

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th November, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DELEGATIONS FROM PARLIAMENTS OF SOUTH AFRICA AND MALAWI IN SPEAKER'S ROW

Mr. Speaker: Hon. Members, I wish to introduce to you and welcome this afternoon a delegation from the Parliament of South Africa which is seated at the Speaker's Row. They are on a study visit to explore the capacity of the Kenya National Assembly in the Budget-making process. They are:-

1. Hon. M.J. Mahlangu, M.P. – Chairperson of the National Council of Provinces and Leader of Delegation
2. Hon. A.M. Sogoni, M.P. – Chairperson, Standing Committee on Appropriation
3. Hon. S.S. Mazosiwe, M.P. – Member of Parliament, National Council of Provinces
4. Hon. C.J. De Beer, M.P. – Chairperson, Select Committee on Finance.
5. Hon. R. Mashigo, M.P. – Member of Parliament, Standing Committee on Appropriation.
6. Hon. D.D. Van Rooyen, M.P. – Member of Parliament, Standing Committee on Finance.
7. Hon. M. Swart, M.P. – Member of Parliament, National Assembly Democratic Alliance.
8. Hon. M.W. Makhubela, M.P. – Member of Parliament, National Council of Provinces (ANC).
9. Hon. S.N. Swart, M.P. – Member of Parliament, National Assembly (ACDP)

Hon. Members, they are accompanied by eight members of staff. On behalf of the House and on my own behalf, I wish the delegation a fruitful and happy stay in Kenya.

(Applause)

Hon. Members, I further wish to introduce to you and welcome this afternoon a delegation from the Parliament of Malawi which is seated at the Speaker's Row. They are on a study visit to learn on Parliamentary Committee operations. They are:-

1. Hon. J. Zingale, M.P. – Chair, Transport Committee.
2. Hon. F.E Vyazyi, M.P. – Chair, Education Committee.

They are accompanied by two members of staff. On behalf of the House and on my own behalf, I wish the delegation a fruitful and happy stay in Kenya.

QUESTIONS BY PRIVATE NOTICE

HARASSMENT OF KENYAN FISHERMEN BY UGANDAN SECURITY FORCES

Mr. Mbadi: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Could the Minister explain why Kenyan fishermen residing in Misingo Island in Lake Victoria are harassed by Ugandan Security Forces?

(b) Could he state whether the Joint Boundary Survey commissioned by the Kenyan and Ugandan Governments was completed and, if so, to provide the report to the House?

(c) Could the Minister also explain the steps the Government has taken to implement the resolution passed in the House urging the Government to use all possible means available to reclaim the island, including registering the dispute with the United Nations Security Council?

Mr. Speaker: Is anyone from the Ministry of Foreign Affairs here? We will revisit that Question a little later. The Minister does not seem to be here yet.

Let us move on to the next Question.

Mr. Ngugi: Mr. Speaker, Sir, I would like to bring it to your notice that I filed this Question about ten days ago.

MISAPPROPRIATION OF FUNDS AT MWENDA ANDU SECONDARY SCHOOL

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

(a) Is the Minister is aware that the Principal of Mwenda Andu Secondary School in Kinangop has, in collusion with some Board Members, misappropriated Kshs500,000 belonging to the school?

(b) What action has the Minister taken against the persons involved?

The Minister for Education (Prof. Ogeri): Mr. Speaker, Sir, indeed, we received the notice only this weekend although the Member of Parliament filed the Question ten days ago. I got the intimation and we have already instructed our people to get the information. You will appreciate that this information involves a non-member of Government and it is, therefore, very difficult to give him an order to furnish us with the information.

Mr. Speaker, Sir, I seek your indulgence to answer this Question later on.

Mr. Speaker: How long?

The Minister for Education (Prof. Ogeri): Mr. Speaker, Sir, I need another week and we shall be back on the Floor.

Mr. Speaker: The Member for Kinangop, the Minister is still assembling his information.

Mr. Ngugi: Mr. Speaker, Sir, I spoke to the Minister about 12 days ago. I even gave him a copy of the Question that I filed. It will only take the Minister a phone call to find out what the problem is in Kinangop. Somebody has

misappropriated money and this is well known. He has even admitted that. Unless they are trying to cover up something, I cannot understand why the Minister requires another week and yet his Assistant Minister had agreed with me that they would have an answer by tomorrow.

The Minister for Education (Prof. Onger): Mr. Speaker, Sir, let me assure the Member for Kinangop that I have no intention whatsoever to shield anybody who is involved in malpractices. I will take every step to find the truth. In fact, when the Member spoke to me, I spoke to the Provincial Director of Education in Central Province. I explained to him the nature of the problem. I have also spoken to the Quality Assurance Officer and instructed him to do an inspection. So, when I come to this House, I speak from a well informed position. This is because this is an allegation of misappropriation of funds.

Mr. Speaker: Very well. The Member for Kinangop, as much as I understand that this is an urgent Question by its nature, I think it is necessary that you allow the Minister adequate time to assemble all the information that you require so that you will be satisfied by the answer given.

I will, therefore, defer the Question to Tuesday, next week at 2.30 p.m.

(Question deferred)

DELAYED SUBMISSION OF REPORTS ON PERSONS WITH DISABILITIES

(Dr. Kones) to ask the Minister for Medical Services:-

(a) Could the Minister explain the inordinate delay in submitting Reports for Assessment of Persons with Disabilities to the National Council for Persons with Disabilities, which has not been done since June, 2010?

(b) What measures has the Minister put in place to ensure that Medical Board Reports for Persons with Disabilities are forwarded to the National Council for Persons with Disabilities to enable them apply for tax exemption in accordance with the law?

Mr. Lang'at: Mr. Speaker, Sir, Dr. Kones is not in and I would like to ask this question on his behalf.

Mr. Speaker: Order! Mr. Lang'at, this is a Question by Private Notice. By our practice, Questions by Private Notice are so restrictive as to who raises the Question. It has to be the Questioner himself, before the House then takes over the Question. That has been our practice over the years and I do not think it is the right time to change it.

Maybe because the Member for Konoin was not aware that that is a long established practice, I will defer the Question to Wednesday, next week.

(Question deferred)

PROTESTS BY BODA BODA OPERATORS OVER BRIBERY CLAIMS

Mr. Pesa: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that business in Migori Municipality was grossly interrupted on 19th November, 2010, following the blocking of Kisii- Migori-Isibania Road by “*boda boda*” operators, who were protesting against a local Base Commander for soliciting for bribes from them?

(b) Could he confirm or deny that the said Base Commander was transferred to Migori on disciplinary grounds?

(c) What immediate steps is the Ministry taking to stop the harassment of youths and how prepared is the Police Department to engage in educating the “*boda boda*” and motorcycle operators in Migori Constituency on exposure to committing offences?

Mr. Speaker: Will the Deputy Leader of Government Business find out what is happening to the Minister? We will revert to the Question a little later.

*(Mr. Ojode entered
the Chamber)*

Mr. Mbadi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, the Member for Gwass! Mr. Speaker is, of course, very much aware that the Assistant Minister has just walked in.

Proceed, Member for Rarieda!

Eng. Gumbo: Mr. Speaker, Sir, I wish to seek the indulgence of the Chair on this Question. The crux of this Question lies in parts (a) and (b) which call for a comprehensive list of employees and an organogram for the organization. Up to now, I have not seen any of that. It is, therefore, not possible for me to study or build supplementary questions. I, therefore, request that the Chair directs that the Minister gives me that information so that I can look at it for the next two days and then I ask the Question on Thursday.

Mr. Speaker: Mr. Minister for Transport, what is your response to that?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, the hon. Member has asked me to table the documents and I can only table them in the House. I cannot table the documents in his office. So, I have come to table the documents and he is at liberty to then review the documents at his own time.

So, Mr. Speaker, Sir, can I proceed to answer the Question as requested?

Eng. Gumbo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, the Member for Rarieda! Please, relax. We do not have to get very passionate about this. I know it is an important matter and that it is a Question by Private Notice and, therefore, giving very limited time to the Minister. However, it may be preferable that the Minister answers the Question, supplies you with a copy of the answer and thereafter we will defer the Question so that you have adequate time to interrogate the answer as will be given. I think that will be fine.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I appreciate your direction on this matter. However, I believe that this House is entitled to facts. I find the Minister out of order because he is referring to part “a” of the Question and yet the hon. Member referred to part “b” of the Question which states: “Could the Minister also provide a comprehensive/detailed organogram?” “Providing” is not tabling.

The Minister was referring to part “a” of the Question and yet the Member for Rarieda was referring to part “b”, which is about the organogram.

Mr. Speaker: Order! The Member for Rarieda, can you proceed and ask the Question?

LIST OF EMPLOYEES AT KENYA AIRPORTS AUTHORITY

Eng. Gumbo: Mr. Speaker, Sir, I beg to ask the Minister for Transport the following Question by Private Notice.

(a) Could the Minister table before the House a list of all employees (excluding the casuals) of the Kenya Airports Authority(KAA) categorized into stations indicating their respective names, dates of birth, dates of first employment by KAA, academic/professional qualifications, job group/rank, department and home district?

(b) Could the Minister also provide a comprehensive/detailed organogram of the Kenya Airports Authority?

(c) What steps is the Minister taking to ensure equity and regional balance in employment at the Authority?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I beg to reply.

(a) I hereby table a list of all the 1,417 employees (excluding the casuals) of the Kenya Airports Authority (KAA) as requested.

(b) I also table an organogram of the KAA as requested.

(c) In order to achieve equity and regional balance, the management of the KAA is ensuring equal opportunities for all. All vacancies are filled competitively with emphasis on merit and ensuring that candidates are not discriminated on account of their regions of origin.

The KAA will review the recruitment process to ensure that it is in tandem with the requirements of the new Constitution.

Mr. Speaker: The Member for Rarieda, do you still maintain your position that you want time to study this answer?

Eng. Gumbo: Yes, Mr. Speaker, Sir. There is actually a lot of interest on this question and I request that I look at the information that the Minister has provided first so that I can be able to field the supplementary questions and also share it with my colleagues.

Mr. Speaker: That is legitimate. In those circumstances Mr. Minister, we will defer this Question to Thursday at 2.30 p.m.

(Question deferred)

RELEASE OF DIFFERENT PRE-BAR EXAMINATION RESULTS BY KSL/CLE

Mr. C. Kilonzo: Mr. Speaker, Sir, I beg to ask the Minister for Justice, National Cohesion and Constitutional Affairs the following Question by Private Notice.

