

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 29th May, 2007

The House met at 2.30 p.m.

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) in the Chair]*

PRAYERS

NOTICE OF MOTION

ELECTION OF MEMBERS OF EAST
AFRICAN LEGISLATIVE ASSEMBLY

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, pursuant to provisions of Rule 8 of the Treaty for the establishment of the East African Community (Election of Members to the Assembly) Rules which were approved by the House on Wednesday, the 23rd of May, 2007; this House elects the following to be Members of the East African Legislative Assembly:

Ms. Safina Kwekwe Tsungu
Mr. Clarkson Otieno Karan
Mr. Augustine Chemonges Lotodo Mr. Gervase Akhaabi
Mrs. Catherine Ngima Kimura
Mr. Nakuleu Christopher Doye
Mr. Abdirahin Haithar Abdi
Mrs. Sarah Talaso Bonaya
Mr. Reuben Oyondi Onserio

QUESTIONS BY PRIVATE NOTICE

KILLING OF MASTER GEOFFREY LOKIRIAPUS

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Could the Minister confirm that security forces conducted an operation in Ngoron Village, Kolowa Division, East Pokot District on Friday, 4th May, 2007, rounded up livestock and arrested three people including a Standard Eight candidate at Ngoron Primary School, Master Geoffrey Lokiriapus?

(b) Why did the police gun down the pupil, Master Lokiriapus (Index No.517602004) in cold blood on Saturday, 5th May, 2007?

(c) What urgent measures is the Minister taking to apprehend the trigger-happy police officers who killed the innocent pupil?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a joint operation of security personnel; drawn from several districts, was conducted in Ngoron area of Kolowa Division on 5th May, 2007, and not on 4th May, 2007,

following a raid by suspected Pokot raiders in Lokwamusing Sub-Location of Lokorin, Division in Turkana South District. During the operation to recover 1,949 camels and 173 goats stolen from Lokorin there was no rounding up of livestock neither were there people including a Standard Eight candidate at Ngoron Primary School, a Master Geoffrey Lokiriapus arrested, as alleged by the hon. Member.

(b) No report has been lodged in any police station to the effect that the police gunned down, in cold blood, the pupil to necessitate investigations or an inquest.

(c) I am not taking any measures to apprehend any police officer since evidence as to the officers being trigger-happy has not been adduced. Accordingly, I want to assure the hon. Members that only under justifiable

circumstances may police officers use firearms as per Section 28 of the Police Act, Cap.84.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, the reason why the people of Pokot are not making any complaint to the police is because four police officers were killed including an Officer Commanding Station (OCS). So, they cannot risk making a report that Master Lokiriapus was killed. What neutral measures will the Assistant Minister take to ensure that an inquest is put in place to ensure that the deaths of the police officers and that of Lokiriapus are investigated properly?

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I am happy that the hon. Member, who is asking the Question is aware of what happened. Some police officers including the OCS and four Turkanas were killed by the raiders. We have been waiting for the family of the deceased or even the Questioner to report this alleged death to the police station. Even right now no report has been made to the police regarding this matter. We do not operate on rumours and we cannot declare somebody dead when no report has been made to that effect.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, the loss of lives of innocent Kenyans in this country has become the order of the day. We are always told that inquest files have been opened and that no stone will go unturned. Despite this, nobody is telling us how many stones have been turned so far and how much weight each stone carries. Could the Assistant Minister give an undertaking to this House that all cases including that of this young student who was killed will be addressed? This issue of Kenyan lives being lost like chickens either by the *Mungiki* or trigger-happy police officers should be stopped.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member who has just asked this question was either not listening to what I said or conveniently wanted to say his own things. I have said that no report has been made that a young person was killed. The report that we have is that four police officers were also killed in cold blood by these raiders from Pokot and 15 Turkanas were also killed. The police officers died while pursuing these raiders. I would expect this House to sympathise with police officers because they are also human beings. No report has been made to any police station about this young man who was allegedly killed. Until this report is made, there is nothing that the police can do.

The Temporary Deputy Speaker (Mr. M'Mukindia): I think the hon. Member was asking this: In the case of the police officers who were killed, what is the Government doing to ensure it gets the right culprits?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, this Assistant Minister is known for giving contemptuous answers to Members of Parliament on very serious issues. An hon. Member has given the name of the student who was killed and his index number. The fact that no report was made to the police does not subtract or add anything from the fact that this young man is dead. The Assistant Minister is trying to imply that the hon. Member is lying or is making up stories. Just the other day over 70 people were gunned down by policemen in Laikipia and their photographs are in today's newspapers. Why are policemen shooting people to kill even if they are thieves? Each time

this occurs we are told that these people were armed and that they are killing police officers. The lives of police officers are not much more important than those of ordinary civilians who are not armed. Could the Assistant Minister confirm to this House that he is sure that this young man is not dead or that the life of this young man is not less important than the lives of the four police officers that he is talking about?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Assistant Minister! I sincerely believe that, hon. Members need to address yourself to the issue of the dead Kenyans whether a complaint has been made to the police or not. Perhaps this constitutes a valid complaint. You also need to address yourself to the situation of the police officers. So, please do it in a more sensitive way.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, the reason why this Question was postponed three times is that we wanted to undertake an investigation to find out whether a young pupil was actually killed. We have done investigations and we have not found any evidence to the effect that this young person was killed. We have even looked for his family to give the report, but nobody is willing to come forward to do so. What are we expected to do beyond that? The police have done everything they can to find evidence of the death of this young man, but nobody including the boy's family or the hon. Member who is here is willing to go to the police station to give details so that the police can do the inquest. We have rules that we follow in investigations. We can never declare somebody dead when we do not have any tangible evidence to that effect.

On the issue of police officers killing innocent people, we need a specific case to be dealt with specifically. If you make a complaint and say a particular person was killed and he is innocent, we can investigate. Generalisations intended to catch headlines will not help us in this big fight. We have a big problem in this country whereby a lot of Kenyans have decided to make criminality a way of life and the police are doing everything they can to fight it. In the process some police officers are also dying. We have to value lives of all Kenyans whether they are police or ordinary people. They are all valuable people and they are Kenyans.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have given evidence. In today's newspaper there are photographs of people looking at several decomposed corpses. What more evidence does the Assistant Minister require to take some action?

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, seeing the picture of a corpse in a newspaper does not indicate that, that person was killed by police in cold blood.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): The Assistant Minister is responding to a point of order! Let him finish!

Proceed, Mr. Assistant Minister!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, we have to take this issue seriously. The fact that there is a picture appearing in today's newspaper is not enough to make us conclude that police killed somebody in cold blood. We will be the first ones, as a Government, to take action if we are given any evidence that a police officer has acted in any way contrary to the law. The rules of this House do not allow us to quote newspapers and the Press as our evidence when we are investigating matters. These matters should be investigated. I am challenging Mr. Raila to bring proper evidence and we will do the investigations.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, Master Lokiriapus was killed! I have talked to the Assistant Minister and even showed him the index number. He can even confirm from the school; he needs not report to the police station. However, during the operation that day, hon. Members from Pokot, Messrs. Kamama and Moroto were there and the police nearly killed them.

Could the Assistant Minister confirm to the House that the hon. Members were there and the operation was being done with their knowledge? It was just by the mercy of God and the rescue

of the Pokot raiders that the two Assistant Ministers survived!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, when the police were undertaking that operation--- It is important to note that, that operation was being undertaken after the raiders had taken over 1,000 camels and killed 15 Kenyans in cold blood. That was when the police went there. The raiders engaged the police with fire and they killed four policemen. The reinforcement had to be brought to assist the police; otherwise, all the policemen would have been killed. When the reinforcements were being taken, that was when Messrs. Kamama and Moroto met the officers who were coming to reinforce their colleagues to apprehend those raiders. However, there is no evidence that they were almost killed.

SEXUAL HARASSMENT OF TEACHERS
AT KIAMBU PRIMARY SCHOOL

Ms. Abdalla: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Education, the following Question by Private Notice.

(a) Could the Minister confirm that he ordered an investigation into claims of sexual harassment by three teachers perpetrated by the headteacher at Kiambu Primary School in September, 2006?

(b) Why were the victims of the harassment transferred to schools far away from their station while the suspect was transferred to a neighbouring school?

(c) Why have the teachers been removed from the payroll and what steps is the Minister taking to reinstate them and bring this matter to a close?

Mr. Temporary Deputy Speaker, Sir, I still do not have a written answer.

The Assistant Minister for Education (Mrs. Mugo): Mr. Temporary Deputy Speaker, I would like to, at least, inform the House that I promised to bring the answer today. I have just received the answer after pressing for it for sometime. I will answer part "a" and "b" as provided in the answer. However, I will answer part "c" as I know this case.

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

(a) I wish to inform the House that I ordered the Teachers Service Commission (TSC) and the area District Education Officer (DEO) to carry out investigations into the claims of sexual harassment by three teachers at Kiambu Primary School; namely, Muthoni Winnie Gitau, TSC No.220060, Stella Wangari Munyua, TSC No.369174 and Juliana Waruguru Maina, TSC No.251991. I ordered this after receiving complaints sometime in September, 2006, from the three female teachers who had accused their headteacher of sexual harassment. Preliminary investigations found the allegations invalid since there was no tangible evidence produced by the three teachers.

However, it was established that there was tension in the school due to that allegation. The District Staffing Committee (DSC) decided to transfer the said teachers together with the headteacher to nearby schools to ease tension. The headteacher was transferred to Ting'ang'a AGM Primary School while the other teachers were to go to Ndumberi, Kanunga and Kangoya Primary schools, respectively. The three teachers did not take up the transfers and this led to their interdiction. However, I directed that they be reinstated on the payroll and be posted back to Kiambu Primary School. My directive was complied with by the TSC. Upon reporting to Kiambu Primary School, the working environment was so hostile that it was practically not possible for them to perform their duties.

In this regard, the teachers were, therefore, thereafter deployed as follows:- Stella Munyua was transferred to Mbathi Primary School in Lari Division where she reported on 2nd April, 2007, and deserted duty with effect from 3rd April, 2007. Juliana Maina was transferred to Ngurianditu

Primary School in Kikuyu Division where she reported on 2nd April, 2007, and

[The Assistant Minister for Education]

deserted on 5th April, 2007. Gitau Winnie Muthoni of TSC No.220060 was transferred to Manguo Primary School in Limuru Division where she reported on 2nd April, 2007, and deserted on 5th April, 2007.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, hon. Members are consulting a bit too loudly!

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Would you, kindly, consult quietly? We cannot hear the Assistant Minister! Proceed, Mrs. Mugo!

The Assistant Minister for Education (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, the three teachers reported to their new stations. However, I received complaints that the three stations were very far in the forests and the communication was very difficult, as the three teachers had enrolled at the University of Nairobi and they must access the library and such other services. I directed the TSC to yet transfer those teachers to schools where it does not look as if the victims are the ones who are being punished, and which would deter other women teachers to come forward and make such complaints. Unfortunately, I would like to say that they did not desert duty. They stopped going to work with authority from the Minister. I thereby directed that they be transferred elsewhere. Unfortunately, I noticed that come the second term, which is May, 2007, when the schools opened, the TSC has not yet transferred them to appropriate schools. I regret this on the part of TSC. I think they have not handled this case appropriately according to the Ministerial directive and the way they should have done it. I will take up the matter to see that it is done the way it should have been done.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Madam Assistant Minister! The TSC is under the Ministry of Education and the Question is very clear from the hon. Member. So, if you have not complied with whatever ought to be done, it is the Ministry that has failed! You cannot tell us about the TSC because the TSC is you!

(Loud consultations)

Order, hon. Members! Please, consult quietly!

Ms. Abdalla: Thank you, Mr. Temporary Deputy Speaker, Sir. As you well noted, that answer from the Ministry is completely unsatisfactory because it is just trying to highlight the type of disorganisation and lack of respect for chain of command existing in the Ministry of Education.

Nonetheless, that problem is a very serious one in that the person who perpetrated that crime happens to be a very powerful chair of the Kiambu Teachers SACCO. He is well supported by the area hon. Member of Parliament, making it impossible for the DEO to undertake any investigations to deal with the crime that is being perpetrated.

Mr. Temporary Deputy Speaker, Sir, however, I would like the Assistant Minister to answer part "c" of this Question which is: When will she reinstate those teachers on the payroll as she tries to organise the TSC and her Ministry to provide a solution to this problem?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, I will direct immediately that it is carried out.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, there is a missing link somewhere in the

Ministry. Only yesterday in my constituency, I came across a school where six girl-pupils have been impregnated and have dropped out school yet others are in the same state. This was reported to the Ministry's officers but nothing has been done to date. I am aware that the Assistant Minister may not have got the information. What policy does the Ministry have in terms of sexual harassment and the protection of the rights of children who are still very young? Some are as young as 12 years old and are being impregnated by headteachers!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, the Ministry's policy is that when such cases come to our notice, the teacher is immediately interdicted. When investigations are done, further action is taken whether the parents or the administration take the case to court or the parents take that responsibility. Under no circumstances do we allow teachers whose pupils have reported that they are being harassed sexually to stay in schools because we believe that children do not lie.

A child will not say that she has been sexually harassed if she has not been harassed. When it comes to grown-ups, it is a different matter all together. We passed the Children's Act in this House and we have authority to prosecute child abusers.

With regard to female teachers, there are different steps to be taken in order to punish the culprits. I hope that the ladies in question will go to court, so that we can punish the headteacher and dismiss him. I need evidence to have him dismissed because he can also go to court and sue the Ministry. We are not supporting any teacher who is harassing either female teachers or children. That is why the Minister remained in support of the three teachers.

Ms. Abdalla: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for committing herself to ensuring that these teachers are posted. I would also like to appreciate that the Ministry has a policy against teachers who harass children. What is the Ministry doing to domesticate and provide procedures and regulations regarding sexual harassment of both male and female teachers in our education institutions?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, sexual harassment is a crime like any other crime and it is dealt with through the same machinery. However, on our part as a Ministry, when a case is reported, it is investigated. Sometimes it is very difficult to establish the facts, but if evidence is found, even headmasters are dismissed. We are not doubting the teachers, but we must have something tangible to prosecute him as required by the law. We will definitely support all female teachers who complain of such harassment. Equally, we will protect the male teachers if they happen to be harassed.

