**The Assistant Minister for Information and Communications** (Mr. Godhana):  
Mr. Speaker, Sir, I undertake to investigate and respond by Thursday, next week.

**Mr. Speaker:** Thursday, next week!

**Dr. Nuh:** On a point of order, Mr. Speaker, Sir. This matter is very urgent because my constituents have been frustrated for the last many hours. They have made frenzy calls to friends and relatives, warning them that members of the public are losing their lives. If we hold the country at ransom to deliver such information---

**Mr. Speaker:** Order! You have made your point. Assistant Minister, this is an urgent matter, particularly when it is claimed to involve threats to lives.

**The Assistant Minister for Information and Communications** (Mr. Godhana):  
Mr. Speaker, Sir, for that purpose then, I undertake to give a response to the House by Tuesday, next week.

**Mr. Speaker:** Tomorrow afternoon, it is so ordered!

ACQUISITION OF L.R.No.2009/10350 (IR) No.52199  
AT UPPER HILL BY GOVERNMENT

**Mr. Nyamai:** On a point of order, Mr. Speaker, Sir. I want to seek a Ministerial Statement from the Minister for Lands. This is in connection with the acquisition of a piece of land in Upper Hill which is owned by the Kamba Community, namely; L.R.No.2009/10350 (IR) No.52199. This piece of land is commonly known as UKAI Centre. The Government intends to acquire this piece of land to construct the Office of the President.

I would like him to confirm whether the community leadership, including the trustees of UKAI, was consulted in arriving at this decision. Does the Government intend to compensate the community, and if so, how? In the process, he should also give us the market value for this piece of land. Finally, he should tell us the justification for targeting this piece of land as opposed to other pieces of land which are within that area which might be more appropriate in view of the fact that this is a densely populated area and the Presidential motorcade will cause a lot of inconveniences through traffic jams.

**Mr. Speaker:** Mr. Nyamai, before I give any directions to the Minister, you started off on your request by asserting that, that piece of land in the Upper Hill area is owned by the Kamba Community. Is that accurate? As you may know, land is registered in the names of persons, natural or artificial. Is there a person known as Kamba Community registered as the owner of that land?

**Mr. Nyamai:** Mr. Speaker, Sir, well, I am not a lawyer like you. I am a layman, but the only thing that I can say---

**Mr. Speaker:** You are an hon. Member of Parliament!

**Mr. Nyamai:** Yes, Mr. Speaker, Sir. I was coming to that! This land is owned by the community and is registered through a trust.

**Mr. Speaker:** What is the name of the trust?

**Mr. Nyamai:** Mr. Speaker, Sir, it is UKAI.

**Mr. Speaker:** Who is the registered owner of that piece of land?

**Mr. Nyamai:** UKAI, Mr. Speaker, Sir.

**Mr. Speaker:** Please, withdraw the words "Kamba Community"!

**Mr. Nyamai:** Most obliged, Mr. Speaker, Sir.

**Mr. Speaker:** Say so in your own words!

**Mr. Nyamai:** Mr. Speaker, Sir, I withdraw those words and apologize.

**Mr. Speaker:** Minister for Lands, when will that Statement be delivered?

**Mr. Ruto:** On a point of information, Mr. Speaker, Sir. I want to inform the Chair that the new Constitution provides for communities to own land. It is, probably, classified as community land.

**Mr. Speaker:** Order, Member for Chepalungu! That certainly is vexatious because it is clear that the land is registered in the name of trustees who are known as UKAI. So, why do you want to bring in the Kamba Community? Surely, that is frivolous! I am afraid, it is!

Minister for Lands, when will that Statement be ready?

**The Assistant Minister for Lands (Mr. Bifwoli):** Mr. Speaker, Sir, I will give the Statement next week.

**Mr. Speaker:** Tuesday, next week at 2.30 p.m. It is so ordered!

Hon. Members, so that we all relax, speaking from the position in which I sit, I want to urge all Members to endeavour to speak as Kenyans. Really, I have given directions on this. I do not want to start hearing of Luo Community, Kamba Community, Luhya Community, Kikuyu Community or whatever community you want to talk about. Let us address ourselves to issues as representatives of Kenyans. You may represent a given location in Kenya, but that is as much as I want us to reflect.

#### STATUS OF WFP FOOD DISTRIBUTION

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Special Programmes on the status of the World Food Programme (WFP) food distribution. Abiding by your ruling, I want to ask the Minister, on behalf of those Kenyans who are supposed to have received relief food, to confirm the status of distribution of relief food since January, 2010, being fully aware that in the last couple of months, there has been a tug of war between WFP and the Government of Kenya on who should be the lead agency.

I am, therefore, requesting the Minister to confirm to this House which districts are affected, which is the lead agency, what is the status of the actual distribution of food during the said period, and whether, in the event that some food was not delivered during a certain period, they are going to distribute the food to those people in arrears.

Mr. Speaker, Sir, I would like the Minister to confirm the specific roles of the agencies involved in food distribution in the country, especially the WFP, the role of the District Steering Group in determining the lead agency, and the relationship between WFP and the Ministry of State for Special Programmes. I would further like the Minister to confirm whether that relationship is not one where the WFP is micro-managing the Government of Kenya.

In addition, I would like the Minister to tell the House what led the WFP to directly manage the warehouses of food distribution, bearing in mind the fact that in managing those warehouses, the WFP has employed agencies which pay staff less money than when the NGOs that were contracted were engaged in the management of the warehouses.

Mr. Speaker, Sir, finally, I would like the Minister to confirm what action the Government of Kenya is contemplating to take to assert its authority as the legitimate Government of the people of the Republic of Kenya.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! Minister of State for Special Programmes, could you indicate when the Ministerial Statement will be delivered?

**The Minister for Agriculture** (Dr. Kosgei): Mr. Speaker, Sir, it will be issued on Thursday, next week.

**Mr. Speaker:** It is so ordered! That brings us to the end of Statements.

### CONSIDERED RULING

**Mr. Speaker:** Hon. Members, before we move to the next Order, I have the following considered ruling to make.

#### AFRICAN UNION PRESS RELEASE ON SUDANESE PRESIDENT TABLED BY FOREIGN AFFAIRS MINISTER IS ADMISSIBLE

Hon. Members will recall that yesterday, during the Statements Time, the Minister for Foreign Affairs made a Ministerial Statement on the visit to Kenya by President Omar Al-Bashir of the Sudan. In support of his Ministerial Statement, the Minister tabled a Paper titled “Press Release No.119/2010 – on the decision of the Pre-trial Chamber of the International Criminal Court (ICC), informing the United Nations Security Council and the Assembly of the state parties to the Rome Statute about the presence of President Omar Hassan Al-Bashir of the Sudan in the territories of the Republic of Chad and the Republic of Kenya. The Paper was dated 29<sup>th</sup> August, 2010. The Minister claimed that the said Paper was a Press Release from the African Union (AU), issued in Addis Ababa, the Union’s Headquarters.

Hon. Members, our rules of procedure on admissibility of Papers, which thereafter become records of the House, do not envisage the possibility of electronically obtained documents. However, this is now a reality in this age of information Communication technology (ICT). In this regard, hon. Members, you will remember that I indicated that I would rule on the admissibility of the Paper ostensibly from the AU today. I have confirmed that there is a similar Press Release on the AU website [ww.africaunion.org.dop](http://ww.africaunion.org.dop). It is similar in form, content and text. I, therefore, have no doubt that the paper laid by the Minister for Foreign Affairs titled “Press Release No.119/2010” is obtained from the AU website. I, therefore, rule that the Paper is admissible and will form part of the records of the House.

Thank you.

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

**Mr. Speaker:** Order, Member of Parliament for Chepalungu! I did indicate, as I started, that I would make three Communications. So, if you have points of order, please, await the completion of my Communication in three phases and then you can raise your points of order.

### COMMUNICATION FROM THE CHAIR

RETURNS ON BILLS AWAITING  
PRESIDENTIAL ASSENT

Hon. Members, you will recall that on Wednesday, 18<sup>th</sup> August, 2010 the Chair asked the Attorney-General to file returns in accordance with the Standing Orders in respect of a number of Bills, which have, in the recent past, been passed by the House and have been awaiting assent and subsequent publication as law.

Standing Order No.125(5) requires the Attorney-General, at the expiry of 14 days upon receipt of a Bill from the Clerk of the National Assembly, to file a return to the Speaker, indicating the time and date when the Bill was presented to the President for assent. I have now received the following returns from the Attorney-General in terms of Standing Order No.125(5):-

(i) a return dated 23<sup>rd</sup> August, 2010 in respect of the Commissions of Inquiry (Amendment) Bill, 2010, which was presented and was duly assented to by His Excellency the President on 13<sup>th</sup> August, 2010, at 12.30 p.m.;

(ii) a return dated 23<sup>rd</sup> August, 2010 in respect of The Alcoholic Drinks Control Bill, 2009, which was presented and was duly assented to by His Excellency the President on 13<sup>th</sup> August, 2010, at 12.30 p.m.; and,

(iii) a return dated 23<sup>rd</sup> August, 2010 in respect of The Prevention of Organised Crime Bill, 2010, which was presented and was duly assented to by His Excellency the President on 13<sup>th</sup> August, 2010 at 12.30 p.m.

Hon. Members, I have also received from His Excellency the President, the following Memoranda:-

(i) a memorandum of refusal to assent to The Animal Technicians Bill, 2010, dated 23<sup>rd</sup> August, 2010;

(ii) a memorandum of refusal to assent to the Indemnity (Repeal) Bill, 2010, dated 26<sup>th</sup> August, 2010; and,

(iii) a memorandum of refusal to assent to The Price Control (Essential Goods) Bill, 2010, dated 26<sup>th</sup> August, 2010.

The three memoranda are submitted under Section 46 of the former Constitution of Kenya, which is saved by the new Constitution.

*(Loud consultations)*

**Mr. Speaker:** Listen to this, hon. Members! It is important! The three memoranda are submitted under Section 46 of the former Constitution of Kenya which is saved by Section 3, Sub-section 2 of the new Constitution. Standing Order No.125, paragraph 6 requires that when the President submits a memorandum on a Bill to the Speaker, pursuant to Section 46 of the former Constitution which is saved, the House shall deliberate on such a memorandum within 21 days of the date when the House next meets. Accordingly, the memorandum of refusal to assent to the Animal Technicians Bill, 2010 has to be considered by the House by the 15<sup>th</sup> September, 2010. The memorandum of refusal to assent to the Indemnity (Repeal) Bill, 2010 and the memorandum of refusal to The Price Control (Essential Goods) Bill, 2010 has to be considered by the House by 16<sup>th</sup> September, 2010.

Hon. Members, a return is still awaited from the Attorney-General in respect of the Counter-Trafficking in Persons Bill, 2009 which was passed by the House on 20<sup>th</sup> July, 2010.

Hon. Members, I will allow those at the entrance to walk in.

*(Hon. Members at the Bar entered  
the Chamber)*

#### HOSTING OF 56<sup>TH</sup> CPA CONFERENCE BY KENYA

Hon. Members, the final communication is as follows: As you are aware, the Commonwealth Parliamentary Association (CPA) Kenya Branch will host the 56<sup>th</sup> Commonwealth Parliamentary Plenary Conference scheduled to take place from 10<sup>th</sup> to 19<sup>th</sup> September, 2010 here in Nairobi. The conference will be attended by Speakers, Ministers, Members of Parliament and Parliamentary officers from 54 countries. The hosting of this plenary conference is an immense honour to our country and hon. Members may wish to note that this is the third time that we are hosting such a conference, having hosted two such conferences in 1954 and 1983. Hon. Members, the conference will be taking place at the Kenyatta International Conference Centre (KICC) and we expect over 1,000 delegates and participants to attend.

The 56<sup>th</sup> CPA Plenary Conference will be officially opened on Tuesday, 14<sup>th</sup> September, 2010 at the KICC by His Excellency, the President of the Republic of Kenya, Hon. Mwai Kibaki, CGH, MP, in his capacity as the Vice-Patron of the Association. The official opening ceremony will be preceded by two other meetings namely; the Small Branches Conference which will take place on Sunday 12<sup>th</sup> September, 2010 and the Commonwealth Women Parliamentarians Conference which will take place on 13<sup>th</sup> September, 2010 at KICC.

I assure all hon. Members that preparations for the conference under the stewardship of the chairperson of the organizing committee, Hon. David Musila, MGH, MP and Assistant Minister, Ministry of State for Defence are on course and that we promise a most eventful conference. This conference could not be taking place at a better place than when we as a country, are on the high gear in re-affirming our place in the community of nations in view of the promulgation of the new Constitution and coming against the backdrop of the political and social challenges that we faced as a country in 2007/2008.

As one scholar Dexter Fletcher put it, “a winner is one who accepts his failures and mistakes, picks up the pieces and continuously striving to reach his goals.” This is the spirit that we must keep burning. The theme of the conference is; “Parliament and Development in the 21<sup>st</sup> Century: Thus Far and Beyond” and is befitting of our case as much as to the commonwealth countries. You may further wish to note that on Friday, 17<sup>th</sup> September, 2010 one of the topics for the day will be: “The Role of Parliament in Peace Building – The Case of Kenya in Addressing Post-Election Violence in 2008” which I believe will give Kenyan participants an opportunity to share with their counterparts our experiences. This will avail to us an equal opportunity for exchange of ideas amongst us and hon. Members will ultimately emerge more effective representatives of the people of Kenya.

The forthcoming conference will also go a long way in promoting regional and international co-operation and give the delegates an insight into our country's political, social and economic development. I, therefore, take this opportunity to appeal to all hon. Members to be part and parcel of the success of the conference. I, therefore, invite all hon. Members to attend the official opening of the conference which as stated earlier, will take place on 14<sup>th</sup> September, 2010. All delegates and conference participants are expected to be seated by 9.30 a.m. at the KICC Tsavo Ball Room.

Thank you.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. I refer to your first communication and appreciate the ruling that you have made in relation to the document mentioned by the Minister for Foreign Affairs. I do not intend to challenge the ruling but I only want to note that this is a milestone ruling and it will go down on record to be referred in all other rulings in future. To a certain extent, it appears to have affected certain aspects of the Standing Orders which require that the burden of proof or responsibility for accuracy rests with the person uttering the document. You have taken the extra responsibility of cross-checking through the website and other areas to determine the accuracy of the document uttered by the Minister. I do not know to what extent it has, therefore, shifted that burden from the person uttering to your office also, and whether you will henceforth extend the same consideration to other hon. Members who, because of the circumstances, will be forced to mention electronically transmitted documents. Therefore, I want to welcome that ruling and expect a clarification, especially in relation to that.

**Mr. Speaker:** Order, hon. Members! That is a very valid point of order. I appreciate, as I have said previously, the industry of the hon. Member for Chepalungu. He is a very vigilant legislator and ensures that everything is explicit and that, there is certainty in interpretation of our Standing Orders.

**Mr. Speaker:** Hon. Members, as I said in that communication, this is an area that is new, unprecedented and, therefore, we are in a way, setting new grounds by way of precedents that will be followed by the House in future and that will be binding on all of us.

Hon. Members, the burden of proof remains where it has always been. It has not shifted by this ruling. It is incumbent upon a Member making an assertion or tabling a document to assure us to its accuracy and legitimacy. So, the burden of proof will still remain with the originator of a document or a claim. In the circumstances of this particular press release that was alleged to have come from the Africa Union (AU) because this was a completely new area and unprecedented, the Speaker was under duty to ascertain that, in fact, that press release came from the AU. One of the things that I did to establish that was to check the website of the AU and I found that press release on the website of the AU. That, therefore, confirmed its origin. So on that basis, I have found that it is authentic because I did not find it on any other website which technologically is possible to do. That is the position. The burden of proof stays where it has always been.

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

**Mr. Mbadi:** Mr. Speaker, Sir, in your second Statement, I just want to observe that in the recent past, we have had increased cases of our Albino brothers and sisters

being lured to some other parts of the world where it is alleged that their body parts are being used for some clandestine activities. To protect these, Mrs. Odhiambo-Mabona successfully moved a Bill in this House, The Counter Trafficking in Persons Bill which this House passed. I have just heard from your ruling that this has not been assented to. I am concerned because this Bill would go a long way in protecting against this vice. Where could this Bill be? Could the Attorney-General explain to this House whether it is with the President or it has not left Parliament or why has he not brought a conclusive report on that Bill?

