

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 2nd August, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

INTRODUCTION OF FOREIGN PARLIAMENTARY OFFICIALS IN SPEAKER'S ROW

Mr. Speaker: Order, hon. Members! I wish to introduce to you and welcome this afternoon the delegates who have been attending a symposium to peer review the curriculum of the Centre for Parliamentary Studies and Training of the Parliament of the Republic of Kenya, who are seated in the Speaker's Row.

The delegates represent the following jurisdictions and I would like them to be upstanding as I mention their countries, Uganda, Ghana, India, South Sudan, South Africa, Nigeria, Mozambique, Zambia, Namibia, Democratic Republic of Congo, Lebanon, Sierra Leone, United Kingdom (UK) and Bangladesh. Among the delegates is the hon. Rashid Alvi, MP, Member of the Union of Parliament of India and honorary advisor to the Bureau of Parliamentary Studies and training.

Other delegates include, clerks and senior officers of parliaments, directors and staff of Parliamentary Training Centers and development partners supporting Parliamentary strengthening programmes.

On behalf of the House, and on my own behalf, I wish the delegation fruitful deliberations and a happy stay in Kenya.

Thank you.

PAPERS LAID

The following Papers were laid on the Table:-

Report on the Kenyan delegation to the 126th Assembly of the Inter-Parliamentary Union held in Kampala, Uganda, from 31st March to 5th of April, 2012.

(By Mr. Chachu)

Financial Statement of Chuka University College for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

Financial Statement of Kabianga University College for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Wakoli) on behalf of the
Minister for Higher Education, Science and Technology)*

Financial Statement of Rivatex East Africa Ltd. for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Wakoli)
on behalf of the Minister for Industrialization)*

Annual Report and Financial Statement of the Moi Teaching and Referral Hospital for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Wakoli)
on behalf of the Minister for Medical Services)*

Annual Report and Financial Statement of the Local Authorities Provident Fund for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Wakoli)
on behalf of the Minister for Local Government)*

Financial Statement of the Teachers Service Commission (TSC) for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Wakoli)
on behalf of the Minister for Education)*

Financial Statement of the City Council of Nairobi for the year ended 30th June, 2009 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Wakoli)
on behalf of the Minister for Local Government)*

Financial Statement of the Town Council of Mandera for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

Statements of the Town Council of Molo for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statements of the Town Council of Nyamira for the year ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statements of the Town Council of Malaba for the two years period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Mbita Point for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

Financial Statements of the Town Council of Ol Kalou for the two year period ended 30th June, 2010 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister for Lands (Mr. Bifwoli)
on behalf of the Minister for Local Government)*

NOTICES OF MOTIONS

EXTENSION OF TERM OF THE TJRC

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Speaker, Sir, I wish to give notice of the following Motion.

THAT, pursuant to Section 20(4) (a) of the Truth, Justice and Reconciliation Act (2008); this House approves the extension of the term of the Truth, Justice and Reconciliation Commission (TJRC) for a period of three months with effect from 4th of May, 2012.

ADOPTION OF REPORT ON 126TH IPU ASSEMBLY

Mr. Chachu: Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, this House adopts the Report of the Kenyan delegation to the 126th Assembly of the Inter-Parliamentary Union held in Kampala, Uganda, from the 31st of March to the 5th of April, 2012 laid on the Table of this House on, Thursday, 2nd August, 2012.

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Hon. Members, because the Minister for Agriculture has a pressing call for duty elsewhere, we will take the Question by the Member for Kuresoi first.

Question No.1610

RATIONALIZATION OF PACKAGING OF POTATOES IN 90-KILOGRAMME SACKS

Mr. Cheruiyot asked the Minister for Agriculture:-

(a) whether she is aware that despite the Ministry's assurances on the rationalization of the packing of potatoes per sack, traders in Kuresoi and Molo continue manipulating the packing of 90-kilogramme sacks in excess of the standard measure; and,

(b) what urgent administrative measures the Government considers taking to rectify the practice and protect potato farmers from exploitation by the shrewd middlemen.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry is aware that despite the rationalization of the packaging of the potatoes per sack, traders in Kuresoi and Molo have continued to package potatoes in excess of 110 kilogrammes, thereby contravening the standard as stipulated in Legal Notices No.44 of 2005 and No.113 of 2008.

(b) The Ministry is working with the Provincial Administration, the Ministry of Local Government and the Kenya Police to enforce the Legal Notices, so that the farmers can get a better income from the potato crop.

Mr. Cheruiyot: Mr. Speaker, Sir, the Ministry has many extension officers. Why could the Assistant Minister not use the officers to enforce the law rather than passing the buck to other Ministries? The answer is rather shallow.

Mr. Mbiuki: Mr. Speaker, Sir, as much as we have many extension officers, the question of law enforcement has been a very big challenge to the Ministry of Agriculture. The issue is with the traders or brokers who deal with potatoes. We have to incorporate the Ministry of Local Government, so that they can help us with the enforcement. In the meantime, the Ministry of Agriculture is now recruiting special inspectors, so that they can help us in the enforcement of these particular laws.

Mr. Kiuna: Mr. Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I recall that in 2009, I had raised the same question of overweight and how farmers in Molo and all other potato growing areas have been exploited by these middlemen and the Ministry has done nothing since then. Could he assure this House and potato farmers at large, that the Government will take drastic action to make sure that they are not exploited anymore?

Mr. Mbiuki: Mr. Speaker, Sir, I want to assure this House that the Ministry of Agriculture in conjunction with the Ministry of Local Government is going to come up with very stringent measures, so that we can enforce these legal notices and bring sanity to the market. As I had stated earlier, the Ministry is in the process of recruiting specific enforcement officers and inspectors, so that we contain the brokers who are out there to exploit innocent farmers.

Mr. Imanyara: Mr. Speaker, Sir, this is not a problem that is unique to Kuresoi and Molo. In Meru where the Assistant Minister comes from, particularly Kibirichwa Division, we have the same problem. Could he consider, because this is a legal notice with penal consequences, utilizing the services of the police stations that are scattered all over the country to have some prosecutions? Unless he starts with prosecuting the culprits, this problem will never end given the shortage of extension officers. It is not good enough to tell us that they are in the process of doing something which they have been doing for the last 30 years without results while potato farmers are suffering. Could he consider utilizing the police to prosecute these people who are undermining their policy and the law?

Mr. Mbiuki: Mr. Speaker, Sir, the Ministry is working in collaboration with Ministry of State for Provincial Administration and Internal Security, the Kenya Police as well as the Ministry of Local Government, to ensure the enforcement of these particular laws for the benefit of farmers across the entire country because this problem is not only confined to Kuresoi and Molo. It cuts across the entire country.

Mr. Mwangi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House whereas the local authority collects cess from produce and then collects overweight produce from the traders? Is he in order to mislead the House that they cannot implement the law?

Mr. Mbiuki: Mr. Speaker, Sir, the Assistant Minister for Local Government came up with the legal notice in 2008 to reinforce these particular laws. We will have a roundtable next week of all the stakeholders to ensure that these laws are implemented to help the farmers.

Mr. Mututho: Mr. Speaker, Sir, I am surprised that the Assistant Minister has decided to mislead this House because they came before the Departmental Committee on Agriculture, Livestock and Cooperatives and it was generally agreed that the unit of measure for all

agricultural produce shall be a kilogramme and that nobody will be allowed to package produce above 50 kilogrammes because anything above this, it is a back breaker. Now that he is talking about the police and the local authorities, could he tell us when he will bring that piece of legislation that outlaws anybody packaging anything agricultural beyond 50 kilogrammes in a bag for the reasons that I have stated *inter alia*, that is health considerations?

Mr. Speaker: Order, Mr. Mututho! This is Question Time!

Mr. Mbiuki: Mr. Speaker, Sir, as the law stands now, 110 kilogrammes is the acceptable weight. I want to assure the House that the Ministry of Agriculture is in consultation with the Committee on Agriculture in drafting these laws, so that we can bring the Bill to this House as soon as is practicable.

Mr. Cheruyiot: Mr. Speaker, Sir, while appreciating the problems the Ministry is facing, this seems to be one of those solutions which lie in the future. The Assistant Minister is telling us that solutions will be in future. How long will it take him to recruit these officers? Will it be five years or another post-election issue?

Mr. Mbiuki: Mr. Speaker, Sir, the Ministry is in the process of seeking clearance from the Ministry of State for Public Service and immediately we get the clearance of recruitment, we will do so as soon as possible.

QUESTIONS BY PRIVATE NOTICE

CAUSE OF FIRE AT KINNA SECONDARY SCHOOL

Mr. Bahari: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that a dormitory at Kinna Secondary School in Isiolo South Constituency burnt down on 10th June, 2012 and, if so, what was the cause of the fire?

(b) What has the Ministry done to reconstruct the dormitory?

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that part of a dormitory block was burnt down at Kinna Secondary School on 10th June, 2012 as a result of an electric fault. There were no casualties reported, except beds, beddings and personal effects which were destroyed.

(b) The DEB, in conjunction with the Ministry of Public Works, is working together to determine the cost of reconstruction of the dormitory that was destroyed to determine the extent of the damage and the level of assistance required. Once the Ministry receives the report from the school, we will take the appropriate action depending on the availability of funds. In the meantime, I appeal to the hon. Member and the local community to mobilize resources, like from the Constituencies Development Fund (CDF), to assist the school.

Mr. Bahari: Mr. Speaker, Sir, this Assistant Minister is quite insensitive from his answer to the needs of this school and the needs of the students. This is an emergency: A dormitory burnt down, students are outside since 10th June. They are squeezing in the remaining dormitories, which is very unhealthy. He wants to wait I do not know for how long. Could he tell us when the DEB was convened to handle this matter?

Mr. Mwatela: Mr. Speaker, Sir, I would like to remind the hon. Member that he is a Member of the District Education Board (DEB). Therefore, he has a responsibility to ensure that this board meets urgently and addresses the issue as a matter of concern for these students. Let

me repeat that the Ministry is awaiting the report from the DEB so that it can act. That is the procedure.

Mr. Kigen: Mr. Speaker, Sir, considering the urgency of the need for a dormitory by these students, could the Ministry undertake to assist by providing funds for infrastructure development?

Mr. Mwatela: Mr. Speaker, Sir, my Ministry has approached some organizations and they have pledged to assist. So, we will be doing that bit. However, the construction of the dormitory has to wait for DEB minutes.

Ms. Shakila Abdallah: Thank you, Mr. Speaker, Sir. As we are aware, there has been a lot of school unrest of late. I wonder whether the Ministry should wait until we ask Questions here, so that they respond to such problems. Could the Assistant Minister tell us what they are doing to address those problems? It is a pity that mosques are being burned down and all sorts of things are happening in our schools.

Mr. Mwatela: Mr. Speaker, Sir, first of all, I would like to agree with the hon. Member that there has been increased unrest in schools. It is the duty of all the leadership, including hon. Members of Parliament, to ensure that all these areas are addressed adequately. I urge hon. Members because they are members of DEB in their respective areas to make sure that things are done properly for the sake of the education of our children.

Mr. Bahari: Mr. Speaker, Sir, I do not need to be reminded that I am a member of the DEB by the Assistant Minister. In fact, I am an active member and I participate very frequently in DEB meetings.

Mr. Speaker, Sir, 90 per cent of the buildings in this school were constructed using CDF money. The only time---

Mr. Speaker: Order! Order! Mr. Bahari, could you, please, ask your question?

Mr. Bahari: Mr. Speaker, Sir, 90 per cent of the buildings in this school were constructed using money from Constituencies Development Fund (CDF) and by the parents themselves. This is the only time of an emergency that we have asked this Ministry to intervene.

Could I seek your indulgence that you direct this Assistant Minister to bring a definite answer because this is not definite on what they are going to do? He should work with the Ministry of Public Works so that they give us an estimate. In these circumstances, there is not much that this Ministry has committed itself to do. It is throwing everything back to the parents.

Mr. Speaker: Mr. Assistant Minister, could I hear you before I give directions?

Mr. Mwatela: Mr. Speaker, Sir, first of all, I want to commend the hon. Member because he is, indeed, a very active member of the DEB in his constituency. But the Ministry's position is very clear regarding money that has to be disbursed. The DEB has to give us the relevant information. So, it is incumbent upon the hon. Member to ensure that we have the necessary documentation from the DEB and the Ministry will act accordingly.

Dr. Nuh: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to assign duties to the hon. Member that should, otherwise, have belonged to the Ministry? We know that the secretary to the DEB is the District Education Officer (DEO), who is directly answerable to him.

Mr. Speaker: Order! Hon. Member for Bura, that is not a valid point of order. You are just stretching an argument with the Assistant Minister.

(Mr. Bahari stood up in his place)

Order, hon. Bahari! I am satisfied that the Assistant Minister has answered that Question.

INADEQUATE SUPPLY OF RELIEF FOOD
TO SCHOOLS IN SAMBURU EAST

Mr. Letimalo: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that primary schools in Samburu East District that benefit from the School Feeding Programme received foodstuffs to last for 35 days only instead of the whole second term?

(b) Is the Minister further aware that the said schools are due to close earlier than programmed due to lack of foodstuffs and, if so, what is the Minister doing to address the situation?

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Samburu East District is one of the arid districts that benefit from provision of a midday meal provided by the Government and the World Food Programme (WFP). The food under the School Feeding Programme (SFP) is allocated based on enrollment and the number of days in a given term. The food basket comprises of cereals, pulses, vegetables oil and salt. Each child receives 150 grammes of cereals, 40 grammes of pulses, five grammes of vegetable oil, 40 grammes of corn soya blend and two grammes of salt per school day. The food requirement for Term Two 2012, which has 69 school days was 129.86 metric tonnes cereals, 34.63 metric tonnes pulses, 4.33 metric tonnes vegetable oil, 34.63 metric tonnes corn soya blend and 1.73 metric tonnes salt. That is considering 1st June is a public holiday---

Mr. Speaker: Order! Order!

Order, Mr. Assistant Minister! Kindly resume your seat for a moment! The answer you should have given to this Question, to me, looks like very simple, but you are giving a long story. For example, part (a) which asks:-

“Are you aware that primary schools in Samburu East District that benefit from the School Feeding Programme received foodstuffs to last for 35 days only instead of the whole second term?”

Its answer should be “yes” or “no.”

Part (b) states:-

“Are you further aware that the said schools are due to close earlier than programmed due to lack of foodstuffs and, if so, what is the Minister doing to address the situation?”

It is simple. In two minutes, you should have finished!

Carry on, Assistant Minister. Let us see where you are going after that prompting.

The Assistant Minister for Education (Mr. Mwatela): Yes, because I was just building my case, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Assistant Minister! You are supposed to provide answers to Questions asked!

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, I am obliged to follow your instructions.

At the time of opening the schools for Term Two, the district had a carryover stock of 36.9 metric tonnes of cereals, 5.8 metric tonnes of pulses, 1.6 metric tonnes of vegetable oil, 4.5 metric tonnes of corn soya blend and 0.5 metric tonnes of salt. We supplied---

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Speaker: Order, Mr. Assistant Minister! There is a point of order. What is it, Dr. Khalwale?

Dr. Khalwale: Mr. Speaker, Sir, is the Assistant Minister in order to refuse to answer the Question and, instead, construct his own Question and start responding to it? We never wanted to know the level of stock in store at the beginning of the term. We want to know how he will feed the children before the end of the term.

(Applause)

Mr. Speaker: Order! Assistant Minister, that challenge is valid. You are out of order! Could you go back and just give the answer sought by the Question?

The Assistant Minister for Education (Mr. Mwatela): Yes, Mr. Speaker, Sir. My Ministry provided enough food. If you want me to list, I can list the amount of food that we provided for 69 days and not for 35 days. All the schools in the country, including those in Samburu East, will officially close on 10th August, 2012.

Mr. Speaker: A slight improvement. Member for Samburu East!

Mr. Letimalo: Mr. Speaker, Sir, it is good that you have noted that the Assistant Minister is actually being irrelevant. He must really be prepared to tell the truth. I was in the constituency last week and we had an education day on Friday. The common problem that was faced by the teachers was the scarcity of food in the schools. I managed also to confirm that from the district education office. They were only given food to last for 35 days. What is the rationale of the Ministry giving food to last 35 days instead of 69 days? That is actually what the records say in the district education office.

Mr. Mwatela: Mr. Speaker, Sir, the records I hold show that the Ministry provided food for 69 days and not 35 days.

Mr. Koech: Mr. Speaker, Sir, this Government and the Ministry, in particular, has been giving contradictory statements to the public. The other day, they indicated that they have released the money to all our schools and yet, schools are closing without money. If the Assistant Minister is convinced that he actually gave them food, could he table the documents to show how much food he gave to those schools?

Mr. Mwatela: Mr. Speaker, Sir, I will be willing to do so if I am given adequate time. I can do so next Tuesday.

Dr. Khalwale: Mr. Speaker, Sir, obviously, we have reason to believe our Assistant Minister. Yes, you gave out food for 69 days but then, only food for 35 days reached the schools. What action are you going to take against your officers who took away the food that was meant for our children?

Mr. Mwatela: Mr. Speaker, Sir, I think that is a valid concern from the hon. Member. We would like to investigate the matter and find out whether the food reached the schools or not. We will then take action accordingly.

Mr. Speaker: Last question, Member for Samburu East.

Mr. Letimalo: Mr. Speaker, Sir, I am aware that food that is meant for the third term is being distributed and is already in the district. That is because the food is actually under the World Food Programme (WFP). Officials from WFP are not ready to release food until next term. Could the Assistant Minister direct those concerned to release the food to the schools, so

that they can carry out their programmes before the end of the term? Otherwise, could he allow them to close the schools?

Mr. Mwatela: Mr. Speaker, Sir, I did not get the first bit of the question from the hon. Member. Could he repeat?