ORAL ANSWERS TO QUESTIONS

Question No.007

TARMACKING OF EKERO- EBUYANGU ROAD

Mr. Arungah, on behalf of **Mr. Oparanya**, asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Ekeru-Ebuyangu Road is impassable;
- (b) when the road will be tarmacked; and,
- (c) how much has been set aside for that purpose.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Ekeru-Ebuyangu Road is impassable since the road has been undergoing improvement and gravelling works as from 14th January, 2006.

(b) Plans to upgrade Ekeru-Ebuyangu Road to bitumen standard are underway. The contract was awarded on 8th February, 2007 at a construction period of 18 months. The contractor

has already been issued with the order to commence the works.

(c) The contract sum for upgrading the road to bitumen standard is Kshs1,034,412,217.20.

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! The Assistant Minister has just answered this Question and I am sure very few of you heard his answer. This is because you are consulting loudly. Could you, kindly, consult quietly? Please, allow the Assistant Minister to answer the Question and the hon. Member to hear the answer that is being given.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, indeed, the consultations were very high and I did not hear what the Assistant Minister said. Could you repeat the answer, please?

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I will gladly do so.

(a) I am not aware that Ekeru-Ebuyangu Road is impassable since the road has been undergoing improvement and gravelling works as from 14th January, 2006.

(b) Plans to upgrade Ekeru-Ebuyangu Road to bitumen standard are underway. The contract was awarded on 8th February, 2007 at a construction period of 18 months. The contractor has already been issued with the order to commence the works.

(c) The contract sum for up grading the road to bitumen standard is Kshs1,034,412,217.20.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for that answer. I also wish to acknowledge that, indeed, there is some improvement on a section of this road. However, he has said that this contract was awarded on 14th February, 2007. It is four months later and yet, there is no sign of any work being undertaken on this road. When does the contractor intend to begin the actual construction work?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, the contractor has so far submitted the performance bond to the Ministry and the Ministry has already appointed a resident engineer. So, the contractor is now mobilising, and I am sure within a month's time, construction work will start. The construction is scheduled to be finished by October next year.

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, the Ministry of Roads and Public Works is doing a lot of work to rehabilitate dilapidated roads. The other day, we saw an incident in Mombasa where a contractor had been awarded a contract and then he ended up doing shoddy work. We know that the Government blacklists contractors who do shoddy works, so that they are not awarded more contracts.

The Assistant Minister has said that plans to tarmack Ekeru-Ebuyangu Road are underway. What measures has the Ministry put in place to ensure that we get value for the money that will be paid to the contractor?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, we have done a lot of improvement in supervising the works. One of the measures we have put in place is to ease the over-loading of the Ministry's engineers in the supervision of contractual works. Currently, we have engaged consulting engineers from the private sector to supervise contractual works.

As for the blacklisted contractors, the hon. Member is a lawyer and he knows that even when the Law Society of Kenya blacklists lawyers, eventually, they apply for reinstatement and they are reinstated. So, even the contractors who were blacklisted sometime ago, have been cleared to undertake Government work.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister inform the House the source of the funds which are being used on this road? Are they strictly Government of Kenya funds or donor funds? Experience has shown that sometimes, work commences and then

it stops because the Government fails to give its part of the funding in cases where the projects are jointly funded by the Government and donors. Could he confirm the source of these funds?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, we have three sources of funding in the Ministry, namely, donor funding, Development Vote from the Treasury and the Fuel Levy Fund. These funds are purely from the Development Vote and no development partners are involved.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, on behalf of the people of Butere District, I would like to thank the Government for committing Kshs1 billion towards the construction of this road. I hope the Ministry will follow it up with the contractor to ensure that the road is, indeed, finished in time; by October next year. I wish to thank the Ministry.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I also wish to thank the hon. Member for accepting that the Government is doing good work.

Question No.043

CRITERIA FOR ALLOCATION OF ADB
FUNDS TO SAMBURU LIVESTOCK GROUPS

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Lesrima! He is not here! The Question is dropped!

(Question dropped)

Question No.060

EQUIPPING OF AWENDO-MARINDI/
NYASONI POLYTECHNICS

Mr. Ochilo-Ayacko asked the Minister of State for Youth Affairs:-

- (a) when the Minister will operationalise Awendo-Marindi and Nyasoni Polytechnics in Rongo Constituency; and,
- (b) how much money the Government has set aside for equipping these facilities.

The Minister of State for Youth Affairs (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has started the process of operationalising Awendo-Marindi Youth Polytechnic. The Ministry has sent one instructor who has already reported and the polytechnic is being prepared for admitting trainees for January, 2008.

Currently, we are operationalising one youth polytechnic per constituency and the hon. Member has picked on Awendo-Marindi Youth Polytechnic. Therefore, the Ministry has no programme for Nyasoni Youth Polytechnic this financial year.

(b) The Ministry will give tools and equipment worth Kshs500,000 to Awendo-Marindi Youth Polytechnic as soon as the management informs us the kind of tools and equipment they are in need of.

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for that very good answer in so far as Awendo-Marindi Youth Polytechnic is concerned. Since the Ministry reckons that Nyasoni Youth Polytechnic is not captured in this financial year, when is the Ministry planning to operationalise Nyasoni Youth Polytechnic, so that the more than 50,000 youth, who need training can benefit from this?

Dr. Kuti: Mr. Temporary Deputy Speaker, Sir, our allocation for youth polytechnics is

Kshs100 million, which is over and still we were not able to cover all the constituencies. As soon as we have covered one youth polytechnic per constituency, we will go to the second round. That is when we will consider Nyasoni Youth Polytechnic. Therefore, I am not able to give the hon. Member the exact time.

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, there is a lot of demand for village polytechnics in various parts of this country. What is the Minister doing to ensure that these polytechnics, some of which are being built through the CDF, are going to be assisted by the Government and operationalised?

Dr. Kuti: Mr. Temporary Deputy Speaker, Sir, as I had said earlier, we are reviving youth polytechnics per constituency and we are working in collaboration with Members of Parliament. I would like to say that the collaboration has been very successful with many hon. Members putting in the Constituencies Development Fund (CDF) money. The Ministry will send instructors to those youth polytechnics and equipment worth Kshs500,000 to every youth polytechnic in each of those constituencies. We are also developing one centre of excellence youth polytechnic in every district and, that programme is already ongoing.

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, according to the Government's statistics, we have about 72 per cent of the population below the age of 35 years. So, talking of one youth polytechnic per constituency is actually tokenism.

Could the Minister, together with the Ministry of Finance, take this youth crisis seriously and promise Nyasoni Youth Polytechnic that by the next financial year, we will be able to do about four youth polytechnics per constituency? If the Minister's non-commitment is based on financial constraints, then what are we telling the youth of this country? Could the Minister talk about the next financial period; that Nyasoni Youth Polytechnic will come on stream?

Dr. Kuti: Mr. Temporary Deputy Speaker, Sir, I appreciate the interest generated by hon. Members in reviving youth polytechnics which are actually a way of imparting skills in our youth.

I would like to assure hon. Members that, resources being a limiting factor, we are going to work very hard to revive the 750 youth polytechnics across the country in the shortest time possible; depending on the resources.

The Temporary Deputy Speaker (Mr. M'Mukindia): Next Question by Mr. Arungah!

Question No.255

NUMBER OF PHYSICALLY DISABLED
PEOPLE IN KHWISERO CONSTITUENCY

Mr. Arungah asked the Minister for Gender, Sports, Culture and Social Services:-

- (a) how many people with physical disabilities are in Khwisero Constituency; and,
- (b) how much money the Government has set aside for equipping these facilities.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

At the moment, there are no reliable national statistics providing the actual number of persons with disabilities. Kenya is currently relying on the World Health Organization's (WHO) concept that 6 per cent to 10 per cent of any population comprises persons with disabilities. It is, however, estimated that persons with disabilities in Khwisero totals to 2,000.

(Loud consultations)

Prof. Olweny: On a point of order, Mr. Temporary Deputy Speaker, Sir. The consultations

are too loud! We are not hearing anything!

The Temporary Deputy Speaker (Mr. M'Mukindia): Yes, indeed. Order! Again, may I kindly request you to consult quietly? I particularly notice that corner on my right at the far end. Mr. Angwenyi and your group, please, consult quietly! This other corner here; Mr. Mwakwere and Mr.

H.M. Mohamed, please consult quietly! I can hear you from here! Proceed!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, I had just said that:-

(a) At the moment, there are no reliable national statistics providing the actual number of persons with disabilities. Kenyans currently rely on WHO's concept that 6 per cent to 10 per cent of any population comprises of persons with disabilities. It is, however, estimated that persons with disabilities in Khwisero Constituency totals to 2,000. My Ministry, in collaboration with the Ministry of Planning and National Development, is planning to undertake a national survey on disability to establish the nature and magnitude of disability in the country. Once this exercise is accomplished, the disability statistics in Khwisero should be more evident.

(b) In an effort to assist persons with disabilities to earn a living in Kenya, those in Khwisero Constituency included, the Government enacted the Persons with Disabilities Act, 2003 which provides for the rights and privileges of persons with disability. The Ministry is also in the process of developing a national policy for persons with disabilities which will guide plans and programmes for intervention at the national and constituency levels. The Government, through the Department of Gender and Social Services, runs 14 vocational rehabilitation centres which train persons with disabilities on various skills to facilitate employment. Three of these centres namely; Itando, Odiado and Kakamega Vocational Training Centres are located in Western Province.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for that answer. It is unfortunate that up to this time, we do not have statistics of the number of disabled people in Kenya. However, I am aware that many years ago, there was a national fund for the disabled people in Kenya which is supposed to distribute money to support the disabled people. I would like to know how much money has been given to the estimated 2,000 people in Khwisero to support them.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, the National Fund for the Disabled of Kenya is a trustee registered under the Trustee's Act, 1989. The Fund independently undertakes annual disbursement to individual persons with disabilities and institutions located in Kenya.

Two of our eminent Members of this House, Prof. Ojiambo and Mr. Musila are members of this Fund. This Fund accords individuals equipment worth Kshs10,000 to Kshs25,000 for registered groups.

Mr. Temporary Deputy Speaker, Sir, for Khwisero Constituency, a group called Matewa Self-Help Group which has members with disabilities has also been accorded a grant in 2006. There are about ten groups of persons with disabilities in Khwisero Constituency which have been registered. So, the National Fund for the Disabled of Kenya will consider the ten groups that are already registered with the Ministry of Gender, Sports, Culture and Social Services.

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has clearly said here that the Act was passed in 2003. I would like to know what the Ministry is doing to make this Act operational because there is supposed to be what is called a National Disability Fund, which this Ministry is supposed to create to assist those with disabilities.

Mr. Temporary Deputy Speaker, Sir, there is also a Board that is supposed to be created within that Act. What has the Ministry done to operationalize that Act?

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, the Ministry is in the process of developing a national policy for persons with disabilities which will guide plans and programmes

for intervention at the national and constituency levels. So, we need all the support that we should have, so that this is done properly.

Mr. Weya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not answered my question. The Act is in place. What has the Ministry done to make it operational because in the Act itself, there must be a National Disability Fund like the Women and Youth Development Funds? What has the Ministry done to operationalize that Fund?

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, I want to point out that following the enactment of the Persons with Disabilities Act, 2003, a National Plan of Action of 2004, has been formulated. The National Council for Persons with Disabilities, which was established in November, 2004, seeks to ensure that rights and privileges outlined in the Act are realised.

The following have so far been achieved under the Persons with Disabilities Act. One, the raising of retirement age for persons with disabilities. That is what we are doing to operationalise the Act.

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Assistant Minister, I believe hon. Weya's question was very specific. Please, answer the specific question!

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Angwenyi!

I am directing my plea to the Assistant Minister! The question is very clear. Have you formed the Fund or not? That is simply what the Member wants to know.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, the Government is addressing the gazettelement of sections of this Act so that the whole Act is operationalised.

The Temporary Deputy Speaker (Mr. M'Mukindia): Ask your last question, hon. Arungah!

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that the Ministry is planning to undertake a national survey on the persons with disabilities. When specifically is this going to be done? Could he give us an indication as to when they will do this?

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, this programme is an ongoing one in this Ministry and we are on it right now.

Thank you.

The Temporary Deputy Speaker (Mr. M'Mukindia): We have to move on.

Next Question, hon. Ojode!

Question No.294

NUMBER OF EXPATRIATES
WORKING WITH KPLC

Mr. Ojode asked the Minister for Energy how many expatriates have been hired to work for the Kenya Power and Lighting Company.

The Minister for Energy (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Three expatriates have been hired to work for the Kenya Power and Lighting Company.

Thank you.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, let me, first of all, thank the Minister and his entire team at the Ministry for having done a wonderful job on the Rural Electrification Programme. In the same vein, I would like to request the Minister to bring sanity to the Kenya Power and Lighting Company (KPLC). We have three expatriates working in KPLC. Their names

are Don Priestman, Mark Hast---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ojode! Are you repeating the same answer that the Minister has given? If I heard the Minister correctly, he said that they have hired three expatriates. Are you objecting to that? If not, what is your actual question? Please, let us move on!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I agree with the Minister's answer. My question is: The entire contract of two years costs the Kenya Government US\$3 million. In other words, it means that the Kenya Government is going to pay Kshs210 million at the expiry of the two-year contract. That gives us a breakdown of one expatriate earning Kshs3.4 million every month---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ojode! As you know, you need to frame your question! What exactly is your question? The Minister is the one to explain to us. Ask him the question or questions!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, my question is: As we speak, there are duplications of services at the KPLC. There is the Chief Executive Officer and there is a Managing Director (MD). The Chief Executive Officer, who is an expatriate, is earning Kshs3.4 million per month while the MD is earning Kshs530,000 per month. The Deputy General Manager, who is a white and the Head of Finance and Human Resource Department, is earning Kshs3.4 million, and the local one is earning Kshs380,000 per month. My question is: What special skills do these expatriates have to warrant them to earn Kshs3.4 million every month as opposed to what our locals are earning?

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. Mr. Don Priestman, who is the General Manager and Chief Executive Officer, is working at the KPLC under a management contract, which is part of the Energy Sector Recovery Programme being funded by the World Bank. It is to run for two years from 1st July, 2006.