**Mr. Speaker:** Order, hon. Members! Hon. Members, from the communication that I made, I said the following with respect to the Counter Trafficking in Persons Bill; that a return is awaited from the Attorney-General in respect of the Bill. That is what I said. Implicit, therefore, in that communication is the fact that the Bill left Parliament and it went to the A-G. We are awaiting its return from the A-G because that is the channel of communication between Parliament and His Excellency the President. So, you know where it is and given that the AG is not here; I am not his spokesman, I am unable to indicate whether or not he forwarded it to His Excellency the President. But as things are, there is no cause for alarm because the process is flowing. So, let us await that return.

**Mr. Affey:** Thank you, very much, Mr. Speaker, Sir. From the outset, I want to thank the Chair and congratulate the Chair on the manner in which it forced the Government to provide positions on these very important Bills this House passed. I would like to get advice from the Chair on a particular issue where a Bill is passed by Parliament which is contrary to the Constitution. The Constitution which the President has returned to now is the former constitution Section 89 - The Indemnity Repeal Act, which is contrary to the Constitution. It went through and Parliament, in its own wisdom, discussed that Bill. We revisited it, it was passed again on 14<sup>th</sup> March, 2010 in this very House. The Government refused to assent to it for nearly five months until we got a ruling from the Chair which forced them now to refuse to sign this into law. It goes even against the current constitution and the Bill of Rights. I would like to request the Chair, given the circumstances that this Bill goes against the tenets of our current constitution and the former Constitution that you give a ruling that this Bill is null and void and therefore, it passes as the House has already passed it. It does not require presidential assent; Indemnity Repeal Act.

**Mr. Speaker:** Order, hon. Members! Hon. Members, hon. Affey requests the Chair in that point of order to make a finding that the Bill is unconstitutional. It will be premature for me to make this finding at this point in time because His Excellency the President in declining to give assent to the Bill as passed by this august House, has disseminated to me a memorandum titled “ Refusal to assent to the Indemnity Repeal Bill, 2010,” and the Constitution as well as our Standing Orders and indeed, our practices in this House, lay out elaborate procedure as to how the House will address itself to a memorandum issued by His Excellency the President and we will do so as I said in my communication, within 21 days of the refusal. So, it would be proper for us to attend and address ourselves to the memorandum within 21 days hereafter or from the date of the refusal so that the sentiments expressed by hon. Affey would be very useful to the House in deciding the fate of the Presidential Memorandum. The residual power to decide the destiny of the Bill as passed by the House rests with the House. So, invoke that residual power properly, democratically and you know what to do.

That then brings us to the next order of Business.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker in the Chair]*

## **BILL**

*First Reading*

THE TEA (AMENDMENT) BILL

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

## **PROCEDURAL MOTION**

REDUCTION OF PUBLICATION PERIOD OF APPROPRIATION BILL

**The Minister for Agriculture** (Dr. Kosgey): Mr. Speaker, Sir, I beg to move that under Standing Order No.107, this House orders that the publication period of the Appropriation Bill be reduced from seven to three days to enable the Government to function. I will ask Mr. Midiwo to second.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

**Mr. Ethuro:** On a point of order, Deputy Speaker, Sir. While I have no serious objections--- I want to put it that I am under obligation to support this Procedural Motion. But I think the Mover and the Seconder owe it to this House to give an explanation. Standing Order No.107 has already provided for the Appropriation Bill or any other Consolidated Bill to reduce the period of publication from 14 days to seven. With this Motion, we are again reducing from the seven days - which the Standing Orders have been so generous to the Government – to three days and the Deputy Leader of Government Business and the Chief Whip, do not want even to offer an explanation to the House so that we can be satisfied with that explanation and decide whether we want to oppose or support it. I do not believe a Procedural Motion is a matter of just asking a Proposer and a Seconder not to say anything.

Thank you!

**The Minister for Agriculture** (Dr. Kosgey): Mr. Deputy Speaker, Sir, as far as I know, Ministries--- If I could use the Ministry of Agriculture as an example, it has run out of funding. I am also aware that the Ministry of State for Provincial Administration and Internal Security has no funding at the moment. It cannot pay its bills. I also know, as a Member of Parliament that, I submitted my papers to you at the Constituencies Development Fund (CDF) a long time ago. You do not have the money and my projects are stranded.



*(Applause)*

So, I took it for granted that all of us are affected by this. That is why I did not think it is necessary to justify. But I have now justified and I hope that you will support me.

*(Question put and agreed to)*

## **BILL**

*First Reading*

THE APPROPRIATION BILL

*(Order for First Reading read – Read the First Time – Ordered to be read the Second Time today)*

*Second Reading*

THE APPROPRIATION BILL

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Deputy Speaker, Sir, I beg to move that the Appropriation Bill 2010 be read a Second Time. His Excellency the President has signified his consent to this Bill.

The Appropriation Bill, 2010, seeks statutory approval by Parliament of Government expenditure contained in the Estimates of Expenditure of the Financial Year 2010/2011. The Estimates for Recurrent and Development Expenditure were laid before this House on 10<sup>th</sup> June, 2010 and this House approved the Vote on Account on 23<sup>rd</sup> June, 2010. The Government has, so far, been disbursing funds on the basis of that authority. Upon being laid before this House, the Annual Estimates were committed to the respective Departmental Committees according to their mandates for consideration and review. I believe that the Committees have submitted their reports to this House and I, therefore, take this opportunity to commend all hon. Members and Members of those Committees for their thorough review of the Estimates. The comments, proposals and recommendations arising from those reviews have been noted and appreciated. They shall be taken into consideration by the Treasury and the respective line Ministries while implementing the current financial year's Budget and also in preparation and implementation of subsequent years' budgets.

The Government is still committed to addressing the various challenges affecting our country including poverty, inequity and unemployment. The challenges will be overcome through proper prioritization and utilization of our resources and the revitalization of the economy to achieve the desired growth. Hon. Members will recall that the financial year's Budget is premised on the need to support the various programmes that are tailored towards the achievement of Kenya's Vision 2030 in all the three areas; that is, the political, economic and social pillars.

Mr. Deputy Speaker, Sir, in this regard, we have continued to support the implementation of various Economic Stimulus Programmes (ESPs) which were started last year and fast-tracked the implementation of economic recovery, poverty alleviation and regional development programmes which were introduced in the 2010/2011 Financial Year to complement the continuing economic recovery programmes. The funds allocated will be used for payment of salaries for public servants and to meet operational and maintenance expenses under the recurrent votes, while those sought for under the development votes are to be used to implement development programmes, including the economic recovery and development programme. I assure hon. Members that funds shall be utilized efficiently to achieve the purpose and provide services for which this House has approved. Financial discipline and economy will be our guiding principle to achieve macro-economic stability and facilitate the achievement of our development goals as articulated in Vision 2030.

Mr. Deputy Speaker, Sir, I wish to present the Appropriation Bill, 2010, which contains details of supply for each Vote and the amounts to be applied as Appropriations-in-Aid. Clause 2 of the Bill provides for the issue out of the Consolidated Fund of the sum of Kshs639,525,246,648 and to appropriate the funds for the various services and purposes during the year ending 30<sup>th</sup> June, 2011. The sums include the amount authorized by the National Assembly on 23<sup>rd</sup> June, 2010, by Vote on Account under Section 101 of the then Constitution of Kenya. Clause 3 of the Bill makes provision for the sums to be applied as Appropriations-in-Aid for the various services and purposes.

At this juncture, I wish to assure hon. Members that, included in the Estimates is a total amount of Kshs14,353,000,000 which will be applied towards the CDF. Those funds are already catered for as per the Estimates in our Development Expenditure. I wish to sincerely thank all hon. Members of this House for their dedication and constructive deliberations as they discussed the issues of public expenditure management. I want to assure you that all the recommendations and guidance given has been taken positively for the better management of resources at our disposal. I look forward to your continued support and guidance as I do, from all hon. Members.

With those few remarks, I beg to move and call the Deputy Whip to second the Motion.

*(Question proposed)*

**Mr. Mbau:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to make my contribution to the Appropriations Bill for the financial year 2010/2011. This Bill is requesting a colossal sum of money. The expenditure for this financial year has hit an all time high of Kshs1 trillion.

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. With all due respect to my Chairman, I thought the Motion before us is a procedural Motion. The Appropriation Bill is coming later.

**Mr. Deputy Speaker:** Order, Mr. Mbadi. You are behind. Were you sleeping? You are out of order. The procedural Motion was disposed of way back.

Proceed, Mr. Mbau.

**Mr. Mbau:** Thank you, Mr. Deputy Speaker, Sir, for your kind protection. You will note that this financial year's Budget hit an all time high of Kshs1 trillion. Before we

pass this Bill, it is becoming important to take stock of the programmes and projects that the Government envisioned to be undertaken in the financial year 2009/2010.

Mr. Deputy Speaker, Sir, the Minister is requesting for Kshs809,091,503,445. As hon. Members will recall, when the Minister delivered this year's Budget Speech in this House, he read a financial statement which anticipated a total expenditure of Kshs998,825,016,824, of which the Consolidated Fund Services was Kshs187,733,513,379. This is the figure that we expected to see in this year's Appropriation Bill. However, it is evident that there is a difference of Kshs2 billion. This indeed represents a contingency, and I am not sure that this House is able to understand how such a contingency is administered because there is no explanation.

Just as I mentioned last year, issues of the Civil Contingencies Fund require due attention at this point in time. The Civil Contingency Act provides for only Kshs2 billion. However, the Minister keeps on creating other Budget lines with different names, but which are, in fact, still part of the Civil Contingencies Fund. A typical case in point is the item on Budget reserve. As I mentioned last year, the Minister for Finance should actually undertake to review the Civil Contingency Fund Act and bring it to this House, so that the amount of this Fund can be raised to the level he deems appropriate instead of keeping on constantly opening new Budget lines and windows that may be subject to abuse by officers and other persons; this often tends to happen.

Mr. Deputy Speaker, to further enhance transparency of the Budget process, the Minister for Finance should table on a quarterly basis, regularly and without fail, details of activities or projects and programmes that have been issued with funds from the Civil Contingencies Fund, which still remain unknown to this House and, by and large, to the public.

The Appropriations Bill is as per the Printed Estimates. It is as represented in the Budget Estimates. Hon. Members are also aware that since the presentation of the Budget, the Minister has granted the Police Department a salary increment as well as a transport allowance to the civil servants. We want to know, on behalf of Kenyans, where this was provided for in the Estimates and which Item, or Vote, the same will be taken from. Does the Minister purport to make this part of the Supplementary Estimates?

Mr. Deputy Speaker, Sir, you will note that when it comes to the Supplementary Estimates, you have found some allocations transferred from one Ministry, department or agency to another. Sometimes you have found some Votes reduced, so that we cater for things which become a priority midstream.

We would like the Minister to be very kind to Kenya and ensure that when planned issues of resources for both recurrent and development expenditure are already tabled, there are no midstream adjustments. If there must be, may they be within the range of between five and eight percent, which, in any case, is the internationally acceptable and agreed range.

Mr. Deputy Speaker, Sir, hon. Members are also aware that the Minister is expected to comply with the provisions of the Fiscal Management Act, and in particular Section 9(2), which provides that the annual estimates laid before the National Assembly under the Provisions of sub-section (2) shall be accompanied by a Treasury memorandum specifying measures taken by the Government and its various departments to implement the audit recommendations by the National Assembly in the previous years as recommended by the Controller and Auditor-General.

Mr. Deputy Speaker, Sir, the Budget Committee has not as of now, been able to see this document. Even when the Minister did actually present his Budget Estimates you did direct that by the end of the discussion of budgetary matters, the Minister should have supplied to the House the Treasury memorandum, so that we can know that we are not just talking and no action is taken anywhere. We would like to know where that memorandum report from the Treasury is, or to what extent action has been taken.

Let me also turn to what we call capacity of Government Ministries and departments to utilize that which is allocated to them. We call it absorption capacity. Looking at the past trend of capacities of various Ministries to utilize fully what is allocated to them, you will realize that there is serious lack of full capacity for utilization of that which is allocated to various development programmes and projects.

We, therefore, will want to know with the Kshs1 trillion Budget allocation, to what extent will the Deputy Prime Minister and Minister for Finance be assuring this House that, come the end of the year, we shall not be having some Votes being over-utilized and some Ministries given more or less than what they had asked for and, therefore, programmes and projects which they had planned remain just in abeyance. We would like to be sure so that we are able to know which departments have capacity to utilize that which is allocated to them.

Mr. Deputy Speaker, Sir, you know that in March, the Deputy Prime Minister and Minister for Finance also laid before this House various proposals of amounts to go to all these projects. In addition to telling us how he wants to spend this money, we also receive a public expenditure review as a statement to this House so that we are able to know what is happening. If not on a quarterly basis, then he could do so on an annual basis. We want to know how they utilized the money we voted for them the previous year.

Mr. Deputy Speaker, Sir, before I end, I want to mention that there are concerns also that the amount of Appropriations in Aid (A-in-A) is growing on an annual basis and yet, they are no proper mechanisms to conduct oversight over the same. Indeed, under the Memorandum of Objects and Reasons under this Bill, the amount requested relate to the Exchequer issues of Kshs639,525,246,648 and does not state clearly that there is another amount of Kshs169,566,256,797 worth of expenditures that are expected to be financed through A-in-A. It is for this reason that he should consider turning some of these collections which are collected at source as revenue. We would like to recommend very strongly that, where necessary, he should ensure that even foreign funding through A-in-A is done through the exchequer system so that we can give efficiency and effectiveness to resources collected and called A-in-A. Otherwise, we may not be able to know whether there is an under-collection or whether whatever was targeted for collection was actually achieved. Currently, there is no way of checking this. This is the only way we can compel Government officers and Departments to avoid laxity and bring certainty to what is targeted to be achieved.

Mr. Deputy Speaker, Sir, lastly, he promised that the funds that were supposed to be utilised under the Economic Stimulus Package in the Financial Year 2009/2010 were to be re-voted back. We would like to know at what time he would bring these funds to this House for re-voting; or what other mechanisms, if any he is using especially on account of the cash budgeting system that we now follow since we are not on an accrual accounting system.

Mr. Deputy Speaker, Sir, I am happy to hear him state here that the figure allocated towards CDF remains intact. If you look at the vote for the Ministry of Planning, National Development and Vision 2030, you will note that there are various items that are written to go under administration and other Government agencies. We also want to know the identity of these “other Government agencies” which are going to take monies from the Ministry, so that we are certain that monies like CDF remain intact and those monies that are supposed to be re-voted are actually re-voted at the right time.

With those few remarks, I beg to categorically state that the Bill leaves a lot to be desired and requires some of these items to be addressed before we can say we fully support.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to contribute to the Appropriations Bill.

As I start I would like to appeal to the Deputy Prime Minister and Minister for Finance that he should try as much as possible to work within the law. On a number of occasions, he has deliberately refused to work within the law. That makes it very difficult for some of us to just support the Motions that he brings before this House. Even though this is a very crucial Bill, sometimes, it is with a heavy heart that we support it. Why do I say this? First of all, the Ministry of Finance is accountable to the Budget Committee as far as the Consolidated Fund Services Account is concerned.

I would like to report to this House that the Minister deliberately refused to appear before the Committee on several occasions. Even after writing to him reminders, he refused to appear before us. No explanation has been forthcoming. He gave explanations that he was attending to other very important national matters. I wonder what these “important national matters” are, which are more than the Budget Committee that runs this country. So, he needs to co-operate with Parliament, if he wants Parliament to support his Bills which will help run this country.

Mr. Deputy Speaker, Sir, another point that, the law is very clear when it comes to Budget for Parliament and the office of the Controller and Auditor-General. These are Budgets that are supposed to be passed as they are sent to the Ministry. But the Ministry has been violating the various legislations and just reducing the Budgets for Parliament and the Controller and Auditor-General. This is unacceptable because it compromises the independence of these two important institutions. When these pieces of legislations were passed to shield these Budgets from control by the Treasury, it was deliberate because this House did not want the Executive to interfere with the independence of both Parliament and the office of the Controller and Auditor-General.

My Chairman has talked about the CDF. The law is very clear on the minimum percentage that should be voted on this vote head. But the Ministry has been violating this consistently. Even for this financial year, if you work out the two and half per cent of ordinary revenue, it is more than what the Minister is showing as going to the Ministry of Planning, National Development and Vision 2030 to be given to constituencies. Why do we pass laws in this House which we do not respect? That is the question! When this House passed a Bill which became an Act of Parliament, which requires the Ministry to present before the House a Budget Policy Statement, it was deliberate. It was deliberate because it is increasing Parliament’s participation in the Budget making process. But if you look at the actual Budget Estimate and the Budget Policy Statement, the variance on expenditure is over Kshs158 billion. That, with our Budget of about one trillion, is a

significant departure. Therefore, it makes mockery of the Budget Policy Statement and the very intention for which it was made a requirement.