(a) Under what circumstances did the Kenya School of Law/Council for Legal Education release two different Pre-Bar Examination results, on 22nd October, 2010 and 3rd November, 2010, for the same candidates?

(b) Could the Minister table the two sets of examination results?

(c) Could the minister confirm that the candidates listed as having passed in the list dated 22.10.1010 will attend classes in January, 2011?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, I wish to seek the indulgence of the Chair to have this Question answered later on. The answer I have is not adequate. I have talked to my colleague and agreed to bring the answer to this Question on Thursday, next week if it would be okay with the Chair.

Mr. Speaker: The Member for Yatta, is that the correct position?

Mr. C. Kilonzo: Mr. Speaker, Sir, the day after tomorrow will be fine with me.

Mr. Speaker: Very well! It is directed that the Question appears on the Oder Paper on Thursday at 2.30 p.m.!

(Question deferred)

PROTESTS BY *BODA BODA* OPERATORS
OVER BRIBERY CLAIMS

Mr. Pesa: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that business in Migori Municipality was grossly interrupted on 19th November, 2010, following the blocking of Kisii- Migori-Isibania Road by “*boda boda*” operators, who were protesting against a local Base Commander for soliciting for bribes from them?

(b) Could the Minister confirm or deny that the said Base Commander was transferred to Migori on disciplinary grounds?

(c) What immediate steps is the Ministry taking to stop the harassment of youths and how prepared is the Police Department to engage in educating the “*boda boda*” and motorcycle operators in Migori Constituency on exposure to committing offences?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, let me apologize for not being in the House when the Question was called out for the first time.

I beg to reply.

(a) I am aware that business in Migori Municipality was grossly interrupted on 19th November, 2010 following the blocking of Kisii-Migori-Isibania Road by *boda boda* operators. However, the demonstrators were complaining against arrest and consequent heavy fines awarded by the Migori Senior Principal Magistrate’s Court for breach of various traffic offenses and regulations.

(b) It is not true that the Base Commander was transferred to Migori on disciplinary grounds.

Mr. Christopher Kimiti was transferred to Migori on 20th October, 2010 alongside 201 other officers who were also affected by the national mass transfers. Transfers within the police are not based on disciplinary grounds but according to laid down procedures and regulations as per the Force Standing Orders.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Let us hear the Assistant Minister! The Member for Kamukunji and the Member for Kuresoi, you know the rules.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, the police department has been carrying out campaigns on traffic laws and regulations following a rise in the number of deaths involving motorcyclists and *boda boda* operators in the country. In Migori, an awareness campaign was held on 19th November, 2010 and it still continues countrywide.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has said that the *boda boda* operators were rioting because of the heavy fines that they get. This actually defeats my thinking capacity because if they were rioting because of the heavy fines, why did they not go and riot around the courts which fine them? Why did they riot around the police station where the Base Commander was?

Mr. Ojode: Mr. Speaker, Sir, the *boda boda* operators were rioting as a result of arrests being made by the police officers. We have lost ten lives in the last six months and over 90 people have so far been maimed as a result of the motor cycle accidents in Migori alone. We will sensitize motorists and cycle operators in order for them to know what is required of them.

Mr. Speaker, Sir, the following have also been arrested and charged as a result of using defective motorcycles and/or not registering and insuring them. We have Jackson Omolo who was arrested and fined under Court File No.664. There is Tobias Okinyi who was fined, Court No.667/210. We also have Andrew Okeyo who was fined under File No.668. We also have Walter Otieno who was fined under File No.671. We also have George Saitoti---

Mr. Ochieng: On a point of order, Mr. Speaker, Sir. The list seems to be very long. Could the Assistant Minister table the list so that the Questioner could look at it?

Mr. Speaker: How far do you have to go, Mr. Ojode?

Mr. Ojode: Mr. Speaker, Sir, I have not mentioned that the list is long. The last one is John Makori who was also fined under File No.669/2010. We urge the ordinary *wananchi* who operate motorcycles to know their rights and what is required of them in order to avoid accidents.

Dr. Khalwale: Mr. Speaker, Sir, this problem is not just restricted to Migori alone. It applies to many other parts in the country including Kakamega and even Mombasa. The gist of the matter is that traffic police own matatus and motorcycles. So, they scare away the boys who compete with them so that they can maximize on business. What has the Assistant Minister done to ensure that traffic police do not own matatus and *boda bodas* and in the process harass *wananchi*?

Mr. Ojode: Mr. Speaker, Sir, the new Constitution has categorically stated that those who work within a department are not supposed to have businesses. That is the bone of contention. As at now, we have instructed the Police Commissioner to ensure that no police officer should have a motor cycle or be in business to compete with ordinary Kenyans. If they contravene that Force Standing Order, then the law will catch up with them.

Mr. Ngugi: Mr. Speaker, Sir, last week my people from Kinangop who bring potatoes to Wakulima Market had to go and protest because of bribery at Njabini, Haraka and Magumu Centres. When they protested, the police brought breakdowns from Lari and impounded their vehicles. Could the Assistant Minister assure this House that cases where *wananchi* complain because of being forced to give bribes will stop? Could he also assure the people of Kinangop that their impounded vehicles will be released?

Mr. Ojode: Mr. Speaker, Sir, on bribery, I have said in this House many times that I need some evidence. I need the names of those who take bribes. It should also be known that those who give bribes and the takers commit an offence. I will discipline the police officers who take bribes immediately if I get their names. However, we should guard against wholesale condemnation against a police officer who wants to crack down on unroadworthy vehicles. I think it is better for us to support the police in order for them to mop up the unroadworthy vehicles without coming up with the issue of bribes.

Mr. Ngugi: On a point of order, Mr. Speaker, Sir. The Assistant Minister has not assured this House and the people of Kinangop that the vehicles that were impounded will be released. Meanwhile, tomorrow I will get him the names so that he can charge those police officers.

Mr. Ojode: Mr. Speaker, Sir, I would want to challenge my colleague; I want to know the names of those who took the bribes. In the same vein, I would also want to know those who were giving the bribes to the police officers. If I can get the names, let me say here that I will take action. I do not depend on rumors. Let us have the names and I will take action.

Mr. Olago: Mr. Speaker, Sir, the Assistant Minister must know or he ought to know that the *boda boda* industry in this country is one of the biggest employers of young people. He also ought to know that the Ministry of Transport recently put up a task force to look at the *boda boda* transport industry and how the Traffic Act can be amended. Before the Traffic Act is amended to include the new offences that are now coming up on our roads, how then are you having the *boda boda* operators arrested and charged with non-existent charges under the Traffic Act?

Mr. Ojode: Mr. Speaker, Sir, those *boda boda* operators were arrested because they had defective motorcycles. They also did not have the reflective jackets as is required of them. They had no helmets, which is also mandatory and thirdly, they were arrested because they had not insured their motorcycles.

So, although we are working together with the Ministry of Transport to harmonize some of these laws, once the gazettelement is done, some of these cases will be a thing of the past.

Mr. Wamalwa: Mr. Speaker, Sir about two weeks ago, this matter was before this House again and I did indicate to the Minister that in Kitale, we have traffic police officers who are demanding Kshs50 from every *boda boda* cyclist. I did also indicate that there are officers who are using all means, including assaulting *boda boda* cyclists who are running away, throwing objects at them and injuring them in order to accost them and take money from them. What are you doing to investigate these allegations to make sure that you control these rogue officers?

Mr. Ojode: Mr. Speaker, Sir, I said that if I am given the names of those who are taking Kshs50 as a bribe, we shall take action. Nevertheless, we are going to investigate this matter. I have also said that police officers must have name tags with them. In fact, I am also introducing photographs so that we know who is taking bribes and who is not taking bribes. So, we are investigating the matter and once the report comes out, I will discipline those officers. In fact, they should not even be in the force. Some of them should be dismissed forthwith! So, if I can get the names of those officers or if the report vilifies them, I will definitely take action.

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to blow hot and cold over this issue? He has said that we should bring him names at the same time he is saying that he is going to investigate. Are you going to wait for hon. Members to bring you names or are you going to investigate and take action against those officers?

Mr. Ojode: Mr. Speaker, Sir, he was very specific to some police officers taking bribes. Although I am investigating, he can also assist us. He can aid us by giving me the names of those officers who are being alleged to be taking bribes. My work would be so easy and I will take action immediately.

Mr. C. Kilonzo: Mr. Speaker, Sir, I have been to many public *barazas* which his party leader has addressed. I have been to others where my own party leader has been addressing the youth and in those functions, they engage the *boda boda* cyclists.

When these leaders are addressing them, they promise them that when they take over, they will deal with the issue of insurance and driving licenses. So, my question is, since you have been using these youth to campaign, as a Government, what are you doing to train these youth and to ensure that they have what it takes so that they do not flout the law?

Mr. Ojode: Mr. Speaker, Sir, our Ministry and that of Transport have generated some kind of policy which we are going to use to train the youth and to sensitize them on the need to use their motorcycles without being injured.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has insisted in this House that this base commander was transferred to Migori as a normal transfer. Can he confirm or deny to this House that the people of Oyugis rioted against this base commander before he was transferred to Migori?

Mr. Ojode: Mr. Speaker, Sir, I emphatically deny.

ORAL ANSWERS TO QUESTIONS

Question No.488

BUYING OF MAIZE FROM FARMERS BY NCPB

Mr. Speaker: Very well! The honorable Member for Cherangany is not in!

(Question dropped)

The honorable Member for Bura!

Question No.436

LIST OF *BONA FIDE* FARMERS FOR BURA/ HOLA IRRIGATION SCHEMES

(Question dropped)

Question No.557

COMPLIANCE WITH CONSTITUTIONAL PROVISION ON FINANCIAL PROBITY

Mr. Speaker: As for hon. Musikari Kombo, we have information that he is out of the country on official parliamentary Business. So, I will defer this Question to Thursday next week at 2.30 p.m.

(Question deferred)

Member for Ndaragwa!

Question No.545

DELAYED PAYMENT OF DUES TO KCC RETRENCHÉES

Mr. Kioni asked the Minister for Co-operative Development and Marketing to explain why the Kenya Co-operative Creameries (KCC) retrenches have not been paid their dues even after a court order on the same was issued.

Mr. Speaker: Is the Minister for Co-operative Development and Marketing not here? Deputy Leader of Government Business, what is happening to your Minister?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I was expecting him to be here. Perhaps we could defer this Question until towards the end for me to establish the status.