The management contract was to provide expertise to the KPLC to enhance its recovery process after making operating losses for four consecutive years from 1999 to 2003. This experienced gentleman is already making substantial achievements at the KPLC.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, we have a problem with the facts presented in this Question. If the KPLC is actually flushing money down the drains under the name of expatriates, we should be told whether it is a grant or a loan. If it is a loan, then this is our taxpayers' money and there should be no reference to the World Bank.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, this is a soft loan from the World Bank. This agreement was negotiated between the Government of Kenya and the World Bank. I do not think that it is right for us to question the contract when we are already in the middle of implementing it. This Question should have been asked at the time when the negotiations were taking place.

The Temporary Deputy Speaker (Mr. M'Mukindia): Ask your last, question, Mr. Ojode! We have to move on!

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Angwenyi, what is your point of order?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, is the Minister in order to tell us that these people came here under the World Bank contract, when in fact, the Government agreed for them to come to this country with little or no experience in the energy sector and displaced an MD who was appointed by none other than the President of Republic of Kenya? Is he in order to embarrass us to such an extent?

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Minister, could you respond to Mr. Angwenyi's point of order?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I would like to inform my friend, hon. Angwenyi, that the MD, Mr. Zachary Ayiecko---

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Kimathi, I am sorry, you are out of order!

Go on, Mr. Minister!

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the MD of KPLC, Mr. Ayiecko, is doing a great a job because he is in charge of the Rural Electrification Programme, which the Members of Parliament are very happy with.

The Temporary Deputy Speaker (Mr. M'Mukindia): Ask your last question, Mr. Ojode.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Okay, let us listen to the point of order from Mr. Kimathi.

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, I hate to contradict my colleagues in this august House, but we do not want anybody, whether a Member of the Opposition or otherwise, to contradict facts. I am a Member of the Departmental Committee on Energy, Communications and Public Works. I know that the Kshs3.4 million or Kshs10 million or billion does not come from the coffers of the KPLC or the Kenyan taxpayers. The CEO is earning from the World Bank. The Chief Executive Officer of the KPLC is paid by the World Bank. He is not being paid by us. So, it is not good for my colleague to give information which he has no empirical facts.

The Temporary Deputy Speaker (Mr. M'Mukindia): Last question Mr. Ojode!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the Energy Sector Recovery Programme is funded to the tune of US\$209 million. This is a loan. The Kenyan taxpayers will have to pay back this money. The Minister has not answered my question. Out of the three expatriates, are we paying this colossal sums of money because they are white as opposed to black? What special skills do they have that warrant them to earn this kind of money? To make it worse, the two expatriates are over 70 years old.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the three gentlemen are employed by Manitoba Hydro International which was awarded the management contract to manage the Kenya Power and Lighting Company (KPLC). They were employed to support the KPLC because of their vast experience in management of power utilities around the world. Therefore, they are not paid this kind of money because they are white. It is because of their expertise and experience in this area.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Ojode, it is very interesting that you ask a question and before it is fully answered, you stand up on a point of order! I shall disallow that point of order!

Next Question!

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

Hon. Members, we must move on! I am sorry! We have to move on!
Next Question by Eng. Karue!

*Question No.308*FLOUTING OF LEGAL NOTICE
ON PACKAGING OF POTATOES

Mr. Mukiri, on behalf of **Eng. Muriuki**, asked the Minister for Agriculture:-

(a) whether he is aware that Legal Notice No.44 of May, 2005, requires wholesale potatoes to be packed in 110-kilogramme bags;

(b) whether he is further aware that the rule is being flouted with abandon to the detriment of farmers; and,

(c) what he is doing to ensure that the Legal Notice is strictly complied with.

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

(a) I am aware that as per the Legal [The Minister for Agriculture] Notice No.44 of May, 2005, wholesale potatoes require to be packed in 110-kilogramme bags.

(b) I am aware that some of the traders have tried to flout the rules.

(c) My Ministry has instituted the following measures to ensure that the Legal Notice is complied with:-

(i) We have done action plan and written to the various Ministries and farmers' bodies assigning specific roles to be played by each of the implementing agencies as far as the Legal Notice is concerned.

(ii) I have directed all the staff in the Ministry, the District Agricultural Officer, in conjunction, with KEPHIS inspectors to liaise with the police to arrest those flouting the Notice.

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, we grow potatoes and pyrethrum where I come from. Farmers are suffering because the Minister promised to pay pyrethrum farmers in April. He, however, has not done so. I think he owes them an explanation because farmers know that the Government does not lie. Coming to this Question, what the Minister is saying is not what is on the ground. Potato farmers are still being exploited by middlemen. This Legal Notice has not been followed. As much as the Legal Notice was passed, the personnel do not have the money to execute what the Minister is saying.

Mr. Temporary Deputy Speaker, Sir, could I know from him whether they have allocated any money within the Ministry for the Legal Notice to be effected by officers on the ground?

Mr. Kirwa: Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, there was no allocation required because we, as a Ministry, have the requisite funds to implement all the policies we put in place. Indeed, we have arrested 38 people who are being prosecuted. We have arrested 28 people in Nakuru District.

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, I thought that the Minister would comment on the pyrethrum farmers. However, he has ignored the issue again.

What he says is not the case on the ground. We come from areas where potatoes are grown. We know that the Legal Notice was passed way back in 2005. It is being flouted. Why can he not go down to the ground and use the chiefs to arrest those people who are flouting that Notice? The District Officers are completely unable to implement this Notice. They do not have the money and vehicles.

Mr. Kirwa: Mr. Temporary Deputy Speaker, Sir, the hon. Member is from the ground and I am from the Ministry. As I said, we have arrested a number of people and 28 of them are from his own district. We are on the look-out and will arrest more because we have the necessary powers and resources to do so.

The Temporary Deputy Speaker (Mr. M'Mukindia): Next Question by Mr. J. Nyagah!

Question No.322

NUMBER OF SENIOR PUBLIC OFFICERS SACKED/RETIRED IN 2003

Mr. J. Nyagah asked the Minister of State for Public Service:-

(a) how many senior public officers were retired in the first year of the current Government;

(b) how many received sacking, termination, or early retirement letters; and,

(c) how many have received their pensions.

The Minister of State for Public Service (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, may I ask the indulgence of the House, so that we answer this Question on the next day of sitting. One of the reasons for this is that it requires us to write to all Ministries and get the [The Minister of State for Public Service] information. We have already done so. We are waiting for the response. I have already discussed this with Mr. J. Nyagah.

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, we had discussed. I am disappointed. However, I can assist the Minister by laying on the Table one of the lists he could be working on. This would make his work easier. It is a list of about 80 people from Rift Valley Province who are affected.

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. J. Nyagah, you have agreed that the Question can be deferred?

Mr. J. Nyagah: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Very well, Question deferred!

(Question deferred)

The Minister of State for Public Service (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, I am surprised that Mr. J. Nyagah has that information. He is a friend of mine, therefore, I do not mind him bringing it to me.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Minister! Let us be clear on this.

Hon. Members, whatever Mr. J. Nyagah was purporting to lay on the Table is not accepted because the Question has been deferred!

Mr. J. Nyagah, you will lay that list on the Task when the Question will be replied to. The matter, therefore, lies there!

Mr. Obwocha, what is your point of order?

The Minister for Planning and National Development (Mr. Obwocha): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that he has the list and our Standing Orders say that, if you know---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Minister! I have already ruled against that matter! That matter is finished!

Please, let us go to the next Order!

Before I come to you, the hon. Member for Kasarani, there is something you wanted to say?

Mr. Omondi: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Proceed!

POINT OF ORDERDETERIORATION OF SECURITY
IN KASARANI CONSTITUENCY

Mr. Omondi: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Administration and National Security, hon. Michuki, about the deteriorating security situation in Kariobangi North, Baba Dogo and Lucky Summer estates of Kasarani Constituency in the last one week.

Mr. Temporary Deputy Speaker, Sir, on Sunday, 27th May, 2007, at 8.00 p.m., a lone gunman with an AK47 rifle killed six people on Outering Road, two of whom were young police officers from Ruaraka Police Station, one boy aged ten years and two civilians suspected to be *Mungiki* adherents. Early in the same week, two people were killed at the same spot. Another person was killed in a carjacking drama at Lucky Summer Estate in the same week.

Mr. Temporary Deputy Speaker, Sir, in the Ministerial Statement, the Minister should seek to clear the air as to why the *Mungiki* menace is not being handled satisfactorily by the Government, and that it is being viewed as a scapegoat on the part of the Government, to hoodwink Kenyans when the actual agenda is to create fear, terror and despondency in this election year---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Member! You are asking for a Ministerial Statement; you are not giving a Ministerial Statement. So, what exactly are you doing?

Could you ask the Minister to give you a Ministerial Statement, upon which you can ask for clarifications? Otherwise, this is a lecture!

Mr. Omondi: But he should also cover this one in his Statement!

The Temporary Deputy Speaker (Mr. M'Mukindia): I believe that the Minister understands what he needs to do!

Who is the relevant Minister?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, this matter is under investigation and I hope that the hon. Member will be patient enough to wait for investigations. But for the time being, I want to tell this House that, despite insinuations and rumours, *Mungiki* is under control.

Hon. Members: Kabogo! Kabogo!

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Kabogo!

(Applause)

Order! Order, hon. Members! Before Mr. Kabogo gives a Personal Statement which he has requested of the Chair and I have given him a very short time to do so. I want hon. Members to understand that this is a Personal Statement; it is neither for debate nor for clarification or for anything. It is just a Personal Statement and it ends there.

Proceed, quickly, Mr. Kabogo!

PERSONAL STATEMENT

REBUTTAL OF STATEMENTS IN THE
MEDIA LINKING JUJA MEMBER OF
PARLIAMENT TO *MUNGIKI* SECT

Mr. Gitau: Thank you, Mr. Temporary Deputy Speaker, Sir, I rise under Standing Order No.69 to make a Personal Statement.

Over the last week, it has been claimed in the Media and elsewhere that, I, hon. Kabogo Gitau, is a *Mungiki* or is associated with *Mungiki*. Consequently and without following the due process of the law, information appeared in the Media of my impending arrest, forcing me to seek legal intervention in court for the protection of my rights. These claims are a fabrication, malicious, misleading, meant to hurt my standing in person and my status in society, and finish me politically; this being an election year. I wish to state that the man behind this political vendetta is none other than hon. Michuki.

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order, hon. Kabogo! Order! Order, hon. Members! I am sorry, Mr. Kabogo, but you know the rules of the House! If you have to discuss any hon. Member of this House, you need to do so through a Substantive Motion, irrespective of the kind of statement you are making, whether it is personal or not. Please, would you, probably, withdraw that, apologise to hon. Michuki and continue giving your statement? Otherwise, I will stop you from making your statement.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I am not discussing the conduct of Mr. Michuki.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Kabogo! I may have to stop you there. You know the rules! You cannot even infer, forget about being explicit; you cannot even be implicit, according to the rules of the House. So, please, keep yourself to the rules, make your statement and leave it at that.

The Assistant Minister for East African Community (Dr. Khalwale): On a point of order, Mr. Temporary Deputy Speaker, Sir.

An hon. Member: He is on a point of order!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Dr. Khalwale! You cannot stand on a point or order when another hon. Member is on a point of order!

Mr. Sungu: No interruptions!

The Temporary Deputy Speaker (Mr. M'Mukindia): Please, no interruption!

Mr. Gitau: Thank you, Mr. Temporary Deputy Speaker, Sir. I withdraw that name. May I proceed?

The Temporary Deputy Speaker (Mr. M'Mukindia): Yes.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I believe that this is personal vendetta which started in January, 2006, where, again, the same people attempted to link me with the murder of a Criminal Investigation Officer in Mombasa. That also failed.

Mr. Temporary Deputy Speaker, Sir, the other reason is because I have taken personal stand against the mishandling of the internal security docket, which keeps embarrassing the Kibaki Government.

(Applause)

One of these is the Artur saga, the raid on the KTN and Standard Group offices and, on one occasion, I have personally told the President in the presence of that man.

(Applause)

Mr. Temporary Deputy Speaker, Sir, to my understanding, a few questions need to be answered. Why is it that hon. Kabogo is being connected with *Mungiki* whereas the office in charge of security knows that *Mungiki* started long before I entered politics? Why is this office ignoring the fact that, while some of the Cabinet Ministers have advocated for dialogue with *Mungiki*, I have taken a firm stand that the Government should deal firmly with the sect. For more information, see the *Daily Nation* of 27th April, 2007. Why has this office not arrested those Cabinet Ministers?

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is also in the public domain that, that office has photographs of Members of the Cabinet with *Mungiki*, yet they have not been arrested!

(Applause)

Why have they not been arrested?

Mr. Temporary Deputy Speaker, Sir, it is my conviction that there is an enormous amount of money in that Ministry that, if well utilised, will be used to put a hole to this menace of *Mungiki*. Can it be explained why on or around 26th November, 2006, a group of more than 4,000 *Mungiki* demonstrated in the streets of Nairobi claiming to support none other--- In the streets of Nairobi! And when they did not do as they had been mandated to do, they started asking for the release of one of their own!

(Applause)

Where did he find them to come and demonstrate? What did he pay them with?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Kabogo! It is supposed to be---

Mr. Gitau: I am talking about the office, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Members! Order, hon. Kabogo! This is supposed to be a Personal Statement, but you are deviating to issues beyond your personal conduct. You cannot go beyond that! Limit yourself to your personal conduct and leave it at that.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, it is obvious that Kabogo has nothing to do with *Mungiki*. Those who have something to do with *Mungiki* know themselves. Let them not bring mud on the names of innocent Kenyans. For once, **[Mr. Gitau]** Kabogo will not take it lightly. I am under threat and no one has monopoly of thuggery!

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Members! Order! While I appreciate that you are not very happy, but I really question your usage of words. As an honourable Member of Parliament, there are some things that you need to keep. There are certain things that you need to keep yourself within. Are you sure that you want the word "thuggery" to appear in the HANSARD under your name?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I withdraw the word "thuggery". I might

not have a better word and so let me withdraw that word.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Okay. Hon. Kimunya is standing!
*(Several hon. Members stood up
in their places)*

No! This was a Personal Statement and, therefore, it is not to be debated or clarified.

Continue, hon. Kimunya!