My Chairman has talked about a Treasury Memorandum. When the Controller and Auditor-General audits accounts of Government departments, parastatals and Ministries and has given recommendations, those recommendations are looked at by various Parliamentary Committees. Those committees present reports to Parliament and their reports are adopted. It is actually a legal requirement for the Ministry to present a Treasury memorandum.

We should not beg for these things. The Ministry has to work. We have a young Minister in this Ministry and we expect things to change. We do not want it to be business as usual. So, Mr. Minister, we will give you money, but we want you to change your attitude. This is a new Kenya. So, change your attitude and the way your Ministry has been doing business. If it is a question about the technocrats in your Ministry ageing, please, relieve them. Let them go and rest. We have young people who are probably more aggressive. I wish I could be there, but right now I cannot. However, I am sure there are very many Mbadis out there who can take that position.

The other thing concerns the auditing system in this country. Here, we still over-emphasize on the financial audit. To me, this is post-mortem and it does not address the real issue. Many countries have now adopted value for money audit. I think this is very important because by merely showing how efficiently you have spend the money does not ensure effectiveness which dictates that the objective for which you wanted to spend has been met. If the money has been spent to put up dispensaries, we need to know how many people those dispensaries are serving. That question should be asked.

Lastly, I wanted to comment on the participation in the budget-making process of the Ministries. There appears to be a disconnect between the Ministries' strategic plans and the monies that we vote in this House. To me, it appears as if we just do what we call incremental budgeting where. For example, last year, the Ministry of Livestock Development was given this amount, and this year we, give them five per cent more. We do not even check what we want to achieve with the expenditure. I think we need to move more towards programme-based budgeting as opposed to incremental budgeting.

I will support this Bill, but with a heavy heart because the Ministry is co-operating less. Thank you, Mr. Deputy Speaker, Sir.

**Mr. Chanzu:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also contribute to this important Bill.

The Ministry is supposed to be in charge of financial discipline on Government spending. What I have seen is that the Ministry is trying to narrow the gap between Recurrent and Development Expenditure. If you look at the history of budgeting and financing of programmes, you will find that it is a matter of trying to reduce the amount of money being spend on Recurrent Expenditure *vis-à-vis* Development Expenditure. An effort is being made towards that end. However, some construction or physical development goes on at the Ministry of State for Defence every year. In the Printed Estimates, the Office of the Deputy Prime Minister and Ministry of Finance has allocated Kshs46.546 billion to the Ministry of State for Defence for Recurrent Expenditure and nil funds for Development Expenditure. I do not know how that Ministry will cope because there are always projects going on.

We also debated in this House that the Ministry of Medical Services Sanitation has not been allocated enough funding. I hope that as we go along, the Deputy Prime Minister and Minister for Finance will take into account the sectors that will revitalize the economy such as education, health and infrastructure like roads.

Mr. Deputy Speaker, Sir, we have been talking about pending bills. This morning we noticed that there is a backlog in the Ministry of Education with regard to the funding of Free Primary Education and Free Day Secondary Education. It would have been wise this time for the Deputy Prime Minister and Minister for Finance to provide money so that we do not continue with the backlog that has been carried forward from 2003. My colleague talked about the same thing with regard to the CDF money.

The Minister for Planning, National Development and Vision 2030 has said that they have already provided money for the CDF, that is, Kshs16 billion. However, this money is not reflected in this statement. I do not know how the Minister has provided for this.

We also debated a Motion about the Ministry of Higher Education, Science and Technology today. We said that more money should be allocated to the Higher Education Loans Board (HELB). We hope that when the Minister will do the Supplementary Estimates, he will take into account some of the shortfalls that we have now.

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

**Ms. Karua:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. We have already approved this expenditure and all we are doing now is to actually give the official authority to withdraw these monies from the Consolidated Fund. We gave our reasons for supporting and caution where we needed to give caution.

In line with the new Constitution, we want to see discipline in the area of spending. Year in, year out, the Public Accounts Committee (PAC) is always noting Permanent Secretaries or Ministries that have spend beyond what is approved by Parliament. We want to see the Treasury take disciplinary action. It is unconstitutional and irregular for any Permanent Secretary to incur expenditure beyond what is approved by Parliament. This is especially for foreseeable things. When you incur bills beyond what is budgeted, it amounts to indiscipline and impunity. Even when this Parliament, through the PAC, condemns such actions, such Permanent Secretaries continue to do the same thing next year. That is a demonstration of impunity. We want to see the Treasury take action where anybody spends beyond. If an emergency arises, there is the Contingency Fund and they are supposed to seek approval from the Treasury so that they can access the money in that Fund. Let the old habits of “anything goes” end with the first Republic. This is the second Republic under the new Constitution. We expect total discipline and respect for the rule of law. We should say goodbye to impunity. We want to see efficient use of money and value for money.

Finally, I urge the Treasury that while we are waiting for the county governments to be in place after the new elections, we want to see the budgetary process recognise that we are in a new era. We want to see increased monies going to the constituencies clustered under the county so as to prepare for the coming era.

With those very many remarks, I beg to support.

**Mr. Muthama:** Mr. Deputy Speaker, Sir, taking into consideration the fact that this Bill has been exhaustively deliberated, could I request that the Mover be now called upon to reply, so that we can move to the next Order?

*(Applause)*

**Mr. Deputy Speaker:** Order! Mr. Deputy Prime Minister and Minister for Finance, before you reply, the Chair notes the fact that a directive was given from the Chair by none other than the Deputy Speaker, at some stage that you need to conform to the provisions of the Fiscal Management Act, 2009, which very expressly says in Section 9(1):

“The Minister shall not later than 20<sup>th</sup> June of each year lay before the National Assembly the Annual Estimates of Revenue and Expenditure for the succeeding financial year.”

It goes further to say: -

“(2) The annual estimates laid before the National Assembly under the provisions of sub-section (1) shall be accompanied by a Treasury Report specifying, by department, all the measures taken by the Government to implement the audit recommendations made by the National Assembly in the previous year.”

Mr. Deputy Prime Minister and Minister for Finance, what do you have to say on this?

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Deputy Speaker, Sir, indeed, that same Report was submitted to the Clerk as per the regulations. It is usually submitted in line with the last previously audited accounts. So, it is there and it has been handed over to the National Assembly in accordance with the law.

**Mr. Deputy Speaker:** It is supposed to be laid before the National Assembly and not handed to the Clerk’s Department. The Act itself is very explicit.

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Deputy Speaker, Sir, it was handed to the Clerk and I laid it myself here as a response to that.

**Mr. Mbau:** On a point of order, Mr. Deputy Speaker, Sir. I would like the Deputy Prime Minister and Minister for Finance to refresh the minds of hon. Members on when he laid that Treasury Report on the Table of this House.

**Mr. Deputy Speaker:** Hon. Minister, you are, indeed, very categorical that you conformed to that provision of the Act itself. Indeed, you realize that once we refer back to the records and it is proven otherwise, then the consequences can be fairly grave.

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

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Thank you, Mr. Deputy Speaker, Sir. I appreciate all the comments made but, indeed, as hon. Karua noted, a lot of this work is now done by Committees under the new Standing Orders. So, a lot of the detailed examination of the various Votes has already been done by Committees who, therefore, as I said in my moving notes, present their Reports before this House.

Mr. Deputy Speaker, Sir, all the other points noted, especially with regard to the issue of discipline in terms of the way Ministries implement programmes, and the absorption capacity are all issues of major concern. Also, there is need for us, as



Treasury, to move towards value for money audits. This is, indeed, a good point and something that we are working towards. We are also moving towards programme budgeting.

Mr. Deputy Speaker, Sir, with regard to the issue of changes in the Budget or within Ministries, we have the Supplementary Estimates. We also try and encourage Ministries not to move or deviate from what has been approved. However, there are cases of emergencies or situations arising that may force re-allocation; and that is why we have the Supplementary Estimates where once again, we come before this House to seek approval for any amendments, changes or increases. But I agree that it is important that line Ministries to try and move towards implementing their programmes as per the approvals that have already been given.

Mr. Deputy Speaker, Sir, there was the issue of audits and audit reports. It is difficult for the Treasury to micro-manage line Ministries. Once line Ministries have their allocations, they are supposed to, indeed, implement and use those resources in a manner in which they have been approved and also exercise financial discipline. The Controller and Auditor-General is an independent office holder and the Kenya National Audit Office is an independent office. All that Treasury does is to receive his reports for direct onward transmission to the House. We just table those reports to the House. They are then forwarded to the relevant Committees which are largely, the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) to do the necessary investigations into the various expenditures by line Ministries. But all points raised have been noted and, indeed, will be taken into account, going forward.

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

*(Question put and agreed to)*

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

## **COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

**IN THE COMMITTEE**

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

**THE APPROPRIATION BILL**

**The Temporary Deputy Chairman** (Prof. Kaloki): Hon. Members, we are now in the Committee of the Whole House to consider The Appropriation Bill.

*(Clauses 2 and 3 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its considerations of the Appropriation Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*[The House resumed]*

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

## **REPORT AND THIRD READING**

### **THE APPROPRIATION BILL**

**Prof. Kaloki:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the Whole House has considered the Appropriation Bill, Bill No.14, and approved the same without amendment.

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Agriculture** (Dr. Kosgei): Seconded

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Appropriation Bill be now read the Third Time.

**The Minister for Agriculture** (Dr. Kosgei): Seconded

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## **MOTION FOR ADJOURNMENT**

ADJOURNMENT TO A DAY OTHER THAN  
THE NEXT NORMAL SITTING DAY

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House do now adjourn until Tuesday, 21<sup>st</sup> September, 2010 at 2.30 pm.

In moving this Motion, I would like to pay tribute to hon. Members for having participated----

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, if you could protect me from loud consultations from the rear, I would really appreciate. I think it is important to listen to each other.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! It is important that we all listen.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, last Friday, all of us were witnesses to a momentous occasion, a landmark occasion, historic in every sense, when our country was able to witness the promulgation of a new Constitution, ushering us to, indeed, a completely new Republic – the second Republic. We were all there. We had been made careful, as the House Business Committee, to make sure that every hon. Member had a prime place to sit. I hope that hon. Members were not grossly inconvenienced. I, in fact, do recall that we got a report that we were all to get into a bus. We got there even ahead of the Cabinet Members. They came later to find hon. Members seated. It was historic and celebrations have been going on, including only last evening. I want to thank hon. colleagues who accepted my invitation last evening to continue honouring Kenyans and God for what Kenya has gone through. The image of this country has literally gone to the highest possible level. Owing to that, I am informed that the list of attendance to the forthcoming Commonwealth Parliamentary Association (CPA) conference has quadrupled. Originally, before the Referendum, they thought that this country would witness certain occurrences of a type that nobody would want to witness. All those prophets of doom were proved wrong and because of that, we have over 1,000 members of the CPA coming to attend this edition of CPA.

That is a tremendous tribute to this country. The timing of this conference is opportune. In fact, I call it a continuation of the celebrations. The whole of the Commonwealth is coming to celebrate with Kenya. This is why we need a nine day break. If we are breaking for nine days only, we do not need to discuss the Motion of Adjournment for more than three hours. After the nine days, as soon as we come back, I want to call upon Party Leaders to make sure that we get the 27 Members. The House Business Committee will be proposing that we follow the tradition of having 27 Members

to sit as the oversight committee of this House with regard to implementation. I know that there is always a bit of jostling here due to party lists. I hope that we can agree so that when we meet on 21<sup>st</sup>, the first thing we should do is to agree on the list of 27 Members, so that we move on and implement this Constitution. Those are the reasons that I can advance in support of this Motion. I am sure that hon. Members also require this break to go to their constituencies and celebrate. That is because we were all in Nairobi and we did not get time to go home. I think it is good that we spread the good story. I know that constituents celebrated, now that every constituency has become a district. I am sure that the celebrations were at the constituency and district levels. Hon. Members need to go home and join their constituents for slightly more than a week and come back recharged and ready for the implementation process of a new Constitution.

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

*[Mr. Deputy Speaker took the Chair]*

I beg to move and request the Minister for Agriculture Dr. Kosgei, to second the Motion. Even if the motion does not necessarily require seconding as per our Standing Orders, it is important that the Chair recognize the Deputy Leader of Government Business.

*(Question proposed)*

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I rise to support this Motion. I think the Leader of Government Business needs this break more than anybody else. He needs this break to ensure that he organizes the Government better. Recently, we have had a situation where Ministers were absent. They do not seem to understand the Standing Orders and the enabling legislation for their respective Ministries. I am hoping that this break will be used by him to impart more knowledge in the Ministers on how to deal and interact with Parliament.

Having said that, I want to agree with the Vice-President and the Minister for Home Affairs that we have gone through a very important exercise in this country. I am a very proud parliamentarian and a proud Kenyan that this House has delivered a new Constitution to the Republic of Kenya. As we go out, I want the Minister of State for Planning, National Development and Vision 2030, hon. Oparanya, to be alive to the fact that if there is going to be a repeat of the census, it shall be a repeat for the whole country. It is not going to be selective because there is some perception in the Central Government that people from Turkana and northern Kenya have no capacity to reproduce and that this is only a preserve of certain communities. Even the justification for a recount that we heard yesterday cannot sustain that line of reasoning. We are allowing Government Ministers to give information that is not correct.

With those remarks, I support the Motion.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Deputy Speaker, Sir, I stand to support this Motion. At the onset, the Muslim Community needs this break because we are approaching a very important holy day, the Idd-ul-Fitri. I want

the Members of this House to go back home and celebrate with their Muslim voters back at home.

Secondly, this break will also give those of us who are in leadership in political parties time to go and campaign for our respective candidates in the by-elections that are due, namely, in Juja, Makadara, Starehe and Wajir South. Finally, it is also time to give a break to the Back Benchers, so that they can go and organize the various Committees that they are involved in. Of late, we have been seeing reports that are not credible in this House. I am sure that if the Members get time, they will go and do a soul searching.

With those few remarks, I support.

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Duale to impute improper motive on Members of the Back Bench, that we present reports in this House which are not credible? Could he substantiate?

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Deputy Speaker, Sir, I can categorically substantiate. Among the reports that were rejected by this House is the one on the appointment of the Managing Director of the Kenya Airports Authority (KAA).

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I would like my good friend, hon. Duale, to understand how Parliament works. That is why I was saying that this break is more needed by the Executive. Any report of the House, either from the Back Bench or the Front Bench, can be defeated by the House, depending on its own merit. It has nothing to do with the credibility or the quality of the content of the report. Is he in order to mislead the House that the reason why that particular report was defeated was because it was badly done?

**Mr. Deputy Speaker:** Hon. Duale, you are out of order on this!

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Thank you very much, Mr. Deputy Speaker, Sir, for this opportunity that you have given me. I rise to support this Motion.

We have done our part as a Parliament by passing the new Constitution. Kenyans did their part through the referendum by voting for the new Constitution. Therefore, we are in a new era. As lawmakers, we need to go and share with our people the fruit of this historic event.

It is a blessing that this country has got a new Constitution. Therefore, we, as a law-making institution, must ensure that never again shall our country, under this new constitutional dispensation, see corruption. Never again shall our country see impunity. We want our nation to see unity, cohesion and ensure peace. The issue of zero-tolerance to the things that I have mentioned above should be matched with severe mechanisms and not zero-consequences like what we have been seeing in the past.

When we go for the recess, I want the Deputy Prime Minister and Minister for Finance to release the CDF funds, so that we can use them during the recess. That is the only time the hon. Members can embark on the development of this country.

With those few remarks, I support.

**The Minister for Information and Communications** (Mr. Poghisio): Thank you very much, Mr. Deputy Speaker, Sir. I stand to support this Motion. In doing so, I would like to congratulate Members for the work they did in making sure that the Referendum went on very well. We also had a very good promulgation programme. Difficulties were there, but it was a success.

Notwithstanding all those difficulties, the Members were concerned today about SMSs which have brought a lot of fear among our Kenyan public. I just want to state that the public should ignore those messages that they got today. We have analyzed and found that those numbers cannot be found in any directory in the world. They are computer generated. So, technologically, it is impossible for someone to specifically design such SMSs to affect Kenyans only and not Ugandans, Zambians or Ethiopians. So, they should ignore that completely. I would like to state that people who are forwarding messages to their loved ones and their friends should now cease that activity. There should be no more forwarding of such messages because forwarding creates more panic. We are using Interpol and any law enforcement agency, international and local, to trace these perpetrators. I want to assure the House that by tomorrow, we will have a report from our operators and anyone else who may have information.

