

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 31st May, 2012

The House met at 2.55 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

Mr. Speaker: Order! Member for Nyaribari Chache and Chairman of the Departmental Committee on Health.

Dr. Monda: Mr. Speaker, Sir, last week, the Chair directed the Departmental Committee on Health to table the Report on the irregularities at the NHIF. The Committee is ready to table the Report and I am, therefore, asking for your directions.

Mr. Speaker: Order, Chairman of the Departmental Committee who is also the Member for Nyaribari Chache, I am aware that I gave firm directions for you to table the Report on the NHIF today. I want to commend you and your Committee for the industry you have demonstrated in ensuring that you comply with that direction; I note that you have been able to complete your investigation and compile your Report under what, I am aware, are very difficult circumstances and quite sensitive. I want to really congratulate you for steering those murky waters and being able to come up with a final report.

However, as I intimated to you earlier on before we started this sitting, our practice is that a report is not tabled in the House until the Speaker has had an opportunity to look at it and approve its tabling. The Speaker does not approve the report; rather he approves the tabling of the report. I approve the tabling of a report after applying the rules to satisfy myself that the report is procedurally correct, and that the content of it is in conformity with both our Standing Orders and, significantly, our Constitution.

So, because of that, I will defer the tabling of the Report to Tuesday afternoon at 2.30 p.m.

The Assistant Minister for Public Works (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. I am wondering whether you directed that the Report be tabled for approval in the House or it be tabled to the Press. This is because already we can see the Report in the Press.

Mr. Speaker: I am not aware that the Report has been availed to the Press. I am not aware.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Speaker, Sir, may I then inform you that the back page of today's *Daily Nation* has carried the recommendations of the Report?

Mr. Speaker: Order, hon. Members! The world in which I live is such that, today, I have not had a minute to look at the Press. So, I am not aware that anything pertaining to the Report of

the Committee had been carried in the media. Perhaps, Dr. Monda, you want to respond to that before I give any directions.

Dr. Monda: Mr. Speaker, Sir, indeed, today's *Daily Nation* has carried comments that relate to the Report that we were about to table today. However, the hon. Member who has raised this matter has not also told this House who would be associated with those comments. This is because when I looked at it I could not tell where it had originated from. I know, procedurally, that matters of the House must be tabled in the House before they become public information in the media.

Mr. Speaker, Sir, that is the position of the Chair of the Departmental Committee; I also stand guided whether the hon. Member is in a position to give us more information on the sources of the story at the back page of today's *Daily Nation*.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Speaker, Sir---

Mr. Speaker: Order, Assistant Minister. I know you may be very keen to speak to this matter, but first you catch my eye. So, proceed in a manner that is correct.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Speaker, Sir, I thought that---

Mr. Speaker: Order! You still have not got it.

The Assistant Minister for Public Works (Mr. Kiunjuri): For sure, Mr. Speaker, Sir---

Mr. Speaker: Order, hon. Kiunjuri! I am waiting.

Hon. Members: Say point of order! Point of order!

The Assistant Minister for Public Works (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, hon. Kiunjuri?

(Laughter)

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Speaker, Sir, you can hear the accusation. You know that I am not a Member of the Committee. The only person who could be privy to that information is a Member of the Committee or somebody from the Clerk's Office, because they are the ones charged with the responsibility of keeping that document. Therefore, if a Member of that Committee or the Clerk's Office leaked that information, then the explanation cannot be given by any other person. However, it is important because there might be some issues that we want to be exposed early for our knowledge, and that is why we are asking whether this leak was intended for any purpose.

Mr. Speaker: Hon. Kiunjuri, can you kindly indicate to the House if what you have seen in the Press, and you have not specified what Press--- Is it in the *Daily Nation*, *The Standard*, *the Star*, or *The People*? Indicate to the House if what you have seen in the Press, to your knowledge, is a serialization of the Report or quotation of excerpts of the Report and how you arrive at that conclusion.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Speaker, Sir, if you read the back page of the *Daily Nation*, they are clear that the Report is ready and they have leaked the information about the recommendations in the Report.