MINISTERIAL STATEMENT

CLARIFICATION ON REPEAL OF TRADITIONAL LIQUOR LICENSING ACT

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to clarify an issue that has been attributed to me especially by some hon. Members on their campaign trail. They claim that I have repealed the Traditional Liquor Licensing Act and allowed people to start brewing traditional liquor.

Mr. Angwenyi: What is wrong with that?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the repeal of the Traditional Liquor Licensing Act, Cap.122, was done by this House as part of the tidying up of the Miscellaneous Licences (Amendment) Act, which were debated in this House and passed as part of consolidating the provisions of the Traditional Liquor Licensing Act with the Liquor Licensing Act. It was a matter of moving all the provisions of that into the Liquor Licensing Act.

Consequently, there has been no authorization for any one to brew beer without following the Liquor Licensing Act as has been alleged by some of the leaders.

Mr. Temporary Deputy Speaker, Sir, because this matter was debated in this very House and was passed when these Members were in this House, it is important that we always tell our people out there the truth in terms of what the law says instead of using it politically to confuse our people and make them start breaking the law on the understanding that a law has been changed. The repeal was basically because the provisions had been amalgamated with Cap.121. It does not allow anyone to brew any traditional liquor unless they are authorised under Cap.121.

I just wanted to make that clarification so that, as leaders, we can go and tell our people the truth.

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Sambu, do you want further clarification from the Minister or what is it?

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I want to make it very categorical to this Government. No more *busaa* clubs! Never! Those are things which caused our people poverty for so many years and they were removed because they were causing destruction to the lives of our people. Never again with *busaa* clubs!

The Minister for Trade and Industry (Dr. Kituyi): On a point of order, Mr. Temporary Deputy Speaker, Sir. What is going on? I thought that during Points of Order after Question Time, hon. Members may make personal statements or clarifications on a matter. Are we debating an Act which was passed by this House before now or is it that the hon. Member voted for something without knowing and now he is discovering it belatedly?

The Temporary Deputy Speaker (Mr. M'Mukindia): No, we are not debating. I just gave hon. Sambu a chance to seek more clarification from the Minister for Finance.

The Minister for Finance (Mr. Kimunya): If hon. Sambu could be listening, I clarified this matter exactly because of that misunderstanding. The Government has not, and I repeat, has not authorised anyone to start brewing traditional liquor unless they follow the law as captured within the Liquor Licensing Act. Anyone else out there purporting that there has been authorization is only playing mischief for political purposes.

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, we still need a very clear and categorical Statement from the Minister that he has not opened the brewing of *busaa* or traditional beer. When he says, "except following the Traditional Liquor Act, Cap.121", what does that mean? Does it mean that, today, somebody can actually go and apply, under that law, to brew traditional beer, *busaa*? If that is the case, we are saying no to the Minister! He should bring an amendment to this House. This is because what the people out there know, or what the radio said, is that this Parliament has actually allowed the brewing of traditional beer, like *busaa*.

If that is the case, the Minister should state categorically that he has not cheated this House, through the back door, to provide for the brewing of *busaa* in all the trading centres countrywide. If that is the case, he is in hot soup!

Mr. Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Kosgey! First and foremost, the use of the word "cheating" is unparliamentary. You used it and we all heard you. So, please, withdraw that word and ask the Minister to clarify. It is the last clarification! Please, withdraw the word "cheating".

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, let me substitute the word "cheating" with "mislead". He has misled the House into passing a law by repealing an Act that may have allowed *busaa* through the back door. Can the Minister confirm whether that is the case?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, once, again, because all the other hon. Members have understood and took part in this process--- For the benefit of hon. Kosgey and other Members who are still in doubt, the law that you, yourselves, passed in this House repealed the Traditional Liquor Licensing Act and amalgamated its provisions with the Liquor Licensing Act and consequently repealed Cap.122. Nowhere in that law or in that process was the issue of brewing *busaa* ever entertained. It has not been entertained and, certainly, not by anything attributable to me.

I do not know whether I can make it any clearer.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): No more points of order!

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Kosgey, you are being out of order now! I have given you the opportunity to ask questions on this issue which had not even arisen. Nobody had requested for a Ministerial Statement. The Minister himself wanted to clarify it and he has done so. You have had ample time to even seek further clarification. So, we should move on!

Next Order!

MOTION

ELECTION OF MEMBERS OF EAST
AFRICAN LEGISLATIVE ASSEMBLY

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

THAT, pursuant to the provisions of Rule 8 of the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules which were approved by the House on Wednesday the 23rd of May, 2007, this House elects the following to be Members of the East African Legislative Assembly:-

Ms. Safina Kwekwe Tsungu
Mr. Clarkson Otieno Karan
Mr. Augustine Chemonges Lotodo
Mr. Gervase Akhaabi
Mrs. Catherine Ngima Kimura
Mr. Nakuleu Christopher Doye
Mr. Abdirahin Haithar Abdi
Mrs. Sarah Talaso Bonaya
Mr. Reuben Oyondi Onserio

The Minister for Justice and Constitutional Affairs (Ms. Karua) seconded.

(Question proposed)

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I rise to oppose the Motion. This matter is, indeed, very serious. I would like the other side of the House to be reasonable and to listen to the voice of reason. The Ninth Parliament is coming to an end. We want to bequeath a legacy to the other Parliaments that will come. We need to embrace the spirit of tolerance and that of give and take.

Mr. Temporary Deputy Speaker, Sir, the nine Members that Kenya is entitled to, in accordance with the Charter of the East African Community (EAC), are supposed to be elected by this Parliament. There is provision that they should be proportionate to the strength of the parties in this House. The strength of the parties of this House is as was determined by the general election of 2002. The Parliamentary parties here are known. We have a problem with the nominations of Members of the National Rainbow Coalition (NARC). The NARC is a coalition. Nobody can pretend otherwise. That coalition consists of the Liberal Democratic Party (LDP), the Democratic Party (DP), the National Alliance Party of Kenya (NAK) and FORD(K). In the general election of 2002---

The Assistant Minister, Office of the President (Mr. Munya): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, but that is not---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Raila! Mr. Munya, what is your point of order?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, as a lawyer, I cannot sit down and allow Mr. Raila to continue misleading the House. The parties he is naming are not recognized in this House, because no hon. Member in this House was ever elected under those parties.

(Applause)

The NARC, even in the Registrar of Societies, is recognized as a party, not a coalition! Is he in order to continue misleading the House by naming non-existent parties?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, as a lawyer the hon. Member knows that there is a situation called *de jure* and another one known as *de facto*. I am talking about a *de facto* situation. In this debate there are no restrictions in stating the facts as they are.

In the results of the 2002 general election, the LDP section of that coalition got 62 hon.

Members and the NAK side got 64 hon. Members. When added to the other nominated hon. Members, this gave us a total of 132 hon. Members. The 132 hon. Members give the NARC, as a political party, the five Members. Without the LDP section, the NARC will not be entitled to five Members. Therefore, it is very important that the LDP gets its fair share. It is unreasonable to use the numbers of the LDP to claim the five slots, and at the same time proceed to appropriate all of them. They are very greedy! The English say that you cannot teach an old dog new tricks. But, for record purposes, we want to make it clear that, we, as the LDP, are fully entitled to our share. But we are not receiving that fair share. As a result of this--

The Assistant Minister for Tourism and Wildlife (Mr. Ndile): You are misleading us!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, will you protect me from the hon. Member?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ndile! You must allow the hon. Member to--- If you believe that any hon. Member is misleading this House, please, stand on a point of order and say so. But do not discuss it when you are seated! That is against our Standing Orders! You must allow every hon. Member to express his or her opinion freely!

Proceed, Mr. Raila!

The Assistant Minister for Health (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): What is your point of order?

The Assistant Minister for Health (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, am I in order to complain that you are not ruling on points of order that have been raised in this House? That is the only way we can move forward! Would you, therefore, rule on the point of order raised by Mr. Munya?

Mr. Sungu: Are you challenging the Chair?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Dr. Machage! In fact, Mr. Raila interpreted this issue for me very well. You heard hon. Members more or less accept it. If you were listening carefully, he said that there are realities in law and those on the ground. One thing that you have to do is, do not try to muzzle another hon. Member. Let them speak their minds! You do not have to agree with them!

Proceed, Mr. Raila!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, the minority will have their say, the majority will have their way. If they have the numbers, they will have their way! But it is important that, as intellectuals, they listen to reasoning from this other side.

Mr. Temporary Deputy Speaker, Sir, we have no quarrel with the hon. Members from the Kenya African National Union (KANU) and the FORD(P). Equally, we have no problem with the Member from FORD(K), which is also a party member of the NARC. But those rules, which were passed last week, require that those Members must be elected by the Parliamentary Group Meeting. To my knowledge, no such meeting has ever taken place. That is why it is surprising that a whole Vice-President and Minister for Home Affairs can stand before this august House and seek to mislead the House that he has complied with the requirements of the rules.

This Government must lead by respecting the rule of law. If this House cannot respect the rule of law and the laws that it has passed itself, how do we expect a common man down there on the streets to respect the rule of law?

Mr. Temporary Deputy Speaker, Sir, I would, therefore, want to finish by urging that this list be totally rejected by this House, except those other parties--- The list that has been provided here has names of the Members from the National Rainbow Coalition (NARC).

The Assistant Minister for Environment and Natural Resources (Mrs. Kihara): On a point of order, Mr. Temporary Deputy Speaker, Sir. I need guidance here on [**The Assistant Minister for Environment and Natural Resources**]

which Labour Development Party (LDP) the hon. Member is talking about because this party is represented on both sides of the House. Is it in order for the hon. Member to mislead the House when we know LDP is represented on both sides of the House?

The Temporary Deputy Speaker (Mr. M'Mukindia): It is quite in order for an hon. Member to have an opinion. Please, allow him to express his opinion.

Proceed, hon. Raila!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I end up by urging that we reject the list that is presented by the hon. Vice-President and Minister for Home Affairs because it has not been prepared in accordance with the rules that were passed by this House last week.

With those few remarks, I beg to strongly oppose this Motion.

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, before we continue, I would like you to look at the rules that we passed the other day. It would be very instructive and useful to the House, and the public at large, to see whether, in fact, we are operating in accordance with our own rules that we passed the other day. Otherwise, let us not go beyond what we ourselves have passed in this House.

Proceed, hon. Wario!

The Assistant Minister, Office of the President (Mr. Wario): Asante, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii. Nasimama kuunga Hoja hii mkono.

(Applause)

Bw. Naibu Spika wa Muda, swala la kuhesabu vyama si swala la Bunge hili mbali ni la Msajili wa Vyama. Juzi Bunge liliketi na kupitisha sheria kuhusu namna ya kuwachagua waakilishi wa Kenya katika Bunge la Jumuiya ya Afrika Mashiriki. Ni matumaini yangu, kuambatana na sheria hiyo, ikiwa mhe. Bunge, alitaka kuikosoa, basi alikuwa na fursa na nafasi ya kutosha kuhakikisha vyama fulani na watu binafsi watapata fursa katika uwakilishi wa Bunge la Jumuiya ya Afrika Mashiriki. Sheria hiyo ilipitishwa na Bunge hili. Hatuwezi kuibatilisha sheria!

Kenya imechelewesha shughuli za Bunge la Jumuiya ya Afrika Mashiriki kwa sababu ya mvurugano wetu. Mvurugano wetu wa kisiasa usivuruge Jumuiya Afrika Mashariki. Maslahi yetu ya vyama yasivuruge Afrika Mashariki. Kwa mara ya kwanza, mengi ya majina haya yanawakilisha sehemu kubwa ya nchi ya Kenya. Wale ambao wasingekuwa na fursa ya kuwakilishwa katika Bunge la Jumuiya ya Afrika Mashariki, pia wamepata fursa leo.

Bw. Naibu Spika wa Muda, kwa mfano, chama cha LDP kimewakilishwa na mhe. Mbunge mmoja. Kifungu cha 4 cha sheria hiyo, kinasema Katibu wa Bunge agawanye nafasi hizo kwa vyama vinavyowakilishwa hapa Bungeni. Je, chama cha LDP kitapata nafasi ngapi? Kwa hivyo, tusivuruge shughuli za Bunge la Jumuiya ya Afrika Mashariki. Hebu sheria hii ifanye kazi ili Bunge la Jumuiya ya Afrika Mashiriki iweze kufanya kazi yake.

Kwa hayo machache, ninaunga Hoja hii mkono.

(Applause)

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, I thank you for giving me a chance to make a contribution to this Motion. It is a well known and accepted principle that in a just society, the test of the justice of the legal system of it, is whether the minority interests will be served and protected. In any society, the majority need not worry because their numbers will always take care of them. If you look at the composition of this very House, it reflects the numbers of our various communities. However, the majority societies or communities have more Members in this Parliament.

Mr. Temporary Deputy Speaker, Sir, today, the whole world over, we talk of affirmative action to take care of the weaker in society based on gender, minority in numbers and disabilities. This very Parliament has accepted the principle of affirmative action in all its dialogue. Under the rules that we passed, there are three authorities who can appoint and bring the list to this House. First, is the Leader of the Government Business. Second, is Leader of the Official Opposition, and third, is the leader of any other political party which may appoint or nominate Members under those rules.

Mr. Temporary Deputy Speaker, Sir, one of the previous Members of Parliament of this East African Legislative Assembly (EALA), Mr. Ochieng Mbeo, comes from a minority community called the Suba. I want it to be on record that Mr. Mbeo has done a marvellous job at the EALA. It is very obvious that he has been a soft target because he comes from a minority community in this country.

(Applause)

So long as that point is well known, let the majority make a decision. However, let it be on record that a person who has done a wonderful job and has an opportunity to be made Member of the EALA, is being denied that chance. He is denied that chance because he comes from a minority community called the Suba.

With those few remarks, I beg to oppose.

(Applause)

The Minister for Health (Mrs. Ngilu): Thank you, Mr. Temporary Deputy Speaker, Sir. We did pass the rules that will enable us nominate Members of the EALA. However, they were not followed to the letter when the meeting was called the following day. I was there and I saw it. It is a well known fact that whether we want it or not, the NARC Government is a coalition of parties that came together in the year 2002. These were especially the Democratic Party (DP), Liberal Democratic Party (LDP), FORD(K) and National Party of Kenya (NPK). We were able to oust the then ruling party.