Mr. Deputy Speaker, Sir, I know that we are also going on recess at a time when we actually need to put our country together. I want to appeal to this House to use the opportunity to bring the country together, so that we can move forward.

With those few remarks, I beg to support.

**Mr. Nyammo:** Mr. Deputy Speaker, Sir, I rise to support this Motion. We deserve the recess. We need to get time to celebrate with our people for a job well done. We have been busy selling “Yes” and “No” around the country. After doing that, we passed the current Constitution and ushered in the new Republic. We deserve to have a moment to go and reflect with our people, and congratulate Kenyans for being supportive of the new constitutional dispensation.

It is also time to go home and take stock of development projects in our constituencies, with a view to getting them forward and ushering new ones.

With those few remarks, I beg to support.

**The Minister for Industrialisation** (Mr. Kosgey): Mr. Deputy Speaker, Sir, I thank you very much for giving me the opportunity to also contribute to the Motion of adjournment. This is a very well deserved rest for Members of Parliament; they should be able to take a small break to attend the Commonwealth Parliamentary Association conference, and at the same time go to their constituencies.

I would like to thank hon. Members for the work they have done, particularly in passing the Constitution during the referendum; they enabled the promulgation of the Constitution. We are now beginning a new chapter. We should all aim at making Kenya a united country. Civic education will continue. As we all know, some Members of Parliament had misgivings about the new Constitution, but we now have to put it in place; the Constitution is good for this country. It will end impunity, as we have already said.

Mr. Deputy Speaker, Sir, we also need to go back to our constituencies, so that we can review our development programmes, which could not receive the attention of hon. Members during the referendum campaigns. Hon. Members need this break to bring this country together and review development programmes on the ground.

With those few remarks, I beg to support.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to also support the Motion.

While supporting the Motion, I would like to move that the Motion be amended by deleting the date “21<sup>st</sup> ” and substituting therefor the date ” 28<sup>th</sup>”. This, basically, means that I am adding one more week to the recess period.

Mr. Deputy Speaker, Sir, this is a very crucial time in the history of this country. Many of my colleagues have said so, and I join them in saying so. Probably, this is the time we need to sit back, rest for two weeks or so and come back more energised, because we are required to pass several pieces of legislation in this House; doing this will require a lot of work.

Before I conclude, I would like to address myself to three groups of people, the first one being the Executive, and more particularly the two principals. The people of Kenya expect a lot from them. There is a lot of good will. We expect the Executive to give Kenya a fresh start that Kenyans voted for on 4<sup>th</sup> August, 2010. We expect the Executive to make sure that from now henceforth, appointments will be done in accordance with merit.

With those remarks, I beg to move and ask hon. Affey to second the amendment.

**Mr. Affey:** Mr. Deputy Speaker, Sir, I stand to second the amendment. We are going on recess in a celebratory mood. I would like to congratulate the Ministry of Foreign Affairs for the manner in which they handled the ceremony.

The visit by President Al-Bashir, by any standards, has improved the diplomatic leverage the Kenya Government has in this region. I want to say that, for the first time, that I am proud of this achievement. The diplomatic leverage that we now have in this region has been enhanced greatly by the fact that President Al Bashir visited us.

Mr. Deputy Speaker, Sir, I would like to tell the Minister for Planning, National Development and Vision 2030 that we are very disappointed with the census results that he has released. It took him almost a year to establish that these results had problems. We would like that if a repeat of the exercise is done, it be done in the entire country. If they repeat the census, they should make sure that it is done during the rainy season, so that pastoralists can have an opportunity to be counted. There is a habit by the Government to conduct census exercises during the dry season. Every time a census is conducted, they always fall short of our expectations.

Mr. Deputy Speaker, Sir, I am so disappointed today. Even though we are happy because we have approved the new Constitution, the President has refused to sign The Indemnity (Repeal) Bill that was passed by this House.

With those few remarks, I beg to second.

**Mr. Deputy Speaker:** Hon. Affey, I thought you were seconding an amendment!

**Mr. Affey:** Mr. Deputy Speaker, Sir, I beg to second the amendment.

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

**Mr. Deputy Speaker:** Yes, Mr. Wetangula!

**The Minister for Foreign Affairs** (Mr. Wetangula): Mr. Deputy Speaker, Sir, I beg to support the amendment.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I was just wondering. Is a figure a word? Should we not delete the figure?

**Hon. Members:** It is a word!

**Mr. Deputy Speaker:** It is a figure!

**Mr. Ethuro:** Yes!

**Mr. Deputy Speaker:** Fair enough! Yes, hon. Charles Kilonzo!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, as I support this Motion of adjournment---

**Mr. Deputy Speaker:** We are on an amendment!

**Mr. C. Kilonzo:** Yes, I want to support the Motion of amendment and later contribute on the entire thing.

Mr. Deputy Speaker, Sir, I would like to comment on indiscipline within the Government. We have seen, on many occasions, Members of the Government bring their differences to the Floor of this House. Many times---

**Mr. Deputy Speaker:** Order! Order, hon. C. Kilonzo!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I second nevertheless.

*(Laughter)*

*(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)*

**Mr. Deputy Speaker:** Hon. Members, under the amended Motion, you will realize that it is now going to a maximum of three hours as opposed to 30 minutes.

Proceed!

**The Minister for Foreign Affairs (Mr. Wetangula):** Mr. Deputy Speaker, Sir, thank you very much for giving me an opportunity to support this Motion and I want to congratulate Mr. Mbadi for moving the amendment because we need a little extra time in this festive mood for hon. Members to go back to their constituencies, interact and fraternize with Kenyans and make good out of the results of the referendum. I want to urge all of us here and Kenyans at large that the referendum is over and behind us. So, we should now stop talking about those who opposed and those who supported the Constitution. We should stop talking about the reds and greens. The Constitution is now for all the people of Kenya. What we should be focusing on is how to actualize it and how to implement it and make it work. When a law is passed, it is not passed for those who support it but for everybody.

Equally, hon. Members have been very busy with vigorous campaigns all over the country and it is a deserved rest for them to take time off and be able to attend to other pressing personal and national issues. As we do so, it is also important that coming as it



does immediately after the Budget, we have the time to go back to our constituencies and look at our programmes and Government implemented programmes. I want to commend the people of Kenya in the manner that they have conducted themselves in the last couple of months and the manner in which we have displayed responsibility, discipline and cohesiveness to the whole world that, indeed, we can come together make a difference. If you lived in this country in 2007 December and 2008 January/February, you could not imagine that we could come to where we are.

Mr. Deputy Speaker, Sir, I will take this opportunity to salute my colleagues with whom we sat for many hours at Serena to run through Agenda 1, 2, 3 and 4, and this House for supporting us fully so that we can give this country a new direction and a new hope and a new vision.

I conclude by once again congratulating every Kenyan that we are now moving to the direction that we all desire to. I want to caution Mr. Kutuny that there are no “NOs” and “YES” in Kenya today. We have Kenyans all under a new Constitution and that is what we want to have.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to contribute. I also want to say that hon. Members deserve this break. I want to thank hon. Members in the manner in which we have dedicated ourselves in the last couple of years, working for this country. I want to thank the Deputy Prime Minister and Minister for Finance for releasing the Constituencies Development Fund (CDF) monies. I only want to ask the secretariat to hasten the release of those monies so that hon. Members can utilize them when we are at home.

I also want to encourage the Deputy Prime Minister and Minister for Finance to help Members of Parliament because down there, the civil servants in the Ministries of Public Works and Roads are out to ensure that Members of Parliament do not properly spend CDF monies. Therefore, I want to propose to hon. Members that in the event that the Deputy Prime Minister and Minister for Finance does not bring proper amendment to ensure ease of work for Members of Parliament, we will and we should bring an amendment through the Finance Bill to make the CDF an agent of the Ministry of Roads and Ministry of Works so that we can get rid of all these civil servants who are impeding our work at the constituency.

That is all I wish to say and I wish to support.

**Mr. Keynan:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Motion. As I do this, I stand here a very disappointed person due to the fact that His Excellency, the President has refused to assent to the Indemnity (Repeal) Bill, taking into account that this country is now under a new and completely different constitutional dispensation. The Indemnity Act, Cap 44 of the laws of Kenya, was enacted in 1969, purposely to deal with the Somali community in northern Kenya and in particular, the residents. The administration of the Northern Frontier District (NFD) authorized the armed forces and security personnel to rape our girls, maim and kill the men and apply the politics of discrimination. Shockingly, in this era, I wonder why His Excellency the President has refused to assent to this Bill. Over the last 20 years since the advent of multi-partyism, we have struggled to have it in place.

I remember that in 1999, I moved a Motion in the Eighth Parliament which was unanimously adopted in order to repeal this Act. The import and content of this Act which was tailor-made to handle the people of northern Kenya is malicious, capricious,

offensive, oppressive, repugnant and barbaric. Even to think or imagine the existence of such Acts in this era of modernism is unimaginable. We want to accept the new constitutional dispensation but behind it, we should not also accept the continuation of such Acts which have been used over the years to declare the residents of a whole region as second class citizens. I wonder what kind of new constitutional dispensation we envisage as we sit here. I see hypocrisy and double-speak in how we manage our affairs. We expected that the President would reward the people of northern Kenya and allow them to sue the perpetrators and the architects of the many massacres that took place in our region. I want to recall that I lost my uncle, brother and cousins in the Wagalla massacre. Today, 25 years down the line, under the new constitutional dispensation, the Chief Executive of the Republic of Kenya refuses to assent to a Bill that seeks to repeal the same law that authorized the killing of our relatives. Then what sort of new Kenya are we talking about?

Mr. Deputy Speaker, Sir, these are the realities that we must face. We must preach and practise what we preach at all times. I am greatly disappointed. As we go for this recess, I will be debating in my mind whether truly we are up to the new constitutional dispensation.

Look at the census! We have attempted to glorify tribalism and regionalism in the name of big tribes and small tribes. Even the struggling communities like the Somali community are being criminalized simply because out of the blues, they have abandoned nomadism and they are in the villages. So, somebody somewhere says that we should not go beyond 350,000 persons. What have we done to carry that title? The Somali community is here by right and they will continue to be here because they are part and parcel of the Republic of Kenya. Any person who wants to live with the denigrating statement that we will be passengers, that person has to go back to the past. We will not accept that reality. We are here and we will be protected by the Constitution. Even if Mr. Oparanya declares a whole region's census unacceptable, we will continue to exist.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to stand up and support this Motion of Adjournment. I think we have also agreed that this is the right time for all of us to take a break and, indeed, make a difference in what we are going to be doing between now and 28<sup>th</sup> September, 2010. Therefore, I stand to support and say that having gone through what we have just gone through in the campaigns, including all the truths and the lies, it is time that we went back to the country and made it come together. I am looking forward to when I will be invited to the Rift Valley and be able to do the work that some of the hon. Members have been asking me to do.

I will now do the work that some of the Members have been asking me to do and I look forward to that. I think what we have before us is not an easy task because there is time now to educate our people and give civic education to all Kenyans. We have all been saying how people are marginalized, and pointing out what the Government has not done. But now there is work that will be done because there is enough for all of us, looking at the kind of resources that will be going down to the people through devolution. I think this is something that will give some work to all of us to do.

Meanwhile, Mr. Deputy Speaker, Sir, there is also what we need to do with our education. Our teachers have just been posted. I think all these teachers who have been posted, some of them are still not sure that where they have been sent is where they want

to go. I am talking about my own constituency where the teachers who had applied are not the ones who are being brought there. Much as we are not trying to talk about who comes to our constituencies, people are still looking at their own people being sent to their own constituencies. I think here the Minister will be able to look at whether this may be happening also in other constituencies.

I beg to support.

**Mr. Ruto:** Thank you, Mr. Deputy Speaker, Sir. I rise to support because indeed, I think there is need for time for Ministers also to concentrate on their work. For example, as I speak here with us I have my sisters; the Minister for Water and Irrigation and the Minister for Agriculture. In my constituency, there are serious problems about food storage and I have the advantage of her listening. We require that she opens up the cereals board stores. In the entire region of Bomet, there is plenty of maize but all this is being taken away by middlemen who pay farmers peanuts and yet hardly six months ago, we were purchasing maize for Kshs3,000 from South Africa. Now, farmers are selling the same for Kshs600. At this particular time, I am also sure that the Minister for Water and Irrigation is now through with sorting out the water problems in Kitui. I understand she has done very well there. Now I expect her to go to Chepalungu, and after that visit to North Eastern Province because they have been making a lot of noise. By that time, hon. Oparanya will have counted how many people actually live in North Eastern Province---

**Mr. Deputy Speaker:** Hon. Ruto, Members of Parliament do not make noise.

**The Minister for Water and Irrigation** (Mrs. Ngilu): On a point of order, Mr. Deputy Speaker, Sir. Is it in order really for hon. Ruto to say what he is saying on the Floor of the House when he knows I have spent two days in his own constituency?

**Mr. Ruto:** Yes. In fact, I congratulate her and I know she will spend more time. She will allocate me at least one day during this period of recess. I will really beg her to do that so that she can see how women are carrying water on their backs and I am sure she will do that.

I expect the Minister in charge of CDF, hon. Oparanya, now that he is through with the census and he is through with delimiting and ensuring that parts of Kenya like North Eastern are still not parts of Kenya, I think he can now pay attention to CDF and ensure he releases the money although he needs to tell us whether the census is actually valid without other parts of Kenya being part of us.

Mr. Deputy Speaker, Sir, before I go to that, I think there is also need for the Government to retreat and bring back discipline. Some of the members of the Government are known to encourage heckling in Uhuru Park. It was shocking that visiting dignitaries were actually heckled in Uhuru Park. The President of Uganda was heckled, our own spiritual leaders like Cardinal John Njue and the Sheikh who led the prayers was shouted at, other dignitaries were shouted at. It was just a section of the crowd in Uhuru Park. Part of some crowd actually walked out on the President---

*(Ms. Karua stood in her place)*

**Mr. Deputy Speaker:** Order, Mr. Ruto!

**Ms. Karua:** On a point of order Mr. Deputy Speaker, Sir. Is the Member in order to claim the Sheikh was heckled when he was only given indication of time to shorten

and when the people at Uhuru Park were merely giving a feedback to leaders who were trying to deny them the new law?

**Mr. Ruto:** Mr. Deputy Speaker, Sir, she has confirmed that it was actually a definite plan to stop the Sheikh from praying. Usually, you do not interrupt any communication with God. I am surprised hon. Karua actually sanctioned that---

**Mr. Deputy Speaker:** Order, hon. Ruto!

**Ms. Karua:** On a point of order Mr. Deputy Speaker, Sir. Is this Member in order to allege that I sanctioned the heckling at Uhuru Park? Anybody seated at Uhuru Park could see the crowd indicating time. Is he in order to continue claiming the Sheikh was heckled when all they did was to indicate time and when it was clear that those whom the crowd approved were those that were trying to deny the opportunity of the new law? Is it in order for the Member to continue with inaccuracies?

**Mr. Deputy Speaker:** Hon. Ruto, confine yourself to the Motion of Adjournment.

**Mr. Ruto:** Mr. Deputy Speaker, Sir, there is no definite business that we are supposed to discuss during the Motion of Adjournment. It actually includes discussing hecklers and bringing back discipline to Government. It was very clear that even the Vice President was actually heckled in the same place. Can we bring back discipline to this Government which is in total disarray?

Otherwise, I support although they have taken a lot of my time.

**Mr. Deputy Speaker:** Hon. Mohamed Maalim Mahamud!

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Deputy Speaker, Sir, I rise to support this Motion of Adjournment. Members need the rest after they campaigned for the new Constitution and its promulgation. I think we need now to go home and also share the good news with our constituents. Today, I was a very disappointed man because my people of Northern Kenya and Turkana have been disenfranchised. They have been removed from the list of the people who have been enumerated. I think this is total discrimination. We will do everything to make sure that we are not counted again. If Minister Oparanya wants to do a recount, let him count his own people. We will not accept this and we would want him to apologize to those people

With those few remarks, I beg to support.

**Mr. Githunguri:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. First of all, I would like to thank all Kenyans for passing the Constitution. Passing the Constitution was the easier part, implementing it is the really difficult issue. But I am sure with God's help, we will manage to implement everything.