Mr. Speaker: Fair enough! We will defer the Question and return to it a little later.

The honorable Member for Limuru!

Question No.535

DELAYED PAYMENT OF MONEY AWARDED TO
JAMES KAMAU WAWERU BY COURT

Mr. Speaker: Hon. Members, on Question No. 535, I have information that the hon. Member for Limuru is away on official parliamentary Business and that the Attorney-General is, similarly, away attending to Government Business. So, I will defer Question No. 535 to Wednesday next week at 2.30 p.m.

(Question deferred)

The honorable Member for Gichugu!

Question No.559

TRANSFER OF MALINDI MARINE PARK
TO PRIVATE COMPANY

Ms. Karua asked the Minister for Forestry and Wildlife:-

(a) to clarify whether he is aware that the Marine Park at Malindi has been transferred to a private company; and,

(b) what he is doing to ensure that the same is reverted to the public.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, I beg to reply.

(a) The Marine Parks at Malindi have not been transferred to a private company. There are two parks in Malindi, namely, Malindi and Watamu Marine National Parks. The two occupy an area of six and 10 square kilometers of land and sea respectively. Since their gazettelement in 1968, they have been under the management of the relevant bodies mandated to conserve wildlife in Kenya and, currently, that body is the Kenya Wildlife Service (KWS).

(b) Malindi Marine Park, therefore, remains under the custody of my Ministry on behalf of the Kenyan public.

Mr. Speaker: You may proceed, honorable Member for Gichugu!

Ms. Karua: Mr. Speaker, Sir, I wish that was the case as the Assistant Minister has put it. In his answer, the number is not indicated, but I have a copy of the

Registration of Titles Act, Certificate of Title Number CR13550 which is for transferring the marine park to the national parks of Kenya, which fall under the Ministry. It also shows that on the 1st of April this year it was leased to Keniaku Limited for a term of 25 years at the rent of Kshs1.5 million a year. I understand the park collects over Kshs40 million. I would want the Assistant Minister to look at that and comment. I table the document.

(Ms. Karua laid the document on the Table)

Mr. Nanok: Mr. Speaker, Sir, while I may need to verify the document that has been tabled, I want to state here categorically that there are two parks in Malindi. As I have said, they are intact. We have another two reserves, namely Watamu Marine National Reserve and Malindi/Watamu Marine National Reserve. The Malindi/Watamu Marine National Park is under boundary plot No.204/39, and was gazetted under legal notice No.98 of 26th June, 1968. Watamu Marine Park is No.204/43, also gazetted under Legal Notice No.98 of 26th June, 1968.

However, the KWS has other eight plots outside the gazetted national parks, and the specific plot the hon. Member may be referring to is Plot No.1204, which has an area of 3.8 acres and is leased to Keniaku Limited for a term of 25 years, beginning 1st April, 2010 for the purpose of constructing a tourist facility.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Going by the records which Ms. Karua has tabled, and which the Assistant Minister has not doubted at all, would it be in order for the Assistant Minister to ask for more time to look at the documents which have been tabled so that he can bring a more comprehensive answer to the House? If the documents tabled here are correct, then clearly there is a fraud committed by the Ministry.

Mr. Nanok: Mr. Speaker, Sir, while I would appreciate more time to look at that document, the two national parks in Malindi under the KWS are protected. But we have eight other plots that are not within the national parks, and some of them are under a lease agreement. If that is what the document refers to, then it possibly could be. Let me have time to peruse this document then I will respond.

Mr. Wamalwa: Mr. Speaker, Sir, the Assistant Minister has not had time to look at the document. Instead of speculating, he could save the House time by looking at it or deferring the Question until he has familiarized himself with the document.

Mr. Speaker: Mr. Assistant Minister, perhaps we will give you a few minutes and we come back to it.

(Ms. Karua stood up in her place)

Order, Member for Gichugu. Allow the Assistant Minister just a few minutes to peruse the document.

Very well. We will come back to the Question. If the Assistant Minister will not have had adequate time to peruse it, then we will defer it altogether.

Next Question.

Question No.374

FAILURE TO MARK ROADS IN
CHUMVI/MACHAKOS/KASEVE

Dr. Munyaka asked the Minister for Roads:-

(a) to explain why the newly constructed roads, stretching from Mombasa Road Junction at Chumvi Market to Machakos Town and Kaseve Market have not been marked, hence causing several accidents; and,

(b) to state when the roads will be marked.

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

(a) The Makutano/Machakos/Masii Road is classified as C97 and is approximately 63 kilometres. Due to increased quantities of works, the project was terminated at Kaseve since the funds that were available had been exhausted. The project was to cover up to Masii Town.

(b) A total of Kshs53,730,000 has been allocated through the Kenya Roads Board surplus fund to fund the road markings. Advertisement for the works is to be done by the end of November, that is this week, and procurement will be complete before January.

Dr. Munyaka: Mr. Speaker, Sir, I thank the Assistant Minister for that answer. The Assistant Minister said that the Ministry lacks funds for marking the roads between Chumvi and Machakos Town and that has caused a lot of accidents and deaths due to poor visibility, especially during the night. Could the Assistant Minister not use the emergency funds to do the markings?

Mr. Kinyanjui: Mr. Speaker, Sir, I appreciate the concern by the hon. Member. But as I have said here, it is not that the Ministry lacks the funds. The true position is that we had to go through the normal procurement process and that is what we have started. By the end of January, we expect to be through with that.

Mr. Speaker, Sir, I also want to assure the hon. Member that other than the road markings that are in question here, we also realized that the road will require more repairs to ensure that it is user friendly, and that more accidents are avoided in future. All this will be incorporated as we start the works.

Mr. Wambugu: Mr. Speaker, Sir, a lot of accidents have been happening on Kenyan roads because of lack of markings. We have this road which has been under construction for three years. The road runs from Athi River through Mlolongo to the airport, Cabanas Junction. Recently, we lost one of our top producers in the KBC, Mr. Isaac Baru, because of lack of markings on this road. When will the Assistant Minister mark this road so that we do not have more accidents on the Embakasi Mlolongo Road?

Mr. Kinyanjui: Mr. Speaker, Sir, I appreciate the concern by the hon. Member, but also wish to state here that our biggest concern as a Ministry is that even when the road has been completed and all the road markings have been put, especially the road markings that are made of iron and metal, most of them are vandalized even before the first year is over. We are in the process of looking for more innovative material that we can use for road markings to ensure that the vandalism that we have experienced in the past is done away with.

On most of our major highways, the rail guards that are supposed to protect vehicles from going off the road to avoid accidents have been stolen, thereby posing a major danger to the pedestrians and also motorists. I also want to assure the hon. Member that the road in question is under construction and the contractor is under clear instructions to ensure that they maintain the road and also the diversion during the period of contract.

Mr. Mututho: Mr. Speaker, Sir, I want to thank the Assistant Minister for responding to previous Questions on bumps. Could he, as matter of urgency, consider

putting immediate markings where they have put bumps, because they also become very risky to the motorists? They can just mark the roads with paint so that they become safer?

Mr. Kinyanjui: Mr. Speaker, Sir, I am aware of the section of the road which the hon. Member is referring to. It is the section called Kikopey on your way to Naivasha. That section is under construction. As soon as we complete the construction, we will be able to put the markings.

Mr. Njuguna: Mr. Speaker, Sir, with the admission by the Assistant Minister that this road is currently not marked, could he consider compensating the motor vehicle owners whose vehicles have been involved in unnecessary accidents, and those people who have also been critically injured and are admitted in hospital as a result of the negligence by the Ministry?

Mr. Kinyanjui: Mr. Speaker, Sir, that is an entirely different matter and, indeed, it is the responsibility of the motorists to ensure that they are safe on the roads. They should also ensure that the other road users are equally safe as they use those roads.

Mr. Onyancha: Mr. Speaker, Sir, could the Assistant Minister clarify whether road markings were not part of the original contract and that work was given to another contractor.

Mr. Kinyanjui: Mr. Speaker, Sir, as I indicated, the original contract for Mombasa Road to Chumvi Market, all the way to Machakos Town included road markings. But because of the cost overruns, it was not possible for us to include that. Therefore, the contract was terminated because the funds were not enough to go up to the completion stage. But I have also indicated that my Ministry has set aside a total of Kshs57,730,000 specifically for that purpose. Indeed, that will be done before January.

Dr. Munyaka: Mr. Speaker, Sir, along the same road that was done four years ago, there is a major bridge which was freshly constructed. But it has now started collapsing at Mulongoni River. What action is he going to take against the contractor who did the shoddy job because the road may be cut off any time?

Mr. Kinyanjui: Mr. Speaker, Sir, my Ministry is not aware of the situation concerning that particular bridge which the hon. Member is referring to. However, I wish to assure the House that we will send our technical team and we will get the appropriate report. If it is found that the contractor did a shoddy job, we will also take the necessary action.

Question No.580

SUBSTANDARD WORK ON KISUMU INTERNATIONAL AIRPORT

Mr. Ochieng asked the Minister for Transport:-

(a) whether, he is aware that China Overseas Engineering Company Ltd, the company contracted to repair Kisumu International Airport, has done a shoddy job on the runway that is partly being used at the moment and that the various materials being used for the construction are of inferior quality;

(b) why the contractor has used bitumen in the construction of the apron instead of cement concrete, as originally designed; and,

(c) what measures he will take to ensure that the construction is done to international standards.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that China Overseas Engineering Company Limited has done a shoddy job on the runway that is partly being used at the moment. I am also not aware that the various materials being used for the construction are of inferior quality as claimed.

(b) The aircraft apron or parking stands are already being constructed in concrete and best practice is to have concrete pavement for aircraft stands on the apron for safety reasons. That is basically to avoid oil spillage which may undermine the integrity of asphalt surface.

(c) The members of staff in charge of supervising the works are competent and they are ensuring that the works are being undertaken to international standards as set out in the specifications and designs in accordance with the conditions set out in the contract.

Mr. Ochieng: Mr. Speaker, Sir, I am so surprised to learn that the Minister is not aware that Kisumu Airport runway is so rough when the planes are taking off and landing and yet, he was there a few days ago. What has he done so far to go and establish my allegations?

Mr. Kimunya: Mr. Speaker, Sir, indeed, I have been to the airport twice in the last one month and we need to appreciate that the airport is under construction. The runway is under construction but some parts have been put aside for use because we cannot close out our business and cut all the people from using the airport. So, whatever is happening--- What is being used is still “work in progress” and when the airport is fully complete, the roughness and all that will end. As of now, I believe that the people of Kisumu want to continue travelling as we are constructing the airport.