For us to be in this House and say that although the Clerk of the National Assembly did recognise FORD(P) and KANU that he cannot now recognise NARC as a political party with its own coalition parties, is really wrong. Therefore, while we may want to pretend that all will be well, we know that Kenya did not follow the rules last time when we sent our names. As a result, Kenya and Members of Parliament, including the NPK and FORD(K) took this matter to court.

Mr. Temporary Deputy Speaker, Sir, you know we have lost time. We, as a nation, look bad in the eyes of the East African Community (EAC). It is wrong that Kenyans continues to fight over the nomination rules and the people to be nominated. It is all about NARC and its ownership. NARC party is a ruling coalition. It will remain so, and none of us would be ready at all time to be forced to do things the way some people want to do. It is a pity that we have not at all learnt the lesson that removed KANU from power, and that we tend to do some of things that make people a bit angry.

I would like to say here that we, as National Party of Kenya (NPK), who have been a coalition party of the NARC oppose these names. This is because we saw the nomination being hurriedly done in the Old Chambers. There was no meeting. Therefore, as we try to pass these names of persons to represent the country at the East African Legislative Assembly (EALA), I want to say that this does not end here. We will continue to fight for justice and fairness in this country.

Therefore, Mr. Temporary Deputy Speaker, Sir, I oppose the Motion.

(Applause)

Mr. ole Ntimama: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for this opportunity.

From the outset, I would like to say that this whole business looks to be confounded, because we have lost the quest for democracy and vision for good governance and justice, as it were. This issue is very interesting, because we are now being pushed to accept something that we know is not right, democratic and well-thought-out, through arrogance and impunity. This is why even the EALA rejected the Kenyan team. It might reject it again, because all our neighbours know that we are not doing the right thing as it were.

(Applause)

Mr. Temporary Deputy Speaker, Sir, definitely, the Government of National Unity (GNU) is not a parliamentary party, but most of the hon. Members who are seated on the Front Bench are defectors from their original parties. They went to join---

(Loud consultations)

The Minister for Roads and Public Works (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. ole Ntimama in order to imply that it is the GNU which sat down to nominate these names, when FORD(P) did not sit down with anybody to nominate any names, except one? Although FORD(P) belongs to the GNU, when it came to this matter, we did not participate in the nomination of names of people representing the NARC. Therefore, it is wrong to insinuate that the GNU is the one which nominated these names.

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Please, allow hon. ole Ntimama to continue! But, please, take account of what hon. Nyachae has said.

Go on!

Mr. ole Ntimama: Mr. Temporary Deputy Speaker, Sir, what I was saying is that---

Mr. Oloo-Aringo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Oloo-Aringo, do you really want to interrupt hon. ole Ntimama?

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, we would like to debate this Motion rationally! Hon. ole Ntimama, with a lot of respect, I request you to sit down.

(Mr. ole Ntimama resumed his seat)

Mr. Temporary Deputy Speaker, Sir, hon. Nyachae has a passionate view for FORD(P). But, in your own judgement, as the Chair, is what he has raised now a point of order or an attempt to obstruct---

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Yes, indeed, it was! Hon. Members,

I believe - and that is why I did not want to make so much out of it - that it is quite clear that hon. Nyachae and his team, as Members of the GNU, were not party to this nomination.

Hon. Members: Hon. Kamama!

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, I do not think that you or I are mandated to know who makes up hon. Nyachae's party. I would not know!

For that reason, could you allow hon. ole Ntimama to continue with his contribution, please?

Mr. ole Ntimama: Thank you, Mr. Temporary Deputy Speaker, Sir. I have a lot of respect for FORD (P) and my honourable friend, Mr. Nyachae, because, together, we were administrative cadets many years ago, [Mr. ole Ntimama]

and so I normally want to avoid clashing with him, whenever I can.

Mr. Temporary Deputy Speaker, Sir, the most important thing is that most of the people who moved to--- The GNU is a surrogate and illegal party, because it is not a parliamentary party, which has been formed in---

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. The debate that we are opening up today is the same thing that we discussed when we were debating the Rules of the EALA. We discussed almost everything.

The Temporary Deputy Speaker (Mr. M'Mukindia): What is your point of order?

The Assistant Minister for Energy (Mr. Kiunjuri): Will I be in order to ask the Chair to now put the Question, that the Mover be now called upon to reply?

The Temporary Deputy Speaker (Mr. M'Mukindia): Not now! As you can see, hon. Members want to contribute. Let us allow hon. Members to contribute. There is no panic!

Go on, hon. ole Ntimama!

Mr. ole Ntimama: Mr. Temporary Deputy Speaker, Sir, I was saying that the GNU is a political conglomerate which has been formed, particularly, to sustain power and create a voting machine, which sometimes, sees no reason. Even the Mover of this Motion was not in the party that he is now, but in the Liberal Democratic Party (LDP). This is why I support hon. Raila in saying that the LDP, definitely, needs a slot, because it has been in the coalition party.

Mr. Temporary Deputy Speaker, Sir, I think we have moved away from democracy and the rule of law, and we are now in the rule of men. I think we should follow the truth, because we have demonstrated a lot of naivety even to our regional partners. You know, they think that we are messing them up. They also think that we are going to pollute their economies and political systems, because we have polluted ours already. We are not following the law!

It is a pity that we do not speak the truth. All these defections are actually a way of perfecting sycophancy and bootlicking.

The Minister for Trade and Industry (Dr. Kituyi): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to also make my contribution.

I seek to support the Motion and express my opinion about some of the main issues raised by my colleagues who are dissenting. There are four issues which have been raised by those who are opposing this Motion.

First, that there are parties which are known here as parties that are not being given a chance to be represented. Secondly, that minorities are being pushed. Thirdly, that we are actually involved in an exercise which does not amount to electing of candidates. Lastly, that the GNU is being turned into a voting machine.

I want to express my opinion about all the four points that have been raised.

Mr. Temporary Deputy Speaker, Sir, the issue of who are Parliamentary parties was resolved and declared by the Speaker, at a similar ruling on the Floor of this House which is that

persons entered an election on the basis of certain registered parties and until and unless they sought a mandate from the electorate on another party, they are in Parliament as hon. Members of those parties. In the past we have had cases where parties are together until just before Elections and they split and come as different parties. That happened with FORD coming here as FORD(K) and FORD(P).

In a rare event in 2002, we were in different parties and then we sailed together and came as one party. Just like we never disputed that we were different parties inspite of having been together when we split as the FORD family, we are not to dispute the fact that we are one party because we sailed together as different parties to come here as NARC.

[The Minister for Trade and Industry]

The problem that is being brought on the matter of parties is this: If you are an hon. Member of a Parliamentary party and you cross the Floor of the House and start acting as if you are on another side of the House, in normal Westminster tradition of democracy, you are de-whipped. This means that if your party was to present candidates for the next election, they cannot present you but also knowing that your party cannot count on your support, your party does not give you the privilege of membership. Your party never puts you on committees of Parliament or trips as members of the Parliamentary Party. Your party never seeks your opinion about what it is doing. It is the consequence of defiance!

(Mr. Raila stood up in his place)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Minister! Let us hear the point of order from Mr. Raila!

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the hon. Member.

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Let us hear what Mr. Raila has to say!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, Mr. Speaker ruled on the question of sitting arrangement in the House. That, an hon. Member can sit on any other side of this House without necessarily defecting from his party. Is the Minister in order to mislead the House that because of the mere fact some hon. Members are sitting on this other side, they are no longer hon. Members of the party that brought them into this House?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, I will be very glad to have Mr. Raila ask you to dispute the fact that he is the hon. Member of NARC. He is in Parliament as an hon. Member of NARC. If there is any dispute about that, he can seek a ruling, even a court ruling about his identity as an hon. Member of Parliament.

What I am saying is that it is always very good for tidy management of Parliamentary affairs to have consensus; good manners towards each other and consult informally. In such cases, you follow the House as is *de facto*; not the House as is *de jure*. However, good manners is not a statutory obligation! To be polite and nice to each other is not a statutory obligation.

(Applause)

Where good manners have failed, people can exercise the worst manners so long as they remain within the confines of the law. So, people are waxing *argumentum ad misrecodium*;

appealing to pity: "Sympathise with us because we are also a community. Sympathise with us because we were also in this House." That is a nice thing but not a necessary thing.

Mr. Ochilo-Ayacko: On a point of order, Mr. Temporary Deputy Speaker, Sir. We know very well that the numbers that have been given to NARC to nominate five people constitute membership that is on this side of the House. If you hear Dr. Kituyi argue that hon. Members of this side of the House, particularly, myself and other hon. Members have been de-whipped--- Is it in order for him to use the numbers of hon. Members who are on this side of the House but when convening a Parliamentary Group (PG) meeting for membership of the East African Legislative Assembly (EALA) to be appointed, hon. Members whose numbers have already been used to appoint hon. Members are denied the opportunity to attend that very PG?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, I do not believe that, that---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Minister! While I do not want to restrict the debate, increasingly, it seems to be an argument amongst NARC hon. Members. This House is not about NARC people! It is about Kenya! So, please, restrict yourself to the Motion at hand. Let us not go back to our quarrels at home!

(Applause)

The Minister for Trade and Industry (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, that ties very nicely into my next statement about what constitutes electing. This House cannot preside on choosing what method constituent parties of this House use in presenting to the House through its constituted parliamentary leadership, candidates for any position. I have a good precedent! I was the Chief Whip of the Opposition in the seventh Parliament. When at the start of 1993 we were constituting Committees of this House, my Parliamentary leader, Mr. Jaramogi Oginga Odinga, asked me to tell our PG to give me their CVs. I sat down with him and we assigned hon. Members of our PG to Parliamentary Committees. When we held a PG meeting, we informed them about what positions they were going to hold. However, the matter had to be brought to the House for it to accept. The exercise is: Can this House vote that these are now hon. Members of the Select Committees or not? However, the House cannot question whether Mr. Jaramogi and Dr. Kituyi chose the persons or the PG had an election. It is not up to you to decide for us whether, as NARC, we had an election or not. However, the duly constituted Parliamentary leadership of our party presents to you a list of hon. Members and ask, as a House, that you vote on whether to accept that list or not.

Finally, it may be true that the Government of National Unity (GNU) is for purposes of voting. It is a consequence of a part of Government moving to an Opposition without being accommodated by the Official Opposition in fielding the numbers. Normally, if you are friends of KANU and you have gone to the KANU side of the House, KANU will accommodate you by appointing some of your own on its list presented to the House. However, you cannot expect those you are rebelling from, to do you a favour!

With those few remarks, I beg to support.

*(Messrs. Kombe and Muite stood
up in their places)*

Hon. Members: Muite! Muite!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! You must leave the Chair to decide who catches his eye! The new hon. Member for Magarini!

(Applause)

An hon. Member: Maiden Speech!

The Member for Magarini (Mr. Kombe): Asante Bw. Naibu Spika wa Muda. Kwanza, kabla sijachangia kwa mjadala huu, ningetaka kurudisha shukrani zangu kwa watu wa Magarini kwa vile walivyokuwa imara na kuwathibitishia Wakenya kwamba mwaka wa 2002, walipiga ndipo kwa sababu palikuwa ndipo na wakarudia kupiga ndipo.

Bw. Naibu Spika wa Muda, vile vile, walithibitisha ya kwamba si watu wakuhaingishwa na fedha maana fedha nyingi zilimwagwa. Pia walithibitisha si watu wa kuhangaishwa na magari makubwa makubwa na mengi. Pia walithibitisha kwamba maji katika bahari ya Magarini ni maji yaliyo na kina kirefu ambacho hakiwezi kamwe - viumbe wa majini kama vile mamba na viboko - hawawezi kamwe kuvidhiti kina hicho ila papa peke yake.

Vile vile, mashindano au hali ya demokrasia iliweza kudhihirika Magarini kwa vile vyama vingine vyote vilivyoweza kwenda kushiriki katika demokrasia.

Hon. Members: Maiden Speech!

(Mr. Sungu stood up in his place)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Mr. Sungu, you know, as I said, the "new hon. Member for Magarini". This is his Maiden Speech!

(Applause)

*(Mr. Sungu continued standing
up in his place)*

Order, Mr. Sungu! Are you questioning that? May I allow him a second Maiden Speech! Continue, Mr. Kombe!

The Member for Magarini (Mr. Kombe): Asante Bw. Naibu Spika wa Muda kwa kunitetea. Inaonekana kwamba bado wanachukulia ni yule yule kapteni wake wa zamani ndiposa alikuwa anapinga lakini ni Mbunge mpya wa Magarini, Mwalimu Harry Kombe.

(Applause)

Nilikuwa ninasema kuwa pia ninavipongeza vyama vilivyo kwenda kushiriki kwa sababu vilidhihirisha kwamba Kenya ina demokrasia licha ya kwamba tulikuwa marafiki, bali waliweza kusimamisha wagombea wao na pia wakaja wakashuhudia kushindwa kwao. Hilo lilikuwa ni jambo jema kwa demokrasia nchini Kenya!

Pia vile vile, ningependa kuthibitisha kwamba miradi ambayo inaendelea na ambayo ingefikiriwa kuwa ni miradi ya kampeini, ni miradi ambayo tulijadiliana na Mhe. Rais, tarehe 4 Januari, 2007 na ilianza hata kabla ya uchaguzi kuharamishwa. Hivyo basi, Serikali ilikuwa inaendeleza miradi yake kwa wananchi wake na siyo kwa minajili ya uchaguzi wa Magarini.

Bw. Naibu Spika wa Muda, kwa kumalizia, pia miradi ya barabara ilianza hata kabla ya uchaguzi kuharamishwa. Kwa hivyo, haikuwa haki kwa wengine kusimama na kusema kwamba hali hiyo ilitumika kwa niaba ya uchaguzi wa Magarini.

Mr. Oloo-Aringo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Oloo-Aringo! I thought I allowed Mr. Kombe to continue to give his speech without interruptions? Why do you want to

interrupt him?

Mr. Oloo-Aringo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): I cannot hear you. Would you kindly allow the hon. Member to finish?

The Member for Magarini (Mr. Kombe): Bw. Naibu Spika wa Muda, kwa kumalizia, nitarudi kwa Hoja. Majina yaliyoko, moja kwa moja ni majina ambayo yanastahili kuungwa mkono pasipo na tashwishwi yoyote. Ni majina ambayo yamewakilisha karibu sehemu zote za Jamhuri ya Kenya. Swala lililoko mbele yetu ni swala la Jamhuri ya Kenya kwa jumla na vile tumechelewesha Bunge la Afrika Mashariki kuendelea na shughuli zake. Kwa hivyo, haina budi leo tukubali majina haya ili Wabunge hawa waweze kuendelea na shughuli ya kuwakilisha Kenya katika Bunge la Afrika Mashariki.