I also wish to thank the two principals for sorting out the problem of the Leader of Government Business. I also thank our Speaker for the time he acted as the Leader of Government Business. Finally, I would like to thank Rudisha for taking Kenya a notch higher in athletics and breaking the world record. This is another real Kenyan.

With those few words, I beg to support.

**The Assistant Minister for Nairobi Metropolitan Development** (Mrs. Ongoro): Mr. Deputy Speaker, Sir, I want to, first, thank all Kenyans for going through a peaceful Referendum campaign and a peaceful process, not forgetting the very critical role that was played by the Committee of Experts (CoE). I also want to remind all leaders that now is the time to heal. As we go on recess, it is the time for us leaders to lead in the healing process. It is time for Kenyans to move forward in unity as a nation; as one

people, forgetting the past and knowing that we are standing on the threshold of a new beginning with a new Constitution, and forgetting anybody who stepped on your toes in the process of campaigns. We need to bridge these gaps so that even wananchi will follow suit.

In saying that, I also want to remind the women of this nation that, in spite of the heavy gains that they have got in this Constitution, they must be very vigilant. They must be vigilant to ensure that everything that is contained and provided for in the Constitution is implemented without any changes. It is our responsibility also as Kenyans to ensure that as leaders and, especially as Parliament, we play our role effectively without undue delay.

With those few remarks, I beg to support.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, I also wish to support the Motion for Adjournment. As we go on recess, I am very proud to be a Member of this House, particularly because of what happened yesterday. We have a category of Kenyans who are forgotten and this House became the voice of the voiceless. Those are Kenyans with albinism. Recently, we heard the story of a young man who moved from Kitale with a friend, all the way to Mwanza, Tanzania, and who was saved by the Tanzanian police from being killed and dismembered. Yesterday, their petition was granted by this House, the Government responded and there will be a special census for all persons with albinism to be recognized and counted in this nation.

I want to thank the House and yourself for giving directions before we went on recess last time, that petitions should be handled in an expeditious manner – that is within 21 days. The petition that I filed on behalf of the Albinism Society of Kenya was disposed of yesterday. The petition by squatters that was brought by Dr. Khalwale is still pending. It is supposed to be disposed of within 21 days. I hope it will also be disposed of. As we return from recess, we hope that, that will be done so that the squatters of Trans Nzoia, Coast Province and all squatters in Kenya will be taken care of by this Government. We hope that when we come back, that is what we will do.

I also join other Kenyans in congratulating David Rudisha who set new records within a short time and made Kenya proud on the world map. I also congratulate Kenyans for passing one of the most democratic Constitutions on the continent of Africa. I also congratulate Kenyans for carrying out a census to world standards, apart from the problem in the North. I hope that will be done.

With those few remarks, I beg to support.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I also want to support the Motion of Adjournment. I thank all hon. Members, my colleagues, for preaching unity and peace during the Referendum. You will agree with me that during the campaigns for the Constitution, there are those who should have been given medals. You are aware that both the print and electronic media did a wonderful job. I would like to mention one particular individual in the name of Macharia, the Royal Media Group Chairman. Employees of his company went all over the eight provinces and held road shows in order to give civic education on the need to pass this Constitution. I want to commend him for a job well done.

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that Royal Media was actually going round

doing civic education, when they were actually campaigning for only one side and dancing all over the place?

**Mr. Deputy Speaker:** Proceed, Mr. Ojode!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, it is common knowledge that Royal Media Services went through all the eight provinces to give civic education and to campaign for the Constitution. That was good.

*(Applause)*

In fact, he deserves a medal! I saw Mr. Macharia together with my friend Ms. Karua in Mombasa.

**Hon. Members:** What were they doing?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, they were campaigning for the Constitution. I would suggest that Ms. Karua should also be given a medal alongside the others.

Let me also appeal to my colleagues that during the recess period, they should preach peace when they are in their constituencies, in order for us to fast-track what has already been passed.

The other bit is on the CDF money. I would request the Treasury to disburse the funds immediately so that we can use those funds while we are on recess. Otherwise, I am very grateful to my constituents for having voted for the Constitution. I will remind you that we were 98.8 per cent and that was a good job.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Deputy Speaker, Sir, I also want to support the Motion of Adjournment. Let me congratulate Kenyans for the great achievement. Kenyans have struggled for a new Constitution for over 20 years. Many people were imprisoned, detained and killed when they were crying for change. It is a great achievement and I wish to congratulate the Members of the Tenth Parliament because they went out and campaigned for or against it. But, at the end of the day, we got the Constitution that Kenyans wanted. It is now time for these ladies and gentlemen to have a little break. They have worked so hard for this country. In fact, they are tired! When you look at them, they have over-worked themselves. So, it is also time for them to go back home and participate in civic education. Let Kenyans be taught of the actual content; the real content of the Constitution. It has been done but I think a little more needs to be done so that they really know what we have in that document that has been passed for governing this country.

I also wish to add my voice to what my colleagues have already said. The Ministry of Planning, National Development and Vision 2030 and the Ministry of Finance are taking too long to give us the CDF money. This is the time we should go and finalize the budgets, give them to management board of CDF so that the money is released to us to do the work. Why is it being kept or held, if that is a better word? Previously, that money was made known to us - how much per each constituency - by the end of July. We are already at the end of August. What is happening?

Mr. Deputy Speaker, Sir, I wish to encourage hon. Members to go and put the Government officers on their toes as regards the implementation of Government projects,

particularly the Economic Stimulus Programmes (ESPs). Some civil servants are not very straightforward as I have noticed in my constituency and so, it is now the time to go and ensure that some of those are doing a good job.

With those few remarks, I beg to support.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I think time has come when we, politicians, must instill discipline in our supporters. We must be able to control our supporters when we win elections and when we have referenda. What happened at Uhuru Park, some of it based on happiness or otherwise, was unfortunate. Kenya is supposed to lead as a center of democracy in the region. Democracy means that even if you do not like my position, you respect me.

My own Archbishop Njue was booed because he was telling people to vote “No”; have we told Kenyans what democracy is all about? We must tell Kenyans to be patient on occasions like that one. When the Sheikh was being told to sum up, it was not in good faith.

Mr. Deputy Speaker, Sir, booing in whatever form is uncivilized, uncourteous and uncouth. We must find a way of containing our supporters, whether it is in the constituencies or in Nairobi, because we want to preach to the world and the region that we are democrats. I did not like the people who were voting for the “No” side but I share the same seat with them here. That said, the Government needs to instill discipline in the Ministers.

Good relations with our neighbouring countries, no matter whether we are uncomfortable with them or not, are crucial. For example, Uganda is our biggest trading partner. The Sudan is another big trading partner. The national interests of this country must come first. You might not like President Museveni of Uganda but remember that this is one of our biggest trading partners. We must learn to live with our neighbours, whether we like them or not. This message must be passed down from the leadership, all the way to the supporters.

Mr. Deputy Speaker, Sir, when leaders openly criticize other heads of State negatively then their supporters will do the same. We must show the world that we are true democrats. True democrats are the ones who respect opinions and positions of other people, even where there is a dispute.

Mr. Deputy Speaker, Sir, to move on to the issue of Government indiscipline, surely even in the 1970s, in days of the first President of this Nation--- We do not want to go back to those days when Ministers used to be caned. You must be seen to be a Government. You must speak in one voice, and if you do not like it, you keep quiet. You cannot disagree with the Government and you come and want to put your case in front of the House when the other Ministers are giving the Government position. You want to use the Floor of the House to do so. Those are things that you do in the Cabinet.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir. My good friend, the MP for Yatta, has just alleged that some Ministers were caned in the 1970s without substantiating. Could he substantiate?

**Mr. Deputy Speaker:** Order, Mr. Kamama. He was not categorical. Proceed, Mr. C. Kilonzo.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, you can see very well that he is scared of being caned. But he is among the very few disciplined Ministers.

This House has seen that backbenchers are very well disciplined. We are able to raise our issues and tackle the Government. But when the Government comes to the Floor of the House, it portrays a picture of two or three governments. That was very clear yesterday when the Minister for Foreign Affairs spoke here, another Minister in the same Government stood up to contradict him.

Just to finalize, the Government needs to seriously look at the issue of northern Kenya and North Eastern Province. The Government operates as if those parts of the country are---

I support, Mr. Deputy Speaker, Sir.

**Ms. Karua:** Mr. Deputy Speaker, Sir, I rise to support the Motion.

I will begin by commending the police for maintaining absolutely good security on the day the Constitution was promulgated. I also noticed two days later the Police Commissioner talking to senior police officers about the effects of the new Constitution. This is the way forward. We need everybody to respect the Constitution.

Mr. Deputy Speaker, Sir, about a day ago there was an attempted eviction by the Kenya Wildlife Service (KWS) in Ngong. I want to say that officers need to read our guiding principles, especially Article 10(c) on social justices. What it means is that if the Government requires any land, whether through compulsory acquisition or eviction of squatters, it has to make alternative arrangements, where these people will go. You do not just wake up in the morning and evict people; whether hawkers or squatters. We need senior Government officers internalising the Constitution and not violating it immediately we have passed it.

Mr. Deputy Speaker, Sir, Members have spent sometime about the bashes or rather the parties that were hosted by both the Prime Minister and the Vice-President and Minister for Home Affairs, and the party I lead, NARC-K. I want to say that we are not in the same category. Parliament is here to scrutinise public spending. Anything to do with parties is for the Registrar of Political Parties. But I want to happily tell the Members who have been requesting, asking me why I did not invite them that there was a general invitation to the public. It was quite clear that anybody willing to come was going to pay their own entrance fees. We are a party that believes---

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is talking about the Government throwing about bashes. "Bashes" is a slang word. It is not even an English word. I do not know what she was talking about. Is it Parliamentary?

**Ms. Karua:** Mr. Deputy Speaker, Sir, I sympathise with my colleague who may not have extensive command, on this occasion, of the English language.

I also modified and said throwing parties. I hope that my colleague now understands.

So, I do not think that it is in the province of Parliament to wonder how those who came to the NARC-K party paid or how we got there. We are definitely not a party in Government although some of our members remain in Government.

Having said so, I want to say that it is time they remained with the express permission of the party.

I want to remind the Government that with the new Constitution, the Government must move speedily to complete the resettlement of IDPs. Otherwise, they will attract civil suits. The IDPs have been out there in the cold for the last three years. How can they



celebrate a new Kenya? How can they enjoy the Second Republic, when they are out in the cold?

Mr. Speaker, Sir, I also want to remind the House that the guiding principles of the new constitution are participation by the people, and to lament that political parties were not given their space in the celebrations at Uhuru Park. We requested for special space for leaders of political parties in Parliament and cards to invite our top brass. I saw people in Government and those who associate with Government, little known people, inviting their whole family. We do not mind because they are Kenyans, but we are saying the new move with the new Constitution is participation for all, and creating space and room for everyone. It is Kenyans who voted and brought the Constitution for themselves. We were all entitled to celebrate, including those in Government and out. We think that those in Government should realise that the new Constitution does not encourage anybody taking away the entire space without giving others room for participation.

Mr. Deputy Speaker, Sir, I also want to say that I sympathise with those who were given a robust feedback by the people at Uhuru Park. I would not myself encourage such, but Kenyans are also entitled to their opinion. Perhaps, one should take a little time, reflect and wonder why there was that robust feedback. It was not something given to everybody.

Finally, the census results are here. Yes, some districts' results have been cancelled.

I urge hon. Members that, as leaders, let us carefully analyze the data so that where we disagree with the Government we are able to utilize that data and state the reasons for us disagreeing. It is an emotive issue but I plead with hon. Members that let us not be guided by emotions. We are national leaders. Let us take up the leadership and solve this problem so that, as a country, we can have authentic data which we shall use in the next decade for the development of this country. I congratulate all Kenyans for supporting the new Constitution.

I beg to support this Motion.

**Mr. Kutuny:** Bw. Naibu Spika ninakushuru sana kwa kunipatia nafasi hii. Ningependa kuunga mkono Hoja inayosema kwamba Bunge liende likizo hadi mwisho wa Septemba. Ningependa kuangazia mambo ambayo Bunge la Kumi limefanya.

Wabunge katika Bunge hili wameshirikiana na kupitisha Miswada muhimu sana. Ingawa hivyo, tumefika wakati ambao lazima taifa liangazia mambo muhimu ya kuwaleta Wakenya pamoja. Kwa sasa tunasikitika kwa sababu serikali ya mseto inaonyesha dalili ya kutoelewana. Hii ndiyo inaleta kutoelewana kati ya wananchi. Ningependa kuomba serikali hii ya mseto ikiongozwa na viranja wawili kwamba ni muhimu serikali yao iongee kwa sauti moja.

Katiba mpya imepitishwa. Mimi niliipinga lakini Wakenya wakaiunga mkono. Mimi ni miongoni mwa wale wanaoshukuru kwa sasa kuwa Kenya imepitisha Katiba mpya. Tunaiunga mkono kwa sababu tayari ni Katiba ya taifa la Kenya. Jambo muhimu ni utekelezaji wa Katiba hii.

Tukio lililotokea wakati Katiba mpya iliidhinishwa ni la kuhuzunisha. Nimemsikiza Mhe. Karua akisema kwamba Wakenya wana haki kulingana na demokrasia ya kuonyesha hisia zao na hata kuzungumza. Ikiwa leo kiongozi kutoka Kenya ataenda kuhudhuria mkutano wa kitaifa kule Uganda, sisi Wakenya tutahisi vipi kama atakemewa katika huo mkutano ama aambiwe afunge virago vyake aelekee kwake?

Sisi viongozi tuna mashabiki. Huu ni wakati wa kuwaambia kwamba kuna umuhimu wa taifa lakini vile vile kuna umuhimu wa kujumuisha mataifa yote ili Kenya iweze kuheshimiwa. Kenya imeonyesha tabia mbovu kupitia viongozi wao kwa tendo la kumkemea Rais wa taifa jingine. Kuna Wakenya wengi kule Sudan. Mimi nina ndugu mmoja anayefanya kazi kule. Alinipigia simu na akanieleza kwamba tangu taifa letu lito masharti kufuatia usafiri wa Rais wa Sudan humu nchini, vuta nikuvute ambayo iko humu nchini imewapa wasiwasi, hata wengi waliogopa kulala jana. Leo hawajui ni nini kitajiri. Hawajui kutatokea nini kesho. Tungependa Serikali iombe msamaha Rais wa Uganda. Pia, tunataka Serikali ya Kenya iombe msamaha Serikali ya Sudan ili sisi na Wakenya walio huko wapate kuheshimiwa.

Kuna wanafunzi wengi Wakenya ambao wanasomea Uganda. Katika eneo bunge langu kuna wanafunzi 7,800 wanaosomea katika vyuo vikuu vya Uganda. Hao wanafunzi walianza kutishwa baada ya Rais Museveni kukemewa katika uwanja wa Uhuru Park.

Serikali ichukue nafasi hii tunapoenda likizo itume kamati maalum kwenda kuomba msamaha katika nchi ya Uganda ili uhusiano wetu na wa mataifa uendelee kuimarika. Ningependa kuambia Serikali kwamba Kenya ni taifa huru. Kwa hivyo, kama kuna viongozi wachache ambao baada ya kuidhinisha Katiba wanataka kujipendekeza kwa mataifa yalioendelea, tunataka kuwaambia kuwa hiyo ni pilipili ambayo sisi hatuili na haituwashi. Kenya ina masharti yake na kiongozi wake ambaye ni Rais na lazima aheshimiwe. Tunataka kueleza mataifa yalioendelea: Tafadhali mtupatie nafasi sisi tumlee mtoto wetu anayelitwa Katiba mpaka akomae ili Wakenya waweze kuambatana na kuendelea.

Ninataka kushukuru Serikali ya Marekani ambayo kwa sasa inataka kufanya mabadiliko ya balozi wake ambaye anawakilisha taifa hilo hapa Kenya. Nafikiri sasa imefika wakati ambapo sisi wengine tutasherehekea kwa sababu yule, kila wakati tukitengeneza mchuzi anakuja kuongeza ama kupunguza--- Afunganye virago na tunamtakia heri na fanaka popote atakapoenda. Yeye apeleke ujeuri wake na tuletewe mtu mwingine ambaye atawakilisha nchi ya Marekani hapa Kenya kwa heshima.

Bw. Naibu Spika, naunga mkono.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to make my contribution to this Motion for Adjournment.