Mr. Speaker: Order, hon. Kiunjuri! I have asked you a question that is very specific in certain areas. I have asked you if you believe that, that is a serialization of the Report or a Report of excerpts or quotations from the Report. I have asked you to indicate to the House what your

basis is for arriving at the conclusion that, that is so. Are you saying that they are allegations or claims? You must be clear on what you are saying.

The Assistant Minister for Public Works (Mr. Kiunjuri): Mr. Speaker, Sir, when I rose on a point of order I was very clear in my mind, as an experienced Member of this House, that any matter that has not been debated by the House is not supposed to get to the Press. The reason I asked the question is that I wanted clarification whether that document was tabled in the House, and if not, how it has leaked to the Press. Already, the *Daily Nation* of today carries a story about the Report. It can be availed in this House. Already there is that serialization of the events---

Mr. Speaker: Order! In that case, I have heard you. It is not your assertion that the Report is being serialized, but you were wondering if that was so. I have heard you. So, the Chair of the Committee, do you want to make any response at all whatsoever before I make direction?

Dr. Monda: No, Mr. Speaker, Sir.

Mr. Speaker: No, you will let it rest there.

Fair enough! I will give directions as may be necessary on Tuesday after you lay the report on the Table.

We want then to proceed and take the next Order.

Mr. Speaker: Order, hon. Member for Nyaribari Nyache! Before we proceed with Order No.6 which has been called out, you had requested that you wanted to proceed under Standing Order No.76 to issue a Personal Statement. I exercise my discretion to allow you to do so at this point.

PERSONAL STATEMENT

REQUEST FOR ENHANCED SECURITY BY HON. MONDA

Dr. Monda: Mr. Speaker, Sir, I rise under Standing Order No.76 to give a Personal Statement regarding my personal security. Three weeks ago, I informed the Government security agencies about threats on my life and requested them to enhance my security personnel, both as I travel in my homes in Nairobi and Kisii. My request has not been responded to as we stand now. I continue receiving calls, monitoring my movements and I find myself in a difficult position. I have no doubt that the threats on my life, and by extension, to my family members could be related to the ongoing investigations by the Committee on Health on the matter of the National Hospital Insurance Fund (NHIF). I request that you intervene on this matter and ensure that I am secure wherever I will be.

Mr. Speaker: Hon. Members, that Statement is made pursuant to Standing Order No.76. It will, therefore, not be the subject of any Question or debate. The claims made by the hon. Member for Nyaribari Chache are of a very grave and serious nature such that I am obligated as your Speaker to give him certain undertakings or commitments, but the portfolio to provide security rests with the Executive. So, I will want to have assurances from the Executive. The senior most Member present is the Deputy Leader of Government Business. I want you, if you can, to make the requisite commitment and ensure that you follow up, to see to it that the hon. Member for Nyaribari Chache is accorded additional security commencing forthwith. So, please, do so, Mr. Kimunya.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, as we have committed ourselves in the past, it is the commitment of this Government to provide security to all Kenyans,

particularly those who feel they are at enhanced risk. We will undertake to assess the security situation for the hon. Member for Nyaribari Chache and accord the necessary resources.

Mr. Speaker: Order, Mr. Kimunya! The hon. Member has said in that Statement that he is feeling exposed. There are current and live threats where the hon. Member can hardly travel around the country without having to look over his shoulders. You know that a Member of Parliament is a very critical person in the leadership of this country. We have heard previous cases which have ended tragically. So, we must be proactive. That is why in my directions, I stated that you endeavour to upgrade the hon. Member's security details beginning henceforth.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, that is the undertaking we are making against the assessment of the level of risk to see what resources would be availed to the hon. Member. I believe that is something to be done in conjunction with the Parliamentary security team to see what needs to be done to make sure that the hon. Member can do his duties without feeling that he is at risk.

Mr. Speaker: Dr. Monda, could you immediately before you do the next thing that you have to do, report to the officer in charge of the Parliament Police Station to accord you additional security and, please, let me have an update in the next 15 minutes as to what action has been taken?

So, please, proceed accordingly.

ORAL ANSWERS TO QUESTIONS

Question No.1574

VIOLATION OF KENYA NATIONAL FLAG

Mr. M'Mithiaru asked the Minister of State for Provincial Administration and Internal Security:-

(a) if he could clarify whether there is any law or national policy on securing the safety of the Kenya National Flag;

(b) whether he is aware that a councilor led a group of people and some school children to stage a demonstration outside the office of the Igembe North District Commissioner and attempted to pull down the Kenya National Flag on 7th March, 2012; and,

(c) what action he has taken against the person(s) who committed the act.