Kwa hayo machache, naunga mkono Hoja hii.

The Assistant Minister for Tourism and Wildlife (Mr. Ndile): Asante sana, Bw. Naibu Spika wa Muda. Isipokuwa sijaona jina la Mkamba hapa, najua Kenya---

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

The Assistant Minister for Tourism and Wildlife (Mr. Ndile): Wewe na wewe!

(Laughter)

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know if I will be out of order to say that the majority of us are repeating ourselves. Would I be in order to call the Mover to reply?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! To ensure that everybody is satisfied, let us hear one or two other hon. Members and then we will come to that.

The Assistant Minister for Tourism and Wildlife (Mr. Ndile): Bw. Naibu Spika wa Muda, ninasema kwamba hata kama sijaona jina la Mkamba hapa, naamini Kenya ni kubwa na tuko na makabila mengi sana. Kuna msemo mmoja wa Kiswahili unaosema kwamba: "Kinyozi hajinyoi." Yale matatizo ambayo tuko nayo hapa Bungeni, ambapo watu wanasema kwamba hawakuwekewa majina waliotarajia, ni wao walitaka kujinyoa kwa sababu tulianza na wao na wakadanganyana, wakasema kwamba huu ni mchezo wa mpira. Walifikira kwamba siasa ni mchezo wa mpira.

Ningependa kusema kwamba hakuna jina la Mkamba katika orodha hii, kwa sababu mtu mmoja aliwadanganya Wakamba wetu na wakaenda upande ule. Wangukuwa upande huu, tungekuwa na jina moja la Mkamba katika orodha hii. Ningependa kusema kwamba, katika hili Bunge, nimegundua kwamba ukiona wengine wanaongea hapa, hawaongei wakimuogopa Mungu. Wengine wanataka marafiki wao au ndugu zao. Hao wanachezea akili ya Wakenya. Katika orodha hii hakuna jina la skwota ama mtu mlemavu. Hakuna mnenanaji yeyote ambaye amewatetea watu wa aina hiyo.

Bw. Naibu Spika wa Muda, hii shughuli ya kuvuruga vyama, wao ndio walioanza na sasa wako upande ule. Inafaa wakae kimya ili tumalize hii shughuli ya leo na tuanze shughuli nyingine.

Kwa hayo machache, ninaunga mkono.

Maj-Gen. Nkaiserry: Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion. First of all, I would like to pose a very simple question. NARC stands for the National Rainbow Coalition. It is a coalition of parties. One of the parties of that coalition is LDP and it cannot be left out.

(Loud consultations)

I am talking and I hope this gentlemen could just keep quiet.

Mr. Temporary Deputy Speaker, Sir, the Government of the Republic of Kenya is composed of an elite team which is moving to suppress democracy in this country. We cannot allow that. We have heard in this House today, that some of the Members of the Cabinet of the Republic of Kenya are members of *Mungiki* and they want to remove democracy so that dictatorship can take place in this country. We cannot accept that.

The Minister for Water and Irrigation (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Have you heard Maj-Gen. Nkaiserry say that Members of the Cabinet have been alleged to be members of *Mungiki*? I am a Member of the Cabinet and I am not a member of *Mungiki*. Would I be in order to ask the hon. Member to substantiate his allegation or withdraw it?

Maj-Gen. Nkaiserry: Mr. Temporary Deputy Speaker, Sir, I am not going to withdraw that statement unless you remove it from the newspapers and unless you remove it from the Personal Statement of whoever said it this morning. We cannot kill democracy because of the elite. We will never!

The Temporary Deputy Speaker (Mr. M'Mukindia): Maj-Gen. Nkaiserry, I ask you again to withdraw and apologise. Please, do so as per the rules of the House.

Maj-Gen. Nkaiserry: Mr. Temporary Deputy Speaker, Sir, I realise that when I stand here, that side feels shaken. I am sorry for that. I withdraw the *Mungiki* aspect. Let me say this, and I want hon. Members to listen to it. The nominees of KANU and FORD-(P) have not committed any crime.

I suggest that we pass the nominees of KANU and FORD-(P) and we leave those of NARC behind so that the East African Legislative Assembly (EALA) can continue to perform its functions and the Members of NARC can continue to mess themselves.

With those few remarks, I oppose.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand on a point of order to seek the Chair's guidance. Before the commencement to this debate, I submitted a written notice of my intention to move an amendment. I have been standing up ever since the Speaker put the question. Is the Chair aware of that amendment and am I going to get an opportunity to move it?

Mr. Temporary Deputy Speaker (Mr. M'Mukindia): Yes, you will, Mr. Muite. Do not worry.

The Minister for Transport (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion and while I am doing so, I would like to urge my colleagues to be more patriotic than what they have exhibited right here. I am saying this with a lot of disappointment. This is not the first time we, as a Parliament, are nominating hon. Members. We have it on record that this Parliament, through the Parliamentary parties, nominates 12 Members to the National Assembly and nine to the East African Legislative Assembly (EALA).

Mr. Temporary Deputy Speaker, Sir, I know they would like to exhibit some nationalism but it is extremely disappointing that all those parties that have been mentioned here, Parliamentary or otherwise, have never considered the Coast Province. I know that it is on record that out of the 12 Members of the National Assembly, who were nominated here, none of them comes from the Coast Province. That does not exhibit nationalism. We are two parties as parties in Parliaments. We have a broad-base of considerations to look at regions and not just to simply look at tribes. If one says Suba is a small tribe, Digo is also a small tribe. If we go under that notion, then we will be

arguing for 42 places in the East Africa Legislative Assembly instead of being realistic and going with a nationalistic approach to the nomination.

Mr. Temporary Deputy Speaker, Sir, the process that was criticised by the court was the election in the Chamber here. The court did not criticise the process before the names were brought to the Chamber. We did not elect and what we need to do now is to elect. If anybody has grievances, then that need not be raised in the House here. He can raise it elsewhere and indeed, not in the East African Legislative Assembly or the court that has jurisdiction in one way or the other on the process that goes on in the Chamber here.

Mr. Temporary Deputy Speaker, Sir, much has been said and if we were to go by insisting that people should get their right numbers, and if one talks of provinces, then Coast Province, out of the 21 Members who were nominated by ourselves, should, at least, have two members. Thank God, at the moment, we have one. I know that those who are opposing this Motion would like that one name also to be removed and substituted with another name from other parts of the country. That is unacceptable and that is not a show of patriotism. It is sheer tribalism and a sense that we, as Kenyans, should strive to eliminate.

Mr. Temporary Deputy Speaker, Sir, we would like to proceed by sincerely requesting my colleagues to support the Motion and to give the Coast Province that one chance out of the 21 Nominated Members of Parliament both for this National Assembly and for the East African Legislative Assembly. Five years from now, we shall insist that we get our slot right and that should be four. But for now, we will take that one that is on the table.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Hon. Members I think we have given enough time for general debate---

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order, Mr. Weya! We must move on. It is true that I received a notice of intention to move an amendment by hon. Muite. I will now give him a chance to move his amendment.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, pursuant to the provision of Rule 8(2) of the Treaty for Establishment of the East African Community (Election of Members of the Assembly) Rules, the Motion be amended by deleting the following names: Ms. Safina Kwekwe Tsungu---

Hon. Members: No way! no way!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, could you protect me?

The Temporary Deputy Speaker (Mr. M'Mukindia): Please, allow the hon. Member to move his amendment.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended by deleting the following names:

Ms. Safina Kwekwe Tsungu, Mr. Clarkson Otieno Karan, Mr. Augustine Chemonges Lotodo and Mrs. Catherine Ngima Kimura.

Mr. Temporary Deputy Speaker, Sir, through you, I ask hon. Members to lend me their ears. If you look at Rule of 5 of the Rules that we passed the other day, you will see that subrule 1 says:-

"In order to be validly nominated as a candidate for an election, a person shall be nominated by a parliamentary party, through its parliamentary group meeting---"

Mr. Temporary Deputy Speaker, Sir, I have two main objectives in moving this amendment. One, we owe it to the region that the Assembly should begin to meet immediately. We must unblock the impasse that is there. Two, it is not right to hold back the nominees of KANU because nobody is raising any questions about those nominees. It is not right to hold back the

nominee of FORD(P) because no one is raising any question. The effect of this amendment, if passed by Members, will be that five Members elected by this National Assembly will immediately join the East African Legislative Assembly and they will have a quorum. They will pass the Budget and the work of the East African Legislative Assembly will proceed. Two, those Members in respect of which there is no question will go and take their positions.

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Madam Minister, what is your point of order?

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, we are seeking for your guidance. I am looking at Rule 8(3) which says: "An amendment to substitute a nominee may only be moved by a party leader of the party seeking to substitute--"

As far as I know, Safina Party, to which the Member who is moving this amendment belongs, is not a party to this at all. The definition of the party leader does not include the Safina Party or its leader.

Mr. Temporary Deputy Speaker, Sir, is this amendment in order in view of the rules?

Mr. Muite: Mr. Temporary Deputy Speaker, if you look at Rule 8(2)---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Muite! I would like to hear you throughout until you finish moving the amendment, then I will make the ruling. But you may want to address yourself to the question the Minister has raised as to the validity of your amendments.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, in moving the amendment, let me clarify this. If you look at Rule 8(3), you will see that it talks about an amendment to substitute a Member. Sub Rule 2 does not talk about substituting a Member.

Sub rule 2 says:-

"The National Assembly shall, within seven sitting days from the date of receipt of the names under rule 6, consider the Motion and adopt it, with or without amendment---

So, I am within sub rule 2 in moving this amendment. I am not asking to substitute names. I am just saying these names be deleted so that the ones which are not deleted can be validly voted on to enable them to proceed to Arusha!

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Let us hear Mr. Muite.

Go on!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, questions have been raised under Rule 5. There are Members here, who have said that they were never called to a Parliamentary Group meeting of their party. What I am saying is that we do not want this House and the country to be held hostage by another set of court proceedings without the East African Legislative Assembly having a quorum. That is why I am urging that those Members in respect of which there is no question, let us vote on them and let them proceed to Arusha. Those Members in respect of whom there is a question mark, and I have nothing against any of them - I have nothing against the lady from the Coast Province - All I am saying is that let us not hold hostage those in respect of which there are no question marks with the consequence that the Assembly will not be going on. As you heard, there is no question about it. You will hear of fresh proceedings being filed in courts for non-compliance with Rule 5. So, what I am saying is that let us save Kenya, as a nation, from

further embarrassment. Let us vote for those in respect of whom there is no question mark. Those are the candidates and nominees of KANU and FORD(P) and one nominee from FORD(K).

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Muite! I would like you to clarify to the House what exactly your objectives are. You talked of having two objectives. However, I have not heard clearly what you are trying to achieve by moving this amendment. Could you, please, clarify that to the House?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the first objective is to ensure that the five candidates who have been nominated by KANU, FORD(P) and FORD(K) are approved and they go and join the East African Legislative Assembly (EALA). This should be done without subjecting them to the potential of a court action that might result in the nine nominees from Kenya not joining EALA.

The second objective is that it is not fair to hold back---

The Assistant Minister for Health (Dr. Kibunguchy): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Dr. Kibunguchy! Mr. Muite is on a very important issue. Let him finish.

Mr. Muite, you have clarified on the five candidates, how about the other four? What is your objective regarding them? Make it clear! Let us know.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am saying that the Chair has heard from the Floor of this House that there are objections about the NARC nominees. Those objections relate to the four whose names my amendment is seeking to remove from the list. We should not allow the dispute about these four to compromise---

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

Mr. Muite: Could I proceed, Mr. Temporary Deputy Speaker, Sir?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! There is a reason why I am asking Mr. Muite to explain his objectives!

Mr. Muite, I see four names here; are they members of NARC or not? If that is the case, why are you leaving others on this list?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, yes, these are nominees of the NARC party. No one is raising any question marks about the other five names. I am saying that the objection about these four should not be allowed to hold back the other five in respect of whom no one has any question marks.

Mr. Temporary Deputy Speaker, Sir, Mr. Ochilo-Ayacko, will second the amendment.

I beg to move.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members, I would like to dispose of this matter. However, first of all, I would like to hear what Mr. Ochilo-Ayacko has to say.

Mr. Oloo-Aringo: The Chair is taking sides in this debate!

Hon. Members: Out! Out!

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, I would like to second the proposed amendment. I can speak with authority as a humble member of NARC. There was no Parliamentary Group (PG) meeting.

(Applause)

Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, there are no minutes for any such meeting. If you look at the rules we passed, under the definition of a party leader, We, as the

NARC party, we are a very lucky. We have both the Leader of Government Business, who qualifies as a leader of NARC and the registered leader of NARC who is Mrs. Charity Ngilu. That very morning when the purported PG meeting took place, I had the honour of trying to enter the Old Chambers to consult with Mrs. Charity Ngilu. Something very shameful took place. The Old Chambers was locked. We were told that it was not available for any PG meeting. We were further told that it was only available for the meeting of the National Aids Control Council---

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Ochilo-Ayacko, are you done?

Mr. Ochilo-Ayacko: No, Mr. Temporary Deputy Speaker, Sir.

We were told that, that morning when the purported PG meeting---

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members, could you allow Mr. Ochilo-Ayacko to finish because there is something he wants to say and he has not done so. Allow him to finish!

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is very important for the other side of the House to be civil in this debate. I can see the Chair is consulting extensively and, therefore, not listening to the point being raised by the hon. Member. Could we allow the Chair to finish the consultation---

The Temporary Deputy Speaker (Mr. M'Mukindia): No! Hon. Members, I would like to assure you that I am very much aware of what Mr. Ochilo-Ayacko is saying. Please, allow him to finish because I want to dispose of this matter.

Mr. Ochilo-Ayacko, you have one minute!

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, the point I am making is that when we went to the Old Chambers to consult, we were informed by the Clerks Department that the only meeting intended for the Old Chambers was that of the National Aids Control Council together with hon. Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, there was no PG meeting. As a member of this House, I am aggrieved. I have a right to make known the person---

The Assistant Minister for Health (Dr. Kibunguchy): On a point of order. As I listen to the proposed amendments I am confused that---

The Temporary Deputy Speaker (Mr. M'Mukindia): What is your point of order?