Mr. Letimalo: Mr. Speaker, Sir, I am just informing the Assistant Minister that I am aware that food meant for third term is already being taken to the district headquarters but the officials of the Ministry and WFP are not ready to release the food until the start of third term. Now that there is scarcity of food in schools, particularly in boarding schools which get midday meals, could you direct that the food that is lying now in the district headquarters be supplied to schools, so that they can run their programmes until the end of the term?

Mr. Mwatela: Mr. Speaker, Sir, that is an option that we will look at while we---

An hon. Member: Say "yes."

Mr. Mwatela: No! I cannot say "yes" like that because we have to observe---

Mr. Speaker: Order, Assistant Minister! Respond to questions that you have been asked.

Mr. Mwatela: Mr. Speaker, Sir, we will look at that option while we investigate what happened to the actual allocation.

(Mr. Letimalo stood up in his place)

Mr. Speaker: Order! Order! That matter must rest there.

Mr. Assistant Minister, I direct that you visit the hon. Member's constituency within the next 14 days and provide a remedy. Member for Samburu East, follow that up. If it is not honoured, you may raise the matter again in the House.

Next Question by Member for Ikolomani!

CONSTRUCTION OF ILLEGAL STRUCTURES
ON LR.NO. NAIROBI/BLOCK/93/1418

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that an individual has put up an illegal structure (car wash facility) on land LR. NAIROBI/BLOCK/93/1418 which is between Plainsview Estate and Shell Petrol Station along Mombasa Road?

(b) Is the Minister further aware that the Minister for Lands accompanied by officers from the City Council of Nairobi demolished some illegal structures in 2010 on the same land and declared that the land was a road reserve?

(c) Could the Minister demolish the illegal structure forthwith and allow the residents of Plainsview Estate, South 'B' to fence the area in order to avoid construction of such structures?

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

(a) I am aware that someone has put up a temporary structure - that is a car wash facility - on the referred parcel of land. I have also established that the structure did not have the approval of the City Council of Nairobi.

(b) It is true that the Minister for Lands, accompanied by officers of the City Council, visited the site on 1st July, 2011---

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I do recall that yesterday morning that this Assistant Minister was accused of misconduct. When he came in the afternoon---

Mr. Speaker: Member for Turkana Central, that may be so, but I have information from our institutional memory that those sanctions were lifted yesterday afternoon.

Proceed, Assistant Minister!

The Assistant Minister for Local Government (Mr. Nguyai): Thank you, Mr. Speaker, Sir. I must apologize. I had gone to pick a clarification and I offended, obviously, the House and gracious lady who had asked the Question.

Mr. Speaker, Sir, the said parcel of land is on a road reserve buffer zone for Mombasa Road and the position has not changed.

(c) The illegal structure has since been demolished and I have photos as evidence for the demolition. The City Council of Nairobi will not permit any car wash activity in the area. Besides this, since the stretch of land is a road reserve, it would be against public policy to allow any group, including the residents of Plainsview Estate, South B, to fence off the area. We, therefore, request the Ministry of Roads to get an alternative and sustainable method of protecting the parcel of land against unscrupulous individuals.

Dr. Khalwale: Mr. Speaker, Sir, the Assistant Minister knows that trespassing on property which is not yours is an offence. Every time they go there to remove those people, they come back. I want to thank you but, when you removed them two weeks ago, they are back now. Are you considering removing them this time and as you go there to remove them, you make arrests so that they are charged, for it to be a lesson to them?

[Mr. Speaker left the Chair]

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

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, let me assure the hon. Member that we will not allow illegal activities on the said parcel of land. As such, we will enforce the demolition and take the legal action necessary to ensure that, that does not happen once again.

(Mr. Nguyai consulted with Ms. Ndeti)

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, maybe, the Assistant Minister can first have a chat with Wavinya! I am asking him a question and I expect him to pay attention!

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to call me “Wavinya” in Parliament?

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I will refer to her in her new name as soon as she lets me know what it is! I will change immediately. Meanwhile---

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Ruto! She is hon. Wavinya Ndeti.

Mr. Ruto: Okay, Mr. Temporary Deputy Speaker, Sir. Hon. Wavinya Ndeti! I am sure there is another one!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us the following: When they go to demolish the structures that are put up by land grabbers and such like nuisance characters on public land, who meets the cost? Do you load the cost on the taxpayer? Have you recovered the cost of demolition from the land grabber?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, the law enforcement process is an elaborate one and so, budgetary provisions are there whether it is within the law enforcement department of the local authorities or within the security agencies. So, part of the law enforcement is obviously met by the taxpayer and recovery proceedings are considered thereafter.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell the House whether it is only in Nairobi where they are doing this. As I speak, permanent structures are being built on road reserves in Thika and Ruiru. What is the policy of the Ministry? Could he undertake to visit Ruiru and Thika with me, so that I can point out to him all these structures on road reserves?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, we are enforcing this in every single local authority, and so Ruiru and Juja are included. I will ensure that that happens in Ruiru and Juja. First, I would want the Member to furnish me with the details, so that I can then give the undertaking that I will visit the area.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just confirmed that the illegal facility has been demolished. What action has he taken against the council officials who allocated this land?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, some of these parcels of land are not always allocated. Some are just encroached on and I believe this was a case of encroachment. So, we will enforce the law to ensure that there is no encroachment. I consulted with the Questioner and gave him the undertaking that we will ensure that the request that he is making to the Ministry of Roads has a sustainable method of ensuring that this does not happen in future.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, clearly, the Assistant Minister does not seem to understand the agony of the residents of Plainsview Estate, who are affected. This is a recurrent event. What is wrong with allowing them to use temporary structures under the temporary occupation licence (TOL) of the council to fence off this part that is so attractive?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as you will realize, the parcel of land falls under the Ministry of Roads. Before we issue the TOL, we would have to get authority from the Ministry of Roads to utilize that land. As I said, the first steps are in place and the procedures are being followed. Therefore, we are taking this issue seriously.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the residents of this estate have written to the Town Clerk of Nairobi and given me a manual which I delivered. All they are asking is that they be allowed to plant flowers, and not put up structures, to make the place beautiful, so that it is not attractive to land grabbers. Could the Assistant Minister confirm that he has no objection to that kind of arrangement? If he does so, then he should assist us in obtaining the okay from the City Council of Nairobi.

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, I want to assure the Member, as I did on phone this morning, that I have already consulted the Town Clerk, and he has said that he is very willing to endure that there is a way of ensuring that the residents plant flowers. The parcel of land is not his and he still needs that okay from the Ministry of Roads. I undertook to the Member that we will ensure that this is possible.

ORAL ANSWERS TO QUESTIONS

Question No.1552

ELECTRIFICATION PROGRAMME IN BURA CONSTITUENCY

Dr. Nuh alimwuliza Waziri Wa Kawi:-

(a) ni lini halmashauri ya usambazaji umeme mashinani ilizindua mradi wa umeme eneo bunge la Bura; na,

(b) ni kwa nini hakuna umeme katika eneo bunge la Bura mpaka sasa.

The Assistant Minister for Energy (Mr. Magerer): Bw. Naibu Spika wa Muda, kabla sijajibu, ninaomba radhi kwa niaba ya Wizara ya Kawi kwa kutokuwa hapa jana kujibu Swali hili. Ninaomba Bunge radhi. Tulichelewa kwa sababu ndugu ya, mhe. Kiraitu, hakuwa karibu. Alikuwa amesema kwamba angalijibu Swali hili mwenyewe. Ukikubali, nitaendelea kulijibu.

The Temporary Deputy Speaker (Mr. Imanyara): Endelea.

The Assistant Minister for Energy (Mr. Magerer): Bw. Naibu Spika wa Muda, naomba kujibu.

(a) Halmashauri ya usambazaji umeme katika sehemu za mashinani za nchi yetu ya Kenya ilianza kusambaza umeme katika soko la Bura mnamo 2009/2010 wa makadirio na matumizi ya pesa za Serikali.

(b) Wakati ambapo laini ya kusambaza umeme ilikamilishwa mnano 24 Novemba mwaka uliopita na ikafunguliwa rasmi na Mhe. Makamu wa Rais, iligunduliwa baadaye kwamba laini hiyo ilikuwa na shida fulani. Kutoka siku hiyo, soko la Bura na sehemu nyingine hazijapata umeme kwa njia ifaayo. Nina furaha kuripoti kwamba kufikia tarehe 6 Juni 2012, hitilafu hiyo ilirekebisha na sasa soko la Bura na sehemu nyingine zilizo karibu na Mji wa Bura zimepata umeme.

Dr. Nuh: Naibu Spika wa Muda, ninadhani Waziri Msaidizi alihadaiwa na maafisa wake wa mashinani kwa sababu hata kufikia leo asubuhi hakukuwa na umeme huko Bura. Ni kama Wizara ilikuwa ikijitayarisha kwa sababu ya Swali ambalo lilikuwa likija Bungeni mwezi wa sita; walifanya kazi ya kuweka umeme kwa siku tatu na wakaiacha baadaye. Mpaka leo, wananchi wa Bura hawaelewi hitilafu iko wapi.

Mr. C. Kilonzo: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Sijakuelewa kwa sababu unaongea kwa lugha ambayo siielewi.

Dr. Nuh: Bw. Naibu Spika wa Muda, mpaka leo, hakuna umeme Bura. Hii Bura ambayo Waziri Msaidizi anasema umeme umezinduliwa na hitilafu imerekebisha ni Bura ipi kwa sababu si Bura yangu?

Mr. Magerer: Bw. Naibu Spika wa Muda, mimi kama Waziri Msaidizi, nina uhakika na yale ambayo ninasema.

Mr. Duale: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningetaka Waziri Msaidizi awajibike. Mimi nikienda Dujis hupitia Bura Trading Centre. Makamu wa Rais, kwa kutumia siasa, aliwasha hiyo stima na alipoondoka mwaka jana mpaka leo hakuna stima. Waziri Msaidizi anaihadaa nchi na Bunge la Kenya. Ningetaka awe na nidhamu na aeleze kinaganaga ni Bura ipi ambayo anaongea juu yake. Hii si Bura ya Tana River ambayo Dr. Nuh anawakilisha.

The Temporary Deputy Speaker (Mr. Imanyara): Waziri Msaidizi, endelea. Hilo si jambo la nidhamu.

Mr. Ethuro: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Dr. Nuh ametuambia kwamba Waziri Msaidizi amelagaiwa, au amedanganywa, na maafisa wake. Amesema kwamba yeye amesema ukweli. Ametueleza kuwa mradi wa stima ullizinduliwa tarehe sita mwezi wa sita na Dr. Nuh amesema leo, tarehe mbili Agosti, hakuna stima. Waziri Msaidizi ametuhadaa sisi kama Wabunge.

Mr. Magerer: Bwana Naibu Spika wa Muda, mimi siwezi kuwalaghai wenzangu hasa Mwenyekiti wa Kamati ambayo nilihudumu. Ninafikiri tulifanya kazi muhimu pamoja na mheshimiwa Dr. Nuh. Kile nimesema ni kwamba hitilafu ilirekebisha mnamo tarehe sita mwezi wa sita. Ninaelewa kwamba hata leo hatujaweza kuhakikisha stima imeenda mpaka sehemu zote katika wakati unaofaa vile tungependelea. Ningependa kusema---

Mr. Duale: Hoja ya nidhamu, Bwana Naibu Spika wa Muda.

Mr. Magerer: Bwana Naibu Spika wa Muda, ninajua kwamba Mheshimiwa Duale hutatizwa na Kiswahili lakini lazima nimueleze. Ndugu yangu, tulia nikueleze kwa sababu umeuliza swali na ninataka nijibu. Wacha atulie ili nimpe jibu halafu aulize swali lingine.

Nimesema mambo ambayo hayajafanyika hadi sasa. Mheshimiwa Dkt. Nuh, ambaye ni rafiki yangu, ameyaleta mbele yangu. Kwa hivyo, ninatoa hakikisho kwamba wiki ijayo, nitatembelea eneo hilo ili kuona shida iko wapi kama hatutakuwa tumerudisha nguvu za umeme.

The Temporary Deputy Speaker (Mr. Imanyara): Dkt. Nuh, uliza swali la mwisho. Order Members! This is Question Time which has taken more than an hour. We have just finished Questions by Private Notice.

Yes, Dr. Nuh!

Dr. Nuh: Bwana Naibu Spika wa Muda, sijui niulize swali lipi la mwisho kwa sababu Waziri Msaidizi amesema hitilafu ilirekebisha na umeme ukarudishwa Bura. Mimi kama Mbunge anayewakilisha eneo la Bura, hakuna anayejua mambo ya Bura kuliko mimi. Nina habari kwamba tarehe sita anayoitaja Waziri Msaidizi ni siku ambayo waliwachilia umeme kwa siku tatu na kuondoa baadaye. Kwa hivyo, miezi miwili baada ya tarehe sita hakujakuwa na umeme katika eneo la Bura.

The Temporary Deputy Speaker (Mr. Imanyara): Mualike Waziri Msaidizi ili muende huko.

Mr. Magerer: Bwana Naibu Spika wa Muda, mimi nimetoa hakikisho kwamba nitasafiri kule Bura.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): Mpe Waziri Msaidizi nafasi ajibu.

Mr. Magerer: Bwana Naibu Spika wa Muda, ninatoa ahadi kwa ndugu Mheshimiwa mwenzangu kwamba nitatembelea eneo hilo na maafisa wangu wa Halmashauri ya Usambazaji wa Umeme yaani Rural Electrification Authority (REA)---

(Loud consultations)

Bwana Naibu Spika wa Muda, ninaomba ulinzi wako.

Mr. Kutuny: Hoja ya kuarifu, Bw. Naibu Spika wa Muda.

Mr. Magerer: Bwana Naibu Spika wa Muda, ninafikiri nina arifa ya kutosha na siwezi kusema kwamba nitangoja nipewe. Ningependa kuripoti katika Bunge hili kwamba Halmashauri ya Usambazaji Umeme imetumia Kshs60 milioni kuhakikisha kwamba tumeweka nyaya za stima na kuisambaza katika eneo la Bura. Kwa hivyo, hatuwezi kutumia pesa kiasi hicho na tushindwe kuhakikisha kwamba umeme umefika sehemu hiyo. Kwa hivyo, ninawahakikishia kwamba wiki ijayo nitatembea huko. Ninatoa hakikisho katika Jumba hili kwamba shida inayowakabili wananchi wa Bura itashughulikiwa na kukamilishwa.

The Temporary Deputy Speaker (Mr. Imanyara): Order!
Yes, the Member for Molo!

Question No.1603

NUMBER OF MOLO RESIDENTS EMPLOYED BY
GEOTHERMAL DEVELOPMENT COMPANY

Mr. Kiuna asked the Minister for Energy:-

- (a) whether he is aware that Menengai Crater has huge potential for geothermal power;
- (b) what measures the Ministry is taking to ensure that the local residents benefit from the natural resource in terms of employment; and,
- (c) how many local residents have been employed by Geothermal Development Company.

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

(a) I am aware that Menengai Crater has a huge potential for geothermal power with most of the prospects being in Nakuru North, Subukia Constituency and Rongai District in Rongai Constituency.

(b) The Geothermal Development Company (GDC), which is a parastatal under my Ministry, has organized youth in the area through the District Commissioner to form cooperatives so as to provide labour in support of various activities undertaken by the GDC in the Menengai Geothermal field.

(c) The GDC has employed a total of 112 local residents.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Kiuna: Thank you, Mr. Temporary Deputy Speaker, Sir. I appreciate the answer given by the Assistant Minister. Since geothermal from Menengai Crater is one of the energy sources that we are proud of as the leaders of Nakuru County, we would like to know exactly what is going on especially when it comes to recruitment because from the information I have is that jobs are not advertised and recruitment is somehow done in a very shrewd way.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kiuna! Your Question is not about recruitment. Please, ask a supplementary question that arises out of the answer that he has given you. This is because you have not sought a Question on recruitment. You should ask a question that arises from the answer that the Assistant Minister has given you.

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, what criteria is the Ministry using to employ the people who have been employed in this company?

The Temporary Deputy Speaker (Mr. Imanyara): Yes, that is part “b” of the Question, Mr. Assistant Minister.

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I think in my answer, I highlighted that the Ministry has worked together with the community through their District Commissioner and their youth organizations to ensure that available opportunities are shared with the locals of that area. So far, the GDC has employed the residents as follows. This is for the information of the hon. Member. The GDC has employed one chief manager from Olorongai area, 52 permanent employees from Nakuru North and Rongai District, and finally, about 59 skilled and unskilled casuals from all over Nakuru North Youth Circle which has 350 members. This is one of the ways we are trying to use to share the few opportunities that are available within the geothermal field and the local areas.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, Article 69 of the Constitution is very clear. It clearly states that the state must ensure equitable sharing of accrued benefits from natural and environmental resources with the local communities. This is a constitutional provision and it is no longer a request we make to the state. What laws or policy does the Ministry have to ensure equitable sharing of accrued benefits from the environment and natural resources with the local communities? What instruments does the Assistant Minister have to see that Article 69 of the Constitution is brought to life and is practical?

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, that is a very interesting question but the hon. Member has just noted that the Constitution provides that vacancies are shared equitably. Principally, that is what my Ministry is trying to do. We are simply trying to follow what the law says in trying to give opportunities that arise to the communities.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister say clearly that his Ministry is trying to do something. They have no roads in place. They also have no places. What are they doing to ensure that that article of the Constitution is brought to life?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Chachu! That is not a point of order.

But Mr. Assistant Minister, if you want to address it, you may.

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I really do not understand the question that the hon. Member has asked but as a Ministry, we have a policy which I have just read out. We are discussing with the community. We are sharing and we have the skilled and unskilled opportunities which arise. I have even tried to outline the number of opportunities and the way we have been able to share them out.

I want to inform this hon. House that Geothermal Development Company (GDC) and, indeed, all parastatals that fall within the Ministry of Energy must not only adhere to the equality in terms of the principle of employing but also source for the skills that are required for the various positions that are available.

We have been trying to discuss with the area Members of Parliament and I think we have had a successful visit to Menengai with them. We have tried. If there are areas that we may not have addressed, then the doors are always open. We have been able to interact before and we shall continue to interact.