Mr. Were: Mr. Speaker, Sir, I would like to know from the Minister when the construction of the airport will be completed.

Mr. Kimunya: Mr. Speaker, Sir, the first phase of the airport was expected to be completed by the end of this year; that is the runway, the aprons and the first terminal building. There has been some delay partly on the terminal building construction due to the roof which had to be imported. Some of the works have been interfered with by the weather but we are still on schedule and we should be having the first phase of that airport done. I am quoting the first phase because there are still some more works to come up in the future; the cargo depot and the mall spaces but for the first phase, we should be assessing that progress come the end of the year to see whether we are through with it or not.

Mr. Olago: Mr. Speaker, Sir, it is true that the Minister toured Kisumu Airport recently in the company of myself, Mr. Shakeel, senior officers from the Kenya Airports Authority (KAA) and from the Ministry. But the issues which are raised by Mr. Ochieng are very serious. I would not wish these matters to be dealt with after the alleged completion of the construction. I am aware that the Departmental Committee of the House can take up this issue and look at it more thoroughly. I wish to ask the Minister to allow this matter to be looked into by the Departmental Committee of the House so that where there are any shortfalls in respect of design and construction, we can detect them early and take action.

Mr. Speaker: Mr. Minister, do you have anything to say to that?

Mr. Kimunya: Mr. Speaker, Sir, indeed, we visited the airport with the two hon. Members from Kisumu Town, East and West and my colleague, Prof. Anyang'-Nyong'o and the Mayor. We were all very happy with the progress! It is important that we understand two things. The question was that we are doing the aprons with asphalt. The aprons are being done using concrete and between concrete and asphalt, the difference is as clear as day and night. So, I would like to appeal to Mr. Ochieng,

probably accompanied by an engineer because he is not an engineer himself, to visit the airport and see clearly for himself the difference between the material used on the apron and the material used on the runway.

The internationally renowned consultants, Netherlands Airport Consultancy Limited (NACO), have been contracted by the Government. They are working together with our engineers from KAA and Ministry of Public Works to ensure that the airport is done to international standards. We are putting up an international airport which has to comply with the requirements as set out by ECAO. The airport will be used by all airlines on an international basis. So, we cannot have any shortcuts. I want to just confirm to this House that we will do anything possible to ensure that the standards we set are adhered to, to the letter. So, for now, I do not see any point for the Departmental Committee to visit. They are at liberty, obviously, to visit the airport and see what is happening with the taxpayers money and I will be happy to accompany them and show them what we are doing in that airport that will be the gateway to that side of our country.

Mr. Ochieng: Mr. Speaker, Sir, the Minister has not been very accurate in answering Part (b) of my Question. On the apron, as constructed now, it is just at the centre which has concrete cement. All round the sides, it has been constructed using asphalt. Can he confirm whether that conforms to the international standards he is talking about because that is an international airport?

Mr. Kimunya: Mr. Speaker, Sir, the airport has three components: There is the airstrip which has both concrete and asphalt. There is the taxiway which basically links the runway to the apron and which is asphalt and then there is the parking area. The apron is the parking area which is concrete. I have been there and I have looked at that---

(Mr. Ochieng stood up in his place)

Mr. Ochieng: On a point of order, Mr. Speaker, Sir.

Mr. Speaker, Sir---

Mr. Speaker: Order, Member for Nyakach! I have not allowed you as yet! Minister, please, proceed!

Mr. Kimunya: Mr. Speaker, Sir, I would like to request that the hon. Member appreciates, like I said, the airport is still under construction. You may walk one day and find they have put the base. The next day when they do the finishes, it is different. However, there are consultants who are looking at every material being used on a day to day basis.

Mr. Ochieng: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Member for Nyakach?

Mr. Ochieng: Mr. Speaker, Sir, although I am not an engineer, what I am talking about can be seen by everybody else. If you went to Kisumu even tomorrow morning and I am willing to accompany the Minister and an engineer, the apron is ready; the sides have been done but it is only the middle that has concrete cement. Is he in order to mislead the House that the work has been done according to the standards?

Mr. Speaker: Maybe, Minister we can settle this matter if you indicate when you will next visit Kisumu Airport so that the Member can be available to ascertain with you the work done.

Mr. Kimunya: Mr. Speaker, Sir, I can organize for another trip. However, like I said earlier, I have no objection to the Member visiting in the company of an

engineer. As an insurance person, I am not quite sure that he will be able to distinguish between the two. However, I have been there and I have been assured. He may be confusing the taxiway with the apron. The apron borders the runway with the taxi---

Mr. Speaker: Order, Minister! Will you please invite the hon. Member and other Members from that region to accompany you on your next visit?

Mr. Kimunya: Mr. Speaker, Sir, at the next meeting, I will be happy to be accompanied by as many Members as are interested in this matter.

Mr. Speaker: Please, invite them!

Member for Gwassi, please, proceed!

QUESTION BY PRIVATE NOTICE

HARASSMENT OF KENYAN FISHERMEN BY UGANDAN SECURITY FORCES

Mr. Mbadi: Mr. Speaker, Sir, for the second time, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Could the Minister explain why Kenyan fishermen residing in Misingo Island in Lake Victoria are harassed by Ugandan Security Forces?

(b) Was the Joint Boundary Survey commissioned by the Kenyan and Ugandan governments completed and, if so, could he provide the report to the House?

(c) Could the Minister also explain the steps the Government has taken to implement the resolution passed in the House urging the Government to use all possible means available to reclaim the island, including registering the dispute with the United Nations Security Council?

Mr. Speaker: Is the Minister for Foreign Affairs here?

Deputy Leader of Government Business, what is happening to your Minister?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, there is a meeting in Tripoli and another in Arusha. I believe the Ministers have been split between the two meetings. Could I ask that the Question be deferred until next week when they will be back?

Mr. Speaker: Very well! I will defer the Question to Thursday next week in the afternoon. The Minister, however, will owe the House an explanation as to why he was not here to answer the Question.

(Question deferred)

Next Question by Member for Ndaragwa!

ORAL ANSWERS TO QUESTIONS

Question No.545

DELAYED PAYMENT OF DUES TO KCC RETRENCHES

Mr. Kioni asked the Minister for Cooperative Development and Marketing whether he could explain why Kenya Co-operative Creameries (KCC) retrenchees have not been paid their dues even after a court order on the same was issued.

The Assistant Minister for Co-operative Development and Marketing
(Mrs. Kilimo): Mr. Speaker, Sir, I apologize that I was not in, the first instance. I had just stepped out---

Mr. Speaker: Order, Assistant Minister! What is the reason that you were not here to answer the Question? It is not a casual matter, you know! According to the Standing Orders, your conduct is disorderly. So, you must have a reasonable explanation.

The Assistant Minister for Co-operative Development and Marketing
(Mrs. Kilimo): Mr. Speaker, Sir, I had stepped out to call my Ministry to find out whether the commitment I would make would be viable.

Mr. Speaker: Order! Resume your seat for a minute! If that is what you had done, then you should put it simply and clearly that you were looking for further information to be able to answer this Question comprehensively. That is all you need to say and it will be satisfactory! That is, if it is the truth.

The Assistant Minister for Co-operative Development and Marketing
(Mrs. Kilimo): Thank you Mr. Speaker, Sir, you have said it for me and I really appreciate. I beg to reply.

The New KCC is an entirely new outfit, having been acquired by the Government on 24th June 2003 from the Kenya Cooperative Creameries (2000) for a sum of Kshs547 million. The issue of payment to the retrenched of the KCC Limited can only be sought from the receiver manager; that is, PriceWaterhouseCoopers Limited who were duly appointed by the Kenya Commercial Bank (KCB) as official receivers and managers of KCC Limited on or about 5th August 1999.

New KCC Limited is consequently and entirely a different legal entity and therefore, no claims can be made against them by former employees or creditors of KCC Limited in liquidation.

Mr. Kioni: Mr. Speaker, Sir, I want to thank the Assistant Minister for that answer which is fairly brief.

Mr. Speaker, Sir, this Question has been asked in this House about three times during the 10th Parliament. The Assistant Minister has been clear as to the position the Ministry has taken. I seek the concurrence of the Assistant Minister that this Question be referred to the Departmental Committee on Agriculture, Livestock and Cooperatives. This is because the issue involves in excess of Kshs100 million and the individuals involved have been reduced to poverty. The departmental committee would go into the details of this issue and perhaps suggest a way forward for us to deal with this issue conclusively.

Mr. Speaker: Do I have your concurrence, Assistant Minister?

The Assistant Minister for Co-operative Development and Marketing
(Mrs. Kilimo): Yes, Mr. Speaker Sir. Considering the suffering that these Kenyans have undergone and that, New KCC is a new entity, meaning we do not recognize the initial KCC, I concur because this House can come up with a solution to help these Kenyans.

Mr. Speaker: Very well! I then direct that this matter goes to the relevant departmental committee since I have the agreement of the Assistant Minister, much as it is the duty of that committee as a matter of course, to investigate matters that are within its portfolio even without reference. I would then expect the Committee to have its report ready through the recess so that by the time we re-open for the next Session of Parliament, the report would be ready.

Member for Gichugu, please, proceed!

Mr. C. Onyancha: On a point of order, Mr. Speaker, Sir. This is related to your ruling.

Mr. Speaker: What is it that is related to it?

Mr. C. Onyancha: Mr. Speaker, Sir, there are other cases which have been decided by the courts where the old KCC was supposed to pay accident victims who were working for it. May they also be enjoined in this investigation?

Mr. Speaker: I am sure the Committee will do that.

Member for Gichugu, please, proceed!

Ms. Karua: Mr. Speaker, Sir, I do not know whether the Assistant Minister has had enough time. If he has, has he responded?

Mr. Speaker: Assistant Minister, can you proceed to give the further answers?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, you gave me time to look at the documents tabled by Ms. Karua. I can certify that the copies of the documents are indeed authentic. I want to repeat that the two national parks we have in Malindi; Malindi Marine National Park and Watamu Marine Park are intact. The documents presented relate to a plot of land that had been purchased in 1969 by the trustees of the National Parks of Kenya. It forms part of the three plots where the Malindi Marine National Park has its headquarters. The trustees of the National Parks of Kenya took the plot No.1204 which has an area of 0.5 hectares and put it under a renewable lease agreement to Kaniako Limited for a term of 25 years beginning 1st April 2010 for the purposes of constructing a tourist facility.