(Mr. Kabogo approached the Chair)

Mr. Speaker: Order, hon. Members, I am aware that something has slipped, but we will get back to it.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I beg to reply.

(a) Yes, there is a law, Cap.99 Laws of Kenya, on national flag, emblems and names which provide for penalties for any person showing any disrespect in speech, manner or in writing to the national flag.

(b) I am aware that on 7th March, 2012 a councillor led a group of people, including school children, in a demonstration outside the Igembe North District Commissioner's office. The group was alleging increased insecurity within Mutuati Area. The District Commissioner (DC) addressed them and promised to hold a public *baraza* in two days time. The demonstrators thereafter dispersed peacefully. The DC, later on, held a public *baraza* in that area within Amuati Sub-location and assured them of Government protection.

(c) The Minister will not take action against any person as there was no offense disclosed during the peaceful demonstration.

Mr. M'Mithiaru: Mr. Speaker, Sir, having listened to the response by the Assistant Minister, his is a reckless reply. As hon. Members of this House, I think one of our undertakings is to protect the Kenyan flag. My question is: If anybody shows disrespect in any manner to the Kenyan flag, what action would the Government take? This answer has dealt with only some area of insecurity and left out the one for the flag. In his reply, he says that if anybody shows disrespect in speech, manner or writing to the flag, there is a penalty. So, is he is saying that this particular councillor who held the rope that hosts the Kenyan flag and tried to pull it down---, there is no action that could have been taken against him?

Mr. Lesrima: Mr. Speaker, Sir, the information I have from the DC who was present was that there was no attempt at all to touch the flag. In fact, there was a drunkard who was moving towards the flag post to support himself and was immediately taken away by the security personnel. No flag was touched.

Mr. M'Mithiaru: Mr. Speaker, Sir, in fact, the complaint was from the officers who were manning that station. If the Office of the President that is supposed to be the guardian and to ensure that anybody who interferes with the Kenyan flag saw that there was no cause on that one, I rest my case.

Mr. Lesrima: Mr. Speaker, Sir, the DC is the Chairman of the District Security team. I have no doubt in my mind at all that he was correct in his reporting. In this particular demonstration, which is now a common feature because it is allowed in our Constitution, there was no violence and nobody really touched the flag. If that had happened, I am sure action would have been taken.

Mr. Speaker: Mr. Assistant Minister, I am not satisfied that you have handled this matter properly. This is because here you have a situation where a Member of Parliament is making a claim or an assertion in the House, and we take what Members say in the House as being truthful unless it is proven otherwise by some tangible evidence. You also have the claim by the DC. As far as I know, in the hierarchy of leadership in this country, a Member of Parliament is higher than a DC. So, I do not see on what basis you have chosen to believe the DC and disbelieve the hon. Member of Parliament.

Mr. Assistant Minister, what I would have expected to hear from you is, maybe an assertion that you cause investigations to be carried out, and investigations will entail recording a statement from the hon. Member for Igembe North; recording a statement from the DC and recording statements from any witnesses as the Member of Parliament is prepared to provide and then say a proper investigation has been carried out and the outcome is that this never happened. You have not said that.

I have gone to trouble to say all this, Mr. Assistant Minister, so that I finally direct you to cause those investigations to be carried out by the relevant police station and then come back to the House and confirm that the outcome of that investigation is one way or the other. I will then

be satisfied. Otherwise, you have treated this matter casually and it will not be accepted. You are then disrespecting the Member of Parliament and casting aspersions on him!

(Applause)

So, one month from today, can you cause the investigation to be carried out?

Mr. Lesrima: Mr. Speaker, Sir, I have great respect for my colleague and friend. His major concern was the flag but I thought his concern would have been other issues---

Mr. Speaker: Order, Mr. Assistant Minister! You will comply with the directions that I have made. Put yourself in the shoes of the hon. Member. I do not know how you will want to manage yourself. What would be your fate? What would be your destiny? So, comply.