The Temporary Deputy Speaker (Mr. Imanyara): I am sorry time is not on our side.

Yes, the Member for Molo. If you are not willing to ask your final question, I will move to the next Question! Do you want to give your chance to Mr. Ethuro?

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I am not fully convinced. This is because I had asked him to table a list of all the employees who have been employed, and more so from Nakuru County.

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I will be able to table the list at the end of next week. However, I just want to remind the hon. Member that GDC does not only employ people from one county called "Nakuru". We also consider all Kenyans in an equitable manner and that is what the Ministry of Energy has always done and we shall continue to do that.

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

Yes, the Member for Naivasha!

Question No.1389

NON-ENFORCEMENT OF TRAFFIC
RULES BY POLICE OFFICERS

The Temporary Deputy Speaker (Mr. Imanyara): Is Mr. Mututho not here? The Question is dropped!

(Question dropped)

Question No.1442

NON-PAYMENT OF SALARIES TO
YOUTH POLYTECHNIC INSTRUCTORS

Dr. Kones asked the Minister for Youth Affairs and Sports:-

(a) whether he is aware that several instructors at youth polytechnics as well as other staff employed eight months ago have not been paid salaries to date; and,

(b) what measures he will take to ensure that they are paid.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that several instructors at the youth polytechnics and other staff employed eight months ago have not been paid. I am, however, aware that there was a delay in payment of the instructors. This was generally occasioned by the newly introduced Government human resource information system.

(b) The Ministry has, however, processed the documents of all the instructors employed in May, 2012, and all of them have since been paid.

As mentioned above, the Ministry has taken all necessary measures to ensure that the instructors and other staff are paid on time.

Dr. Kones: Mr. Temporary Deputy Speaker, Sir, you will realize that this Question has really been in existence for a while. These people have not been paid since I filed this Question eight months down the line. It is true as the Assistant Minister has said that they have since been paid.

I would like to know from the Assistant Minister what measures she has now put in place to ensure that those who are employed in future do not take this long to get their salaries.

Ms. Ndeti: Mr. Temporary Deputy Speaker, Sir, this was an information system that was being introduced to integrate with the other systems in the Government like payroll and the rest. That is why it took a lot of time, but everything is now on course and there will be no delays. This was just a process of implementing the new system.

The Temporary Deputy Speaker (Mr. Imanyara): Anyway, you have confirmed that they have been paid. So, we can move on to the next Question. I can see that Dr. Kones is satisfied.

Question No.1370

LACK OF FACILITIES AT NORTH HORA
GIRLS SECONDARY SCHOOL

Mr. Chachu asked the Minister for Education:-

(a) whether he is aware that North Hora Girls Secondary School was constructed as a centre of excellence in 2010 under the Economic Stimulus Package and started operating in February, 2011 with 30 pioneer students;

(b) whether he is also aware that the school still lacks a sewerage system, water system, kitchen, dining hall and administration block; and,

(c) when the Ministry will provide additional funds to provide the necessary facilities to the school considering that the allocated Kshs30 million is not sufficient.

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

This is a matter that concerns almost all the hon. Members of this House. We made our request to the Ministry of Finance to give an extra allocation and I would like to table a letter to the Permanent Secretary, Ministry of Finance.

(Mr. Mwatela laid the document on the Table)

I have spoken to the hon. Member and we have agreed that it is better this Question be handled by the Ministry of Finance. So, I have instructed my Permanent Secretary to write to the Minister for Finance so that he handles this Question on the Economic Stimulus Package.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chachu, what do you have to say to that?

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I do concur with the Minister since the ESP was designed, implemented and conceived by the Ministry of Finance. It is their baby. I agree with him.

The Temporary Deputy Speaker (Mr. Imanyara): I direct that this Question be referred to---

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

The Temporary Deputy Speaker (Mr. Imanyara): You do not interrupt the Chair! The Question was from the Member for North Hora. He has had discussions with the Assistant Minister and the Chair is in agreement with that because even the letter has not been responded

to. The Question would be better handled by the Ministry of Finance. If the Questioner is happy with that and the Chair concurs, that is the way it will be. Therefore, I direct that this Question be directed to the Ministry of Finance to appear on the Order Paper two weeks from today.

Yes, the Member for Mwea!

Question No.1436

ALLOCATION OF NIB LAND
TO PRIVATE DEVELOPERS

Mr. Gitau asked the Minister for Lands:-

(a) whether he could indicate the entire land gazetted as Mwea Irrigation Scheme under the management of the National Irrigation Board (NIB) and table the relevant gazette notices;

(b) whether he could also indicate which part of the land under the National Irrigation Board has been allocated to private developers and title deeds issued; and,

(c) whether due process was followed during the issuance of those title deeds and whether he could also table the relevant documents.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The entire land gazetted as Mwea Irrigation Scheme under the management of the National Irrigation Board (NIB) is approximately 5,278.2 hectares. The gazettment was done in accordance with the provisions of Section 13 of Trustland Act, Cap.288, vide Gazette Notice No.3097 and 3099 of 1960.

(b) No private developers have been allocated land belonging to the NIB, and no title deeds have been issued.

(c) Accordingly, no documents can be tabled and the question of due process does not arise in this circumstance.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I have a registration index map bought from the Minister's office indicating that the land that was reserved for staff quarters for the NIB staff has been allocated and over 100 title deeds given out. I would like to lay this on the Table.

I also have a letter from the Director, Kenya Agricultural Research Institute (KARI), Mwea, indicating the land that was supposed to be transferred to NIB. The letter is dated 12th February, 2012. It indicates that the land that was meant for settlement of people who were being displaced by the construction of a dam in Gichugu is also allocated. I would also like to table the letter as evidence that, indeed, land belonging to the NIB has been allocated.

(Mr. Gitau laid the documents on the Table)

Could the Assistant Minister confirm that any title deed issued on this land is cancelled forthwith?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, would you like to have a look at the documents that have been tabled?

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I cannot confirm that land of the NIB has not been allocated to individuals. You know, in this country, there are individuals who can

generate their own documents. If the documents are not in our Ministry's records, I cannot comment about them.

The Temporary Deputy Speaker: Assistant Minister, that is why I am asking whether you would like to have a look at them.

Mr. Bifwoli: Yes, may I look at it?

The Temporary Deputy Speaker (Mr. Imanyara): Assistant Minister, because there is a very serious allegation that contradicts the answer you have given, I would like to give you sufficient time to have a look at the documents, so that you can come back and respond to the allegation substantively.

(Mr. Bifwoli perused through the document)

The Temporary Deputy Speaker (Mr. Imanyara): Assistant Minister, would you like to get time to look at that document properly and come back or are you able to deal with it now?

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, just by looking at this map, you can understand that it may not even have been registered by our Ministry.

The Temporary Deputy Speaker (Mr. Imanyara): That is why I am giving you the opportunity to take a look of that letter and the map with your officers and come back to the House with a comprehensive answer.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, that will be okay.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Gitau, does that suit you?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister wants to deny a map which has a stamp.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Gitau! He is not denying. Assistant Minister, how long do you require?

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I need time to look at this document. The fact that it has a stamp does not make it genuine. Stamps can be generated on the streets.

The Temporary Deputy Speaker (Mr. Imanyara): How much time do you need?

Mr. Bifwoli: I need one week, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): All right. The Question will be back on the Order Paper a week after today.

(Question deferred)

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

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Duale, what is your point of order?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, this is a matter---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! You have been overtaken by events.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! I have dealt with that issue. You can raise the issue you want to raise next week, when the Question is re-visited.

Next Question, Mr. John Harun Mwau.

Question No.1617

STATUS OF INVESTIGATION INTO MONEY LAUNDERING
AT CHARTERHOUSE BANK BY KACC

Mr. Mwau asked the Minister for Justice, National Cohesion and Constitutional Affairs to clarify whether the then Kenya Anti-Corruption Commission (KACC) in 2004 and 2005 investigated the offence of money laundering at Charterhouse Bank Ltd and, if it is true, to provide a list of the offences established.

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

The KACC did not investigate Charterhouse Bank Limited over the offence of money laundering in 2004 and 2005 as there was no law in place then that defined money laundering as an offence in Kenya.

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for his brief and precise answer but I would want him to confirm whether during the years 2004, 2005 and 2006, any person in Kenya had authority to investigate money laundering, now that he has said there was no law in place then.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I would like to confirm that, in view of the fact that we did not have a law dealing with money laundering then, it was not possible for any person to carry out investigations on the aspect of money laundering in Kenya. So, that is the position I want to hold. No person in Kenya during that time could have been able to investigate the bank based on money laundering as an offence.

Mr. Ethuro: Mr. Temporary Deputy Speaker, why is the Assistant Minister taking so long to swear in the commissioners, so that they can start investigations? Since last year, the KACC has not had commissioners.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, we indeed approved the appointment of the two commissioners but, just before they were sworn in, a case was filed in Nakuru, where restraining orders were obtained. So, we could not proceed with the swearing in of the commissioners because of a court order that stopped their swearing in to resume office.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, this is the man in charge of constitutional affairs and justice, and he is misleading the House that 5th December, 2011 is---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Duale, you can ask whether he is not misleading the House but you cannot say that he is misleading the House.

Mr. Duale: I will prove it, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Just ask by way of a question, Mr. Duale.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, the KACC, under Prof. Patrick Lumumba, ended on 5th December, 2011. This House approved names, which the President and the Prime Minister appointed. The two principals appointed the Chairman of the Commission and two other commissioners. The court order affects only the Chairman of the Commission, one Mumo Matemo. What has happened to the two commissioners of the current Commission, who have not been affected by the court order? What is he doing to operationalise the Commission, as per Section 6 of the Ethics and Anti-Corruption Commission Act? This is a very serious matter.

The Temporary Deputy Speaker (Mr. Imanyara): You have asked the question very well. Could the Assistant Minister answer you?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, let me correct my colleague. The relevant Section of the Act is Section 8, and not Section 6.

Mr. Temporary Deputy Speaker, Sir, the definition of the “Commission” is the Chairperson, together with the other two commissioners. So, even if we were to swear in the two commissioners minus the Chair, in law, you cannot say that you have a Commission. So, we just want to say that, immediately the matter is determined by the court, which I believe will be done very soon; we will proceed to comply with the Act.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, the main part of this Question is about Charterhouse Bank Limited. The Assistant Minister is aware that two Reports that were tabled in this House recommended the re-opening of the bank---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kabogo, you can only ask whether he is aware of those Reports.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I am asking whether he is aware that the House adopted two Reports in the Ninth Parliament and in the Tenth Parliament recommending the re-opening of Charterhouse Bank Limited. With those two Reports in place, is the Assistant Minister satisfied that the customers of Charterhouse Bank Limited have gotten justice? I am a depositor in that bank. When will we get justice?

The Temporary Deputy Speaker (Mr. Imanyara): You are very clear.

Yes, Assistant Minister!

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I am not in a position, at this point in time, to confirm or deny to the House that the Report that was tabled in this House and passed relates to Charterhouse Bank Limited. So, my position is that I am not aware of the Report that was tabled in this House. In any event---

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister say that he is not aware of a Report that was tabled in this House by the Government, in which he sits. Is he in order?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I have said, and I want to repeat that I owe duty to this House. The knowledge of the Report is what is important. It will enable me deal with it in relation to the Question. Therefore, the contents of that Report are not within my knowledge right now.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Assistant Minister, the hon. Member is telling you that, in fact, the Reports were tabled by you, the Government. If you want time to refresh your memory on those Reports, you can say as much but if, indeed, the Report was laid on the Table of this House and the Chair has institutional memory of the same, then you will be misleading the House if you say that you are not aware. Do you want time to confirm that the Government actually tabled the Reports?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I do not have a problem. If I am given more time to go through the Reports, I can do so. However, in my view, the Question by hon. Mwau has been answered fully, subject to your direction.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! We are now dealing with the supplementary question by hon. Kabogo, and not the substantive Question by hon. Mwau.

Mr. Kabogo:---(inaudible)

(Mr. Kabogo stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kabogo! Mr. Assistant Minister, you raised an issue about the opening of a bank. Is this question about justice for customers of a bank that was closed? Are you satisfied that those customers have got justice in view of the fact that you are admitting before this House that there was no law facilitating the conduct that led to the closure of the bank? That is the question that you are being asked by Mr. Kabogo.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, if, indeed, really, the closure of the bank was on the basis of money laundering, then I can say that members of that bank are really not receiving justice because there was no basis to close the bank based on that particular issue. However, if the closure of the bank is based on other factors, then I cannot confirm that. But if it is based on money laundering and, indeed it is true, then the depositors of the bank are facing unfair treatment.

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, I seek your guidance as to whether we should defer the Question and ask the Assistant Minister to find out exactly why Charterhouse Bank was closed, whether it was closed because of money laundering and also whether the parliamentary Report which ordered the bank to be opened will be complied with.

The Temporary Deputy Speaker (Mr. Imanyara): I think the question asked was whether he is satisfied that the customers received justice. He says they did not. He cannot say beyond that. So, what else do you want him to say if he said they did not receive justice? Mr. Mwau, I want to get clarification from you on what you are asking the Chair to clarify or defer the Question for.

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, I am asking the Chair to assist in actually asking the Assistant Minister to clarify exactly the reason why Charterhouse Bank was closed – whether it was because of money laundering or not. If it was, he has said there was no law to that effect. Secondly, the House passed a resolution ordering that the Charterhouse Bank be re-opened. Why then has the resolution not been complied with by the Central Bank of Kenya (CBK) because the Minister for Justice, National Cohesion and Constitutional Affairs should be able to establish that?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, those are legitimate concerns.

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, I think it is important to establish really from the Report tabled in this House if the bank was closed because of money laundering. If it is true, then I think it is important that I be given more time so that I come back to the House with an answer.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Assistant Minister, you are being told that this Housie adopted a Report directing the re-opening of the bank. Do you want more time to establish why that has not been complied with? Is that what you are seeking?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, that is what I am saying. I need more time.

The Temporary Deputy Speaker (Mr. Imanyara): How much more time do you need?

Mr. Cheptumo: Mr. Temporary Deputy Speaker, Sir, in view of the issues, I think if you can give three weeks, that will be sufficient.

The Temporary Deputy Speaker (Mr. Imanyara): Not three weeks. Mr. Mwau, what do you have to say to that?

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, if he says three weeks is adequate, then I would concede.

The Temporary Deputy Speaker (Mr. Imanyara): All right. The Question should be on the Order Paper three weeks from today.

(Question deferred)

Question No.1272

MONIES OWED TO MR. JOSEPH MUTHAMIA BY TSC

The Temporary Deputy Speaker (Mr. Imanyara): With regard to Question No.1272, hon. Gitari informed the Chair that he is not feeling well. He has gone to receive medical attention and he has requested that it be deferred to Tuesday. Mr. Assistant Minister, would that be suitable with you?

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, I am okay with that. I will answer it on Tuesday.

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): Next Question by Mr. Mwathi!

Question No.1626

STATUS OF COMPLETION OF FRESH
PRODUCE MARKETS IN KENYA

Mr. Mwathi asked the Minister for Local Government:-

- (a) what the status of completion of all the fresh produce markets in the country is;
 - (b) why Limuru Fresh Produce Market has not been constructed to date;
- and,
- (c) when works for the market will commence and be completed.

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

(a) My Ministry is constructing 211 markets under the Economic Stimulus Programme (ESP). The completion status is as follow:-

(i) 100 markets are practically complete and ready for use, representing 47 per cent of all the projects.

(ii) 49 market projects are at the final stages of completion, representing 25.3 per cent of all the projects.

(iii) 54 market projects have ongoing works, representing 26 per cent of all the projects.

(iv) 3 markets are at the initial stages of development, representing 1.4 per cent of all projects.

(v) 5 market projects are under procurement, representing 2.3 per cent of all projects. Full details of the markets construction are attached in Annex 1.

(b) The Limuru Fresh Produce Market was initially awarded to a contractor, M/s Toplus Contractor, on 7th April, 2010 at a tender sum of Kshs10,236,490.80. The tender could, however,

not progress to the signing of the contract agreement because the filled Bills of Quantities and other bid documents submitted to Limuru CDF in the bid were not forwarded to the Ministry of Local Government. Efforts to get them from the contractor, CDF secretariat and Limuru CDF office did not yield positive results. From the foregoing, coupled with the contractor's demand for compensation caused the delays. That led to the review of the contract by my Ministry.

Mr. Mwathi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am going through the answer he has given and in part "a", he is referring to full details of the markets construction which are contained in Annex 1, which I do not have. I am not privy to that information.

The Temporary Deputy Speaker (Mr. Imanyara): In fact, I was going to ask you whether you have the documents that he has tabled and, if you do not have them, whether you need time to look at them. Then I can give you time to look at them and then interrogate the Question next week.

Mr. Mwathi: Yes, Mr. Temporary Deputy Speaker, Sir, because I do not have the documents and I am not privy to that information.

The Temporary Deputy Speaker (Mr. Imanyara): That is a legitimate concern. He does not have these documents that you are tabling. So, please, complete your answer, give him the copies and then supplementary questions can come this time next week. Is that right, Mr. Mwathi?

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, I am most obliged any time next week.

The Temporary Deputy Speaker (Mr. Imanyara): So, you can complete your answer and then give him the annexures to study.

The Assistant Minister for Local Government (Mr. Nguyai): Thank you, Mr. Temporary Deputy Speaker, Sir. I will certainly oblige to that.

The tender has now been approved and awarded to M/s Kenyash Inter-Business Enterprises Limited for Kshs12,116,420.40. A letter of award was issued on 29th February 2012 requiring the contractor to provide a performance bond of 5 per cent in the form of a bank guarantee. The notification of award was sent to M/s Kenyash Inter-Business Enterprises Limited through P.O Box address 23606-00625, Nairobi, which the contractor confirmed was wrong and hence the delay in receiving the notification award. The correct address of the contractor is P.O. Box 9252-00200, Nairobi.