Mr. Speaker, Sir, I also want to confirm that there is no incident of fraud in this case unless the hon. Member can present more documents that can prove otherwise. Those documents related that it is a lease agreement. This is still public land under the Government of Kenya and under the law of Parks and Reserves, it gives the Kenya Wildlife Service the opportunity to be able to lease certain areas of the facility that are going to be relevant to the development of eco-tourism.

Ms. Karua: Mr. Speaker, Sir, I am glad that the Assistant Minister has admitted that particular park is leased. Could he, confirm to the House that the annual revenue collected by the park before it was leased for Kshs1.5 million a year, was somewhere around Kshs40 million?

Mr. Nanok: Mr. Speaker, Sir, I may not confirm or deny that. But this is something I may need to check again and bring an answer. But I know that in the monthly renewable lease agreement, there is a certain fee that has been agreed upon between the leasee and the Kenya Wildlife Service (KWS). This money is retained within the KWS for its operations. It does constitute the estimates that are normally provided to this House for approval every annual year when the Budget Estimates are presented.

Mr. Mututho: Mr. Speaker, Sir, something must be terribly wrong because listening to the Member for Gichugu, the income that this Ministry would get if they continued doing their normal business and not denying Kenyans access to that park, would be higher than what they are purporting to receive from the lease. Could the Assistant Minister then confirm that the whole thing is fraudulent and should be stopped forthwith because it does not make economic or ecological sense?

Mr. Nanok: Mr. Speaker, Sir, I do not think I have already agreed to what she was saying, but I have said that the land that has been leased is not part of the national park. Malindi Marine National Park is not under boundary plot No.204/39 which was registered under Legal Notice No.98 of 26th June, 1968, but this particular plot of land was acquired by the trustees of the National Parks of Kenya in 1969. Within the law,

it does give them the provision to be able to lease certain land and agree on a renewable basis. But the land originally still remains the property of the Government of Kenya and the money is collected and used for projects that are approved by this House in the annual estimates that are normally tabled here following the reading of the Budget after June.

Mr. Speaker: Last question, Member for Gichugu!

Mr. Mututho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Naivasha! You cannot persist if I am of the view that your question has been adequately addressed. I have that prerogative.

Ms. Karua: Mr. Speaker, Sir, now that the Assistant Minister is not aware how much money it was making and, therefore, Parliament is not in a position to appreciate his answer, would it be in order for him to go and check the earnings of the park per month and for the last one year and table them and also the lease agreement, so that Parliament is able to appreciate exactly what is happening?

Mr. Speaker: Order! Mr. Assistant Minister, that would be legitimate. You, yourself, said that you needed time. If you do then, we will have to defer it.

Mr. Nanok: Mr. Speaker, Sir, I think that is a legitimate question. I will bring to the House the lease agreement pertaining to this and also table a list indicating the annual fees the KWS has earned out of this and what projects and operations that money that has been collected has been utilized for.

Mr. Speaker: Can you do that by Tuesday next week?

Mr. Nanok: Obligated, Mr. Speaker, Sir.

Mr. Speaker: Very well! The Question is deferred to Tuesday at 2.30 p.m., for the purpose of you providing that part of the answer.

(Question deferred)

Order, hon. Members! We are now coming to the end of Question Time, but there is the matter with respect to which I ordered substantiation. It is in relation to Question No.435.

Yes, hon. Sirma!

POINTS OF ORDER

SUBSTANTIATION OF ALLEGATION: HON. KARUA'S OBJECTION TO INQUIRY INTO ACTIVITIES OF ARMENIAN BROTHERS

Mr. Sirma: Mr. Speaker, Sir, on 25th November, 2010, that is, Thursday last week, I gave an indication that the Member for Gichugu was misleading the House following what she said in reference to the Armenian brothers; Artur Magaryan and Artur Sargasyan. I said that I required two hours to go to my house and pick the document and you gave me 24 hours. Today, I am here to give the proper position and table the document which indicates that the Member for Gichugu, the then Minister for Justice and Constitutional Affairs, attempted without success to stop the Committee on Justice and Legal Affairs and the Committee on National Security where I was a Member.

Mr. Speaker, Sir, it is incumbent upon Ministers to know that at one time, they will be sitting like the Member for Gichugu and not be able to account for what they said when they were in office. It was a serious attempt which was given a ruling by the then Speaker of the Kenya National Assembly, hon. Kausai Francis ole Kaparo,

on 27th June, 2006; that what she had presented to this House was not correct and the House had the power to continue with its functions in actually unearthing what he termed as an encroachment of the Executive on Parliament.

Mr. Speaker, Sir, I want us to also remember that when the Member for Gichugu was---

Mr. Speaker: Order, Mr. Sirma! This is not a matter for debate. What I declared you to do is clear.

Mr. Sirma: Mr. Speaker, Sir, I wish to table the documents. The first one is a letter written to hon. Francis ole Kaparo. The reference is: "Objection to the Legal and Administration of Justice Defence and Security Committees inquiry into the Armenian Brothers' security breaches and unlawful conduct." She even went further and actually said that the Committees are actually dogged with tribalism. I wonder this time if she is the member of the Committee. How does that really come in? Her statement is very clear and says: "Another important issue to be born in mind is the lack of political neutrality that dogs Parliamentary Committees, composed as they are, Members of the different and antagonistic political parties, occasionally more than eager to score political points." Is that what we do in Committees?

Mr. Speaker, Sir, this is an abuse of the Committees of this House and, therefore, the Member for Gichugu should account for her past statements. I hereby table the letter she wrote to the Speaker.

(Mr. Sirma laid the document on the Table)

Mr. Speaker, Sir, secondly, I wish to table the ruling of the Speaker, hon. Kausai Francis ole Kaparo on the same.

(Mr. Sirma laid the document on the Table)

Ms. Karua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Member for Gichugu, let me have a look at the documents.

(The Clerk-at-the-Table passed the documents to Mr. Speaker)

Order! Hon. Members, I have seen a photostat copy of the letter dated 20th June, 2006, which hon. Sirma purports to refer to. Since this letter is properly dated and signed by the author, I will admit it.

Ms. Karua: On a point of order, Mr. Speaker, Sir. May I look at the letter?

Mr. Speaker: Do you want to look at the letter? Yes, you may.

(Mr. Speaker handed over the document to Ms. Karua)

Ms. Karua: Mr. Speaker, Sir, I am aware of the letter. Could I comment on the same?

Mr. Speaker: Yes, you may.

Ms. Karua: Mr. Speaker, Sir, the letter in question was tabled by me in Parliament on 20th June, 2006. Hon. Sirma is not correct to purport to be having a letter which I may have wanted to hide from the public, now that I am not a Minister.

When I rose on a point of order to seek the Speaker's clarification as to the legal position; whether Parliament could conduct investigations parallel to those of

the Executive or whether the sequence should be the Executive first and Parliament to audit later, the Speaker was, somewhat, unhappy that it had been laid on the Table of the House although the letter had been addressed to him. The reasons I laid it on the Table, which are in the HANSARD for 20th June, 2006, were to give Members time to give their views to the Speaker before the ruling.

Indeed, the Chair of the Departmental Committee on Legal Affairs, hon. Muite, wrote to the Speaker and a ruling was given. The ruling was that since the Committee had already started investigations, it should just go on. I just want to say that this letter does not show that I was obstructing the work of the Committee. This letter shows that I raised a point of order, just like a Member is entitled to raise and like we raise here every day, and we leave it for the Chair to rule. It is unfortunate that some Members of Parliament would want to cast aspersions to stop Backbenchers like myself from probing the Executive. I now wish to lay on the Table the HANSARD of 20th June, 2006 and 21st June, 2006 which is the ruling, so that all hon. Members and members of the public can see the proper position. There is nothing that I do and fail to own up to. My colleague, Mr. Sirma, may have his own interpretation but it was not an obstruction but a point of order, properly raised by a hon. Member.

(Several hon. Members stood up on points of order)

Mr. Speaker: Do you all want to address yourself to this issue? This matter must rest where it is. Unless it is critically important, I do not see anything that is very critical about this. I will allow a few interventions for whatever they are worth.

Mr. Keter: On a point of order, Mr. Speaker, Sir. I would like to seek a clarification. When hon. Martha Karua was the Minister for Justice, National Cohesion and Constitutional Affairs, she was also the Deputy Leader of Government Business. Why is it that the Report of the Committee, where Mr. Speaker you sat as a Member, was not laid on the Table? It is because she frustrated it through the House Business Committee?

Dr. Khalwale: Mr. Speaker, Sir, we work very well with hon. Martha Karua. We have our own personal agreement that we should maintain very high standards, whether we are applying to Ministers who are our friends or those that we may perceive as not being close to us. I notice that in her letter, she said that under those circumstances, she was seeking your intervention to restrain the Committee from proceeding with the enquiry in breach of the Constitutional law. Since we want high standards for Ministers and for us Members of the Back-Bench, I find that hon. Karua is grossly out of order because the same Report that she was obstructing, the Artur Brothers Report, is what she has been on the Floor of this House demanding that it be laid on the Table. Unless there are two Ms. Karuas in existence, the one who blocked the Report should tell the other Siamese twin what has changed for her to take the current position.

Mr. Mbadi: Mr. Speaker, Sir, hon. Karua, in her reaction to the document that was laid on the Table by hon. Sirma, put it very clearly that what she did was rise on a point of order. I am at a loss if the point constitutes a point of order. I believe that points of order are raised in the House. However, the letter was written to the Speaker. Does this amount to a point of order?

Mr. Speaker: Order, hon. Members! I will hear hon. Karua and finally Mr. Sirma. This matter will then have to rest and I will give directions thereafter.

Ms. Karua: Mr. Speaker, Sir, unless points of order are going to be criminalized from today, hon. Members rise here with diverse opinions on a matter. I

had my opinion on the matter. I rose on a point of order and because it was a lengthy issue, I came to the House armed with a letter to the Speaker which, I, personally, laid on the Table. Nothing was secret. I never deal cards under the table. I came and laid the letter on the Table for the Speaker to make a ruling. Try to pretend that I cannot ask for the Artur Brother's Report. The Report I am asking for is the one which was done by the Kiruki Commission which, although I was a Member of the Government, did not see it. I am waiting just like other Kenyans. With regard to the Report of the House, there is no time that I stopped the House from having the Report. I will lay on the Table, another HANSARD of 13th June, 2006 when Members wanted a Motion of Adjournment moved so that this Report could be discussed. In my capacity then, as Leader of Government Business, I willingly, gave way and I will quote what I said. I said:-

“Members were anxious to debate the Report and as such, I give way.” I remember the Members discussed and I condemned the Artur Brothers in this HANSARD which I will lay on the Table. I also said that this was an embarrassing lapse on the part of the Government.