Mr. Lesrima: I will do so, Mr. Speaker Sir.

QUESTION BY PRIVATE NOTICE

ILLEGAL DETENTION OF ANN WANJIKUI GITHAI
BY S.D. AL ANZEE IN DUBAI

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

(a) Is the Minister aware that Ms. Ann Wanjiku Githai is being held hostage in the house of her employer, one Mr. Saleah D Al Anzee, (telephone number +966557144144) in Gassim, Dubai, since September, 2011, and that she has not been paid since she got employed?

(b) Is the Minister further aware that she is currently ill and in need of medical attention, yet she is being subjected to hard labour?

(c) What urgent measures is the Minister taking to ensure that she is released by her employer and subsequently repatriated back to her country and also indicate measures taken by the Government to ensure that Kenyans living in Dubai do not experience the same treatment?

At the same time, I seek the indulgence of the Chair. A similar matter was in the House on Tuesday and the Assistant Minister for Foreign Affairs did undertake to the House that two young minors from Mozambique would be coming home yesterday. I was at the airport all night and they did not come. So, really I want to seek the indulgence of the Chair that as the Minister answers this Question which is almost similar, to kindly request the Chair to allow him, to tell the House what it is he undertook and what happened.

Mr. Speaker: Mr. Assistant Minister, proceed to answer the Question.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, first of all, before I continue to answer this Question I would like to unequivocally give my apology on behalf of the Ministry of Foreign Affairs to the Speaker and the House for not having been here yesterday morning for the simple reason that the substantive Minister, Prof. Sam Ogeri, had travelled to Turkey to go and attend the conference on Somalia.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, at the same time yesterday morning between 9.30 a.m. and 11.00 a.m., I was attending a meeting at the UN Headquarters in which the Ministry of Foreign Affairs was the chief guest and I had to be there because it was celebrating the year of the peacekeeper with the international community. So, my apologies and we will make sure that we abide by the rules of the House.

Mr. Deputy Speaker, Sir, my colleague wanted to know if Madam Anne Wanjiku Githai is being held hostage in a house by her employer in Dubai and the telephone number had been given but we found out that actually this is somebody who lives in Saudi Arabia.

The answer is that we are aware that Ms. Ann Githai is working as a housekeeper for her employer a Mr. Saleah D. Al Anzee Gassim in Jeddah, Saudi Arabia.

We are also not aware that Ms. Githai is being held hostage by her employer because on 27th May, 2012, the Kenyan embassy in Riyadh contacted Ms. Githai by phone and went to the house physically. She informed us that she had been paid four months salary by her employer and that the salary had been sent to her brother in Kenya in mid April, 2012, and she was waiting to send more money to her relatives in Kenya. She is free and is absolutely not being held by anybody.

Mr. Deputy Speaker, Sir, the other part of the Question was whether we are aware that Ms. Githai is currently ill and in need of medical attention and yet she is being subjected to hard labour. When the Kenyan embassy in Riyadh contacted Ms. Githai she informed us that, yes, she was unwell because she had swollen legs but on the same day when we contacted her and talked to her employer, the employer confirmed that he had taken Ms. Githai to hospital for treatment where there was comprehensive medical checkup done. It was discovered that she was being treated and she was recovering. However, the individual she has been working for had been wonderful in that he was paying all the medical bills to have Madam Githai get treated and she is recovering.

The other part of the Question was what urgent measures the Ministry is taking to ensure that Ms. Githai is released by her employer and, therefore, returned back to Kenya. During the time we contacted Ms. Githai, our mission in Jeddah confirmed that her working conditions were excellent and she did not have any reason whatsoever to come back. Ms. Githai categorically stated that she would wish to continue working for her current employer and she was very happy that, in fact, the embassy officers had contacted her and had found that her welfare was fine.

Mr. Deputy Speaker, Sir, the final part of the Question was, what measures the Kenyan Government is taking to ensure that Kenyans living in the United Arab Emirates and Saudi Arabia do not experience the same treatment. Without making the whole story very long, we have come up with strategies and measures to make sure that we engage all the stakeholders in this sector to make sure that we can provide the safety and security that our people require when they are looking for employment abroad. As many hon. Members in this House may be aware, right now we have about 40,000 people working around the United Arab Emirates area. Many of them are working as domestic help while others are working as professionals.