(c) The contractor has submitted the performance bond plus the acceptance letter to the Ministry on June 7th 2012 and the contract documents are now being processed. Therefore, the construction work will commence once the contract process is complete. I will, therefore, as requested, give the annexed documentation – Annex 1. But I will also want to indicate that this annexure was a full report that was tabled in Parliament sometime back, showing the status of all the markets. But I will be most obliged to then answer the supplementary questions when they come up next week.

(Mr. Nguyai laid the documents on the Table)

Mr. Temporary Deputy Speaker (Mr. Imanyara): When the matter comes up next week, Assistant Minister, you will not be required to give any further answers except in answer to supplementary questions that may arise as a result of Mr. Mwathi and others having seen the report.

Mr. Mwathi, is next Thursday okay with you?

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, with your concurrence, I would request that the matter comes up on Tuesday afternoon.

Mr. Temporary Deputy Speaker (Mr. Imanyara): Very well. If you will have enough time, Tuesday afternoon is fine.

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, I am bright enough; I will have time.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, Tuesday afternoon?

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I have a letter I had written to the Speaker. I have not been given permission as yet, but I had requested a ten-day leave because I will be out of the country. I would request two weeks if that would be okay.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mwathi, he is not going to be around. So, basically he will not be able to get the answer. Two weeks is okay?

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, this issue has taken long and I beg your indulgence that you address it as early as possible. If he is not going to be there, I am sure that the Ministry can be represented by any other Minister in the Ministry. Therefore, we can interrogate the matter next week.

The Temporary Deputy Speaker (Mr. Imanyara): It is only that I do not wish to say next week and then when it comes, there is nobody to answer it. You already know that is likely to happen. He is the Assistant Minister in charge of the Question and he has already answered part of it. He has requested leave. He is going to be out of the country for two weeks. I think it is only fair that we indulge him for that period. You can also get time to study the documents.

Assistant Minister, since you will be away, I think we will grant you the time you require, two weeks.

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Temporary Speaker, Sir, you are aware that there is only one Assistant Minister and an Acting Minister.

The Temporary Deputy Speaker (Mr. Imanyara): That is the reason why I am indulging you.

Next order!

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

The Temporary Deputy Speaker (Mr. Imanyara): On the same matter?

Eng. Maina: Yes, please.

The Temporary Deputy Speaker (Mr. Imanyara): How can it be on the same matter which I have already handled?

Eng. Maina: Mr. Temporary Deputy Speaker, Sir, I have been standing; it is only that you have been a bit involved with the Assistant Minister.

The Temporary Deputy Speaker (Mr. Imanyara): You are completely out of order.

Next order!

Mr. Mwathi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I just want to get the actual date or the timing that you gave.

The Temporary Deputy Speaker (Mr. Imanyara): Two weeks from today.

Mr. Mwathi: Most obliged, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Eng. Maina, now I can hear your point of order as long as it does not relate to the business that has been dealt with.

Eng. Maina: Mr. Temporary Deputy Speaker, Sir, it is on your ruling on the same Question. This issue of markets in this country is a very serious matter. I want to ask your indulgence that when the Assistant Minister comes to reply to this Question, he should give assurance to the people of Kenya that the markets which they started, and disrupted people's activities, will be completed.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Eng. Maina! The reason I have given this time is to enable, you, Mr. Mwathi, and anybody else to look at the documents that contain the list of all markets in the whole country, so that you will be able to interrogate this matter when it comes up. Therefore, to rise on a point of order even before you look at the extract is being very disorderly.

Next order!

Dr. Nuh: Jambo la Nidhamu, Bw. Naibu Spika wa Muda. Tulikuwa na swali kuhusu umeme huko Bura. Ningetaka kukujulisha---

The Temporary Deputy Speaker (Mr. Imanyara): Yuko wapi Waziri kabla hujauliza swali hilo?

In the absence of the Minister, I am sorry I will not be able to grant you that indulgence; he is the one who was on his feet. Look for him and then come back, and I will still allow you time.

STATUS OF LAND IN TURKANA AFTER OIL DISCOVERY

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order and make reference to the HANSARD of Thursday 21st June---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, I hope you are following the issues being raised.

Mr. Ethuro: Mr. Kimunya himself, the Minister for Transport, gave an undertaking to this House and I read:-

“Mr. Speaker, Sir, yes, we will communicate. The Minister is coming on 27th June, 2012. So the 21 days will fall when they are already here”.

The 21 days are with reference to a public petition presented to the Government on oil exploration in Turkana. When I look at the dates, the 21 days elapsed on the 12th of July. From that time to 2nd August is exactly three weeks. I was hoping that today, at least, the promise they made to the House through Mr. Kimunya would be fulfilled.

The Temporary Deputy Speaker (Mr. Imanyara): Are you not being premature because he has not even been given an opportunity to address the House on that?

Mr. Ethuro: Yes, because he was not the one to respond. He was just responding as the Deputy Leader of Government Business.

The Temporary Deputy Speaker (Mr. Imanyara): He is still the Deputy Leader of Government Business.

Mr. Ethuro: It was the Minister for Energy who was to do it. However, he gave an undertaking and since he is here, I thought he would do it.

The Temporary Deputy Speaker (Mr. Imanyara): Deputy Leader of Government Business, you said you had two issues; do they both fall under the same Minister.

Mr. Ethuro: No, Mr. Temporary Deputy Speaker, Sir. If he cannot deliver the message, let him deliver the Minister alive here.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, please, handle that one.

Order, hon. Members! As a formality, we needed to call out the order. Mr. Ethuro, you rushed with a point of order too quickly. I am sorry.

Next order!

POINTS OF ORDER

STATUS OF LAND IN TURKANA AFTER OIL DISCOVERY

The Temporary Deputy Speaker (Mr. Imanyara): We will take everything that has been said by Mr. Ethuro as having come after the order was read.

Minister, proceed.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, indeed, we had promised that the matter would be resolved within 21 days which ran out during the recess. However, the Minister for Energy is currently out of the country. He would have preferred to sort out this matter. I would ask that we allow him to come back, probably by this weekend and then we can with it next week, preferably on Thursday next week. He can respond to this matter. If the Member is willing to indulge us; we can have a comprehensive solution to this matter by the Minister himself.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the matter is grave and I would not mind the Minister doing it. However, the point that must be made clear to the Government side is, you should not wait for our prompting. It requires civility just to come back to me. You cannot double the time you are allowed and then come and give an excuse. I did not come from Turkana to waste my time in the House. I came to represent my people.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ethuro! I have looked at the Minister and all indications are that he is showing all humility that he can muster. I think we will give him---

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

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Nuh, when the Chair is talking and you insist on interrupting, you know what you are inviting.

We want the Minister to respond on Thursday next week and Mr. Ethuro has agreed.

Dr. Nuh, proceed. However, you know you are being very unfair to your colleague. He had two points of order; I allowed him to finish the first one and he was on his second and then you interrupted. What makes you think that your business is more legitimate than your colleague's?

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, I apologize.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. Now you can sit down and let him complete his point of order.

Mr. Ethuro, what was the second point of order?

NOISE POLLUTION BY LORESHO LIONS EYE HOSPITAL

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I thought Dr. Nuh was helping to dispose of the first one.

I will go to the second one. Again, this being a Thursday, the day the Leader of Government Business is supposed to tell us Government business for the following week, I hope he will also tell us the commitment of the Government to the Government business. This is in relation to my persistent desire to have a Ministerial Statement on the state of noise pollution by the Lions Eye Hospital in Loresho. This is a matter that has been here for over one year. The last time the Chair even assisted, we agreed that there should be no more noise pollution emanating from that hospital affecting the residents even as we waited for the Statement. They have even increased the frequency of the---

The Temporary Deputy Speaker (Mr. Imanyara): Point made!

Minister, would you like to respond?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I agree that there was an undertaking with the Ministry of Environment and Mineral Resources that it would handle this matter and provide the response. Could I ask that we have this sorted out by Tuesday, next week, in terms of the response of the actions?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, even before Tuesday, I think you have been generous to us; you allowed the Minister for Energy to visit Bura. Maybe I would ask Mr. Kimunya, if he cannot get the Minister for Environment and Mineral Resources, to visit with me that neighborhood before Tuesday.

The Temporary Deputy Speaker (Mr. Imanyara): Leader of Government Business, this issue has come on the Floor of the House from the schedule here on 17th August, 15th November, 7th March, 13th March, 15th March and 20th June. On each of those occasions, Mr. Ethuro has raised the same issue. Would you like to undertake to this House that you will oblige him and pay a courtesy visit there, even if it means doing it in the absence of the Minister, so that this issue can be addressed with finality? It has become a joke now because it is coming up every other week.

(Mr. Mwakwere entered the Chamber)

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, let me consult the Minister for Environment and Mineral Resources who has just walked in and organize for them and his people to visit the site before Tuesday, so that the matter can be resolved.

The Temporary Deputy Speaker (Mr. Imanyara): I will step this down for a few moments while you discuss with the Minister and then we can get a response.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, that is okay.

The Temporary Deputy Speaker (Mr. Imanyara): What did you want, Dr. Nuh?

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, I think my point of order has been overtaken by events because it was a contribution to the first point of order by Mr. Ethuro.

The Temporary Deputy Speaker (Mr. Imanyara): Then accept my apologies; if you had indicated that, I would definitely have allowed you. Is there any other Statements either due or being requested?

BUILD-UP OF TENSION IN BANITA SETTLEMENT SCHEME

Mr. Kigen: Mr. Temporary Deputy Speaker, Sir, I wish to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the tension that is building up between communities living in Banita Settlement Scheme in Nakuru County that has occasioned a long standing dispute on irregular allocation of land in the scheme. In the Statement, he should clarify the following:-

(a) The circumstances that led to an attempt to bury a dead person in a disputed piece of land within the scheme contrary to a court order in place.

(b) Why was the District Officer (DO) Solai Division transferred by instructions issued on phone on 24th July, 2012 where the officer was required to leave the county immediately and what steps were taken to facilitate the officer to report to the new station?

(c) What measures will the Government take to resolve the long standing dispute and ensure that the local Provincial Administration stops being partisan in this matter?

(d) What steps is the Minister taking to guarantee my safety in view of intimidation and threats issued to me and members of my constituency office in regard to the position I have taken to ensure that deserving squatters are settled in this piece of land?

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, with a very heavy heart, the DO in question is a young girl of 25-and-half years. She comes from Ikolomani. When this girl stood to enforce the law, the District Commissioner (DC) of Rongai District ordered the girl on phone to leave Solai Division, not to be seen in Rongai District and not to be seen in Nakuru County. So the poor girl did not know what to do---

The Temporary Deputy Speaker (Mr. Imanyara): She is an officer of the Government; not a girl.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, yes, because she is my niece, that is why I am talking like that. Sadly, then the girl found the strength to ask the DC: "Sir, where do I go?" Then he told her: "Go to Kericho!" This was at 3.00 p.m. in the afternoon. So the girl without any facilitation, the DO, went to Kericho. In the confusion, the girl then reported and ran---

The Temporary Deputy Speaker (Mr. Imanyara): Please, refer to the officer of Government as such.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the officer, the young DO, in the panic chose to go where the mother was. On the way, she was being rung repeated to the DO1 and the DC himself. I have evidence of the communication on her phone. Then two men came to the *matatu* where she was riding and they forced the driver of the *matatu* at 8.00 p.m. to stop. When they stopped, they pretended to slap a few of the passengers and then they came for the young DO and said: "You are the one who has been disturbing people in Solai District." They beat her up and caused actually bodily injury and she was treated at Naivasha District Hospital. I would like the Minister to come and clarify two points: What action is he taking against the DC of Rongai District for abuse of office? What investigations---

The Temporary Deputy Speaker (Mr. Imanyara): For the record because the DC may change, what is the name of the DC?

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the DC's name is Joseph Montari. The second issue I would like him to clarify is: What investigations is he carrying out to rule out possible involvement by that DC in the assault case because these two men who assaulted the young officer, obviously, were acting on instructions? I say this because, again, on the same phone---

The Temporary Deputy Speaker (Mr. Imanyara): Please, make your point.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I will just conclude by saying this: On the same that the young officer has, the DC is there making approaches to her that they enter into an intimate relationship. So, we, as parents, do not know whether the young officer was being punished for upholding the law in Solai or she was being punished for resisting advances from this senior officer.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I will communicate the request for the Statement to the Office of the President and we expect a response by Thursday next week.

The Temporary Deputy Speaker (Mr. Imanyara): Not Thursday! Certainly not Thursday! This is intimidation on a Member of Parliament performing his parliamentary duties. There are allegations of intimidation against a serving Government officer. I will not go beyond Tuesday, next week, so let that be understood.

(Applause)

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I can communicate for Tuesday, next week, but based on---

The Temporary Deputy Speaker (Mr. Imanyara): No but business! We are talking about serious allegations against a Member of Parliament for conducting parliamentary work. We are talking about a Government officer performing official Government duties of complying with a court order and so it is very important.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, okay, so Tuesday, next week.

The Temporary Deputy Speaker (Mr. Imanyara): We stood down a matter for you, Mr. Kimunya, to consult Mr. Mwakwere with regard to the issue raised by Mr. Ethuro. Have you reached an agreement or would you like Mr. Mwakwere to respond?

The Minister for Environment and Mineral Resources (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I have been briefed and I concur with the process that will followed. We will visit the hospital with Mr. Ethuro to establish the rationale for the complaints; the noise levels and so forth and appropriate action will be taken and we will report back accordingly.

The Temporary Deputy Speaker (Mr. Imanyara): So, Mr. Ethuro, you can approach the Minister. He has come out of the way to accept to visit.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, given that you have already indicated the number of times this matter was raised. I want to appreciate the Minister although he is belated becoming *kusema na kutenda*, when is he doing the actual visiting?

The Temporary Deputy Speaker (Mr. Imanyara): Just approach the Minister and agree between the two of you and make arrangements. Are there any other requests or Statements that are being made?

MINISTERIAL STATEMENTS

OUTBREAK OF EBOLA IN UGANDA

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I rise to make a Ministerial Statement on the outbreak of Ebola. I wish to inform

the House that there is no confirmed case of Ebola in Kenya following an outbreak of the disease in neighbouring country, Uganda.

On Thursday 26th July, 2012, my Ministry was informed of a mysterious disease that had infected 20 people and killed 14 of them in Kibaale District, mid western Uganda, which is about 200 kilometers from Kampala. My Ministry immediately issued an alert to all the districts and provincial headquarters informing them of the mysterious disease.

On Saturday, 28th July, 2012, my Ministry received information from the World Health Organization (WHO) indicating that the mysterious disease had been confirmed from laboratory investigations done in Uganda to be Ebola. We immediately issued another alert informing the districts and provinces of the diagnosis and clinical presentation. We also highlighted the measures that health workers were required to undertake in the event a case was identified in Kenya.

I wish to inform hon. Members that Ebola is a highly fatal disease caused by a virus and it has no known cure or vaccine. Those infected present with high fever, headache, body pains, abdominal pains, vomiting, diarrhea, red eyes and a measles-like rash. Although the disease sometimes causes bleeding from body openings, this is not a common feature of the current outbreak in Uganda. Ebola was discovered in 1976 and since that time, there have been 25 outbreaks. No Ebola outbreak has ever been recorded in Kenya.

The disease is spread by direct physical contact with body fluids such as saliva, blood, stool, urine, vomit, sweat and soiled linen from an infected person. The key measure to be undertaken in the control of this disease is contact tracing and isolation of all persons who have been in contact with confirmed or suspected cases.

At the moment, this measure is being undertaken in Uganda, especially in Kibaale District, which is the epicenter of the current outbreak. One fatal case that was reported in Kampala was actually a referral from Kibaale District. The deceased was a clinician who had treated suspected Ebola cases in Kibaale District. The Government of Uganda has quarantined seven doctors and 13 other health workers who came into contact with patients at Mulago Hospital. A total of 176 contacts have so far been traced in Kibaale District and have all been quarantined to ensure that the disease does not spread further.

Mr. Temporary Deputy Speaker, Sir, I wish to inform this House that my Ministry has put in place various measures to ensure that the disease does not spread to Kenya. These include:-

- (1) Setting up of a national task force. The national task force will:-
 - (a) continuously monitor the situation
 - (b) ensure preventive measures are in place; and,
 - (c) ensure that the country is adequately prepared to respond to any occurrence.

The task force, which is chaired by the Director of Public Health and Sanitation will be meeting twice in a week to assess and advise on any evolving situations. Similar committees have been formed at the border districts with Uganda and are meeting regularly.

- (2) All health workers in the country have been put on high alert and have been provided with Ebola fact sheets and other guidelines. Due to the good surveillance measures put in place, the health workers are now on high alert for any suspicious cases.

A suspected case was reported in Siaya District Hospital on Monday, 30th July, 2012. However, this is not yet a confirmed Ebola case, but a case of someone who had eaten meat from a pot that had been rescued from a python. He had presented with bleeding from the gums and

had also seen some blood in urine and stool. However, specimens have been taken to the Kenya Medical Research Institute (KEMRI) for analysis and results are awaited.

Just this morning, we have received reports of a patient admitted at the Moi Teaching and Referral Hospital in Eldoret with suspected symptoms. He had travelled from South Sudan through Kampala by bus. Samples have already been taken and the case is being investigated. Let me add that bleeding in a patient may be caused by a wide variety of factors. We have, therefore, asked for our health workers to be thorough in their investigations before they can positively declare that a case of Ebola has been identified.

(3) My Ministry has also strengthened surveillance at all the ports of entry and any suspected cases are being handled professionally. We have further requested the district health teams in the border areas of Uganda to provide for isolation rooms in the event that a case is identified. Personnel protective equipment kits which will enable health workers investigate and manage any suspected cases have been distributed to the border districts and all ports of entry. We are making arrangements to procure more of these kits.

Finally, let me reiterate that with the measures already put in place, any suspected case of Ebola in the country will be fully investigated and confirmation of the same can be made in our laboratories at KEMRI in Nairobi.