(Ms. Karua laid the document on the Table)

With regard to the issue of laying the Report in Parliament, this Report was completed towards the end of 2007. A Notice of Motion was given, if I remember correctly, but the Committee did not prosecute the Report. Should I have prosecuted the Report for the Committee as a Minister? That is the answer to the issue raised by hon. Keter.

A Member should not stand here to defend himself for having raised a point of order for the ruling of the Chair. That is an abuse of democracy.

Eng. Gumbo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Rarieda! I have given directions on this matter and I want to live within those directions.

Mr. Sirma: Mr. Speaker, Sir, this was a serious tussle between the Minister and the Committees at that time. The former Minister should own up to her past that she actually opposed the report. Asking for the report which she was initially opposed to is not correct. We should know that there are many other issues which the former Minister did including the rubbishing of the Inter-Parliamentary Parties Group (IPPG) as a gentleman's agreement which resulted in having a very bad Electoral Commission, flawed elections and finally having clashes in this country.

Ms. Karua: On a point of order, Mr. Speaker, Sir. If Mr. Sirma would like to bring a Motion on me, let him go ahead and do it, but not stand here and abuse the forum of the House to besmirch my name. I have said that there is nothing that I do which I cannot stand up to. If I had not got these copies of the HANSARD, hon. Musa Sirma would have misled all Kenyans that there is a letter I wrote which is tucked in somewhere when I am the one who brought the letter to the House and tabled it on a point of order.

Mr. Sirma: Mr. Speaker, Sir, I rest my case.

Mr. Speaker: Order, hon. Members! As a matter of fact, what we are dealing with here is a simple and straightforward situation. It is with respect to what transpired in the House on Thursday, 25th November, 2010, in relation to an allegation by hon. Sirma that the hon. Member for Gichugu had written a letter stopping the Report. It is clear from the HANSARD that hon. Sirma was then challenged by the Member for Gichugu to substantiate if, indeed, she wrote such a letter. Hon. Sirma

then intimated to the House that he did not have the letter immediately in his possession and that if he was allowed two hours, he would come up with that letter. That is the record that I have. I then allowed hon. Sirma to substantiate the claim by tabling the letter on the next sitting day, which is in accordance with the Standing Orders, in particular, Standing Order No.82(2), which I will want to read to the hon. Members. It provides as follows:-

“If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such a Member substantiates the allegations not later than the next sitting day---”.

Hon. Sirma was not able to substantiate instantly and I, as the Speaker, was convinced that he had good reason to be unable to do so and I directed that he tables the letter on the next sitting day, which he has done this afternoon. So, as far as my directions are concerned, I am satisfied that hon. Sirma has complied. The letter speaks for itself. I will not make any findings on the letter because it speaks for itself. I know that it is good law of evidence that a document, if produced, and in the case of the House, is tabled, will speak for itself. So, it is up to Members of Parliament and the larger Kenyan public to acquaint themselves with the contents of this letter and draw their conclusions. That is the finding that I make.

That brings us to the end of Question Time. Next Order!

Are there any Statements for delivery? Then we will take requests for Ministerial Statements beginning with the Member for Ikolomani.

USE OF PUBLIC FUNDS BY COUNCILLORS TO ATTEND PRIVATE MEETING

Dr. Khalwale: Mr. Speaker, Sir, I stand to request for a Ministerial Statement from the Deputy Prime Minister and Minister for Local Government in respect to circumstances under which public funds were used in facilitating councillors to attend a private meeting in Gatundu South Constituency between 21st and 23rd November, 2010, a meeting which was addressed by the Deputy Prime Minister and Minister for Finance, hon. Kenyatta. I would like the Deputy Prime Minister and Minister for Local Government to clarify the following issues:-

(1) Whether he, as the Minister who enjoys Executive powers instructed and/or authorized the Thika Municipal Council or any other local council in this country to pay councillors in order to attend a meeting with the Deputy Prime Minister and Minister for Finance, hon. Kenyatta, at a private meeting at his Gatundu home.

(2) Whether he sanctioned the decision by his Assistant Minister, hon. Nguyai, who instructed the Town Clerk, Thika, to facilitate two-night outs for councillors from Sunday, 21st November to Tuesday, 23rd November, 2010.

(3) I would like the Minister to confirm whether the Office of Deputy Prime Minister and Ministry of Local Government is currently rolling out a programme in the whole country meant to enable councillors to deliberate on the Constitution and whether this is, indeed, what took place in Thika for councillors from Central Province.

(4) Could he disclose how much money was paid out towards this exercise to the following:-

- (i) The Blue Post Hotel in Thika.
- (ii) To the councillors as allowances.

(iii) How much did it cost the public by way of fuel and oil for transporting those councillors?

(iv) He should disclose any other incidentals that were paid for.

The Assistant Minister, Office of Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Speaker, Sir, we can give the Statement on Tuesday next week at 2.30 p.m.

Mr. Speaker: Very well! So ordered! Tuesday next week at 2.30 p.m.

ESCALATING INSECURITY IN MARSABIT

Mr. Chachu: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security with regard to the escalating insecurity in Marsabit District in which seven people have been killed and a number of livestock stolen in the last two weeks. In issuing that Statement, I want the Minister to clarify the following:-

(1) The actions taken by the Government to secure the people of Marsabit from these attacks.

(2) I want to know why the Government has not taken any drastic action in the intervening period to bring the culprits to book, yet Kenyans have lost their lives.

Mr. Speaker, Sir, appreciating the urgency of this matter and the fact that there is a lot of insecurity in Marsabit and many people have been killed, I want the Minister to issue this Statement as soon as possible.

Mr. Speaker: Minister for Provincial Administration and Internal Security!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, I will issue the Ministerial Statement on Tuesday next week, after investigating the matter.

Mr. Speaker: It is so ordered!

Member of Parliament for Garsen!

COMPLIANCE WITH FISCAL MANAGEMENT ACT

Mr. Mungatana: Mr. Speaker, Sir, I wish to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance with regard to the tabling of the Compliance Report in the House. Could he, very briefly, explain why he has failed to comply with Section 14 of the Fiscal Management Act, which requires him to tell us how much money, in form of revenues, he has so far collected, and whether there are shortfalls? If there are shortfalls, what is he doing about it? Could he tell us how he is allocating the funds, and whether he is keeping to the way we have allowed him in the Budget?

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Deputy Leader of Government Business, could you give us an undertaking?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, we can avail the Ministerial Statement next week, on Wednesday morning.

Mr. Speaker: Very well! Member of Parliament for Saboti!

CONCERNS OVER RESURGENCE/REGROUPING OF SABAOT LAND DEFENCE FORCE

Mr. Wamalwa: Mr. Speaker, Sir, I rise to request a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on security concerns of the people of Mount Elgon, particularly in Trans Nzoia and Bungoma Counties, on the possible resurgence and regrouping of the defunct Sabaot Land Defence Force (SLDF) elements.

In his Ministerial Statement, I would like him to clarify whether, indeed---

Mr. Kapondi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order, Member of Parliament for Mount Elgon! Please, resume your seat. Let us, first of all, take the request. If you have anything additional that you want to raise, you will be allowed to do so.

Proceed, Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Speaker, Sir. I had informed my neighbour and good friend, the Member of Parliament for Mount Elgon, about the concerns of the people residing in this region. I would like the Minister to clarify, in his Statement, whether, indeed, there are elements of the SLDF that have been holding meetings and reactivating the network of this militia group. I would also like him to indicate what steps have been taken to investigate and nip in the bud this serious threat to the security of the people in this region. I would further like him to confirm whether the Government has, indeed, established a military base in the region, as promised in the year 2008, to act as deterrence to activities of militia in this region.

Mr. Kapondi: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Member of Parliament for Saboti, do you want to be informed by your neighbour?

Mr. Wamalwa: Mr. Speaker, Sir, I wish not to be informed. I had informed my neighbour about the situation; I would like the Minister to inform the country and assure the residents of their security.

Mr. Speaker: Is that to say that you people are not good neighbours?

Mr. Wamalwa: Mr. Speaker, Sir, we are very good neighbours, and we are going to be talking about this matter.

Mr. Speaker: Member of Parliament for Mount Elgon, do you really have something relevant to this matter that will inform the Minister? If so, you may say it.

Mr. Kapondi: Mr. Speaker, Sir, this issue has been raised by the media before. As the Member of Parliament, together with the Provincial Security Committee and the District Security Committee, we have been on the ground; the true position is that we have elements who want the implementation of Phase Three of the resettlement exercise to stop. Those elements are more or less coming up with fictitious information. The situation on the ground is that there is no place which is as peaceful as Mount Elgon area in this country, as we speak. Therefore, we cannot highlight on the Floor of this House a situation which does not exist. We are asking the Minister to come up with something which does not exist. In fact, on Saturday, I was with my hon. colleague at a function in my constituency, and there was nothing like that. I am surprised that he has come here to raise an issue which does not exist.

Mr. Speaker: Very well! You have said your bit.

Hon. Members, I think it was necessary to hear both of them since they come from that area.

Assistant Minister, will you, please, bear the two positions in mind even as you come with the Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, what my colleague has just

stated is, indeed, true, but let me come with the Ministerial Statement sought after two weeks, because I also have to go to the ground and verify the facts there.

Mr. Speaker: Very well; that may be necessary, so that the necessary objectivity is achieved. Two weeks from today, it is so ordered!

Hon. Members, that brings us to the end of Order No.7.
Next Order!

BILLS

First Readings

THE VETTING OF JUDGES AND MAGISTRATES BILL

THE JUDICIAL SERVICE BILL

(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)

MOTION

ADOPTION OF REPORT ON IDPs IN RIFT VALLEY

(Mrs. Odhiambo-Mabona on 25.11.2010)

(Resumption of Debate interrupted on 25.11. 2010)

Mr. Speaker: Who was on the Floor on Thursday? Is there anybody interested?

Mr. Mututho: Mr. Speaker, Sir, the Internally Displaced Persons (IDPs) problem has been played over and over again in slow motion, in video and audio. Everybody knows what we are talking about. What remains mysterious is the inability of the Government to come up with a lasting solution to this problem. Just today, we heard that the IDPs who are home-based – those who enjoy the generosity of their neighbours, and who are generally referred to as “integrated IDPs” – were being compensated with Kshs35,000 as happened with others.