Mr. Deputy Speaker, Sir, from the outset, let me say that it is good that we are having this adjournment. This is because we, hon. Members, definitely, do require to go back to our constituencies to be able to thank, once again, the people who sent us here. We need to thank them for making great contribution in passing the new Constitution, and even more importantly, for turning out wherever they were to celebrate the rebirth of this country really as a new Kenya. On that note, definitely, it behooves us, as Members of Parliament, to also realize – and I am sure we do – that Kenya today, after the promulgation of the Constitution on 27<sup>th</sup> August, 2010, is no longer the same. This is because Kenyans expect a great deal of us. We must be the ones leading them. I think we must take into account the fact that before the promulgation of the Constitution, we actually spent a lot of time criticizing each other. We have had occasions where in actual fact some of us may not have been giving the right advice to Kenyans. But this is an important occasion to begin by urging Kenyans now to remain as Kenyans and be able to understand that this is the moment where they must now stand as brothers and sisters.

Yes, we may belong to different ethnic groups, but the key thing is that this Constitution is the glue that should bind us together as brothers and sisters because only then can we address and, indeed, solve resolutely the main challenges we have of poverty and providing employment to our young. Let bygones be bygones now. We should go now during this time of recess to preach that message to Kenyans. Really, let us now be on the lead to ensure that our country upholds the respect which we have earned internationally.

Mr. Deputy Speaker, Sir, the other thing that I want to say is that I, as the Minister of State for Provincial Administration and Internal Security, take off my hat to the officers under my Ministry. These are officers of the Provincial Administration and also the police. I know that for a long time, they have borne the brunt of being denounced and criticized.

I am sure hon. Members will agree with me that, indeed, those officers came out with dedication to serve Kenyans. They allowed a peaceful environment, during the referendum, for people to vote. There was not a single incident of insecurity and Kenyans were happy. It is, indeed, true the function we had on 27<sup>th</sup>, during the Promulgation of the new Constitution, where our people turned out in large numbers, and there was not a single incident of---

**Mr. Kutuny:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to say that every other Kenyan was given a peaceful serene environment to campaign and vote for or against the new Constitution, when I was harassed and picked up by the police when I was going to my office? I was locked up until the following day.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I am sure the hon. Member's remarks require no response from me at all. The point of the matter is that the law is there and we, as hon. Members, should be the first ones to demonstrate our commitment to the rule of law. This is something that during the time we will be on recess, we should observe.

I beg to support.

**Mr. Muthama:** Asante Bwana Naibu Spika. Nasimama kuchangia Hoja hii ya likizo ya Bunge. Ningependa kuanza kwa kusema kwamba tuna taifa mpya baada ya kupitishwa kwa Katiba mpya. Taifa hili mpya haliwezi kuwa na maana kamwe kama bado tuna wananchi ambao wanateseka. Tukisema tuna Katiba mpya, tunamaanisha tuna nchi mpya na kuna uhuru wa wananchi wa Kenya. Vile mambo yalivyo sasa, wengine wanafurahia na wengine wanalia. Wale wanaolia ni wale tunaowaita wakimbizi wa ndani wa kisiasa ambao walifurushwa kutoka kwa mashamba na manyumba yao. Watu hawa hawakuwa na hatia lakini bado wanateseka. Hilo ni jambo ambalo linafaa kuzingatiwa na Waziri anayehusika ili tukirudi hapa, tuhakikishe kwamba kila Mkenya anafurahia uhuru wa nchi yake.

Jambo la pili ni kwamba hatuwezi kuwa na Taifa mpya kama bado tunazungumzia ukabila. Tutakapoenda katika likizo, itakuwa ni jukuma la kila Mbunge kuhubiri amani na umoja wa Wakenya. Hatutaki kusikia ni wakati wa Wakalenjin. Hatutaki kusikia eti Wakikuyu wanangoja. Hatutaki kusikia ni njia ya Wakamba. Hatutaki kusikia sasa ni wakati wa Wajaluo ambao hawajakalia kiti. Tunataka kusikia kila kiongozi katika kila pembe ya nchi akisema kwamba tumevuka ule ukoloni wa ukabila na sasa tuko katika taifa mpya, Katiba mpya na tunataka kuwa Wakenya.

Jambo lingine ambalo halifai kabisa ni hili: Haifai kumwarika kiongozi na akija hapa kwenye uwanja, anachekelewa. Anapigiwa kelele. Anaondoka hapa kurudi kwake

ambapo kuna Wakenya. Nimepata simu kutoka ndugu zetu ambao wanaishi Uganda na wakaniuliza: “Mbona mlimualika Rais Museveni na kisha mkampigia kelele? Je, mnataka hapa tufanye nini?” Sisi hatuna haki au jukumu lolote la kuwaambia Wazimbabwe wasimuweke Mugabe. Kitu ambacho tunaweza kufanya ni kuwashauri na kuwaambia wazingatie demokrasia. Ni jukumu la Watanzania na Wasudan kuwalinda viongozi wao. Hata kama ni kichaa, ni jukumu lao. Sisi kama Wakenya hatuna uwezo wowote wa kuingilia maswala ya nchi nyingine. Ilikuwa ni aibu kubwa kwa kiongozi ambaye tulimualika hapa na kumpa ulinzi kumpigia kelele. Wakenya wanafaa kujitunza na kuwa na heshima zao. Makasisi pia walipigiwa kelele.

Ni demokrasia na ni lazima ionekana kwamba kila mtu anaheshimika kwa fikira na uamuzi wake.

Bw. Naibu Spika, ni lazima tumheshimu Askofu Njue hata kama alipinga Katiba mpya. Sasa yeye ameikubali Katiba kama kiongozi wa dini. Ilikuwa ni jambo la aibu kuona watu wakimkemea Askofu Njue alipohudhuria sherehe ya kuidhinishwa kwa Katiba mpya. Ushindi huu si wa kikundi kimoja au chama cha kisiasa. Huu ni ushindi wa Wakenya wote. Demokrasia huhitaji maoni ya wachache kuheshimiwe.

Bw. Naibu Spika, ilikuwa ni aibu kubwa kumuona Kadhi Mkuu akipigiwa kelele alipokuwa akiimba. Baadhi ya watu walitaka ayafupishe maombi yake. Jambo hili lilitendeka mbele ya Rais wa Zanzibari ambaye ni Muislamu na anaelewa lugha ya Kiswahili vizuri sana. Rais Al-Bashir haelewi lugha ya Kiswahili. Baadhi ya umati wa watu walitaka Kadhi Mkuu ayafupishe maombi yake. Ni dhahiri kuna watu katika nchi hii ambao hawamheshimu Mungu. Tuwasihii wafuasi wetu kumheshimu Mungu.

Kwa hayo, ninaunga mkono.

**Mr. Kigen:** Thank you, Mr. Deputy Speaker, Sir. I also stand here to support this Motion for Adjournment to enable us to go out there and be with our people having been here for a good time. We, as Parliament, have done a good job. It is good time for the Members to go out there and even extend civic education on the new Constitution that we recently promulgated.

I believe many of our people want to know how they will benefit from this new Constitution. Indeed, they are being told that they are in a new Kenya. They are wondering what is in this Constitution for them. I believe that this is the time that every one of us can go back and spend ample time with the people.

Having said that, I want to thank the Members of Parliament, particularly the leaders who have continued to preach unity after the Referendum campaign that appeared to put people in various camps. What is important is that Kenyans are now coming together. They are watching us to see how we will guide the country forward in the new Constitution.

I want to take this opportunity also to invite the Ministers, particularly the Minister for Agriculture, to visit the countryside, especially during this year when we have beautiful harvest. The beautiful harvest that we have needs to be taken into account in terms of preparations to buy the maize and wheat from the farmers. I want her to ensure that we reserve enough food for our people. I urge her to set aside funds to buy sufficient food from farmers. It is also important to encourage farmers to put more efforts in producing sufficient food.

Last year and up to the beginning of this year, she did the people of Kenya proud by endeavoring to reduce the cost of inputs. The cost of fertilizers came down from

Kshs6,000 to Kshs2,500. This encouraged farmers to produce more. When you go to the countryside, you will realize that people were really encouraged and have produced a lot of food. The Ministry should be supported even to do more to assist farmers in terms of even marketing the surplus produce that we may get this year.

Together with that, we also need to address the issue of the dairy farmers. If you look at the cost of producing one litre of milk *vis-a-vis* the money that farmers get from selling it, you will find that they are not related in any way. In fact, they are putting in more money and getting little every day. This industry is in danger. Therefore, efforts should be made, particularly by the Ministry of Livestock Development, to assist in terms of encouraging them and even proposing subsidies at the very beginning to ensure that dairy farming does not die. It is also a big industry that is employing many people. I come from a cosmopolitan constituency. I have a lot of people from across the country. In fact, most the IDPs who were spoken about this afternoon, and who have been spoken about in the past, are in my constituency.

Mr. Deputy Speaker, Sir, I am inviting the Minister concerned with the re-settlement of the IDPs to visit the area and see the deplorable state in which some of the IDPs are in at the moment. He should ensure that as we rejoice under the new Constitution, other Kenyans are also taken care of in terms of re-settlement and being given sufficient food. I have just talked of a bumper harvest at the moment, but if you go out there, you will realise that the IDPs in that area have no food. They are in tatters.

Therefore, I am requesting the Minister responsible that during the recess time, he makes an effort to actually visit that area. He should not visit in a hurry. He should come and spend a lot of time visiting as many IDP camps as there are in the constituency. In fact, in addition to the IDPs, we also have another group of persons whom we are calling “squatters”. We need to make efforts to ensure that these squatters are also considered in future.

With those remarks, I beg to support the Motion.

**The Minister for Agriculture** (Dr. Kosgei): Mr. Deputy Speaker, Sir, I rise to support the Motion.

I want to start by congratulating all Kenyans for the work they did. All of us had to work very hard to get Kenyans to pass the Constitution.

**Mr. Deputy Speaker:** Dr. Kosgei, I thought you did second a Motion.

**The Minister for Agriculture** (Dr. Kosgei): Mr. Deputy Speaker, Sir, this is an amended Motion.

**Mr. Deputy Speaker:** Indeed, it is an amended Motion.

Please, proceed!

**The Minister for Agriculture** (Dr. Kosgei): Mr. Deputy Speaker, Sir, I would like to use this opportunity to congratulate Kenyans. The reason I have asked for the Floor is that I have heard a lot of remarks from hon. Members, and I feel I need to make some contribution about them.

First of all, there is the question of disorder at Uhuru Park during the promulgation ceremony. It did not start on Friday. It is time for the leadership, all of us included, to instil some discipline in ourselves and in the way we deal with each other. I saw the disorder in 2003, during the inauguration of President Kibaki, which is repeatedly referred; it is seen as if there was no planning. There was planning, but the situation was allowed to deteriorate by everyone; everyone took everyone else’s seat and,

therefore, caused general chaos. This situation has continued to be with us, and it is time all of us, as leaders, used some leadership qualities in us to instil discipline in our people.

The previous speaker, who is leaving before I respond to him, has asked me to go to his constituency. I am a farmer. I am in the countryside all the time. We discussed the problem of agriculture last Wednesday. The problems that are there are well known. We are as good as the funds we are given, but the Government is not a buyer. We buy maize for the Strategic Grain Reserve (SGR), which is under the Ministry of State for Special Programmes. We do not trade in wheat or maize. That is what gave rise to people importing maize and wasting money that could have been used to buy maize in this country to feed those who did not harvest.

Mr. Deputy Speaker, Sir, in my view, what we now need to do is to move away from politics of the referendum, and go to a level where we can have peace and harmony. When we come back after the recess, we will need to work hard on implementation. However, some of the speakers here asked for harmony at the national level. At the local level, they continue with the language they used during the campaigns, which is not helpful. While they may oppose a suggestion about which one media house should be given a medal, they continue to use their own vernacular media house called "Kass FM" to insult those Kenyans who voted overwhelmingly for the Constitution. I felt that I needed to respond to that one.

For the umpteenth time, I support.

**Eng. Gumbo:** Mr. Deputy Speaker, Sir, thank you for giving me this chance. I want to join my colleagues in congratulating the people of Kenya for delivering the Constitution after so many years of false starts. I support this Motion as a patriot and a Kenyan who loves this country deeply. Allow me also to congratulate the achievement of David Lekuta Rudisha for breaking the world record in 800 metres twice in a space of less than two weeks. This is not a small achievement and I am surprised that Kenyans seem to be taking it for granted. What Rudisha has done has actually brought back the glory to Kenya as his name suggests.

*(Applause)*

We know the last record was broken by a Kenyan who went to Denmark and Rudisha has brought it back and we really must congratulate him on the Floor of this august House.

Mr. Deputy Speaker, Sir, the people of Kenya have passed this Constitution. But in my view, we will be deluding ourselves to think that hatchets of yester-year; the very ones that have pushed back the promise of Kenya are going to offer themselves for quick and easy burial. I say this because the essence of this Constitution is to make us have a clean break with our dark past. Those of us who went for the promulgation ceremony at Uhuru Park, what did we see? We saw the very same people who have been responsible for Goldenberg and Anglo Leasing scandals dancing their way into Uhuru Park under VIP protection at a time even when some Members of Parliament were being asked to identify themselves. The question then must be asked; does this generation have what it takes to really implement this Constitution in the spirit and letter that Kenyans intended? I have my doubts.

This Constitution must help us get a clean break from our dark past and if it does not do that, then we are failing. Finally, like I said before, I believe and love this country

deeply. The only way out for this country is our unity as a people. We must say no and very emphatically so to the cancer of tribalism. We have written the Constitution but like I have always said, no law in this world can fight negative ethnicity. As the people of Kenya, we must find it in our mind and hearts to say no to ethnicity. We shall have known that the spirit and letter of this new Constitution will have been achieved when it becomes possible for someone from North Eastern Province to become the President of Kenya without somebody questioning their religion, ethnicity and the number and size of his tribe. Then, we shall have known that the spirit and letter of this Constitution will have been achieved when it shall be possible for someone from western Kenya, privileged to lead this country, shall select his top security team without being too mindful about his own tribe.

With those few remarks, I beg to support.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Deputy Speaker, Sir, first of all, I want to join my colleagues in saying that we deserve a rest. We deserve a rest because I know that all politicians in this country are busy day in, day out. In fact, I sympathize with them because I know that even after getting a recess of this nature, they will still be in the offices and not resting in beautiful beaches. So, I know that even this rest is a rest in quotes.

Mr. Deputy Speaker, Sir, I want to thank all Kenyans for voting for this new Constitution in a very peaceful manner. I also want to thank those in charge of security under Prof. Saitoti for doing very well in making sure that the deployment of security officers is done in a meticulous manner. We did not get any problems. I remember in the last referendum, my friend Dr. Khalwale and I were victims. A house belonging to one of my uncles was burnt and Dr. Khalwale's vehicle was burnt. It was really bad. So, this time we want to thank all Kenyans for being peaceful.

Secondly, as a country, we should thank all the hon. Members of the Tenth Parliament. I would even say that it is the first Parliament of the Second Republic. I think we did our job. We really struggled a lot to tell Kenyans to vote for the new Constitution and they did it. This Parliament will go to the annals of history as one of the best Parliaments until, I think, Jesus comes.

It has not been easy. If you go down the memory lane, you will realize that so many Kenyans have suffered, many lost their lives and many Kenyans are still maimed up to now for fighting for the new Constitution. Now, what remains to be done is for us to sit down and focus on the implementation of this new document which is one of the best documents I think in the whole continent and one of the best in the world. So we need to focus when we come back on the implementation because we have more than 74 Bills that we will generate as Parliament. So we have a lot to do. So when we come back, we should be prepared to give Kenyans the best by way of legislation and, of course, by starting with the ones that Kenyans will get immediate benefit.

Mr. Deputy Speaker, Sir, I think the just released census was done professionally. But I want to say that some problems were detected in the northern region. We must go to the bottom of this matter. Were these figures "cooked" or somebody sat somewhere and just distorted some of these figures? Let us investigate and get to know why it happened. Let us not vilify them and let us not make them suffer for the mistakes not of their own. I think the people in charge of counting must be answerable to this. I think on the whole, I want to say that this Parliament has come up with so many Bills and we have debated so

many of them. I want to thank my colleagues for doing a good job and also to predict that this Parliament will not be treated like the Ninth Parliament where we lost more than 145 members. This time round, I think 95 percent of the Members will come back to Parliament.

I beg to support.

**Mr. Oyongo Nyamweya:** Thank you, Mr. Deputy Speaker, Sir for giving me a chance to support this Motion. But before I make any contribution I wish to pass my sincere sympathy and condolences to the family of the late Ibrahim Ochoi who was a contestant in the South Mugirango by-election. I send my condolences on behalf of the people of South Mugirango to the family of the late Ochoi, especially the wife. He has left a small family.