Our Government through my Ministry developed a very efficient and reliable surveillance system which is always in a state of preparedness. Hon. Members may recall that even when there was a rumour of a suspected case at the Kenyatta National Hospital on 23rd December, 2011, my Ministry moved with speed and investigated the case successfully.

I, therefore, assure this House and the people of Kenya that there is no reason to panic over the Ebola scare in Uganda as we have taken the necessary precautions to ensure that the country is and will remain safe.

Let me add here, Mr. Temporary Deputy Speaker, Sir, that on this case in Eldoret, we have already quarantined the family members; that is, mother and the two persons who were accompanying this patient, until we get full results of the tests. We are also tracing the bus that he alighted from and we have requested that the company also contacts the Ministry so that we can know who else was in the bus.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): This was a request by Dr. Khalwale. So, I will take the four clarifications of the people standing, starting with Dr. Khalwale. Please, make it short because we have really run out of time.

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir.

Allow me to congratulate the Minister for successfully going through heart treatment---

The Temporary Deputy Speaker (Mr. Imanyara): Minister, you will respond to all of them. Just take notes so that you can respond to all of them at once.

Dr. Khalwale: Madam Minister, you have said that the patient who has been admitted in Eldoret was actually a patient who had been travelling through Uganda. It, therefore, points to the first issue I had wanted you to clarify - your advice to Kenyans about travel into Uganda - you must tell Kenyans something. And as you tell them, is it not disappointing that you think that, that disease can only come through the border entry points rather than the other entry points, namely Jomo Kenyatta International Airport, Moi International Airport, Mombasa, and Kisumu

International Airport? What surveillance measures have you put at those particular airports?

Finally, Madam Minister, around 20 or 30 years ago, there was a cholera outbreak in the western part of Kenya and an old PC, today he is retired, called Isaiah Kiplagat, ordered that people should not greet each other and that people should not eat at funerals. There was an instant drop in new instances of cholera. Why can she not declare that people in Kenya should stop greeting each other, kissing each other, eating from one container and playing sex, so that we contain this illness before it starts killing us?

(Laughter)

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I want to welcome back the hon. Minister. The symptoms that the Minister has given are very akin to the symptoms of malaria and typhoid. Many times, when patients go to hospitals for treatment for typhoid and malaria, it takes awhile even to diagnose that. What are you doing to put the malaria and typhoid-prone areas on high alert, so that any case that presents itself in those hospitals is tested to eliminate Ebola? That is because the symptoms are almost mirror for typhoid and malaria.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I join my colleagues in welcoming our good Minister back. I have two clarifications to seek. One, we have a porous border along Southern Sudan, Uganda and Somalia. There is a lot of movement from Uganda to South Sudan and Somalia mainly by officials of Non-Governmental Organizations (NGOs) and other people, and they come back to our country. What part of the border are you manning?

Mr. Temporary Deputy Speaker, Sir, secondly, Ebola has a contingency period of 21 days. You can be infected but for its symptoms to be seen, it takes between two weeks to 21 days. In case I travel today from Uganda and come to Kenya, stay for 21 days with my family and the disease is seen, that incubation period of 21 days--- What is your Ministry doing? What are you telling the country? Why can you not put a travel advisory, just the way the Americans do and say: Kenyans should not travel to Uganda and Ugandans should not come to Kenya?

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, with the coming of the East African Community, I want to ask the Minister whether there is a joint public health cross-border strategy to combat any form of disease that could easily move from one country to another. If it is not there, could the Minister consider convening a meeting of Ministers for Public Health to put in place a team of that nature? That is because today, it will be Ebola and tomorrow, it will be something else even more dangerous.

(Mr. Ethuro stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ethuro, you know when others were standing up, you did not stand up. But, I will be kind to extend this because you are in charge of the next order of business. So, be brief. Otherwise, you are given the Floor.

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir, for your indulgence. I know that you can only give one person at a time and so, sometimes, I do not bother.

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the hon. Minister. I thank God for you. In thanking her, I think that she will be one person who will appreciate life. If the patient, who is admitted in Eldoret with Ebola symptoms, has come from Southern Sudan, it can only be clear that Turkana County is threatened. You can also confirm that when the resurgence of the disease that should have been cleared from the surface of the earth – polio –

came from Turkana. It was via a neighbour known as Uganda. What specific measures have you put in place for Turkana County to be on extra high alert, so that we secure those particular porous borders?

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I thank Members for asking those questions and clarifications. I appreciate the suggestion by Dr. Khalwale of making an order of “no greetings, no kissing” and all that. That is why we have put all these points on how you should protect yourself. I do not know if we have advised, especially those who live on the boundary with Uganda, exactly not to have hand greetings. We might not have done it publicly through the Ministry, but our staff there have given those directions. If it becomes necessary that we make a national announcement, yes, then we can do that. I do not know how further we can go to control the bedrooms and kisses, but we have informed people of the dangers of handshaking, saliva and all those things that can transmit the disease. So, I think when people hear that, they should know what to do and what not to do. We can give information, but we cannot control each and everyone in their personal lives but we do give that advice.

Mr. Temporary Deputy Speaker, Sir, regarding hon. Millie’s question, yes, we have put a high alert to all our health workers, especially the ones in the border districts. We have disbursed 40 extra members of staff to strengthen the hospitals near the boundaries. When they need more, they will let us know. Of course, we work together in both Ministries. So, if one Ministry is not present in one area, the other Ministry is there. But we are alert that the symptoms are very much like the ones for malaria to a certain extent. So, we have to do more testing on those patients. Those are the directives.

Mr. Temporary Deputy Speaker, Sir, regarding hon. Duale’s question on the 21 days incubation, of course, that is something that you cannot detect. That is because it has not presented itself. So, most of this can only be now education and awareness; telling people: “If you have come from Uganda recently or if your family has travelled from Uganda, watch out for these signs.” That is why I said that we are now looking for the bus from where that young man alighted. We will follow those contacts. But we are making many advisory announcements. But as friendly countries in East Africa, we do have Ministerial meetings and programmes of working together even with other staff. We work mainly with the World Health Organization (WHO). The WHO has contacts in Somalia, South Sudan, Kenya and all the boundaries. So, if something happens in Uganda, we also involve the WHO and other donor agencies who are engaged in the health sector. But it would be very unfriendly for Kenya if, for example, we issued an alert against travelling to Uganda. I do not know whether we have reached there diplomatically. But if we establish that there are cases getting here, then we will take that step. There are also steps where all of us get guidelines from WHO. There are international regulations which every country must follow. When there is an outbreak, you must make the other countries know within a certain period. We will do things together guided by WHO. So, there is no this hard feeling. But, I do not think that we have reached a point where we should issue a travel advisory. If we should need that, then it will be handled professionally and we will involve the other Ministries of Government. That is on the joint public health strategy. We do have it not only for Ebola, but even for malaria and all those other diseases.

With regard to hon. Ethuro’s concern, I know that Turkana is at the border. When there was an outbreak of polio, I went there personally to assess the situation. I went there with WHO officials and we launched a major campaign. Even on the Ebola outbreak, we are very alert. We have sensitized our clinicians and officers in all our border districts. When they need more

reinforcement, they will tell us. The Director of Public Health is focusing on that and we are getting information every day. So, I would urge you really not to worry about it. We are doing everything that is humanly possible. Yes, I value life.

The Temporary Deputy Speaker (Mr. Imanyara): Any other requests? Mr. Kimunya, as you deliver your Statement, just to remind you, it had been brought to the attention of the Vice-President and Leader of Government Business that there are matters that have been pending for a long time. He carried this document which has 79 pending Ministerial Statements and he undertook that they would be addressed today. So, as you give your Ministerial Statement, I expect that you will be addressing the issues he indicated would be addressed. I can make a copy of this available to you, if you wish, but he has a copy. The Clerks at-the-Table, please, make this available to the Deputy Leader of Government Business.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to make the following Statement with regard to business for the week commencing 7th August, 2012.

Let me, at the very outset say that in terms of the undertaking by the Vice-President on the pending Statements, I am not in the picture as to whatever is to be communicated to the House. I would wish to do that after further consultations. But in terms of the business for next week, I would give it as follows:

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, a ruling is as easy as that because when the Vice-President and Minister for Home Affairs says that the matter will be addressed in the House, he is telling this House that he will consult the people who stand in for him. It is his undertaking to the House. These are concerns that were raised by the House as a result of persistent demands and requests by Members. I do not think it will be really as casual as you are trying to make it. It is a little bit more serious than that. But address your issue first and then we can come to that.

BUSINESS FOR THE WEEK COMMENCING 7TH AUGUST 2012

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I take your guidance on this. First of all, let me applaud the resumption last Tuesday of the House sittings after our month-long recess. We have come in one piece, re-energized and ready to take on the busy legislative schedule ahead of us as we enter the home stretch of this Tenth Parliament. Just to reiterate, both sides of this House, are enjoined in the singular mission of ensuring timely passage of quality legislation, especially the remaining constitutional Bills which have a two-year deadline to 27th August, 2012. They cover specifically the following areas of our Constitution: leadership under Chapter 6, Article 80; the right to petition Parliament, under Chapter 8, Article 119; the Assumption of Office of the President which is covered by Chapter 9, Article 141 and The National Security Organs covered under Chapter 14, especially from Article 239.

Already, The Assumption of the Office of President Bill, Bill No.30 of 2012, has been read the first time while the Leadership and Integrity Bill and also the National Security Organs Bill, which covers the defence, the National Security Intelligence Service and the National Security Council will be published tomorrow. I can confirm that we have looked at them in the course of the week with the CIC and all the stakeholders, and they are just awaiting the formal endorsement by the Cabinet tomorrow, after which they will be published. After that, we will be

discussing them in the framework of the House Business Committee on Tuesday after which they can come to this House for consideration.

Next week, we expect the following Bills to be read the first time, namely The Finance Bill, Bill No.26 of 2012; The Capital Markets Authority (Amendment) Bill, Bill No.24 of 2012 and The Central Bank (Amendment) Bill, Bill No.23 of 2012. We shall also consider the following Bills currently at the Committee Stage. These include The Teachers Service Commission Bill, Bill No.17 of 2012. On Motions, the House will consider the Motion to extend the term of the Office of the Truth, Justice and Reconciliation Commission (TJRC) for a period of three months, among other Motions. Finally, the House Business Committee will be meeting on Tuesday, 7th August, at the rise of the House to consider business for the rest of the week. That is in relation to the business for next week.

In terms of the delays in the responses to the various Ministerial Statements that have been sought by the Members, I share the same concerns that this House has had. I have been sitting here and I can appreciate the fact that we have not been able to respond. I share the frustrations of the Members. I want to undertake that we will do our best as we look at the whole of this list and share it within the Government. I want to be truthful to this House that obviously, we have not had any consultation. We have not had the details of the specific comments from the Ministers in terms of when they will appear to respond to some of these requests. I will raise this matter in the Cabinet tomorrow and then we can come up with a comprehensive solution to how all these policy issues will be resolved within the House in the course of next week, if this House agrees.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir. I just want to react to the Statement given by the Deputy Leader of Government Business. I am aware of some reports that have been tabled on the Floor of the House by the relevant Committees, but the House Business Committee has not allocated time for those reports to be discussed. A specific one is the report of the Departmental Committee on Defence and Foreign Relations. These reports arise from fact finding missions by the relevant Committees and need to be brought to the House, so that the recommendations given by the Committees are implemented.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I rise a very worried man. I am looking at the Ministerial Statements which were sought by the Members, among them the Chair, and they are very weighty. It is, indeed, very sad that the Government can sit on 79 Ministerial Statements on issues which are as heavy as can be, including among others debts and investments. Could the Minister consider having one morning or two mornings next week not scheduled for normal business, so that we can listen to the Ministers deliver the Statements? Otherwise, it makes nonsense of all that we try to do here in this House if we cannot truly address ourselves to those 79 Ministerial Statements.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, in reaction to what the Deputy Leader of Government Business has stated, some of these Ministerial Statements are actually overtaken by events. I have raised several, but one which is glaringly looking out of place now is on the Quarterly Economic and Budget Review Report, which I requested on 17th November, 2011. Obviously, some of those have been overtaken by events. You may want to look at these reports more seriously and then you look for a way of complying with these requests. Some of them are very simple. Maybe you may want to see if the Members still find them relevant. Others like two of them that I have raised on security are still very relevant. I would request that you get the Ministers to give them to the Leader of Government Business to come and prosecute. We would appreciate that very much.

Mrs. Odhimbo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to indicate that I am not too sure why the Minister is sharing our frustration because he is the Leader of Government Business and also because of his own confession, he has not called a meeting yet neither has he raised this issue in the Cabinet. So, his frustrations are self inflicted and it just shows the attitude that the Front Bench has.

Indeed, this week alone, we have raised concerns at the poor response by the Front Bench on matters of this House and we are more concerned because we are moving to the last leg in terms of Parliamentary work. There are issues of constitutional implementation that we would like the Government side to move with haste and speed and address. If you do not move with haste and speed, we will be forced, as the Parliamentary Committee on the Implementation of the Constitution, to take over. You could also prioritize Bills that may not be within the two-year framework but touch on vulnerable and marginalized groups like Bills touching on Article 100 on equality and equal opportunities so that we do not have the Mombasa Republican Council (MRC) and the post election violence. Some of the issues that were raised over post election violence were underlying issues. So, we should also have the Bills that deal with underlying issues.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I would like to thank the Members for those concerns. Indeed, I will start with the very last one. In terms of the constitutional Bills, I can attest to this and confidently tell the House that we have done everything in total consultation with the Committee on the Implementation of the Constitution (CIC) and the Law Reform Commission.

As of Tuesday, we cleared all these and we are just waiting for the formal endorsement by the Cabinet to go to the printers. From next week, we should have enough business in the House to clear everything that is due for August, and some that are even not due. I think that is the working spirit that we want to ensure. So, the CIC does not need to worry itself about having to take over that responsibility. It should prepare to receive all those Bills. We will work together and we will give Kenyans all the Bills that have deadlines.

In terms of the statements, like I did say, I would like to be given more time so that we look at them. Some of them, looking through the list, have obviously been overtaken by events while others have been responded to but are still appearing on the list. It was circulated to Members of Government and they are still coming back to ask who has done what and who has not done what. We will come back with a comprehensive response by next week. However, I believe that the commitment is still there to respond to as many issues as have been raised by Members and also to ensure that the critical constitutional issues or Bills are cleared within the time given. This is obviously taking into account that the reports of Committees that have matured are also brought to the House for finalization. Indeed, there is also all the Bills by hon. Members.

The programme is full and I would like to tell Members of Parliament that we need to agree on how we may need to keep on extending the time subject to concurrence by Members so that we can clear most of these business between August and September so as to give Members enough time to be in their constituencies as the heat builds up for the March 4th date which is now quite clear. I know that between now and October; that is the next three months will call on the time of Members and a lot of effort in this House to clear, as much as possible most of the business before we all move in to the survival mode.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, you have decided to let us know that these are issues that you will be raising with the Cabinet tomorrow. So, you will be duty-bound to act on that undertaking and tell the result or the resolution of the Cabinet on these issues not on Thursday next week but on Tuesday, next week. Either you, or a person delegated by you, should give the House the resolution of the Cabinet on the concerns of the House so that we are able to move in consent on issues relating not only to constitutional implementation but more importantly on the request of Members of the Front Bench which are either being overtaken by events or which are not being acted upon. So, we will be expecting communication from the Government on the result of your Cabinet discussion when you present your concerns of the Members of the Cabinet tomorrow. This is something that you can do on Tuesday, next week so that the Speaker can then address all these issues in the form of a Communication from the Chair thereafter either on Wednesday or Thursday. It is a matter that has come up for discussion in the Speakers' Panel and the Speaker has expressed concern that this issue is coming far too often.

The Chair appreciates that you will be raising these issues with the Cabinet tomorrow. Therefore, the House will be expecting you to indicate to them how you have resolved them so that Members do not keep repeating them on the Floor of the House in future.

Next Order!

MOTION

ADOPTION OF REPORT ON RESETTLEMENT OF IDPS IN KENYA

Mr. Ethuro: Mr. Temporary, Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Parliamentary Select Committee on the resettlement of the Internally Displaced Persons (IDPs) in Kenya laid on the Table of the House on 25th April, 2012.

As I move, I want to acknowledge the presence of the Minister of State for Special Programmes, in particular and I hope the other two colleagues will keep her company, especially the Deputy Leader of Government Business so that these issues are discussed at the Cabinet level.

It is, therefore, my honour and pleasure to present to this august House the Report of the Parliamentary Select Committee on the resettlement of the IDPs.

You will recall that on 21st October, 2010, I moved a Motion in this House seeking to constitute a committee with the mandate of examining the issues of the IDPs in the country including Government response on existing institutions and organs that address displacement, laws governing all forms of displacements and the types of displacements in order to appraise the House on the situation of the IDPs as well as to enable Parliament to hold the Executive to account on Agenda No.2 particularly on its failure to resettle the IDPs and to provide mechanisms on how to deal with such similar issues in the future.

Following the adoption of the Motion, the House resolved to form the Committee on 17th November, 2010. The Committee was initially mandated to report to the House within six months and commence its work on 21st November, 2010. Owing to the expanded mandate of the Committee during the debate in the House and the 20th December recess, the term of the Committee was extended on 8th June, 2011 for a period of three months.

A further extension of the Committee's term for a similar period was sought and granted on 7th September, 2011 due to the enormous volume of work which included field visits to as many of affected areas as possible, as well as the need to review the institutions handling the resettlement of the IDPs. This extension was also necessitated by the urgent Bills with constitutional deadlines that Members had to pass and the financial constraints occasioned by the end of the financial year. The Committee's term finally expired on 17th December, 2011.