As we support these new ventures, we would like, as an emergency measure, to have the Kshs3 billion that is available put under the charge of the Minister of State for Special Programmes, so that we do not have to have more Cabinet Papers, more stories and more agony as Christmas is just around the corner. We do not want to have Christmas with families dying as they are being watched. It happens that between 65 per cent and 70 per cent of these people are in Naivasha.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we support the Report by the Committee, but we are dismayed by the deafening silence of this Government to understand the basics of how to go about this matter; it is the way we are putting it. Let us simply

have the Kshs3 billion that was meant for the previous two years, and another Kshs3 billion for this year given to this able Minister, so that she can go and sort out that issue in the morning. We are being told stories about the Minister for Lands. In the meantime, these people are getting agitated. They are getting worked up. Even if they are not worked up, what justification do we have, sitting in this august House for the last three years, and just looking at that ugly scene?

Things that were caused by politicking by ourselves; things that led to that serious bloodshed, things that have led to families being born in captivity and things that have led to serious trauma by a big proportion of IDPs. I agree with the comments made by one of the Members here. I agree again that actually the Government can take care of the IDPs. The Government has the power. The Government is doing very many good projects. Does it find it hard in the budgets, security and management to make it possible for the IDPs to be resettled? The Minister of State for Special Programmes can wake up in the morning and get two acres somewhere in Meru, one acre in Kilifi if it so deserves so that, that old lady who is going to die in another two or three weeks can be settled. Why is it so difficult to do that? Why does it become such a problem that the Budget meant for that purpose - settling IDPs - is treated as if it was something like cashew nuts, which somebody puts in the pocket? Those people are said to enjoy high profile offices. I do not understand why the Government is so indifferent. Why does it think that some people were born of a lesser God just to sit there, suffer and continue suffering? Most, importantly, why do all of them come to Naivasha which has no resources? Even the District Commissioner, who is supposed to do normal policy through the District Security Committee, has no specific provision for that big group of people now numbering nearly 20,000.

Mr. Temporary Deputy Speaker, Sir, as we reflect on this Report, my view and that of Naivasha people is that it is just a loud whistle from Parliament telling the Government to wake from its slumber. Just forget about your Cabinet meetings; just forget about your 40 Ministries and sort out the problem. The problem is there. We have children born of people who were there and who owned property. Tonight, they are sleeping in flooded areas, particularly in Kikopey. Those people are dying. You go there and you do not want to go back there the same day. Recently, I persuaded them when they were doing a protest march to come to Nairobi to be heard. Do we have to wait until another dying lot starts to protest to Nairobi? Those are old people. Some of them are over 60 years. They had marched all the way to Kinungi coming to tell the Minister that they are suffering. The suffering of the IDPs is now well documented. I am persuading this House; let us not give this problem a deaf year, like they did to Mau Mau. We stood here and passed a very serious resolution on Mau Mau, but the same Government decided to ignore it.

The other day, I saw the Minister for Lands, whom I admire very much, say that if we do not sort out certain issues, which have to do with boundaries, he is prepared to go to the streets and do the marching. That was in the media. I also witnessed it when we were in Western Province over the weekend. The Minister for Lands knows all the land that was stolen from the Government. The Minister for Lands knows that this House resolved to settle the Mau Mau people, but he wants us to go to the streets and march to cause the same Government he is in to take some kind of action. I find this whole thing totally out of order. For us to keep coming here and debating, while a Minister is holding Kshs3 billion which is meant for buying land for some IDPs--- Let it be even half a billion or Kshs100,000. Why are we making it academics? If this Ministry has been designated as the Ministry of State for

Special Programmes and it is in charge of the welfare of those people, before we have another disaster, why do we not have those resources destined there? If they have been consumed as usual, the Government can continue doing the wild goose chase, chasing the people who may have consumed them and then give the real money to the Ministry so that they can buy five acres, ten acres, 100 acres or 2,000 acres. But for heaven's sake, let us not come here and start going for Christmas holidays knowing too well that majority of those people will not have anything close to Christmas. They will see their own families dying.

Mr. Temporary Deputy Speaker, Sir, those people are traumatised. I speak with them on a regularly basis. The group I spoke to two weeks ago made me wake up to one reality; that those people are not behaving like normal human beings. They have been traumatized to an extent that they look at everybody else as an enemy. They look at themselves as displaced people both in brain and physically. Anything you want to talk about, even when you ask them their names, they react violently. We are creating a very violent breed of people.

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

[The Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, the problems we have in Central Kenya about the *Mungiki* degenerated because of the injustices that were done to the *Mau Mau*. Now we have another lot of IDPs. I want to support this Report as a wake-up call. It does not offer a ready menu for the settlement of IDPs, but is just a quick reminder to this House that, that problem still exists. Those camps still exist. All the theoretical and rhetoric we have heard from the Government that it will do this or that is still far from getting to where the problem is. The Government has not sorted out the IDP problem. What else can this Parliament do? Just to sit here for three financial years and continue talking? The Member for Naivasha will still travel this evening and see the camps. There will be over 10,000 people waiting for the Government to take action. If those people must remain in tents, then why can we not have new tents so that we do not lose them? They have persevered serious storms, particularly around Kikopey and Mai Mahiu. Could the Government own up and accept that there is an emergency and supply new tents to those people so that they can sleep tonight?

Mr. Deputy Speaker, Sir, if it is within the new Constitution, I would have urged this House to conduct a Session outside *Vumilia* IDP Camp. We put our tent there and conduct our business so that you can see how much the bad management by Government smells. You will understand how pregnant women and ladies who do not have sanitary towels feel when they see people who are supposed to be feeding them divert food. This is a very emotional debate. This Report should be adopted in its entirety.

Mr. Deputy Speaker, Sir, in conclusion, if this House represents the wishes of the people, then certain things should be possible. We should look at the Minister in the eyes and tell him to do 1, 2, 3, 4 and 5.

If they must keep people in the tents, then let them use metallic ones now because it seems like they are going to take a long long time before they come to the realities and be able to settle these families.

With those few remarks, I beg to support.

Mr. Cheruiyot: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute on this subject. First, I would like to congratulate the Chairperson of this particular Committee and the members for the good work they did.

Mr. Deputy Speaker, Sir, the IDP issue in Kenya is really a condemnation on the Government of Kenya for its poor management of disasters and emergencies. What we are seeing here should not be happening in the 21st Century. Even though we may not know the root cause of the problems which have occurred in this country, there is no excuse whatsoever for subjecting Kenyans to impossible living situations now. I know for a fact and we know for a fact that Kenya has the capacity to respond to emergencies and situations like these. But we have left Kenyans to suffer in situations which should not really occur.

I want to speak particularly on the issue of Mau evictees, people who were evicted and those who are sustaining themselves under the guise of saving the environment. Apparently, it seems that the ego of one man has really led Kenyans to suffer. As of now, these camps have over 30,000 people who are living in miserable conditions and fairly inaccessible to Government officers. It has been raining heavily as if God is showing us that the issue of drought is not a Mau issue, but of human beings from elsewhere who have been messing up with the situation.

In the situation of the Mau evictees, I have said we have 30,000 people who are suffering. We have got very poor food delivery, very poor shelter and even the materials they have are not very good. In the last three weeks, we have had very little rain and I hope the Minister will have time to visit that particular area in the 11 camps which are there and see what is happening. Up to now, we are talking about facilitating these people by giving them land and that we are going to do that before Christmas. It is a tall order, Madam Minister, but we want to wish you well if you can manage to settle all these Kenyans in the next three weeks before the end of the year.

We are concerned that health facilities do not exist at all. As of now, within the Mau evictees' camps, we have lost 38 persons. Out of these, there are children under 15, four adults who are under 35 and over 14 people who are over 56 years. This is really unacceptable. Why should we not address the issues which are making our people suffer?

Mr. Deputy Speaker, Sir, the Committee has made some very good recommendations which I would like to support. I would like to congratulate again the Chairperson for even finding the strength and energy to go to inaccessible areas of Mau to see these Kenyans. Once again, I want to urge that Kenya puts into practice its disaster management policy. It is not enough to come out with fantastic and beautiful policies which are not implemented. We would like to request that this is done under one Ministry so that one person is responsible.

With those few remarks, I beg to support the Report.

Mr. Kigen: Thank you very much Mr. Deputy Speaker, Sir. Indeed, this issue of IDPs is an issue that ought to have been given the necessary attention as early as two years ago. When you look at the issue of IDPs, it has been discussed so much, it has been publicized all over the place but when you look at the amount of action that accompanies the discussions, they are not related at all.

It is so important today that even as we debate this particular issue, we should get a firm position from the Government as to what it is going to do to ensure that the big number of Kenyans amounting to about 50,000 is resettled. In Mau alone we have over 30,000 people and in Rongai, we have close to 15,000 people. This is something that really needs to be given immediate attention, in fact, it is an urgent issue. If we do not do that, then the Government itself is reneging on a very serious

issue. Both children and old people are dying. We may be supplying food or giving some bit of medication but, surely, is that all they need? They need more than that. We are talking about giving them tarpaulins so that they can continue to stay there. That should not be the way to go today. We should be giving a firm position from the Government about what we need to do to safeguard the lives of these people. So, I want to ask that one Minister takes up this responsibility so that we do not have to pass the buck all the time. One time we are told it is the Ministry of Lands and the other time it is the Minister of State for Special Programmes. We have four camps in Rongai alone and all that we can get from the Government is basically food, occasionally. Concerning their security, yes, we have a bit of it but these people have been hearing the Government say that within a very short time---in fact, they have been given some timelines that before such and such a period they would be moved to where they would call home. We want to get a firm position from the Government that at the end of this year, indeed, they are going to do it. But I do not imagine that they can do what they have not been able to do in three weeks.

This issue of IDPs cropped up after the 2007 elections. People have been out there in the rains. I am suggesting that today we agree as a Government that one Ministry will be given the responsibility of resettling IDPS. Somebody should take responsibility. Now, there are excuses all over the place that the Ministry of Lands has not bought land and the Ministry of Finance has not allocated funds. But as far as we know, there has been talk of Kshs3.6 billion having been allocated for this purpose. Why is it that land has not been bought and people resettled? When I visit my constituency, there are places I do not pass because IDPs shout that they have been ignored by their MP. The question they keep asking is: "For how long are we going to remain in this camp? What is the Government saying about us?"