I want to take this chance to thank the ODM party. They actually conceded defeat graciously and hon. Ochoi, the deceased now, conceded that I have won the elections fairly. I have worked with him since that time and we did the referendum together. So it is very sad for the people of South Mugirango to have lost somebody who wanted to serve this nation and who was a focused and democratic man.

This nation has passed the new Constitution. I am happy to associate myself with the Members of Parliament who passed this new Constitution but I feel we need to do more on this Constitution.

People need to be informed so that even those who did not support this document can feel better and well represented. They must know that this Constitution is going to apply to all of us in equal measure. So, I am appealing to the Government to make every effort to reach the elders in the villages--- Nowadays, we are not doing campaigns. We should say what it is. It is a new Constitution. We should tell them what it is going to do for the nation. Chiefs, elders, DOs, DCs and us, politicians - although we will be on recess – should tell people what this new Constitution is going to give them so that those who may be having fears and different ideas can change. That is because if we have this new Constitution and nothing is done to educate people about it and some of us--- I have not even read it properly. We are going to have a problem in this country. We will be one people because there is no winner or loser in this new Constitution.

Mr. Deputy Speaker, Sir, having said that, let me say that we have gone through the census. We have seen the results and one thing that I want to say is that any society where you find more men in data, the population for that society will decline. Population growth comes when there are more female and not men; statistically. So, there is something wrong with those statistics. When you see the analysis and data, you cannot have more men and an increase in population. So there is something which needs to be looked at to see what needs to be done so that the correct picture of the population in that area comes out.

I also want to say that I am glad we are going on recess. We won the by-election when Parliament was going on. After I joined, we went for the Referendum and so I have not had a chance to be with the people of South Mugirango. So this time, I will get more time to be with them and work with them, especially on the issue of allocating Constituencies Development Fund (CDF). We have some money and I am going to work with them and agree on the projects which we can do during the recess. But again, what I would also urge is that we, politicians, regardless of our party affiliations, it is a big opportunity for us to sit together and look at the new Constitution.



*(Dr. Kosgei and Mr. Ojode withdrew from the Chamber)*

**Mr. Deputy Speaker:** Order, Mr. Oyongo Nyamweya! Hon. Ministers, there has to be a Government Minister to reply. Any Minister will do! I can see three of them provided they do not leave.

Proceed!

**Mr. Oyongo Nyamweya:** Mr. Deputy Speaker, Sir, what I am saying is that, as we go for recess, we need to preach unity and bring understanding as a nation. I have seen the Budget which was read in this Parliament. We supported it and passed it. People have said that North Eastern and Eastern regions have been ignored. When you look at the entire Budget, the people of South Mugirango have been ignored, If you look at the amount allocated to them, it is less than Kshs100,000 in the entire Budget amounting to billions of shillings. That basically means that, whether there is a Budget or not, the people of South Mugirango will continue suffering. So, I am asking the Government to look at resource allocation. Thank God we have a new Constitution. It may not be implemented immediately---

With those few remarks, I beg to support.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to join my colleagues and make some contribution. Firstly, let me support the Motion and extend the same support to the Mover of this Motion. I would also like to thank the Attorney-General and the Chief Justice for the participation they had at Uhuru Park. Their participation was very crucial in the smooth running of the promulgation ceremony.

I would also like to thank the President and the Prime Minister for the historic speeches they made during that ceremony. The President made a very inspiring speech while the Prime Minister made a remarkable speech. I would urge the two principals to continue working and planning together in the interests of our people in this country.

Mr. Deputy Speaker, Sir, I would also like to congratulate Mr. PLO Lumumba, who has been appointed to a new position, and urge him to make sure that the mega scandals that we have seen in this nation are stemmed. We would also like to see the economic crimes committed in this nation eliminated.

I would also like to congratulate Prof. Kamar who has been promoted from the Speaker's Panel. This is really critical in the history of this nation. I would also like to commend the new addition to the Speaker's Panel, of Dr. Laboso. She has started so well, and I hope she will continue in that spirit. I would also like to commend the President of this country for assenting to the four Bills that emanated from this House.

Concerning the promulgation ceremony at Uhuru Park, we noted with some kind of disappointment the heckling culture that was perpetuated that day. It is vivid in our mind that the second President of this nation, who happened to have been taking part in the ceremony, was heckled. This is not a healthy culture. This behavior must be discouraged completely.

I would like to thank the Speaker of this National Assembly for conducting the second swearing in of Members of Parliament. This was very unprecedented and the whole ceremony was conducted very smoothly.

I would also like to thank the foreign leaders who graced our occasion at Uhuru Park. These were President Museveni of Uganda, President Karume of Zanzibar, the

President of Comoros Islands, President Al Bashir of Sudan, former President John Kufuor from Ghana and Kofi Annan, who chaired the panel of prominent African leaders; he steered our nation to our very harmonious new Constitution.

With those few remarks, I fully support the Motion.

**Mr. Kioni:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion. First, I would like to congratulate all Kenyans for enacting a new Constitution in a very peaceful manner. We now can say proudly that we have a Constitution that will be availed to generations to come.

As we go on a recess, it is important to note that we still have the IDPS. In my constituency, I recently received a total of about 2,000 IDPS. Those are issues that we would certainly want to deal with during the recess. It is important that those issues are put to rest. The Minister has promised that by October this year the last IDP will have been settled and we hope that will be achieved.

Others have also talked about squatters. They are there across the country. It is important that we, as a nation, address the issue of squatters. We have them in our constituencies. I have them in Ndaragwa. They seem to be a forgotten lot because they have been there for well over 30 years.

Mr. Deputy Speaker, Sir, even as we talk of the many achievements that we have attained, we still have a number of concerns to think about. We have issues that I know will occupy a bit of our time. One that has not received quite some attention during the couple of weeks that we have been here is the issue of unpaid dues to those who used to work for the new Kenya Co-operative Creameries (KCC); they were forcibly retired from the KCC. These are issues that will require attention when we come back for the next session.

We also have a number of retired teachers who are still out looking for their payment. I would want to join those who have taken time to thank the Ministry of State for Provincial Administration and Internal Security for the work they did during the campaigns for the Referendum and also the day of the promulgation of the Constitution.

I equally want to thank the Minister of State for Planning, National Development and Vision 2030 for the work that was done during the census. I see the Assistant Minister for Education trying to catch my eye, but we still want to see a little more from his Ministry for us to say he belongs to the panel of those to be congratulated. The Minister of State for Planning, National Development and Vision 2030, even with the difficulties that we have in northern Kenya, was able to conduct census. We want speedy work done in those areas so that we are able to get actual and truthful position. The census figures are useful statistics. It is important as a House to recognise the work that was done by that Ministry. It is important that the statistics are looked at and paid attention to because allocation of resources has everything to do with the exercise that was done. It is for that reason that they need to be accurate.

Having said, it is important that the Ministry pays attention to the allocation of the CDF. The factors that have been used in the past to allocate the CDF have not been extremely fair. We hope that the Ministry will live up to that billing. We want to see some improvement in their work.

Mr. Deputy Speaker, Sir, during the recess, it is important as Members of Parliament to take time to educate our voters on the provision of this new Constitution. As we are doing that, we also need to wake up to some of the provisions in the

Constitution. For example, there is Article 77(2) which says that any appointed State Officer cannot hold a political office. It is important when we come back to be ready to relinquish those offices that we are holding in political parties for those officers who are actually appointed. Equally, it is also provided for in Chapter 6 on leadership and integrity. This has far reaching implications on each and every one of us. It is just a matter of time before it is applied on you. I think it is better when you look at it yourself and see whether you qualify to be in the position that you are holding now.

Others have talked about the heckling at Uhuru Park. I want to join them and say that, that is a culture that belongs to the past. It is not a culture of civilised people. It is not something that we should allow to continue. We have been to Uhuru Park two to three times and that heckling seems to be fashionable from that platform. It is not useful for us as a nation, especially when we have visiting Heads of States. It does not augur well.

Mr. Speaker, Sir, we, as leaders, are the ones to set examples. We should not be seen to use statements that are not useful; innuendos that belittle the Heads of States.

With those few remarks, I beg to support.

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion and take this opportunity to assure Kenyans wherever they are in this country that the energies we used to drive the reform agenda that brought us the new Constitution, we will use them in this House and outside the House to ensure that the new Constitution is implemented. We would like to implement the new Constitution so that peace and stability that it guarantees us is enjoyed by all Kenyans. We would also like to ensure that the opportunity of economic advancement as given by this Constitution is realized by this country. We would like to ensure that the culture of good governance becomes the order of the day in this country so that we see an end to the era of tribal alliances when people want to rise to the top to lead this country. We would like to see an end to the era of corruption which has allowed thieves to sneak and find their way into public office without apologies and use the same proceeds to try and sustain themselves in public. We will make sure that every Kenyan, in equal measure, has an opportunity, whether he is big or small to realise his potential.

Mr. Deputy Speaker, Sir, I would like to thank Kenyans for giving us the County of Kakamega. This county is unique in the sense that it is the largest in the country. It is also the most populous rural county in the country. We want to ask the Government to give us an opportunity to develop our tea. We would like to warn the Minister for Agriculture and the Permanent Secretary not to interfere with the development of cane farming in Kakamega County. This county is the only one that is largest producer of sugar in the country. We have Mumias Sugar Company, West Kenya Sugar Company and now Butali Sugar Company. We hope that the Minister for Agriculture will desist from her attempts to close down Butali Sugar Company.

We would like the Government to support us develop tourism. Thank you very much, hon. Balala---

**Mr. Deputy Speaker:** Order, Dr. Khalwale! You cannot impute improper motive against a fellow Member of Parliament without bringing a substantive Motion. You better watch your utterances.

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir, for your guidance.

We would like to thank hon. Najib Balala for giving us money to develop cultural tourism in Kakamega County where we are today constructing ultra modern stadium at Malinya in Ikolomani. We hope that the Government will also support us in developing our maize farming in Kakamega County especially in Lugari Constituency.

I want to use this opportunity to finally request hon. Members to think about the timelines that are in Schedule VI. We are supposed, through the House Business Committee, to have established a Constitutional Implementation Oversight Committee. We have not done this and by the time we come back on 28<sup>th</sup> September, 2010 we would have lost 30 days. We are supposed, within the first 90 days - we will remain with 60 days by 28<sup>th</sup> September, 2010 - to have put in place a chairman and membership of the Constitution Implementation Committee. This we have not done. We are also supposed to give approval within the first 90 days – we have already lost 30 days – to the appointment of the person who will be nominated by the President to the position of being the Chair of the Commission for Revenue Allocation.

If we do not address our minds to these things, we will give the same Executive an opportunity to start going slow on the implementation process. Believe me you hon. Members, the same Constitution provides that any Kenyan can go to the High Court and seek that this Parliament be compelled to carry out a prerequisite by way of legislation. If you do not do that, the same court can ask the Chief Justice to ask the President to dissolve the National Assembly. It is important that as we go on recess, we be seized of these matters so that the Constitution of Kenya can be implemented.

Finally, whereas many Members of Parliament as evidenced yesterday and some contributions today have congratulated the leadership of the country for the way they hosted Al-Bashir, the truth is that as many Kenyans---

With those many words, I beg to support this Motion.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. Let me add my voice to that of the Members who have supported the Motion for Adjournment. I would like to join my colleagues who have congratulated this nation for passing the wonderful Constitution that we have just celebrated.

Kenyans have waited for many years and this is a golden opportunity which we had to utilize. On that, I want to congratulate particularly those from the upper eastern for heeding our call and joining the rest of the country in supporting the Constitution.

Mr. Deputy Speaker, Sir, while we celebrate, I want to point out that the Constitution itself as beautiful as it may be, is not enough. The Constitution is not going to change us. We have to resolve to change as individuals. This is because unless we change ourselves, then I think it is useless for us to have whatever document like the one we have just produced, because it is us who will implement it and chart the way forward on how this country will move. Therefore, the leadership needs to be commended because they have spearheaded this process and really led us to the point where we wanted to belong. I want them to continue leading the country from the front, so that this great country of ours can move ahead and belong to the first world.

Mr. Deputy Speaker, Sir, while we were celebrating the great Constitution we have just produced, many speakers have mentioned that it was an embarrassing moment when people started heckling visiting Heads of States. That is unfair. We may have got differences or issues with personalities, but as a country, we must respect other leaders

from our neighbouring countries. This is something we need to educate our youth and nation at large on, so that we do not have these kind of incidences again.

Mr. Deputy Speaker, Sir, I want to add my voice to those who support the visit by the Head of State from Sudan. I am driven by the fact that there are some nations in the world which are playing the big brother kind of nation. I have the United States of America (USA) in mind. When they freely choose to bomb some countries, harass *wananchi* and kill innocent women and children, they go scot free and nobody criticizes them, and they walk very tall. But when any African leader is mentioned in one way or the other, they come out very fast condemning. This is not fair. It is something we must stop and not entertain. America itself has refused to be a member of the International Criminal Court (ICC), because it has realized that it is not good for Americans. Why do they think then that it should be very good for Kenya? This is something we must not agree to and support.

Mr. Deputy Speaker, Sir, finally, regarding the census results that were released yesterday, while the Ministry has done a commendable job in announcing the results clearly and very ably, I do not want to agree with the results. It is wanting because---

**Mr. Deputy Speaker:** Order! Order, hon. M.M. Ali! Our Standing Orders are very explicit about discussing either another country or Head of State of another country in a manner that essentially is other than commending. Without a substantive Motion, you cannot discuss the conduct of a friendly state or its Head of State in a negative manner.

Proceed, but be cautioned!

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Thank you very much, Mr. Deputy Speaker, Sir, for that guidance.

Mr. Deputy Speaker, Sir, I want to continue talking about the census results that were just released yesterday. I do not totally agree with the results we were given here. This is because they have gone ahead and tabled results, for example, for the Boran Community that I come from. The Boran occupy majorly Moyale, Marsabit and Isiolo as you very well know. But the total figure which has been read here – the 161,000 - to this country is appalling. Even those in Nairobi alone are more than that.

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

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion. As I support it, I would like to thank the hon. Member who proposed the amendment to read 28<sup>th</sup> September, 2010. For those of us who are involved in the CPA Executive Committee, we would not have had any break because we will come back next week to continue up to 19<sup>th</sup> September, 2010. So, I support the fact that we need the extended break. I am glad that, that was endorsed.

It is also my hope that the other Members of the House will join me during the official opening so that we can give the right image of the country and of this House, in particular. This is going to be the second time that the CPA conference has been held in this country. It will be the pride of this House that we do it not only successively, but we, as Members, participate in various workshops. One of the workshops touches on the peace and unity of our nation.

I would like to join my colleague in congratulating the nation for a well conducted referendum, a very peaceful one. We thank the security personnel and, more so, Kenyans

because we did not need the security personnel this time round. Everybody was talking about 22,000 armed officers being sent to the Rift Valley. I want to assure this House that there was no need for that. All that they did was to go for a walk, mingle and enjoy the green scenery that is in the Rift Valley. The people of Kenya have reached a point where they can handle their issues in a mature manner. It also informs the fact that the problems we had in 2008 had nothing to do with the Rift Valley. They were issues that had to do with the results of the General Election. Therefore, I congratulate our people for that.

I, again, want to congratulate the Government for a very successful promulgation ceremony, notwithstanding the fact that we had a problem of heckling. Most Members have mentioned that. That is something that, as a House, we must condemn. That is because we must bring maturity among our youth. That kind of behavior cannot be tolerated in a democratic system and, especially, heckling a visitor that we have invited ourselves.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, Member for Lari! Hon. Members on the last Bench, please, lower your consultations.

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Thank you Mr. Deputy Speaker, Sir. Those consultations were a little bit too loud.

The promulgation exercise was a success and a landmark in this country. I am proud to be part of this Parliament at this time when we have successively got a Constitution. Having been at the Bomas process for two years as a women representative, I am proud of the way the process was conducted and where we have reached so far. I would like to join my colleagues who encouraged us by saying that, right now, we do not have people in the “Yes”, “No”, green or red camps. We need to move on as a country. We need to move forward and relook at what is in the Constitution.

I am a very strong proponent of civic education and I believe there is need to have civic education to make our people understand the exact contents of the document, so that we can have a good implementation.

With those few remarks, I would like to finally say that this House needs a break so that when it comes back, it can deal with the heavy task ahead of it.