The mandate of the Committee was as follows:-

One, We were mandated to look into how the Government has addressed the current plight of the IDPs in terms of basic food rations, shelter, education, health and compensation. Two, we were to review the existing institutions and organs addressing forced displacements. Three, to examine policies and laws governing all forms of forced displacements with the aim of promoting protection and improving the well-being of forced migrants. Four, to establish the causes of displacements since the onset and action taken by the State including the financial outlays. Five, we were to identify and categorize the IDPs especially those in camps, integrated pastoralists and forest evictees, and to assess their current numbers, situation and location. Six, we were to come up with a draft Bill on forced displacements. Seven, to review the international treaties and legal regimes governing IDPs and refugees and eight, to make recommendations on the way forward.

Mr. Temporary Deputy Speaker, Sir, I really want to confirm that we discharged all those mandates quite effectively as I will demonstrate shortly.

On the members of the Committee that I had the privilege of working with, they are serious Members of this House who must go down the annals of history as men and women who rose to the occasion to deal with an issue that was current, emotive and needed immediate attention. The Committee was comprised of the following:-

1. The Hon. Ekwere Ethuro, MP. - Chairperson
2. The Hon. Sophia Abdi, MP. - Vice-Chairperson
3. The Hon. Martin Ogindo, MP.
4. The Hon. David Koech, MP.
5. The Hon. Kiema Kilonzo, MP.
6. The Hon. Gitobu Imanyara, MP.
7. The Hon. Jeremiah Kioni, MP.
8. The Hon. Charles Kilonzo, MP.
9. The Hon. Mohammed Hussein Ali, MP.
10. The Hon. Dr. Erastus K. Mureithi, MP.
11. The Hon. Milly Odhiambo-Mabona, MP.
12. The Hon. Dr. Joyce Laboso, MP.
13. The Hon. Shakila Abdalla, MP.
14. The Hon. Boaz Kaino, MP.
15. The Hon. Ntoitha M'Mithiaru, MP.
16. The Hon. Joseph Kiuna, MP.
17. The Hon. David Ngugi, MP.
18. The Hon. Dr. Robert Monda, MP.
19. The Hon. John Mututho, MP.
20. The Hon. Joshua Kutuny, MP.
21. The Hon. Eugene Wamalwa, MP.

Mr. Temporary Deputy Speaker, Sir, Mrs. Odhiambo-Mabona will second this Motion. You will recall that Mr. Wamalwa ceased to be a Member of the Committee on 26th March, 2012 upon appointment as Minister for Justice, National Cohesion and Constitutional Affairs. The Committee congratulates our own Member for that particular appointment and wish him well.

Mr. Temporary Deputy Speaker, Sir, the Committee held a total of 45 sittings with stakeholders addressing the IDP situation including the Ministry of State for Special Programmes and Ministry of State for Provincial Administration and Internal Security. We want to remember the late Prof. George Saitoti, who did not waste our invitation. He acknowledged it.

The other stakeholders were the Kenya National Human Rights Commission, the National Commission and NGO, Refugee Consortium of Kenya, other organisations and leaders of the IDPs amongst others.

The Committee undertook full visits and conducted public hearings on various dates between March and October, 2011. In total, the Committee held 26 public hearings in various parts of the Republic including Naivasha, Timboroa, Burnt Forest, Eldoret, Cherengany, Kitale, Nakuru, Narok, Sotik, Kericho, Kisumu, Homa Bay, Kisii, Kakamega, Mt. Elgon, Marakwet, Kuresoi, Kipkelion, Ol Kalou, Isiolo, Meru Central, Embu, Mombasa, Garissa and Turkana.

Mr. Temporary Deputy Speaker, Sir, the Committee was unable to hold public hearings in Nandi, Samburu, Lamu, Bura, Mandera, Nyeri and Makueni due to time, financial and logistical constraints.

We conducted our work in four phases. Phase I was consultative workshops with those stakeholders. That is why we had meetings with the Ministries. In Phase II we had meetings with agencies and non-State actors dealing with IDPs. In Phase III we had public hearings and field visits to the IDP camps and areas affected by the post election violence. In Phase IV, we had the review of the national, regional and international protocols and the legal frameworks on the protection and assistance of the IDPs with a view to developing legislation on prevention, protection and assistance of the IDPs.

After establishing our work programme, in line with the mandate that was set by the House, the Committee organized two consultative workshops where all the key stakeholders in protection and assistance of IDPs, including the Ministry of State for Special Programmes, Ministry of Lands, Ministry of State for Provincial Administration and Internal Security, Ministry of Finance, the Kenya National Commission on Human Rights, the Kenya Red Cross Society, the Kenya Human Rights Commission, the Refugee Consortium of Kenya, IDP Network, Internal Displacement Monitoring Centre, Article 19 and Internal Displacements Policy and Advocacy Centre (IDPAC).

As you will observe, we really tried to reach out to as many people who are in this business as possible so that we could give a more comprehensive report to the House. The various stakeholders as outlined above briefed the Committee on their respective roles, their challenges in resettlement and proposed durable solutions on the IDP crisis in the country.

During the workshops the Committee also reviewed various reports relating to past displacements. These included:-

1. The Report of the Parliamentary Select Committee investigating the 1992 ethnic clashes in western and other parts of Kenya.
2. The Report of the Akiwumi Commission investigating the ethnic clashes from 1991 to 1997.
3. The Report of the Waki Commission on the 2007/2008 post election violence.
4. The Kriegler Report of the 2007/2008 post-election violence.

5. The 2009/2010 Report of the Embobut Forest Task Force.

6. The Report of the Parliamentary Committee on Labour and Social Welfare on the Mai Mahiu, Gilgil and Kurbanyet IDP Camps in the Rift Valley Province, 2011 amongst others.

Phase II of the Committee activities entailed meetings with targeted Government Ministries responsible for protection and assistance of IDPs. These meetings were with the Ministry of State for Special Programmes and the Ministry of State for Provincial Administration and Internal Security. The Committee planned meetings with the Minister for Finance under whose docket funding of the IDP programmes falls, and the Minister for Lands who is in charge of the resettlement exercise. But unfortunately the said Ministers never honored several invitations to attend the Committee meetings.

The Committee considers the failure by the afore-mentioned Ministers to appear before the Committee in three specific ways. First, the Government's efforts to frustrate our work and by extension the work of the Parliament. Two, the reluctance to resolve with finality the problem of IDPs. Three, we felt that the Government lacked commitment to address the IDP crisis and thus perpetuating a culture of impunity. If you can even refuse to come to Parliament then I do not know where else you want to go.

The third phase of the Committee activities were public hearings where the Committee visited various parts of the country especially areas affected by the post election violence. The purpose of the field visits was to receive views from the public especially, narratives of the events that led to the displacements, their experiences during and after violence, their fears, opinions, information on what assistance was received and who provided what kind of assistance; whether they were paid the *ex-gratia* payment or not; and whether reconciliation was taking place and their suggested solutions on the way forward on the IDP crisis.

During these meetings, the Committee was informed of the role of the communities and individuals in providing local solutions to the IDPs problems.

Mr. Temporary Deputy Speaker, Sir, we could not avoid highlighting some of the eventual steps that were undertaken by people in trying to help others. During the public hearings, just in summary, we heard the following:-

(i) the IDPs lived under deplorable conditions, lacking basic needs like shelter, food, water and social amenities, and it was a shame that the Government could fail to provide such basic facilities;

(ii) the IDPs pooled together their little *ex-gratia* resources for purchase of land, which demonstrated a desire to be re-settled, and not to live in the camp;

(iii) those who lost property and livelihoods had not been compensated;

(iv) children of IDPs lacked access to quality education and medical care, because they could not even be given bursaries to attend school;

(v) the resettlement exercise was skewed and characterised by inequities;

(vi) the Provincial Administration was blamed as having played a significant role in registering fake IDPs, to the disadvantage of the genuine IDPs, and in most cases the IDPs recommended the removal of District Commissioners (DCs), District Officers (DOs) and chiefs from the teams vetting IDPs, an observation I am sure the Minister will agree with;

(vii) there were allegations by some IDPs that the Provincial Administration, especially from the offices that I have just mentioned, also embezzled funds meant for IDPs; and,

(viii) some IDPs were of the opinion that the leadership of the IDPs was against the resettlement of IDPs as a way of perpetuating the existence of IDP camps for their selfish interests.

It was clear from most camps we visited that most of the chairpersons did not actually qualify to be IDPs.

Mr. Temporary Deputy Speaker, Sir, during the public hearings, the Committee also made the following observations:-

1. There were many un-profiled IDPs in the areas visited by the Committee.
2. Peace building and reconciliation efforts were yet to bear fruits in most areas affected by the post-election violence.
3. Integrated IDPs had largely been neglected.
4. Women were socially discriminated against after the displacement. This was especially very rampant in the western part of our country.
5. There was poor co-ordination of humanitarian assistance and efforts.
6. There was lack of reliable supply of basic humanitarian assistance such as food and medicines.

Mr. Temporary Deputy Speaker, Sir, the last phase of the Committee programme relates to the review of the national, regional and international protocols and the legal frameworks on the protection and assistance of IDPs, with a view to developing legislation on the protection and assistance of IDPs.

Mr. Temporary Deputy Speaker, Sir, the Committee, in conjunction with various stakeholders working in the protection and assistance of IDPs, including the United Nations High Commissioner for Refugees (UNHCR), the Kenya National Human Rights Commission (KNHRC) and other agencies developed a Draft Bill on the protection and assistance of IDPs, which has since been submitted to Parliament for debate and adoption. We already have the Bill published pending discussion by Parliament.

Mr. Temporary Deputy Speaker, Sir, what were the Committee's findings, observations and conclusions? We established the following:-

From the word "go", the Government was ill-prepared to handle the humanitarian crisis. Its structures were very weak. We are not sure whether the current structures can handle a crisis of this magnitude. Two, the Government failed to meet its own set deadlines of re-settling IDPs. Hon. Members will remember that we kept hearing of deadlines which have become as elastic as defined in the law of elasticity as we know it in Physics. Three, out of 9,571 IDPs in camps, only 2,287 had been re-settled by the time of compiling our Report in 2008. The Government's response was too slow, hence only a small fraction of about 24 per cent was settled within a period of four years. Hon. Members can compare that with the speed in which we formed the Grand Coalition Government. Four, the Government's response to the plight of IDPs in terms of provision of security, relief food and non-food items and construction of temporary shelter for IDPs, was largely haphazard and uncoordinated. Five, the profiling, payment and re-settlement was shrouded in mystery and characterised by lack of transparency, whereby the Provincial Administration particularly, chiefs, DOs and DCs, were accused of registering fake IDPs and, in some instances, altering IDP registers.

This led to proliferation of IDP camps and persons, double or triple payments and increased number of fake IDPs, thus crippling the re-settlement exercise. Consequently, many genuine IDPs were left out of the profiling exercise, while many fake IDPs benefitted in the re-settlement process. The Committee observed that re-vetting of IDPs was vital to ascertain the genuine IDPs and identify the fake ones. Those identified as fake IDPs must be prosecuted.

Six, the payment of the ex-gratia start-up capital was discriminatory, unfair and corrupt, resulting in the payment of fake IDPs at the expense of the genuine ones. In some instances,

Government officials who were in charge of the ex-gratia payments were implicated in embezzlement of funds. The IDPs in the camps were given more attention by the Government, while the integrated ones, forest evictees, who were considered to be Government's own displaced persons; landslide, historical and cattle rustling IDPs were left out of the re-settlement and assistance plan. Seven, the Government created institutions to handle the re-settlement but did not use those institutions in responding to the plight of IDPs. Eight, the National Humanitarian Fund for Mitigation of Effects and Re-settlement of Victims of 2007 Violence was allocated only Kshs419.28 million in the 2011/2012 Financial Year, a sum which is not sufficient. The Committee felt that failure to implement and fully operationalise the Department of Mitigation and Re-settlement, and the National Humanitarian Fund for Mitigation of Effects and Re-settlement of Victims of 2007 Violence in the Ministry of State for Special Programmes was the main reason as to why the Government's response to the plight of IDPs was haphazard and unstructured. Nine, the Committee concludes that the re-settlement of IDPs had taken too long, and that the Government needed to move with speed to re-settle all genuine IDPs by May, 2012.

That is the Report we compiled for this House to adopt although some of the recommendations have been overtaken by time.

Mr. Temporary Deputy Speaker, Sir, from the above findings and observations, the Committee made the following recommendations:-

1. The Government should immediately undertake a re-vetting exercise of IDPs to ascertain the genuine ones and re-settle them forthwith. The vetting exercise should be public, inclusive and be conducted by a committee that includes, but not limited to, village elders, IDP representatives, local chiefs, religious leaders and area Members of Parliament.

2. Those found to be fake IDPs, following the re-vetting exercise, should be arrested and prosecuted.

3. The Government must recognise all categories of IDPs, including integrated IDPs. We realised that in some areas where the host communities hosted IDPs, a burden which should have been borne by the Government; the Government decided to abandon such IDPs even though it was much easier to facilitate relatives of such IDPs or other people who had actually shouldered that burden. The Government, instead, concentrated on the visible IDPs who were living on camps.

4. The Government must accelerate and conclude the re-settlement of all post-election violence IDPs and forest evictees by May, 2012. We are just concerned that we are going to another general election and the IDPs are still out there. A government that has a contract of five years must, surely, finish its business within the contractual period. These include 4,691 IDPs in camps, 3,898 IDPs in Ol Kalou, 2,597 IDP households in Turkana, 2,459 Mau Forest evictees; 2,964 Embobut Forest evictees, and 48 Kipkunj Lake Forest Quarters IDPs.

The settlement programme must be extended to include historical IDPs, especially the Talai people in Kericho and Kipkelion, who were 1,867 IDPs; Trans Nzoia squatters, 5,977, Kipkurere in Nandi, 997 IDPs; Elgeyo Sing'ore squatters, 36 households; Joguru/Kilindine IDPs in Tharaka, 135 households; Machaka Village squatters in Meru Central District, 604 households; Chyulu Hills squatters in Makueni and coastal squatters.

I want to confirm that the Government has, at least, made some moves in re-settling the Talai IDPs although there are still complaints that it had not made adequate provisions.

5. The Government should accelerate the payment of Kshs10,000 and Kshs25,000 to all IDPs who have not been paid. The Government must not be seen to discriminate in those payments.

6. The Government must complete the construction of shelters for all categories of IDPs, including the integrated IDPs before May 2012.

7. The Government should waive all outstanding medical bills owed by post-election violence IDPs in Government hospitals and pay those bills owed to private hospitals.

8. Further, the Government should provide a comprehensive medical cover to all IDPs until they are all resettled. We have an obligation as a State where the Government should ensure the provision of humanitarian assistance to all IDPs and ensure that each IDP has shelter, and that the current food rations cover all of them on a regular monthly basis until they are all settled.

9. The Government must set up a special bursary fund for IDPs' children in secondary, tertiary institutions and universities.

10. The Government must ensure proper accounting on food and other resources taken to the camps. All persons responsible for misappropriation of resources must be prosecuted.

11. The Government must accelerate peace building, reconciliation and psychosocial efforts by increasing funding to the district peace and security committees in all the counties.

12. The mandate of the National Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of 2007 Violence should be expanded to cover all the IDPs including but not limited to the following:- Resettlement of 1992, 1997 and 2007 IDPs, forest evictees, historical IDPs, all squatters, pastoral conflict IDPs, victims of floods, landslides, drought and famine, among others.

13. The Government should fully operationalise the Department of Mitigation and Resettlement in the Ministry of Special Programmes through adequate staffing and funding in order to give it capacity up to the district level.

14. The Government should fast track the implementation of Agenda No.4 as outlined in the National Accord and Reconciliation agreement of 2008.

15. The Government should fast track the approval of the draft national policy - and the Minister promised this House sometime back - on the prevention of internal displacements, protection and assistance to the IDPs in Kenya and the draft national disaster management policy to address persistent issues causing IDPs.

16. The Government should establish a legal framework on internal displacement through formulation of policy and enactment of a draft Bill on the prevention, protection and assistance to IDPs. This legal framework should take into account the UN guiding principles, the AU Convention and Great Lakes Protocol of Protection and Assistance of IDPs.

Mr. Temporary Deputy Speaker, Sir, we have assisted the Government to do that particular recommendation and I hope the Minister will be more than willing to second my Bill when I will be debating it.

17. The Government should rarify the Kampala Protocol on IDPs.

18. The current parliamentary Select Committee on IDPs should continue to provide oversight on the Government promise on IDPs until the end of the Tenth Parliament.

19. The Government must fully comply with the national values and principles of governance as provided for in Article 10 of the Constitution and in particular, Clause 2(b) on human dignity, equity, special justice, inclusiveness, non-discrimination and protection of the marginalised. The Government must act with urgency in consideration of IDPs issues with the aim of resolving this problem before the next general election. In fact, some of us are of the

opinion that we should be having a clarion call of “No resettlement of IDPs no elections”. But that will just give them an excuse to keep on postponing the elections.

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

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

Madam Temporary Deputy Speaker, these recommendations form part of the findings and other recommendations contained in this Report. The Report of the Committee is divided into five chapters. Chapter 1 entails the record of the consultations with Government departments and other institutions during meetings and workshops. Chapter 2 entails the outcome of the public hearings in the various parts of the country where IDPs and other interested groups submitted both oral and written submissions. Chapter 3 is the review of the national, regional and international protocols and the legal framework on the protection and assistance of IDPs. Chapter 4 covers the findings, observations and conclusions of the Committee, while Chapter 5 entails the recommendations of the Committee.

Madam Temporary Deputy Speaker, as I conclude, I wish to acknowledge various actors in this business. First, the Committee is grateful to the House through the Speaker for the support granted in executing its mandate. The committee is also grateful to the Office of the Clerk for facilitating and providing technical support. The Committee is further grateful to the organization and leadership of the IDPs for their contribution to this very important task. This Committee also extends its gratitude to the protection working group on internal displacement, with special mention of the Refugee Consortium of Kenya and the Kenya National Commission on Human Rights (KNCHR) for their support and valuable input in understanding of the IDPS situation in the country and in developing the national policy for the prevention of internal displacements, protection and assistance of IDPs in Kenya and the draft IDPs Bill.