We want to say categorically here that our position is that we have one Minister handling this matter, otherwise the situation is not good out there. If we are thinking of giving them other tarpaulins, that is very bad. Let us give them what they would call a home. We should also consider the integrated IDPs. We have had very bad situations like the disaster we had at the beginning of this year where floods killed a big number of people. Those people who were displaced are still staying out there in a school compound. They have been there for the last nine months and we wish that they would be accommodated along with these other Kenyans who have been disadvantaged because of what happened in 2007.

With those few remarks, I urge the Minister to move with speed to ensure that he finds land, of course, after getting money. After getting the money, the Minister should deal with this case. That is the only way we can be able to judge whether the agencies concerned are doing their bit or not.

Mr. Deputy Speaker, Sir, thank you for giving me this opportunity.

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I would like to say that the Committee did a commendable job because the Report details what actually happens on the ground. However, I would also like to say that they give the new Committee that has been formed time to also go round and see the progress that has been made since this Report was made. This is because I believe that we have made a lot of progress since that time and a lot of work has been done.

The other thing I would like to say is that every hon. Member talks about Kshs3.6 billion that has been given for purchase of land. As far as I know, Kshs1.5 billion is what was given to the Ministry of Land. To date, we have used Kshs900 million and the balance has already been allocated to various portions of land and we

expect to complete the transactions in the next one week or so. However, we are faced with a number of challenges both from politicians, the people on the ground and the IDPs themselves.

Last week, I had to go to Subukia because the IDPs who had been there suddenly decided that they did not want that land because it had rocks and yet the portion of land that we allocated them is arable land which has coffee and maize. So, these issues are getting out of hand maybe because it has taken a long time to sort them out. But we are doing the best that we can to ensure that all the IDPs are sorted out. We had given the deadline for December this year but unfortunately, we will not meet it. However, I believe that we will cover, at least, 76 per cent of the IDPs by the end of this year. We have been demarcating land in the last two weeks where we will settle close to 1,000 families. If politicians give us space, we will do it peacefully.

You have heard about Mau Narok where we want to settle close to 800 IDPs, but there is controversy about who should be settled there and who should not. Therefore, I ask for the indulgence of this Parliament to give us time to do our work. We are also putting pressure on the Treasury to ensure that the balance of Kshs1.5 billion that it had promised us to purchase land can be released as quickly as possible so that this exercise can be done. Indeed, if that money is given to my Ministry in the next two days, I assure the hon. Members that I know where the land is. I will go and say that this is the land that I want to purchase. We are working very closely with the Treasury to see how fast this money can be released. So, I support the Report but I also want to wish that we give the new Committee time to go and give a progress report on what has been done with regard to the IDPs.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Noor: Mr. Deputy Speaker, Sir, I want to take this opportunity to thank all the hon. Members who have supported this Report. From the outset, our objectives were very clear when we went for a fact-finding tour to assess the status and conditions of the IDPs in the camps and establish whether the intervention of the Government--- There were interventions from the National Humanitarian Fund which was set to assist IDPs---

Mr. Deputy Speaker: Order, Mrs. Noor! For the benefit of the records of the House, you need to say that you are the Chair of the relevant Committee and you are replying.

Mrs. Noor: Mr. Deputy Speaker, Sir, I oblige. I am the Chair of the Departmental Committee on Labour and Social Welfare. I want to take this opportunity honestly to thank all the Members who contributed to this Motion and particularly those who supported our Report. Basically, the objective was a fact-finding tour which was to assess the status and the conditions of the people in the IDPs camps and establish whether the intervention taken by the Government of Kenya had an impact to those people. We were looking at the National Humanitarian Fund, Operation *Rudi Nyumbani*, the fund that was set up, that is, Kshs10,000 and Kshs25,000 for reconstruction of the houses, assistance to self-help groups, relief food for IDPs from the Government and the World Food Programme (WFP), peace building and reconciliation efforts to create harmony among communities and other Government support that was being given.

Mr. Deputy Speaker, Sir, the Committee's observation in Mai Mahiu Camp was that the IDPs there were very grateful to some initiatives that had been undertaken by both the Government and the international community, particularly the support they got in terms of resettlement. They were allocated pieces of land and organized to form self-help groups. That is something that they appreciated. They

were also happy with the kind of support that they got from the international community and some NGOs that build houses and toilets for them. Those NGOs also gave them tree seedlings to plant. That was a form of reconciliation in the society. That is what the IDPs in Naivasha told us.

The IDPs faced several challenges. The children of the IDPs who were in Naivasha walked long distances to school. This was risky for the children who were under-age. Those children could not access schools nearby. Health facilities were not there and people had many health problems. The other challenge is that the IDPs lost their livelihoods and were unable to pay school fees for their children. We also found many people who were sick. There were some children who lost their lives and we were shown their graves.

Mr. Deputy Speaker, Sir, on the other hand the Ministry did all it could to support the IDPs but it had inadequate funds. Up to date, there are some IDPs who have not been given the Kshs10,000 and Kshs25,000 to reconstruct their houses. When we talked to the Ministry, they said that the money was not enough.

When we visited the Mau evictees, we found that they were living in terrible conditions. We saw children and elderly person in critical conditions. This group did not even get food or any assistance from the Government. As a Committee, we felt that an immediate intervention should be taken in order to assist them. There are many good Government interventions through the National Humanitarian Fund which is supposed to resettle the victims of post-election violence. This Fund was set up by His Excellency, the President under Legal Notice No.11 of January, 2008. The objective and purpose of the Fund was to provide funds to resettle any person displaced as a result of the 2007 post-election violence. It was also supposed to provide some money for the replacement of household items destroyed, enable the victims to resettle and provide livelihoods. To enable the victims of post-election violence to be resettled and be given some livelihood under that arrangement, the Government was able to pay IDP households Kshs10, 000. The Fund has also given 157,598 households an amount of Kshs1, 578,890. The Government is yet to give to about 7,626 beneficiaries an amount of Kshs76, 260,000. This is a pending issue, which is a problem and we recommended that immediate interventions should be undertaken because if a group of people who were IDPs was given Kshs10,000 and Kshs25, 000, equally, people who live in the same camp should be given the same amount, otherwise, it would look like there is an element of discrimination. As a Committee, we felt that the Ministry is supposed to immediately look into that issue so that we can equally give Kshs10,000 and Kshs25,000 to the remaining persons so that they can start their lives.

Mr. Deputy Speaker, Sir, with regard to the resettlement of self help groups, there are groups that came together immediately. They felt that they wanted to form self help groups to assist one another. There were ten self help groups and the Ministry was able to facilitate them and register them as identified groups who came together with a total membership of 6,802 families. These are not individual families which came together to form those ten self help groups. These groups brought together the money that they were given and they were able to purchase land, which they divided into 1.25 acres and formed their own model houses and started their own businesses. Those groups were very thankful and they felt that the Government really assisted them. But, equally, there are persons who were disadvantaged. They were not able to form those groups because they were not facilitated; they were not given the money.

Mr. Deputy Speaker, Sir, on repairs and building of houses for IDPs in Trans Nzoia East District, the National Humanitarian Fund spent about Kshs12 million to rehabilitate about 921 houses and a further Kshs22 million to build houses for 1,900 persons.

Mr. Deputy Speaker, Sir, in terms of peace building and reconciliation, the Government initiated peace building and reconciliation programmes in all affected areas. These initiatives are aimed at involving communities that had conflicts to dialogue in peace and reconcile so that harmony can be created in the society, and the society can come together in order to avoid future conflict among the society. They were able to form their own peace initiative groups which the Government facilitated. They were also able to talk to each other, to share and see what caused the conflict of 2007. They were neighbours; they had lived together for a long time and they did not understand what created that conflict. So, they were given a platform to dialogue and reconcile. Many, many families today are happy living together. Even in the self help groups, you will find communities from different clans and tribes who came together to form self help groups which are working together and who live together in those IDP camps. The Government used Kshs6.5 million on 13 districts in Rift Valley, Nyanza and Central provinces to undertake the peace and reconciliation process.

Mr. Deputy Speaker, Sir, I will conclude by saying that for relief food provision in the IDP camps, the Government, through the Emergency Operation Programme (EOP), led in the feeding of 300,000 IDPs up to March, 2005. The relief food has continued to be issued, but it needs to target the neediest people in those camps, because there are people who feel that the relief food is given to the strong people and the weak, the elderly and the children are not able to get adequate food.

Mr. Deputy Speaker, Sir, I would like to conclude by saying that I thank everybody who, again, contributed and helped us in these tours, particularly your Office and the Clerk's Office, who helped us to really undertake our mandate as a Committee to go and see what is happening to our own people, families and society who live in those IDP camps.

Mr. Deputy Speaker, Sir, I am concluding by saying that we must get out of the box when addressing issues of the IDPs. The IDPs we have seen are the people who are in Rift Valley; those are people whose problems we carry in our Report. But I know that we have more IDPs all over the country who are in serious condition and it is the responsibility of this House to address their issues conclusively and holistically so that those people can appreciate themselves as Kenyans too.

Thank you very much.

(Applause)

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

MOTION

ADOPTION OF 2006/2007 PAC REPORT

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

Mr. Deputy Speaker, Sir, I rise to move the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee (PAC) on the Government of Kenya Accounts for the years 2006/2007 laid on the Table of this House on Thursday, the 25th of November, 2010.

On behalf of the PAC and pursuant to the provisions of Standing Order No. 181/3, it is my pleasure and privilege to present to this House the Report of the Committee on the Government of Kenya expenditure for the year 2006/2007 Financial Year. Also included in this Report is the Report on the Electoral Commission of Kenya for the Financial Years 2004/2005 and 2005/2006.

QUORUM

Mr. C. Onyancha: On a point of order, Mr. Speaker, Sir. The Report of the PAC on the accounts of Kenya Government is the most important report of Parliament, and it accounts for about 70 per cent of the Business that Parliament carries out throughout the year.

However, this House lacks quorum for such an important report.

Mr. Deputy Speaker: Indeed, Mr. C. Onyancha, you are right, the House does not have the requisite Quorum. Ring the Division Bell.

(The Division Bell was rung)

Hon. Members, it looks like even after the ringing of the Bell we still do not have a quorum.

ADJOURNMENT

Hon. Members, we now interrupt business of the House. The House stands adjourned until tomorrow, Wednesday, 1st December, 2010, at 9.00 a.m.

The House rose at 5.00 p.m.