I support.

**Eng. Maina:** Thank you, Mr. Deputy Speaker, Sir. I stand to support the Motion. During this time, the greatest thing that Members of this Parliament can address is the unity of this country. Whereas I congratulate Kenyans for the new Constitution, we must be honest with one another and acknowledge that not until we are united, will Kenya be the great nation that we envisage.

The unity of this country can only come from the leaders. It will not come from a document called the new Constitution. We need to preach unity in earnest. Let the leaders of this country begin by being honest. Let us not say in this Parliament that we are united and when we go out there, we say that in our areas, there are people who do not belong there. Could we take this opportunity to preach unity among our people? The Christians took a stand against the Draft Constitution and I thank them that after the referendum, they have shown willingness to co-operate and move ahead with the rest of the country.

It is upon us, as leaders, that when we go back to our constituencies we engage leaders of the churches because both the State and the Church must work together. I have talked to a number of church leaders and they are truly willing to continue working together with the political leadership of this country. We should encourage them and give them that opportunity. There is no winner or loser. We are all Kenyans and even our brothers and sisters who might have been on the other side, we should encourage them.

Today, it was reported that the Price Control Bill which was overwhelmingly passed by this Parliament was not assented to. I believe His Excellency would have wished to see a price regulation law in this country. The so-called policies that may be quoted should never be used as an excuse to deny Kenyans justice or this House its rightful authority. There is an outcry in this country because the ordinary people cannot make their ends meet. When this House resumes from the recess, the same Bill will be coming. I believe this House will again, responsibly, perform its role and support the Bill in accordance with the regulations and have it put in place. This Government has a duty to come up with anything that it believes is better than just saying that this and this are not good things and then folding its arms.

Mr. Deputy Speaker, Sir, looking at the population census for the area that I come from, it is a bit strange and surprising that the population of our people is slowing down. The growth of population is slowing down in Central Kenya. I wish, as a leader, to call upon all our leaders to look into this matter. We are growing at the rate of about 1.6 per cent while the rest of Kenya is growing at the rate of 3 per cent. Numbers matter in this country in sharing of anything. Surely, I am not saying that we overdo things, but we must increase our population. Surely, I am not saying that we add anything, but our coffee farming in the central region should be supported as a way of uplifting economic development.

With those remarks, I beg to support.

**Mr. Mwiru:** Mr. Deputy Speaker, Sir, I thank you for according me this opportunity to also join my colleagues in supporting this Motion for Adjournment.

May I also join my colleagues in congratulating all Kenyans for a job well done of passing the Constitution. I am happy that I am part and parcel of a new Republic of Kenya and a new nation due to this Constitution.

Mr. Deputy Speaker, Sir, we may glorify ourselves so much. We may be very happy and be sitting on the laurels of the success of passing the Constitution, but there is more that lies ahead of us now that we are going to adjourn this House. Trying to make our people understand the current dispensation under the current Constitution is a role we have to play as leaders of this country. Indeed, the journey could have just begun after, of course, we finished the previous lap of passing the Constitution.

Quite a number of Kenyans do not understand exactly what could be the benefits of the new Constitution, or which other direction we should be taking as a country, so that we are able to take a step forward in this country's development. What I have come to realise is that most of the time we are below par in terms of patriotism in this country. Whenever it comes to the defence of this country, most Kenyans do not even wake up to defend the tenets and the virtues of our nation. Indeed, they must sing a tune of some masters out there, which is not very proper.

Mr. Deputy Speaker, Sir, I am much disturbed by the kind of divide that came about, especially after the invitation here of President Omar Al-Bashir of Sudan. Kenyans

have taken different directions and are tearing the nation apart. It is high time that we, as Kenyans, were able to talk together and agree on issues which could divide us, and move together as a country; it is not necessary for us to wash our dirty linen in public. We need to move ahead as a country, as a nation and as a people. Indeed, it is not proper for us to take different directions in the interpretation of events.

I am happy to have the Tharaka Nithi County under the Constitution. Indeed, it is one part of the larger Meru region that has always been looked down upon in terms of planning and resource allocation. The destiny of the people there now lies in their hands; they should also discover that they can afford to tap the potential and the resources that are available in that particular area for the purposes of their development. Indeed, it is a great stride for them.

Mr. Deputy Speaker, Sir, I also urge Kenyans that they should be able to rediscover themselves, wherever they are in the counties; they should know precisely what is available within their areas that can be tapped for the development of the whole nation. Indeed, the development of one county or another is the development of the whole country. So, it is necessary that all resources and potential are discovered and exploited for purposes of the development of the country.

One thing I have realised from the census results that were released yesterday is that some areas are growing very slowly in terms of population. Indeed, there are factors which affect population growth. Currently, in some areas, there is a lot of illicit brew drinking. Deaths are reported everywhere. Indeed, a nation where people engage in a lot of drinking may not even be able to sire offspring.

Mr. Deputy Speaker, Sir, therefore, I join my colleague in the central region, who is also our chairman, in recognising the fact that the population in that area is not growing properly. It is upon us, as leaders, to make sure that people do not engage in this kind of activity, so that they are able to sire offsprings and take part in economic development in this particular area.

We cannot afford to sit down and complain that the population is not growing yet an opportunity is not accorded for purposes of giving a good and conducive atmosphere for the siring of those children.

With those few remarks, I beg to support.

**Mr. Langat:** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity. I want to support this Motion for Adjournment for various reasons. First, there is a meeting which is coming up. We have not also received our figures for the Constituencies Development Fund (CDF) and, therefore, we need to get them to enable us do our budget and plan for this financial year.

I do not want to say much but I would like to say that yes, the Constitution was passed by Kenyans and I would like to extend many congratulations to that extent. This new Constitution will never see the light of day if Kenyans do not change the way they do their things. The promulgation ceremony was meant to be the climax of the process of the constitution making but as we were in the process of the climax, it was very evident that those who went there had other issues. This Constitution is supposed to be a win-win situation. It is not meant to be a zero-sum game where one enjoys at the expense of the other. We all agree that the former President did many good things and maybe also did many bad things. But is it not time we stopped the habit of reminding him about one or two things that he did wrong all the time? It is not right to bring the youth to the



ceremony to sing very funny songs against the former President. We invited other dignitaries to this event because it was meant to be a climax but some organized group came and abused them. The trend has continued. Even during the referendum period, we witnessed similar events where the Vice-President was booed in a rally where everybody was supporting the Constitution. I think that is a habit that somebody must stop because that is not very good for Kenya. Nobody would like to see the President of Kenya being shouted at in Uganda as retaliation for what happened in Uhuru Park.

Therefore, the Government must look at those issues and address them. They must find out who is organizing those groups. There is no point, after some people have spoken, you see people walking out on the Head of State. It was not a very good sight. If this Constitution has to mean anything, then we must change the way we do things. Otherwise, it will be a case of new forest but the same monkeys inside who do the same old things.

With those few remarks, I support.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, I rise to support this Motion. I would like to join other hon. Members in congratulating Kenyans for enabling this country get a new Constitution. Indeed, it is a moment to cherish. I would like, at this juncture, to commend the way the Speaker of this National Assembly, the Deputy Speaker and all those who have chaired the different sittings of this House, have conducted the business of the House. I think you have shown us the way. We should be ashamed about people being shouted down. Had we followed you, we probably would not have faced these things.

Mr. Deputy Speaker, Sir, I would like also to pay tribute to members of the House, the Back Bench for keeping the debates in the House in very good shape and for keeping us in the Front Bench on our toes. You have conducted yourselves as it should be and I really would want to commend you, particularly I. Coming from the Ministry of Education, I think the questions directed to the Ministry of Education have been mature and I would like to appreciate your work. I would like to appreciate also Members of the Front Bench for the effort they have made to answer most of the Questions. Finally, I would like to pay tribute to those who have come before us particularly the people who lost their lives in the struggle for this Constitution. I dare mention the names of those who may have gone before us and those who are still with us:- The late Adungosi, the late Bishop Muge and the late Mwachofi. Those who live with us, yourself, Mr. Deputy Speaker, Farah Maalim, you were in the struggle; Billow Kerrow, Abuya Abuya, Mwandawiro Mghanga, Matiba, Rubia, Shikuku, Ngugi wa Thiongo, Muite, Njoya, and many others and the mama *mbogas* who have participated actively in getting this Constitution. Let us congratulate one another and let us all cherish this beautiful moment.

I beg to support.

**Mr. Warugongo:** Thank you very much, Mr. Deputy Speaker, Sir. I also stand to support this Motion and it will be very important because the MPs, including me, will go home and work for our people. Everybody knows that my constituency is one of the constituencies in the arid regions and we are doing a lot to try and improve the water situation in the constituency. When we come back, I will specifically expect that our Government will now fight corruption in a way that most of those big shots will be put behind bars if they are involved in corruption. If we do that, this country will start heading towards the right direction. I am sure that development will be a reality in future.

Mr. Deputy Speaker, Sir, let me join my colleagues in condemning what happened on the promulgation day. That was something that the whole world did not want. In fact, nobody will expect the same to happen in the future. We, the leaders, should tell our supporters that it is not wise to shout and heckle other leaders. That is because as some of my colleagues said before, leaders came from other countries and there are Kenyans there. In actual fact, we would not like Kenyans in those other countries to be harassed.

I do not have much and with those few remarks, I beg to support.

**Mr. Nyambati:** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity also to speak my piece. I want to start by joining my colleagues in congratulating Kenyans for what we just did; bringing about the new Constitution. This was great to this country and I want to thank the President, the Prime Minister and all those who were involved in the wonderful work that was done. Equally so, I want to thank Mr. Samoei for championing the “No” side because it gave Kenyans a chance to see what democracy is all about and, for those of us who were in favour, to go an extra mile to explain to Kenyans what the Constitution is. So, it is important that we congratulate ourselves because this is behind us. The Constitution is ours; those who were in “No” and “Yes” sides.

Having said that, I want to take this opportunity to congratulate the leadership of this House, especially the Speaker, the Deputy Speaker and those who assist to conduct business in this House in a very mature way; a way that shows that we have come of age. I really want to congratulate them; all of you and say that this august House has the capacity to ensure that this Constitution is implemented. I also want to say that even as we go for this deserved recess, we must use this opportunity to teach our people what the Constitution is all about. It will be useless to have such a wonderful document and we do not implement it. The Kenyans must change! We must change our attitude! What happened, for example, at Uhuru Park, must be condemned by every Kenyan of sound mind. That is not what we should display as a nation. We must show other countries that we are mature as a nation and that we respect the views of other people. That way, we will not have our people shouting anywhere, whether it is Uhuru Park or wherever. We should give people a chance to speak their mind and express their views.

I also want to say that this country must change the way it conducts its education. As we are now, Kenyan children live as Kisiis, Kikuyus, Luos or whatever. We want our children to go to all parts of the country to study, so that we eliminate this issue of ethnicity; this issue of tribalism; we create a nation of Kenyans so that our children will know that they are given equal opportunity any time anywhere in this country. It is extremely important that we bring our children up knowing that they are Kenyans, patriotic and that they will fight for this country; for the flag of Kenya, so that we grow up knowing that we have left a legacy.

Mr. Deputy Speaker, Sir, I also want to say that it is so pathetic that this Government of ours has not taken care of the IDP situation. We still have IDPs out there, our own people being refugees in their own country. It is a shame and the Government must go out of its way and ensure that it has done what it must do to resettle our Kenyans once and for all.

I want to wish our hon. Members good recess so that, when they go out there, we also get involved in our CDF projects. That is very important. If we want to be re-elected

to this House, we must go out there and work with our people. So, this is a deserved adjournment which we strongly support and we need this occasion to go out there and make sure that our people benefit from whatever resources that the Government gives.

With those few remarks, I beg to support.

**Mrs. Shebesh:** Thank you, Mr. Deputy Speaker, Sir. I want to support this Motion. As I support it, I am compelled to speak because of the very many sentiments I have heard my colleagues expressing, and it is their due right to do so. I do believe that I must clarify that within the Bill of Rights and our own democratic space, we cannot dictate to our people what to do and what not to do. What we must do, as leaders, is to show a good example.

Mr. Deputy Speaker, Sir, while on platforms, we have engaged ourselves as politicians with no decorum. We have many times thrown words at each other, abused each other, and even sometimes gone out to mislead people on the character of another Member of Parliament or colleague. Therefore, when my colleagues keep on repeating what happened at Uhuru Park--- I have seen it happen in Kisii and Eldoret. I do not think that Uhuru Park function must be vilified and the people who came to celebrate the promulgation be made to feel that by their coming there and expressing their democratic right, they did anything wrong in this country.

What we should do as leaders is caution our people. Most importantly, we must do what we are preaching; I must say we do not do very well in this House. Therefore, we must take responsibility and not vilify the Kenyans who did a good job to come and support the promulgation of the Constitution at Uhuru Park.

Mr. Deputy Speaker, Sir, I support.

**Mr. Gaichuhie:** Nakushukuru, Bw. Naibu Spika kwa kunipa nafasi hii kuunga mkono Hoja hii ya kwenda likizo. Huu ni wakati ambapo tumetoka kampeni zetu za Katiba mpya, na tena tumeipitisha Katiba hii. Tumefurahi kwa sababu baada ya kampeni tuliipitisha Katiba.

Ningeuliza Serikali iendelee kutilia maanani Katiba, na pia Wakenya wajue kuwa sasa tuna county na tunastahili kuona county zetu zikiendelea vizuri. Ningetaka pia Serikali ijue kuwa tumepata matokeo ya hesabu ya watu. Kwa hivyo, ningetaka pia Serikali ijue kuwa Wakenya wengi wanavumilia kuwa Wakenya. Tungetaka Serikali itende usawa, na tusiwe na wachache ambao wanajivunia kuwa Wakenya na wengi wanaovumilia kuwa Wakenya.

Asante.

**Mr. Kathuri:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. I want to say from the outset that I strongly support going for recess for the 28 days.

I would like to say that we have a lot of things to go and do. One of them is that we have pending by-elections for Makadara, Juja and Starehe constituencies. We have colleagues who are contesting these seats. It is very important for us to have time to be with them, so that we can support them, and whichever side that will lose, will lose while we will have participated with it in the exercise. Those of us who will succeed in supporting their colleagues to come back here will feel good. If we do not have time for that, it will be very bad. I think it is important for us to go underground and do campaigns.

I also think that it is very important for us to go for recess and try as much as possible to preach reconciliation. We went through our “Yes” and “No” campaigns. It was very important. We created wounds. The other day we were with Cardinal Njue. Much as he said that he had no apologies to make, it was very clear that there was need for reconciliation. It is very important that we be with them on the ground, so that we can try and heal the wounds. It is not possible to do that when we do not have enough time on the ground. It is also important for us to state very clearly when we go on the ground that it is not the new Constitution that will save Kenya, it is our attitude. There is no other way we can do it other than being on the ground.

I also want to take this opportunity to remind the Ministers, or the Executive, that now that we are going on recess, and they will definitely have no Questions to answer in this House, they have a duty to work on the pending issues, which have not been attended to. An example is in the Ministry of Transport. I have a lot of reasons to imagine that there is a lot that has to be done, especially in road safety. There are regulations to be passed. There are some Ministerial directives that ought to be prepared. These must be prepared after consultations. It is very important for the Minister to have ample time. This is an issue he must attend to, so that we can see sanity on our roads. Issues of instant ticketing have not been sorted. The Office of the Deputy Prime Minister and Ministry of Finance did its work. It is the Ministry of Transport to do its work, so that we can see results physically on our roads.

Mr. Deputy Speaker, Sir, I also want to say that there could be many other issues which other Ministries have to do. This is the right time for them to address them. There are issues to do with maize. We are yet to know the outcome of the matter on contaminated maize from the Ministry of Agriculture. This is the time that they should push it so that we can have answers.

With those many words, I beg to support.

**The Assistant Minister for Co-operative Development and Marketing** (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I support this Motion for Adjournment so that we can go to our various counties to try and see how we can accommodate one another and negotiate for the various seats that have been created in the new Constitution.

Mr. Deputy Speaker, we, as women Parliamentarians, really welcome this so that we can go out and meet fellow women and talk to them about these seats, so that they can come out in big numbers to take up the spaces that have been created.

With those few remarks, I beg to support.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, this House do now adjourn until Tuesday 28<sup>th</sup> September, 2010 at 2.30 p.m.

## ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, this House stands adjourn until Tuesday 28<sup>th</sup> September, 2010, at 2.30 p.m.

The House rose at 7.40 p.m.