Madam Temporary Deputy Speaker, the Committee also wishes to thank the Government of Kenya, through the Minister of State for Special Programmes and the Minister of State for Provincial Administration and Internal security for the mobilisation of the public, provision of security during the public hearings and other related logistics. In addition, they provided vital information on the situation of IDPs. Indeed, we are grateful to them on that particular front. Finally, I really wish to express my appreciation to the hon. Members of the Committee who sacrificed time from their families and constituents to participate in the activities of the Committee, including the field visits to various parts of the country. These hon. Members of Parliament, on behalf of the entire House, and through the Amani Forum, are desirous of a new Kenya – a Kenya where we shall stand up and say: “Never again in the history of our beloved country shall brother rise against brother or sister against sister.”

*[The Temporary Deputy Speaker
(Ms. Karua) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I wish to confirm that the recommendations of the Committee in this Report were unanimous. It is, therefore, my singular pleasure, honour and dignity on behalf of the Parliamentary Select Committee on the Resettlement of IDPs to move this Report and commit it to the House for debate and adoption, pursuant to the provisions of Standing Order No.181.

I beg to move and ask the gracious lady, the daughter of Kenya from Suba land, which is on the shores of the great lake of Lake Victoria, which is similar to the shores of the great Lake Turkana, to second my Motion.

Ms. Karua: *Nyako!*

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir. I can hear hon. Martha trying to speak some Luo, but I want to advise her to be careful because the terminology she is using has two meanings, and the pronouncement she has just given is a bit dangerous. I might not repeat it. However, having said that, I rise to second this Motion and thank the hon. Chairman for ably leading the Committee and also thank the members for doing an excellent job.

Mr. Temporary Deputy Speaker, Sir, at the outset, I want to say that, as a member of the Committee, I was very heavily involved in the work of the Committee and in the field trips. Indeed, when we went out, the field visits were an eye opener and I remember that when we came back from one of those sessions, I actually had an outburst here in Parliament because some of the things that we saw were very shocking and many of us were not aware of the situation that many people went through and the status of IDPs in this country.

I just want to give a few examples in some of the places we went to. When we had the field visit in Homa Bay, one of the major issues that came out from there was that understandably ethnic feelings were heightened; therefore even in profiling at that time some of the Government officers, unfortunately, took sides. You find in a place like Homa Bay even though IDPs were recorded from neighbouring communities like Mbita and others, their names were never forwarded. So, you find people from many of the areas who were registered as IDPs were never compensated by the Government. The Commissioner whom we found in Homa Bay actually attested to the fact that the names were given but were never forwarded to the Ministry.

Mr. Temporary Deputy Speaker, Sir, because it was not the fault of the IDPs the Government needs to do something. I think whenever this issue has been raised the Minister has always said that her mandate is limited. Minister, I understand you but now we are giving you a fresh mandate as Parliament. You need to take this to the Executive that we cannot punish Kenyans because the Executive decided to give a blind eye to certain categories of IDPs for no fault of their own.

When we went to Kisumu, we saw so many people who came to us. I think Kisumu was one of the most horrifying stations we went to. People were not even informed that the parliamentary committee was there. From word of mouth they came in running. Some of them were not able to come. I remember one old woman, whose story I later saw written by Maina Kiai after she died, came before our committee. She had lost two or three sons during the post-election violence period. She was herself displaced, I think one of the sons lost a leg, one was shot, she herself was raped and she eventually died of HIV/AIDS. Those are people who did not even get the Kshs10,000 ex-gratia payment.

Mr. Temporary Deputy Speaker, Sir, when we stood there I saw one of our hon. Members almost cry. It was really shocking. There must be an element in us that is human before

we say where we come from. I must feel the pain of a Kalenjin. I must feel the pain of a Kikuyu. I must feel the pain of a Luo. There must be something about a Luo that is human and about a Kikuyu that is human. We must look at people as human beings.

There was a woman whom I remember to date who told us a story about her having come with the head of her husband in a paper bag. When she came there she told us she was living in a goat pen. She was a young woman. She had never received any compensation, not even the Kshs10,000. Kisumu had one of the highest concentration of people who had not received any support because they were the so called integrated IDPs.

Mr. Temporary Deputy Speaker, Sir, the issue of integrated IDPs is a myth. This is because most of these people are not integrated. When we went to Kisii we met women who had left their own homes earlier because they had been ostracized. When they went back their homes had been taken over and they said they were called outcasts because people said they were witches or their grandparents were witches. We are calling these women integrated IDPs. They are living in market places; they are unwanted in Kisii. One woman burst out and started crying. We had nothing to do for this woman.

When we went to the boundary of Dr. Joyce Laboso's--- I cannot remember; was it the boundary of the Kisii and the Kalenjin? The situation was equally bad. The Kalenjins were saying because of a cultural norm known as *kipkaa* they were not able to talk and say the things that affected them. However, after encouraging them the women were saying how they had been raped, their houses had been burnt and their things destroyed. They said they were not being helped because they were either not documented or they had pursued these issues until they had given up.

Mr. Temporary Deputy Speaker, Sir, in Rongai--- I said it before this House. I remember some people telling me to stop politicizing it but I was proven right, I do not know whether it was a week or two weeks ago when we saw it breaking. I gave a warning in this House that I saw it with my own eyes in Rongai. A Kikuyu woman stood up and said, "Please, tell the Government to stop discriminating against other IDPs, because you are looking at us as Kikuyus". The camps that we saw were divided because people lived as tribes, understandably, at that time. The settlement schemes were along ethnic lines. That is why even when Mr. Kigen raised the issue of Alko IDPs--- There are IDPs who took our numbers and who call me to date. Alko IDPs, for those who know are predominantly Luo, Luhya, some Kisii and some Kalenjins. They were told they would be resettled. They were told to go back and look for relatives. They went and did that. What has happened to most of them? Some in Nakuru are resettled and some have not been compensated.

Minister, I want to urge you, speaking as a human being, we are setting ordinary Kenyans against each other. Please, take this issue seriously. I raised the issue of Rongai before and it has started coming out. The other day you saw one community evicting another community from the grave area because they felt one was favoured against the other. We do not want to mention them here because it is politically incorrect to mention people by names. I will be dead and gone one day as Millie but we must leave a country where tribes must live with each other. We cannot promote or further Government policy that creates friction.

Mr. Kigen always raises these issues. He always pulls me aside and says, "Millie come and we talk because you were there; you saw and you heard". I want to support Mr. Kigen. I saw and heard. I want to tell you places like Kisumu may be a bit better; people may be living with their pain, but Rongai is volatile and unless we do something PEV, as we were told earlier, will be like a tea party; this is if we do not deal with issues that are in places like Rongai.

Please, Minister, let us deal with the situations there. Let us not pit Kalenjins against the Kikuyus. The situation that is in Rongai is not acceptable.

Mr. Temporary Deputy Speaker, Sir, I want to say that at some point I almost feel like telling Kenyans that first I hope that we will never have the situation we had in 2007, but should we, by any bad luck ever get there, do not go back to your homes. Stay in camps because if you leave camps nobody will bother with you. Stay in camps until you are sorted out, otherwise you will be forgotten. It is not in our Report, but I want to make it a recommendation, as Millie Odhiambo. Stay in the camps because we only remember the people in the camps. Even in the camps, it is not all of them; there are some whose houses we were seeing; some even have hospitals and other camps have the worst access to healthcare. It is really terrible the things that we do in this country.

That is why I want to say that I agree that the Report has actually said a lot on the issue of discrimination. The Report is not exaggerated. I saw it live and we must deal with it. Women and children are suffering the most. They do not have basic healthcare, especially the ones who are still in camps. Most of the camps do not have basic healthcare systems. Some do not get food rations and many of them just want to know that they can be settled and get on with their lives.

Mr. Temporary Deputy Speaker, Sir, I want to also indicate that we should not only look at the 2007 victims. There are many people who looked for us as a Committee. There are some who even came to Nairobi to look for the Committee. I want to remember specifically the historical IDPs like the Talai IDPs. I am happy that of late a lot has been done even in the media to show the plight of the Talai IDPs. I would want to say, let us look at all IDPs, forest evictees, flood evictees and others. Let us also look at our IDPs who are also still living out of the country. These are the IDPs living in Uganda and would like to come, but do not have assurances.

Mr. Temporary Deputy Speaker, Sir, I want to indicate that on the ground we found that there are no serious efforts on reconciliation. Therefore, we find that it is some communities that were trying on their own to reconcile with their neighbours. But the Government was not making serious efforts at reconciling communities that have lived with each other. Since we have only few months to go to the next election, we must heighten reconciliation efforts within communities.

Finally, I want to say that we must have a comprehensive policy and legal framework in place, so that, God forbid, should we ever have a similar situation again it would enable us deal with it. I know, for instance, that we have a Bill for victims' protection. It looks primarily at victimization of women and children of all categories and in all circumstances. One of the things I was looking at is in case of situations of victimization of big proportions. The Government must have a policy that talks about documenting people immediately and there are very specific criteria that are given in dealing with circumstances like those. I think the Chair himself is pushing the IDP Bill. Let the Committee push that Bill because I have been told that the Government wants to take over. But because of the urgency, let the Committee push. We know the Government will take the Bill, sit with it and it will give us long stories the way they are telling us about integrated IDPs and never do any active work on it.

As I conclude, I want to give this call again: Please, deal with the Rongai situation.

With those few remarks, I beg to support.

(Question proposed)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise in support of the Motion and I want to begin by congratulating the Committee, its leadership---

The Temporary Deputy Speaker (Mr. Imanyara): Sorry, Ms. Karua, let me interrupt you briefly. In view of the fact that the Bill has already been read the First Time, it was the policy of the Committee that we should try and conclude the adoption of the Report during today's Sitting. So, bear that in mind so that we can provide other hon. Members an opportunity to make a contribution.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I wish to congratulate the Committee and its leadership for this very worthy Motion. The question of IDPs has been a thorn in the flesh for the past five years. Just like it is observed in the report, in the National Accord, Agenda No.2 was the resettlement of IDPs. But the only agenda that we, as the political class, have been able to completely execute is the sharing out of power and political space, Agenda No.3. But for the resettlement of IDPs, we have dragged on. Also for Agenda No.4 which tackles issues of poverty, putting the regulatory frameworks and right policies, including for IDPs, we have failed dismally. So the recommendations of this Committee should be taken as a wakeup call.

I really appreciate the fact that they have captured the total neglect of integrated IDPs who are scattered all over the country. Even my constituency has a handful of integrated of IDPs. I know throughout Central Province, they run to about 100,000; Kisii, Nyanza, there are places we have concentration of integrated IDPs, including the Rift Valley itself. I would want the Government to take this Report very seriously, I see the Minister here, so that they can put their heads together, allocate sufficient funds for this problem to be done away with, once and for all.

I want to congratulate the Committee for capturing even the forest evictees, the IDPs of 1992 when this unfortunate phenomenon started; 1997, 2002 and, finally, the IDPs of 2007.

I want to echo the words of the Seconder, Mrs. Odhiambo-Mabona that there have been no efforts at reconciliation. However, I want us to move away the focus from the Government and to ask ourselves as Members of Parliament, as national leaders, what has each one of us done to bring about peace and reconciliation? What have our utterances been as Members of Parliament? I think we need to direct our minds, realize that we have a responsibility as Kenyans, more so, as national leaders, to promote reconciliation. I am glad that this Committee has tabled this Report which then shows that as a Parliament we are doing something to move forward. But we still have individual responsibility to ensure that we promote peace and reconciliation by deed and in action. I want to say that even if it is not all of us, the Members who have not promoted peace and reconciliation--- We, as a Parliament, have failed in discharging this responsibility.

Mr. Temporary Deputy Speaker, Sir, the most effective way of ensuring that we never again have this sort of situation and that we prevent deliberate internal displacement by criminal activities, is by upholding the rule of law. It is a shame that up to now cases arising out of the 2007 criminal activities following the disputed elections have not been dealt with. This promotes impunity. We failed in setting up a local tribunal; we attracted the limelight of the international community, but even prosecutions at The Hague cannot be enough. Until Kenya itself upholds the rule of law and ensures that our systems are working. Even if we do policy, we shall never lay a basis for peace.

The work of excavating bodies that are buried in graves like it has happened twice in Rongai is the work of criminals. A community does not perpetrate criminal activities. These are perpetrated by individuals who must be seen not as communities but as the criminals that they are. I would urge the Government to rise to its responsibility to ensure that wherever there is a

criminal act by whoever, it must be dealt with firmly. Wherever there is an attack of a criminal nature on any Kenyan of whatever ethnic composition, this must be pursued with the vigor that the law deserves, so that we can ensure peace among us.

I want to again support the Committee, in its recommendations, that there should be no discrimination in handling the cases of IDPs. So if it is by omission that the Executive has failed to make room for settlement of a certain category, it will appear even when it is not meant that way as discrimination against certain categories of people. We, therefore, must call for full implementation of this Report within, say, the next 60 days because we are moving towards elections. We do not need to talk of too much in the future, but within the next 60 days because it is possible.

As I conclude because I want to heed the Speaker's call, I want to say that one way again of ensuring this situation does not arise is for the Independent Electoral and Boundaries Commission (IEBC) to realize that it is failing Kenyans at the hour of need. Having a process that lacks integrity like the tendering process is undermining peace in this country.

Members of the Commission must realize that they work for Kenyans and they swore to work for Kenya faithfully; not to work for cartels on both sides of the Coalition Government who are holding them hostage. That is why they have been unable to execute their duties.

Telling us that because it is late they will not be able to have biometric registration of voters is actually shouting incompetence. Once you realize as a worker that you are incompetent, the honourable thing is to resign to pave way for competent people.

(Applause)

The time we have is enough. The tendering laws provide a mechanism; they can do selective tendering, but not selective and opaque. I am talking about selective and open; where we can follow online who tendered and shortlisted. We also can follow the reasons or the criteria for short listing. I am saying that unless this body wakes up and honours the oath they took to safeguard the interests of Kenyans, so that we can have a transparent, free and fair election, they are undermining the peace that this Report is talking about in this country.

Finally, we all have a duty and responsibility beyond politics. We need a home. This country is our home. We have an individual duty as Kenyans and as citizens of this country and as leaders to promote peace; to ensure that we do not undermine democratic processes, whether it is through campaigning using Government resources; whether it is through resettlement of IDPs or whether it is distribution of relief food. We all have a duty to make our country what it should be.

We are aware that a lot of civil servants have undermined the resettlement of IDPs and distribution of food to them by stealing or manipulating the processes and taking away what belongs to IDPs. Again, failure of prosecution has given rise to impunity. We have only heard of two or three cases and not their conclusion. This means that the Executive has been aiding and abetting corruption in the process of attending to IDPs. That is why this business can never be concluded.

We are, therefore, asking the Minister and the Executive to ensure the highest standards of transparency and accountability. Maybe some of those things happened before the current Minister took over. But, nevertheless, because there is continuity, ensure that the highest standards of transparency and accountability are observed, so that we may conclude this business.

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

The Temporary Deputy Speaker (Mr. Imanyara): I just want to get an indication on the hon. Members who want to speak, in addition to the Minister, because I would want to give the Mover the last ten minutes.

(Several hon. Members stood up in their places)

You are not many.

The hon Member for Rongai?

Mr. Kigen: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to begin by thanking the Committee that undertook to carry out this work that has ended up now being debated in the House with respect to the IDPs. I want to thank them because of the extensive work they did and the sacrifices that they made to bring this document before this House this evening.

Mr. Temporary Deputy Speaker, Sir, this phenomenon about the IDPs has been here with us since 1992 up to date. It is not one of those pleasing sites to see. The IDPs that have remained in the camps and have been discussed in this House and in various other fora, some of the people who have discussed them may not have visited them to see the state in which those people live and the kind of suffering that the children there undergo.

Mr. Temporary Deputy Speaker, Sir, today as we discuss these recommendations that are before us, what I would want to say in summary is that we want to really plead with the Minister and the Executive, for that matter, to ensure that the implementation of this Report is expedited, so that the people who have suffered for all this long should be helped to finally find a home for those who have not found a home already. I want to ask the Minister to ensure that this resettlement does not just confine itself to the mandate that she has been given. As soon as this House finishes debating this Report, there should be the extension of the mandate to accommodate the various IDPs. For example, we have flood victims. Here I am talking about those people who are living at the edge of forests. Forests are places which are frequented by rains. These people are suffering. Some have succumbed to harsh weather. They are dying out of various diseases like pneumonia, flu and others.

Mr. Temporary Deputy Speaker, Sir, we have heard of some issues that are happening in Rongai, for example. My constituency was one of the places where IDPs were settled. At the beginning, we thought we would be involved in the resettlement programme. But when the resettlement programme started, the leadership of the various areas where the IDPs were to be resettled was not involved. For that reason, the settling down by the IDPs did not take off immediately. We also had an input that we thought could expedite the process and would bring the people to be integrated faster. We are glad today to report that despite the fact that we were at that time ignored by the Executive, we are now happy that, finally, they brought on board some of our recommendations. Because what we saw initially was really skewed, as the Report has captured. That is why you would find that there were various people who had gone to camps from various communities. The first resettlement programme did not involve all the communities who were affected. That did not help to bring integration. But we are happy that now resettlement takes into account those recommendations.

Mr. Temporary Deputy Speaker, Sir, some of the incidents that you heard happened in Rongai, for example, could be avoided. However, the involvement of the Provincial Administration does not help in bringing peace in Rongai. These are people who should not be

involved in this exercise because they have been rejected by the IDPs themselves.

One of the contentious issues is of profiling of IDPs. There are instances where they have profiled the wrong people deliberately. They have left out people who actually suffered as alluded to by various speakers here. That was enough ground for the Provincial administration to stay away and an independent entity to be established to be able to profile all Kenyans who suffered. Unless that is done today, many deserving cases will be left out.