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, is it in order to include a FORD(K) nominee in that list when we know very well that this is not a parliamentary political party? I would like that clarified.

(Applause)

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, if the hon. Member wishes to delete any other name from this list, he is free to bring another amendment.

The point I am making is that as an hon. Member of this House and a loving member of the ruling party, I am entitled to participate in the proceedings of nominating members of the ruling party to the EALA. I was denied this opportunity. I feel muzzled by the list that has been brought here---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ochilo-Ayacko! As you know, this is supposed to be an amendment and there is really not a long story. We are all aware of the facts.

Hon. Members, first of all, you heard me ask Mr. Muite his exact objectives for this amendment. Rule 8(2), indeed, allows this House to move amendments to any Motion brought on the Floor of the House. In other words, hon. Members are free to bring amendments to change

wording, put a comma, renumber, rename and so on. That is an important part because hon. Members are free to make the necessary amendments. However, Rule 8(3) is quite specific, in my opinion. It says that if you have to substitute nominees, then you have to be a party leader, Leader of Government Business or Leader of the Official Opposition.

The effects of allowing the proposed amendment by Mr. Muite is to achieve what cannot be achieved under Rule 8(3). Honestly, I think it is not fair that what you cannot get from the front, you get from the back. I, therefore, rule this amendment to be invalid.

(Applause)

*(Mr. Muite's amendment
was declared invalid)*

*(Debate on the original
Motion resumed)*

Let us proceed! Since there is no other amendment, I will put the Question!

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

The Temporary Deputy Speaker (Mr. M'Mukindia): What is it Mr. Sungu?

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Do I understand that you have already disposed of the amendment without voting?

Hon. Members: Yes!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Sungu! Indeed, I had!

Mr. Sungu: But, Mr. Temporary Deputy Speaker, Sir, the amendment has already been seconded!

The Temporary Deputy Speaker (Mr. M'Mukindia): Of course, it has been seconded. That is why I allowed hon. Ochillo-Ayacko to say his piece. I was hoping he could convince me that hon. Muite is not trying to get, through Section 8(3), what he cannot get through Section 8(2). I mean, that is what he ought to do and, obviously, that is not acceptable, because it is quite clear that we cannot leave vacancies. The rules do not allow us to leave vacancies. I think what hon. Muite should have done is to approach the party leader of whichever party is concerned and make a substitution in the same Motion to enable this one to be complete.

As it is today, it is incomplete and, therefore, I rule that it is invalid.

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

It is okay, do not panic! Let us allow a few points of order.

Proceed, hon. Raila!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, the rules regarding amendments to Motions are very clear and are covered in the Standing Orders. Hon. Muite did give notice of this amendment in accordance with the Standing Orders and it was accepted by the Chair. So, for the Chair to now turn around here and say that the amendment is not in accordance with the *nini*, is irrelevant!

The Chair must rule within the provisions of the Standing Orders!

The Temporary Deputy Speaker (Mr. M'Mukindia): Okay, hon. Members, I think the Chair is strong enough to decide on these issues. Do not worry. What hon. Raila is saying is that, it would not have been fair for me or for the Chair to reject the proposal by hon. Muite. I wanted the whole House to hear it for themselves and for the ruling to be public. Hon. Muite or any other hon.

Member of this House has a right to be heard.

Surely, hon. Raila, I do not think it is fair not to have heard what hon. Muite would have said and also give a chance for somebody to second it to prove to me or to the Chair that, actually, this amendment, as proposed, is valid according to our rules. The Chair has made a ruling and we should move ahead.

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

No! No more points of order! Order, Mr. Nyagudi! Order!

(Question put and agreed to)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Mr. M'Mukindia): Very well. Hon. Members, you may now sit down! Yes, there is enough demand for Division and, indeed, you should proceed to Division. Would you, kindly, now ring the Division Bell for five minutes?

(The Division Bell was rung)

DIVISION

(Question put and House divided)

(Question carried by 94 votes to 1)

AYES: Messrs. Abdirahman, Achuka, Akaranga, Awori, Dzoro, Gachagua, Githae, Haji, M.A, Kagwe, Kaindi, Kamama, Kamanda, Kanyingi, Kariuki G.G., Ms Karua, Messrs. Karume, Katuku, Kembi-Gitura, Kenneth, Dr. Khalwale, Dr. Kibunguchy, Prof. Kibwana, Mrs. Kihara, Messrs. Kimathi, Kimunya, Kingi, Kirwa, Dr. Kituyi, Messrs. Kiunjuri, Koech J.K, Kombo, Kombe, Konchella, Dr. Kulundu, Dr. Kuti, Dr. Machage, Maj. Madoka, Dr. Manduku, Messrs. Manoti, Masanya, Mbau, Michuki, Miriti, Mirugi, Mohamed H.M., Mohamed A.C. Moroto, Muchiri, Mrs. Mugo, Ms. Mwau, Messrs. Muiruri, Mukiri, Mungatana, Munya, Muriithi, Muriungi, Dr. Murungaru, Messrs. Murungi, Muturi, Mwaboza, Mwakwere, Mwanicha, Mwenje, Mwiraria, Dr. Mwiria, Messrs. Nderitu, Ndile, Ndwiga, Ngozi, Nyachae, Nyagah N., Obwocha, ole. Metito, ole Ntutu, Onyancha, Poghio, Rai, Prof. Saitoti, Messrs.Sambu, Serut, Sasura H.T., Shaaban, Shakombo, Soita, Tarus, Mrs. Tett, Eng. Toro, Messrs. Tuju, Waithaka, Wambora, Wario, Dr. Wekesa, Messrs. Wetangula and Yattani.

Tellers of the Ayes: Messrs. Cheboi and Nderitu.

NOES: Mr. Angwenyi.

Tellers of the Noes: Mr. Angwenyi and Dr. Rutto.

ABSTENTIONS: Messrs. Ahenda, Arungah, Bett, Bahari, Cheboi, Haji M.Y, Kajembe, Kajwang, Khaniri, Kilonzo M., Koros, Kosgey, Ligale, Maore, Munyao, Mwanzia, Mrs. Mwendwa, Mr. Ndolo, Mrs. Ngilu, Maj-Gen. Nkaisserry, Mr. Nyagah J., Rev. Nyagudi, Eng. Nyamunga, Messrs. Ochilo-Ayacko, Ogur, Oloo-Aringo, Ojaamong, Ojode, Eng. Okundi, Mr. ole Ntimama, Prof. Olweny, Messrs. Omamba, Omingo, Omondi, Osundwa, Owino, Raila, Dr. Rutto, Dr. Shaban, Messrs. Sungu, Syongo and Weya.

The Temporary Deputy Speaker (Mr. M'Mukindia): Next Order!

Mr. M. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Before I raise

my point of order subject to your ruling, I would like to, first of all, declare an interest. I am one of the counsels leading the team of lawyers that have been representing those Kenyans who filed a reference case at the East African Court of Justice over a similar matter.

Mr. Temporary Deputy Speaker, Sir, after declaring that interest, am I in order to suggest that the Standing Orders Nos.46 and 50 of this honourable House have been violated in the manner in which this matter has been handled; to the extent that hon. Muite, the Member of Parliament for Kabete, did propose an amendment which was duly seconded and which, after becoming the property of the House, has not been handled in a manner that is stipulated under Standing Orders Nos.46 and 50?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. M. Kilonzo! As you know, I gave a lot of time to hon. Muite, hon. Ochilo-Ayacko and hon. Raila, so that they could ventilate that issue. At the end of the day, the decision of the Chair was - and still is - that it was an invalid proposed amendment. So, let us not revisit something that we have already finished!

Next Order!

MOTION FOR THE ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN
THE NEXT NORMAL SITTING DAY

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

THAT, this House do now adjourn until Tuesday 12th June, 2007.

First of all, I want to start by thanking hon. Members for the way they have conducted themselves this afternoon. To me, it is a triumph of the democratic space that is being extended by His Excellency the President, hon. Mwai Kibaki. I am happy now that we have resolved the matter of membership to the East African Legislative Assembly (EALA) and that our people---

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Please, allow the Vice-President and Minister for Home Affairs, who is also the Leader of Government Business--- Hon. Kimathi, hon. Ndile and others, I will start naming the hon. Members now who are consulting rather loudly. Please, consult quietly!

Continue, Mr. Vice-President!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, it will now be possible for our Members to go and join the others from the other two countries; to be sworn in so that the business of the EALA can continue.

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the debate in this House must be disassociated from personal feelings. It is important that no matter how we differ here in the House, when we go out there, we are still legislators of the 9th Parliament of the Kenya National Assembly. Therefore, let

us always think in terms of issues as opposed to matters of personalities.

Mr. Temporary Deputy Speaker, Sir, I cannot help but continue to dwell on what has happened this afternoon. This afternoon, we have chosen Kenyans. None of these people are non-Kenyans. They are all Kenyans, but above all, they come from what is popularly known as minorities. We have got someone from Pokot, which is an area that was marginalised for a very long time. We also have got someone from North Eastern Province. We have got people from areas that have always been left behind. When they go out there, they are going as Kenyans.

On the issue of parties, I think it is a lesson to us that when we are elected, we must be standing on certain principles and issues, so that when we come together, we do not start promoting individual agenda.

The reason why there are parties from all sides is because after coming here in 2003, when we were united, we started promoting individual parties and agenda. Let us learn the act of reconciliation. Let us try, no matter how much we differ, to come together once we have resolved an issue.

Mr. Temporary Deputy Speaker, Sir, we have so many examples that we can learn from. We can learn from forgiveness that the late Jomo Kenyatta gave. We can also learn from Mr. Nelson Mandela. After he suffered for 27 years in jail, he went back and led his country to great success. This is what we require. When we go on recess for the next two weeks, before we come back for the Budget, let us go out there and interact with members of our constituencies and look at the developments that are there. Let us try and help our people, particularly, in self-reliance.

Mr. Temporary Deputy Speaker, Sir, the Economic Survey Report which was released yesterday indicated that the economy has grown by 6.1 per cent and it is likely to end up at 6.7 per cent at the end of the year. From time to time, people have said that this prosperity is not reaching the grassroots. That is not true at all. But, nevertheless, what we need now is to utilise the environment that is prevailing now, to help the youth. We know that 72 per cent of our population are under the age of 35 years. Let them take advantage of the National Youth Enterprise Fund, which is not just a Fund, but has an element of training as well. The Economic Survey Report says that 500,000 jobs were created, mainly, in the informal sector. It behoves us when we go out there--

*(Several hon. Members
consulted while standing)*

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! Why are you on your feet? Hon. Member for Mathira, how can you be on your feet when another hon. Member is talking?

Proceed!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I was saying that we really need to encourage the young people in terms of self-reliance, because the Government has given us the tools. We should be pulling the poor upwards, instead of them pulling us downwards. We can do this by leading. Let us teach our people how to save. Without knowing how to save, it is not possible for one to learn how to use the money that he or she is lent. It is up to us, again, to tell the young people who are going to get this money that it is not a gift, but money that is going to be repaid. We must start using the word "revolving fund."

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

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. I, as a Member of this House - and I believe many others - need time to visit our constituencies, in order to see what is going on there, and even supervise what is happening in our Constituencies Development Fund (CDF) projects.

We are going to have a one and half week break this time and even Committees need time to do their work.

With those few remarks, I beg to second.

(Question proposed)

Mr. Weya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving [Mr. Weya] me this opportunity. I support the Motion of Adjournment because I think hon. Members need a break. I would like to inform some of my colleagues on the other side that some of us go to our constituencies regularly.

The Temporary Deputy Speaker (Mr. Poghio): Order! I think we should agree on how much time each hon. Member contributing on this Motion will have.

Hon. Members: Five minutes!

The Temporary Deputy Speaker (Mr. Poghio): Okay!

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity. I support the Motion of Adjournment because I think it is about time that hon. Members took a break. I would like to inform hon. Members on the side that some of us go to the constituencies regularly. So, it is not going to be the first time that we are going.

The Vice-President and Minister for Home Affairs has just said that 72 per cent of the youth of this country are under the age of 35. It is very unfortunate that this Parliament when deciding on hon. Members going to the East African Legislative Assembly (EALA) decided not to appoint hon. Members of that age bracket in that team. We also know that three million Kenyans are people with disabilities. It is also very unfortunate that this House has not taken people with disabilities to the EALA because they really do not consider them as Kenyans. People with disabilities and the youth are Kenyans who make up a huge population of this country.

It is also a good thing that by the end of the year we will be changing our Standing Orders which will allow this House, probably, to work more hours. I think we are still operating on the ideologies of the colonial era and the way that they had done the Standing Orders. I, therefore, think it will be a good thing for hon. Members to put in more time into the business of this House.

Mr. Temporary Deputy Speaker, Sir, you have also heard the Vice-President and the Minister for Home Affairs talking about the informal sector. What this Government has done is that they have taken the informal sector and said it has grown. I would like to state here today that if you go to the rural areas, what has increased are the people riding *boda bodas*. What has increased are those people in the *Jua Kali*. If you go to a *Jua Kali* mechanic and ask him whether he is happy with his job, he will tell you: "*Mzee unaweza kunitafutia mahali pengine nifanye kazi kwa sababu hapa---*" There is nothing he is getting in that *Jua Kali*.

It is also for us to realise that---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Weya! You are mixing languages!

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, we are allowed to speak in Kiswahili and English in this Parliament.

The Temporary Deputy Speaker (Mr. Poghio): One language at a time!

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, I was just quoting what they tell me in the *Jua Kali* sector. When I am at a *Jua Kali* place, they do not speak to me in English. They speak to me in Kiswahili.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Weya! Your mechanic does not speak in English?

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, he speaks to me in Kiswahili so I am just quoting.

It was very unfortunate that when we were sitting in this House, it was a good thing that FORD(P) and KANU were able to call Parliamentary Group (PG) meetings and discuss hon. Members. They had a meeting and minutes and go as far as having a list of people who attended that meeting. For us who are in NARC, there was no official invitation for the PG, no minutes, proposer or seconder. It was a sham! It was very unfortunate for democracy in this country for leaders of a Government that is in power to go about it that way. So, I think, in future we should operate like citizens who are responsible enough to follow procedure that is followed, not only in this Parliament but in parliaments all over the world. That is all I want to say so that I give other hon. Members an opportunity to speak.

Thank you.

(Dr. Khalwale stood up at the Bar)

The Temporary Deputy Speaker (Mr. Poghismo): Why do you not come and speak from here?

The Assistant Minister for East African Community (Dr. Khalwale): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. I rise to support this Motion because I believe that even two days of rest can make a big difference in our lives, since we are overworked.

May I register, this afternoon, my shock and disappointment at how the meaning of honesty was demonstrated today, that it does not belong to some of us. I was very disappointed that two Senior Counsels who sit in this House; Mr. M. Kilonzo and Mr. Muite, have attempted to mislead this House as if they do not know that all of us have had an opportunity to read the Treaty on the establishment of the East African Community (EAC). I want to thank the Chair---

The Temporary Deputy Speaker (Mr. Poghismo): Order, Dr. Khalwale! Surely, how does that become a subject of this House now? Proceed, but let us try and avoid that subject.

The Assistant Minister for East African Community (Dr. Khalwale): Mr. Temporary Deputy Speaker, Sir, it is just because at that time, we did not manage to catch the Speaker's eye.

The Temporary Deputy Speaker (Mr. Poghismo): Order! The matter has been concluded and we are through with it. We should just proceed with the next Motion. Do not use this opportunity to debate something which is already concluded.

The Assistant Minister for East African Community (Dr. Khalwale): Mr. Temporary Deputy Chairman, Sir, I was just thanking the Chair for the ruling he made when the hon. Member tried to amend the Motion the way he had attempted, because the Treaty on the establishment of the EAC is very clear, that, when the various organs of the EAC are constituted in Arusha, it is usually done with a particular definition. In this case, the Council of Ministers is constituted when you have the three Ministers representing the partner States. In the case of the East African Legislative Assembly (EALA), it is constituted when the three partner States are there, represented by nine Members of Parliament. I just wanted to emphasize that.

May I conclude that I have also reflected on the Personal Statement by the hon. Member for Juja, Mr. Kabogo and I have been asking myself: What is it that we could do to make sure that some of the things he raised, could be addressed by the Commissioner of Police? The issue of the threat by *Mungiki* is real and if what the hon. Member said in his Statement, that Members of the Cabinet are also supporters or are associated with *Mungiki*, then it is important that the Commissioner of Police moves in. We are not going to keep quiet as Parliament and see innocent *wananchi* in the estates being slaughtered. I do not know whether it is in the name of business games or political supremacy. To those Cabinet Ministers, you know yourself, step aside or resign. If you are supporting *Mungiki*, it is a very big shame.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I support this Motion that we do go for

these two weeks or so, recess. I want to ask the Government to help us with one thing, that as we go on recess we have to go and tell the people. First, the connection fees demanded by the Kenya Power and Lighting Company (KPLC); Kshs32,000 for a rural user of electricity is [Mr. Sambu] not possible. Let them split it. If they have to collect it, let it be spread over 24 or 36 months so that it can be payable as they pay with the charges on the meter.

Charging Kshs32,000 for a rural user, will mean that those transformers will just remain there unused and the effect of what the Government has done will not be felt, in spite of having put in all those billions. That is a very urgent demand.

I want also to speak about the cost of university education. The public universities have raised the entry point for regular students. Those are the ones who get loans from the Higher Education Loans Board (HELB). They have raised the entry points to A-(Minus). What is happening is that nearly all the students who are going to our public universities now are going through what they call the parallel programme and the fees charged are very exorbitant.

Mr. Temporary Deputy Speaker, Sir, I am requesting the Government to use its good offices to tell these universities, that these universities were constructed using public funds, on public land and the staff are employed on public funds. Therefore, they should not overcharge the parallel students. I do not agree, but let the parallel students also be allowed to access loans from the Higher Education Loans Board, which they will repay. Of course, once they have graduated, they will repay the loans like anybody else. It is so important that we help our students by allowing them to access loans from the Higher Education Loans Board.

Mr. Temporary Deputy Speaker, Sir, on the Youth Fund, I want to say that let us have transparency. The way it is being administered is not transparent. Youth groups are being given very stringent conditions. I would like to see that the Youth Fund is distributed equitably.

Finally, I want to speak on the issue of security in my constituency---

The Minister of State for Youth Affairs (Dr. Kuti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

The Minister of State for Youth Affairs (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to mislead the House that the Youth Fund is not being disbursed transparently when we have released documents throughout the country and there are clear guidelines on how to access the funds? There are district figures to qualify that equitable distribution has been done---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Minister, you are actually contributing to the debate. That is an argument.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, may I say that-- I did not even say at the national level. I am saying that it is at the district level to help him to supervise his officers to make sure that it is equitable.

Finally, Mr. Temporary Deputy Speaker, Sir, I want to speak about security in my constituency. I do not want to speak about other people's constituencies. In my constituency, in a place called Mosoriot, which is on the main road between Eldoret and Kapsabet, five people have been killed in one year. Last year, three people were killed. Two weeks ago, two people were killed. We have told the police. They brought a road block and they took it four kilometres away. These two people who were killed two weeks ago were killed at the Mosoriot Teachers Training College.

I am asking the Government, through this Motion, to ask the OCPD, Kapsabet, to bring the road block immediately to the town near the DO's Office so that security of the residents of Mosoriot can be assured.

With that, I beg to support.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Thank you,

Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion and also thank Members of this House for passing the Motion, which they have just passed.

Mr. Temporary Deputy Speaker, Sir, I also want to thank the team that nominated the Members who are going to the East African Legislative Assembly, because 30 per cent of the team of the Members of the East African Legislative Assembly are young. We have Messrs. Lotodo, Safina and Nakuleu. They are all youthful members. So the youth have been taken care of as 30 per cent of the Members are youthful unlike what my friend, Mr. Weya, said. I think it is good time for us to go and visit our constituents. It is good time because when the economy of this country is performing well, we require time to be with our constituents so that they can stop to wonder how come the economy is performing well when some of them have been left behind. It is time leaders led from the front.

You cannot come to Parliament and complain that your people are getting poorer while the rest of the country is moving forward. It is just basically because you are not offering leadership. I am saying this because, as the Minister for Co-operative Development and Marketing, I know that there are very many Members here who do not even know who their District Co-operative Officers are. The easiest way to reduce poverty in this country is to urge our constituents to form co-operative societies and work as co-operatives. That is the easiest way to open up markets for our rural folks. Therefore, I would like to urge Members of this House, as we go for this Recess, to take time off to find out who are the Government officers, and not necessarily co-operative officers but also district agricultural officers and work with them. The fact that this Government has enabled the officers on the ground to work with all Members without discrimination is a confirmation that we are keen to address the problems facing our people. Therefore, we should take advantage of that situation instead of indulging in useless politics. You can verify whatever you want to.

However, if you are not leading your people from the front, poverty will surely lead them. Therefore, we need to make a choice.

Mr. Temporary Deputy Speaker, Sir, while on recess, it is time that we indulge in a lot of politics. May I remind hon. Members that we have one country. Never mind our political divide, but this country is one. We need to be absolutely responsible in whatever we utter out there. We also need to urge our Press to be extremely responsible. These are not the dark-days when to read a copy of a daily newspaper from Kenya while in London, you needed to wait for one week. Today, even before people wake up, the newspaper is already out. You read all the important issues before you come out of the house.

Mr. Temporary Deputy Speaker, Sir, you get saddened by some of the issues that you read, particularly when out of this country. It is true that a Government requires to be criticised. However, this should be done responsibly. Let us all be responsible in our criticisms. We are seeing situations where hon. Members of Parliament become insolent on platforms. That does not depict an hon. Member of Parliament. First of all, to be referred to as an "honourable", you must be honourable. In Kiswahili it is "*mheshimiwa*." It means: *Umejiheshimu mwenyewe ndio uheshimiwe na watu wengine*.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, what language are you using now?

The Minister for Cooperative Development and Marketing (Mr. Ndwiga): Mr. Temporary Deputy Speaker, Sir, I will go back to the original language I was using.

Mr. Temporary Deputy Speaker, Sir, we need to be responsible whenever we are out there. This is a year of elections. Whatever happens, this country will go on. Whoever wins, this country will still be one country. Therefore, I would like to urge my colleagues to act with responsibility wherever we are, bearing in mind, that we have one country.

With those few remarks, I beg to support.

Maj. Madoka: Mr. Temporary Deputy Speaker, I stand to support this Motion. In doing so, I would like to say that obviously, for most of us, as we proceed on recess, the state of insecurity in this country will be of our great concern. I know we have all blamed the Executive Arm of the Government for failing to contain the insecurity. However, I think this House too needs to look at its role. I believe that we need to give the police special powers to act appropriately on emergency situations, like this of *Mungiki*.

I also believe that when the Minister of State for Administration and National Security blamed the Judiciary for insecurity, he was basically saying that our laws are not adequate. Again, I think this House needs to look at how best we can repeal certain laws to deal with emergency situations like this of *Mungiki*. Today, you will get people standing and claiming they are members of the outlawed *Mungiki* sect on television and nothing is done. This is because the laws do not give the Judiciary the powers to deal with certain situations unless there is certain evidence. We need to look at how best we can give the police special powers during emergencies and have laws that enable our Judiciary to punish culprits who go round terrorising our people.

While we are happy about the state of the growth of the economy of 6.1 per cent and, unfortunately, the Leader of Government Business is not here, he says that, that should be recognised. I think that is most unfortunate because while we are talking of this state of the growth of the economy, the ordinary *mwananchi* down there does not feel it. That is the truth of the matter. When sugar is costing Kshs100 when, within the last four years, it was costing Kshs50, the ordinary Kenyan does not want to hear about that 6.1 per cent. When he has to pay Kshs80 for *unga* when he was paying Kshs40 four years ago, you cannot tell him that the economy is improving. You need to ensure that; and the Minister for Finance is here, he really needs to look and see what they can do to be able to---

The Assistant Minister for Tourism and Wildlife (Mr. Ndile): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Je, ni nidhamu kwa Maj. Madoka kuipotosha Nyumba hii kwamba kilo moja ya mahindi imepanda bei hadi Kshs100 na ilikuwa Kshs50 zamani, akijua kwamba wakati huo, walikuwa wakinunua gunia ya mahindi kwa Kshs300 na sasa iko Kshs1200. Hiyo ni kutupotosha!

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, hon. Ndile does not know what he is talking about. If you go to my constituency, sugar costs Kshs100 per kilo. That is a statement of fact. A kilo of *unga* costs Kshs80 per bag. So, you cannot tell me that I do not know what I am talking about. That is the real situation and I am saying that, you--- And the Minister is here, those are the areas which he needs to look at to ensure that Kenyans do not suffer. Those are the realities of life - look at paraffin, *unga*, look at travel costs; then you will be able to help the ordinary *mwananchi*.

Mr. Temporary Deputy Speaker, Sir, I think it is important that as we go, the country is, indeed, concerned. Whereas we are being asked to act responsibly and watch what we are saying, I think it is important that all of us take the responsibility of giving Kenyans some confidence.

Unfortunately, the Cabinet is not giving Kenyans any confidence, because when you get the Cabinet Ministers here differing so loudly and shouting at each other, you do not give Kenyans any confidence.

So, I think we need to see a cohesive Cabinet which will give Kenyans confidence that they have a Government which will be able to ensure that development continues.

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

The Temporary Deputy Speaker (Mr. Poghio): I think I only have a few minutes. It is less than five minutes, I think.

Proceed, hon. Member for Kipipiri!

The Minister for Finance (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker,

Sir, I will try to say as much as possible.

Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I believe it is time that hon. Members take this well deserved rest. It has been a rather hectic time and a number of things have happened. All this has been happening against a backdrop of very good things happening within the country as we have witnessed with the recent statistics, with the confirmation that our economy is still on a very upward trend, having started from 0.6 per cent in 2002, going right through 5.7 per cent and now 6.1 per cent. Projections now are that we are heading to anything above the 6.1 per cent towards 7 per cent, 10 per cent and, eventually, we will start moving away from poverty to prosperity.

Mr. Temporary Deputy Speaker, Sir, the other thing that has happened in the course of this Session is the confirmation that we all knew; that poverty has actually come down. As I listen to my colleague talking about poverty in his area, in Taita, I was surprised because all the statistics that we have are showing that, on a general level, costs have actually come down or are being maintained. Even if they have come up, in real terms, the actual cost to the people is lower, given that they are now deriving higher incomes on an average basis. But the actual cost at the individual level is lower, although producer prices are higher. So, on a net basis, we know that our people are better off than they were before. That is something that we should be celebrating and we need to thank God for having given us a peaceful country and the good leadership that has enabled our economy to grow and helped our people to come out of poverty into prosperity and setting the pace for our children to enjoy more than we have enjoyed ourselves.

Mr. Temporary Deputy Speaker, Sir, the other thing that we should be very proud of is the normalisation of our relations with our development partners. We know that we have been having problems. However, as of now, as we speak, we are in good books with the World Bank---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister! Order, Members! I just want hon. Members to know that this recess is going to be less than two weeks. So, this debate will only be for 30 minutes. Some hon. Members are asking why the debate will not take three hours. It is because we are not going for that long.

So, proceed!

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the only other point I wanted to mention is that, yes, we are starting on a very good footing. I hope that in the course of this recess, hon. Members will take time to familiarise themselves with the new planning tool; the Vision 2030, which aims to really turn Kenya into a prosperous country with high quality of life by the year 2030. I believe that is a national vision that we all need to aspire for and I hope hon. Members will take time to actually understand what the Vision is all about so that we can all start rallying our people and ourselves into how we are going to achieve this great vision together.

Mr. Temporary Deputy Speaker, Sir, the only thing I would also want to mention is that we need to start thinking of how we can go and tell the truth to our people. Earlier on, I just had to clarify here in terms of some misrepresentation that had been made to the people. But if, as leaders, we took up that responsibility, we would actually be doing our people justice by telling the truth and living by that truth so that this country is liberated from the politics of lies and untruths as we have witnessed of late.

Mr. Temporary Deputy Speaker, I wish hon. Members a happy recess. Let us hope that we shall all meet in good health in order to continue with the good work of developing this nation. With those few remarks, I beg to support.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 12th June, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.