Mr. Temporary Deputy Speaker, Sir, I do not want to belabour this too much, but I would want to urge that as we carry out the resettlement exercise we make sure that it is an exercise that will bring Kenyans together. Let it not divide Kenyans as we have witnessed for the last four years.

The recommendations contained in this Report are adequate and can help to actually remedy the situation because they captured all the people who suffered. What we want to ask the Government is to actually set aside enough resources for the Ministry to be able to carry out the resettlement adequately.

One other thing that has been a limiting factor and which has always been echoed in this House, is the value of land. The Government has set a ceiling of the amount of money to be used in the purchase of land for the IDPs. We all know that the value of land varies from one place to another. In some places, you will find that the value of land has gone so high, but you will still find the Government relying on the valuation done by the Ministry of Lands. It is now at the rule of willing buyer, willing seller. If the Government, indeed, is genuine and would like to resettle Kenyans, they should no longer confine itself to the valuation given by the Ministry of Lands, but rather shift to the willing buyer and willing seller rule.

I can assure this House that if it moves in that direction, the people that we are calling IDPs will find settlement in the shortest time possible. But as long as we go by the rule of buying land as valued by the Ministry of Lands, that problem will remain with us for long. That is because even in Rongai today, there are about 4,000 to 5,000 acres which can take a substantial number of IDPs. But the owner is asking for over Kshs400,000 per acre - and that is the general value there. But the Government says that we cannot get there. It is actually the Government that is frustrating the resettlement. I would like to ask the Government to relax its position about the value of land, so that whatever land we get, we can buy it and our people can get settled. That is the one thing that I would want to urge the Ministry to deliberate at the Executive level and buy land without restriction.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Letimalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Mr. Temporary Deputy Speaker, Sir, first, I really want to congratulate the Committee for a job well done and the recommendations that have been made. I believe that the Minister will be able to implement the recommendations that have been made by the Committee.

Mr. Temporary Deputy Speaker, Sir, my concern here and appeal to the Minister who is here is: What is the mandate of the Committee? If you look at Article "E" the mandate of the Committee is to identify and categorize IDPs in camps, integrated, pastoralists and forest evictees. When you talk about pastoralists, this actually has a lot to do with communal conflicts. My disappointment with the Committee is that even many of the visits are actually concentrated on IDP camps and forest evictees. They forgot about the pastoralists. More specifically, those are cases that happened in Laikipia. If you go to a place like Ol Moran, many members of the Kikuyu community were displaced. We had also clashes between the Pokots and Samburus.

Many of them were actually displaced and had to move to either Samburu, West Pokot and more specifically to places like Baringo East. It is unfortunate that this Committee did not visit Laikipia or the districts that I have just pointed out.

Mr. Temporary Deputy Speaker, I want to tell the Minister that if he goes to Laikipia, he will find people who have individual ranches and title deeds but, because of the conflicts, they have moved away and have not come back. I know that may not fall directly in the docket of the Minister of State for Special Programmes. It has a lot to do with the Ministry of State for Provincial Administration and Internal Security. I even know that in the Budget for this financial year, it is actually factored. Funds have been allocated to ensure that people are able to go back to their original places, but that is not being done. So, I would like to appeal to the Minister that as the Government implements the recommendations that have been given by this Committee, it should also consider integrated IDPs. That is because some people have got a very queer culture. I know of my own community. It is very difficult, even if there are clashes, for people to go and camp in a church or school. They had better integrate amongst members of their community. Therefore, their land is left unattended. As a result, the bandits have a field day along the Nyahururu-Rumuruti-Maralal Highway because the people are not there. So, I just want to appeal to the Minister to liaise with the Ministry of State for Provincial Administration and Internal Security and ensure that people who own land in Laikipia are able to go back to their land and make use of it.

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

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

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Mr. Mututho: Madam Temporary Deputy Speaker, I would have wished to contribute for hours on end, but I will be very brief. In this Chamber, we are perhaps the lucky few who have been debating here in the last few days before we move to the new Chamber; it was on this Floor from where people heard about J.M. Kariuki. It was from this Floor that they heard about Tom Mboya, and it was from this Floor that they heard about all those things that have happened in the past. Everything to do with IDPs has been properly documented. Everything to do with the causes of the IDPs is known. The Members of Parliament have done their job. It is up to the Executive to listen. Just in case they do not want to listen - I can see they are consulting very hard - I am conscious of the fact that I, hon. John Mututho, has even been accused by the President for interfering with the resettlement of IDPs, which I accept. I want it to go on record today that just as the late hon. Mwangale said on this same Floor: a hyena was speaking to a stone and the stone did not answer, but it said to the stone that "I know you cannot answer, but you have heard". The Government has heard. The issues and measures they are undertaking currently to deal with the issue of the IDPs border on criminality. They resemble what we saw during the Second World War. We have also seen it in other nations and what they have done with people who are helpless and who continue suffering.

In Naivasha, we have 19 wards but when we are distributing our CDF, we divide it by 20 wards. The 20th ward being for the IDPs. The IDP problem can be resolved tonight. The IDP problem can be resolved without all these name calling and shouting. The IDP problem can be

resolved if we accept the fundamental principles that the Constitution that we passed the other day guarantees equity among all human beings. I want to persuade the Executive to take five steps backwards, look at themselves and then look at the plight of these people as we approach the general election. They should note that those in the Executive can also fall victim to circumstances similar to those that befell the IDPs. I cannot continue. I will support and I will continue supporting. I look forward to this reformed Executive--- From a purely humanitarian point of view and looking at this Report very favourably, I support it.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. I will be very brief because of the time factor. Let me start by thanking the Chairman of the Committee who very eloquently moved the Motion on this Report; I do not forget the Committee Members. They were very co-operative. They assisted in the generation of this Report.

I note that the Committee visited many areas of this country and interviewed many people. Deplorable conditions were noted as having affected the IDPs. The IDPs are still suffering. This is an issue that needs to be addressed very urgently. Displacement of our population must be abhorred by all Kenyans. In this country, we should not allow tribal animosity or suffering. I would, therefore, urge the Government to make sure that adequate resources are allocated to cater for the remaining IDPs. We have IDPs in Uganda and integrated IDPs, but the Ministry was not ready to consider the plight of these IDPs. We also have Emergency period quarters and they should be considered.

We have other people who were displaced in 1952 and 1953 by the Colonial Government, by the White Settlers and even by fellow Africans. That should have been conceded well by this Committee. We note that there are illegal IDPs who have been settled. This issue must be revisited and those who have been given land, the land must be reclaimed. We note from the Report that food meant for the IDPs was stolen. Those who stole the food must be arrested and prosecuted so that this becomes a deterrent measure. The National Youth Service (NYS) must be used in the construction of the houses of the remaining IDPs.

Finally, we must, as a House and as a country, detest what really happened in 2008 and make sure that the demoralized or stressed IDPs are settled before the next general elections.

With those few remarks, I fully support this Motion.

Mr. Muthama: Asante Bi. Naibu Spika wa Muda. Yangu yatakuwa machache sana. Ninaishukuru Kamati iliyoleta Hoja hii hapa na kazi iliyofanya ambayo ni ya maana sana huku nikizingatia kwamba Wakenya wanatungalia na kusikiliza tunayoyazungumza kuhusu wale walioadhirika, wana shida na wanaishi nje. Ni aibu sana kuona sisi viongozi ambao tunategemewa katika taifa letu tukiwakosea wananchi wetu. Tulizunguka taifa nzima, tukawaitisha wananchi kura na wakaandamana katika mlolongo nyuma ya visanduku vya kupigia kura na wakatupa uwezo ili tuwaongoze. Tangu wakati huo, tumeishi maisha mazuri. Wenzetu wote, baada ya kupigiwa kura na wananchi ambao hawana tumaini lolote tumeishi maisha mazuri. Tunapata chochote tunachotaka, tunalindwa na Serikali na walioadhirika bado wako nje, wanayeshewa na wanalia.

Kama kweli mwananchi wa kawaida hawezi kumlilia kiongozi aliyemchagua na amsaidie, basi taifa hili linaelekea wapi na matumaini ya watu hawa ni nini? Wanaweza kuenda wapi na wanaweza kumlilia nani?

Tunajua Bajeti ilisomwa ina pesa ya kuwaangalia walioadhirika na kuwapa masha. Katiba yetu mpya tuliyoipitisha inazungumza wazi kwamba ni lazima kila mwananchi wa taifa hili awe na sehemu ya kuishi na kukaa lakini tunapozungumza sasa, kuna wananchi wanaostahili makao na kuna wananchi ambao hawastahili kuishi ila tu kulia siku zote.

*[The Temporary Deputy Speaker
(Dr. Laboso) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Manyara) resumed the Chair]*

Ni Kenya tu ambapo mambo ya kiajabu yanatokea. Juzi tumesikia na kusoma kupitia vyombo vya habari kwamba mwaka uliopita Serikali yetu ilirudisha kitita cha Kshs183 bilioni ambazo hazikutumika. Kama ni kweli pesa hizi zipo na zimerudishwa katika Serikali kuu na bado haijaingia katika mgawo wa matumizi ya Serikali ya mwaka huu, kwa nini hii pesa isipewe Waziri aliye hapa ili aende anunua mashamba ambayo yako ili awape wananchi waishi? Tunapozungumza tunawashangaza Wakenya kwa sababu katika makadilio ya Bunge tunatakiwa kupata marupurupu tutakapoenda nyumbani. Pesa hizi zinatufaaa kweli kama wananchi wako barabarani wakilia, kukasirika na kutuombea mabaya? Mtu na watoto wake wako nje na kuna Serikali ambayo ina askari, pingu na bunduki na vyombo vya kutia wahalifu ndani na hakuna kitu kilichofanyika na bado tunaongea! Sisi tunategemea kuenda kupiga kura na kuongea barabarani kuhusu amani ili Wakenya wasikie, tumekuwa wahubiri wa usiki ambao wanahubiri neno ambalo wao wenyewe hawaliadini. Tunategemea mtu ambaye yuko nje na watoto wake, mtu ambaye alitoa jasho kununua shamba lake na ambaye alipigwa na watu wengine atupigie kura? Kwani Kenya ina viwango vingapi vya wananchi?

Hii ni Kenya ya wale walio juu au ni Kenya iliyo na usawa wa kila mwananchi? Kama ni ya usawa wa kila mwananchi, inakuwaje tunapanga kujenga mabarabara makubwa ambayo magari ya wakubwa yatapita? Hawa watu wanaingia kuwanyanyasa wananchi wadogo wanaoishi chini ya barabara ambazo tunajenga.

Bw. Naibu Spika wa Muda, kama tunaogopa Mungu, Bibilia inasema kwamba mwanamke fulani analilia watoto wake lakini hawezi kuwabembeleza maana hawapo. Analilia waliokufa. Sisi tunatengeneza barabara na wananchi wanakaa nje. Tunajenga nyumba kubwa na kuziita nyumba za Serikali. Tunatengeneza hata Bunge letu liwe nzuri lakini wanaotutuma hapa wana kilio na wanasikitika kutoka asubuhi mpaka jioni.

Ninaomba Waziri wa Wizara ya Mipango Maalum aangalie zile pesa ambazo nilisema zilirudishwa, tumpatie afidie wananchi wetu ili waweze kuishi vizuri na wawe na maisha kama ya wenzetu.

Kwa hayo mengi sana, ninaomba kuunga mkono Hoja hii.

The Temporary Deputy Speaker (Mr. Manyara): Hon. Members, I indicated at the beginning of this debate that the reason we have to conclude the debate today is because the Bill is part of the recommendation that has already been read the First Time. I did indicate to the Minister that we will be concluding this debate this afternoon in order to facilitate the debate of the Bill that has already been read the First Time and there was no objection. That was the decision of the House with me sitting on the Chair. We are not going to overrule that. If the Government does not want to respond, that is very well.

Mr. Kiunjuri, you may proceed to make your contribution. You have five minutes.

The Assistant Minister for Public Works (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. It is important that this matter is coming up at this particular time noting that very soon we are going for next year's general elections. It is equally unfortunate that five years down the line we are still discussing issues concerning the IDPs. It is as if we are

discussing about external IDPs. At the end of the day, we are more concerned with those running away from their country, refugees than our people.

You cannot imagine a situation whereby a Government of National Unity; a Government that already has an obligation and a Government that has sworn to protect the lives of its people, that it is dragging its feet even today when it comes to the resettlement of the IDPs. We can try to blame the Ministers who have served in this capacity. However, we have not even been able to identify which Ministry we can blame. On one hand we are saying that the Minister of State for Provincial Administration and Internal Security has a role to play on resettling the IDPs--- We also have an issue to do with the Minister for Lands and the Ministry of State for Special Programmes. None of them has express authority to deal with this matter. I sympathize with the Minister of State for Special Programmes for all the efforts she has made and taking the blame. However, it is a free for all.

Some people have enriched themselves while others are not willing to ensure that they are settled because we want political capital. We hear others blaming others for not resettling the IDPs. It is important that we note that this also happened in 2002 at the advent of multipartyism in this country.

The Most important thing is to ensure that this will not be repeated, come the next general election. We have already seen leaflets across the country, in which some people are telling others that they must be loyal to certain candidates, or that they must not vote in one way or the other. This community is behaving as if we did not learn any lesson from what happened to us just five years ago. It is important to make sure that those people who suffered are properly compensated. It is true that each family was given Kshs25,000 and Kshs10,000, but this is pocket money of a Member of Parliament for one evening's outing. The amount is not even enough for payment of fees for a child going to a Harambee secondary school.

The Temporary Deputy Speaker (Mr. Imanyara): You must conclude now, hon. Kiunjuri.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like the Government to fully compensate those who lost their properties and ensure that those people who were traumatised live a happy life again. The only way by which we can ensure this is to avail enough resources to the Ministry of State for Special Programmes and facilitate those who are concerned to ensure that, in the remaining few months, we give comfort to those who suffered.

We should equally ensure that Government systems are put in place, so that we do not ever again hear of anything related to post-election violence. Leaders must take responsibility. We must appreciate that the people who are suffering are Kenyans. It is better that one does not become the President of this country rather than have bloodshed.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Minister, what is your position regarding your response?

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, even though the Bill and the Policy Paper are coming up for debate soon, it is good that we allow Members of Parliament to comment. I can give my comments first thing on Tuesday.

The Temporary Deputy Speaker (Mr. Imanyara): Minister, I did put this Question to the House earlier on, and there was no objection. The House agreed with the Chair at the beginning, when I suggested that the debate would end today. So, that is exactly how we intend

to end it. The Bill is coming. If you wish to reserve your comments, it is well and good. So, I will give you five minutes and give the last five minutes of this session to the Mover to reply.

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, I wish to commend the Committee and say that we worked well with them in a few instances and in other few instances, we did not quite agree, but it was all because we were aiming at the same goal. I know that at the end of it all, we agreed to agreed, and not to disagree.

The Committee's Report is very comprehensive, and I would like to embrace it in its entirety. Unfortunately, I do not have the resources, especially for the recommendations. So, I want to urge you, as Members of Parliament, to ensure that I get enough budgetary allocation, so that I can deal with the issues that you have raised in the recommendations.

Mr. Temporary Deputy Speaker, Sir, hon. Members want me to compensate people for the businesses they lost, and I want to do so. However, I can assure you that I have been to the Ministry of Finance many times, looking for money; but I have not heard anything positive. So, if you can help me in this regard, I can assure you that I will do it.

I also want to say that we have paid hospital bills for almost everybody who brought a bill to us, except those bills which were questionable. Some of the bills that were brought to the Ministry dated way back to September, 2007. There was no post-election violence in September, 2007. So, those bills which were genuine were paid, and we continue looking at those which are being brought.

On the issue of re-vetting post-election IDPs, we have already looked into this matter. We have consulted the University of Nairobi to undertake a consultancy with regard to re-vetting IDPs and ascertain the genuine ones, so that we can proceed and fast-track the re-settlement exercise. The university is almost through with the assignment. I will be able to table its findings in Parliament, so that hon. Members can appreciate what is happening on the ground.

Mr. Temporary Deputy Speaker, Sir, on the issue of fake IDPs, we have already identified them and prosecution will be done. All categories of IDPs are acknowledged and must be recognized. Those are the forest evictees, from mudslides, from other conflicts and so on. But again, the bottom line is the budget. Give me the budget and I shall do wonders.

On the issue of the post-election violence, the registration was for three months and then it was extended to the end of 31st 2008. Unfortunately, people feared to register or, for some reason, they did not register. Hence, some people were omitted. I want to assure this House that we are already going round finding out who are the genuine IDPs who were actually not captured during the profiling. We have started actually paying the Kshs10,000.

Mr. Temporary Deputy Speaker, Sir, on the issue of the Kshs25,000, we wanted to pay it so that people whose houses had been destroyed or burnt could reconstruct them. But when we took the programme of reconstruction, we decided not to reconstruct as well as to give the money. But we are saying that the option is still open. If somebody feels that he or she can do with Ksh25,000 to reconstruct the house, we are willing to do that. The exercise is ongoing especially at the border of Kisii, Kalenjin and Luo. I think it is called Borabu. We are investigating what we can do there.

The Temporary Deputy Speaker (Ms. Mathenge): Hon. Ethuro, it seems that she is proceeding as if you have donated your time to her.

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, he has to donate because I think he wants to hear what I have to say.

Regarding the fast-tracking of the resettlement of IDPs, I want to say that we have really moved very well and, currently, we have just about 1,700 to go. We have already identified over 5,600 acres of land which we are negotiating so that we can be able to resettle the remaining post-election violence victims. But I want to say - and I have no apologies in saying this - the challenges we have faced in the resettlement of the IDPs have actually been political. Politicians have made this exercise very difficult.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Ethuro, it is your time now.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, thank you and I want to confirm to Madam Minister that I am not one of those politicians. Mine was to make sure it succeeds. I want to thank every hon. Member who has supported and I want to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, for the convenience of the House, it is a good opportunity to adjourn the business of the House. The House stands adjourned until Tuesday, 7th August, 2012 at 2.30 p.m.

The House rose at 6.30 p.m.