It is important to note that a number of Kenyans who are working in this area have been in touch with us and they have given us a blue print on what they think needs to be done. We have decided, as a Ministry, to provide an oversight team which will come up with a formulated and implementable strategy on labour migration so that we can try and harmonize, co-ordinate and have an institutionalized framework so that these cases do not keep appearing.

We have already made a request to all the agents who are recruiting Kenyans who are going for employment abroad. These agents are now being vetted by the Police Department, the

CID, the Ministry of Foreign Affairs and the Ministry of Labour. We have made sure that they give us the necessary guarantees, either through insurance or financial guarantees, to make sure that if they recruit a Kenyan and this individual travels to go and work and there is a problem, we are able to have something we can hold on to.

We are also in the process of coming up with a fast tracked bilateral and multilateral agreement with different countries and with different stakeholders so that Kenyans can be in a position whereby when they travel abroad to go and work, they will be guaranteed that their human rights and labour rights are not violated.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for his very lengthy and very useless answer; useless in the sense that it beats logic---

Mr. Onyonka: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that what I have been saying here is useless? Is that parliamentary language?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I meant that the answer is of less use, and I was going to explain why it cannot help to satisfy the purpose of the Question. I will use other words to describe the answer. It is a very lengthy answer that is not going to help the cause of sorting out the problem at hand.

Mr. Deputy Speaker: Order, hon. Kabogo! We have a responsibility to protect the dignity of this House. The dignity of this House cannot be protected if we use the kind of words that you used to describe statements by fellow colleagues on the Government side or those in the Back Bench. You are a dignified hon. Member of this House.

Mr. Kabogo: My apology, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! I am sure that you would want to be respected but if you go out there and say “it is useless”, it does not help. You could say it is misleading. You could use a language that is acceptable in Parliament. Can you apologise and proceed?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I withdraw the word “useless” and apologise to my very good friend.

Mr. Deputy Speaker, Sir, the Assistant Minister has given very misleading information. The first bit of the Question is whether this lady is being held hostage, and he has confirmed that they have spoken to her employer, who is the person who is supposed to be holding her hostage. In the Question, I gave the telephone number on which this girl can be reached. We have been trying, including even today.

On the second part of the Question, the Assistant Minister has opted to tell the House that the lady has been paid and that she is happy yet if you read the last bit of that sentence, he says:-

“Miss Githai informed us that she has been paid four months’ salary by her employer and that the salary was sent to her brother in Kenya in mid-April.”

Mr. Deputy Speaker, Sir, the other part of that answer is that the balance of three months’ salary will be sent to Kenya in due course.

Therefore, the Assistant Minister is accepting that this lady has been held, and that she is not being paid. The lady has been calling her kin in Kenya secretly, asking for help from this Government to get her paid and get her released to be sent home. So, can he undertake to find out more? Could he also find out whether, really, his office has given him the right answer? This girl will continue to suffer.

The Assistant Minister has also confirmed that the girl is sick. Her legs are swollen. These are the same allegations given by the girl on phone – that, her legs had swollen due to

being tortured. So, really, the Assistant Minister is confirming halfway that the girl is being held hostage, that she has not been paid, that she was tortured, and that she requires medical attention.

Mr. Deputy Speaker, Sir, would I, therefore, be in order to ask for your indulgence, so that the Assistant Minister can go back and find out more? I can even avail a phone to him outside the Chamber for him to call the girl, so that I can speak to her because, really, he is misleading the House.

Mr. Deputy Speaker: Hon. Kabogo, does it mean that you are able to contact the lady yourself?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am not able to contact her. I have said so in my Question.

Mr. Deputy Speaker: So, how is she going to be contacted?

Mr. Kabogo: Mr. Deputy Speaker, Sir, the Assistant Minister said that he is able to contact her. They are in touch with her. He said that the lady is excellent and happy. Those are the words of the Assistant Minister.

Mr. Onyonka: Mr. Deputy Speaker, Sir, I will repeat myself. We sent an officer to where this lady works. She told us herself that she was fine where she was working, and that she was being paid. The reason as to why the money had not been sent to Kenya was not because the person she has been working for has refused to pay her. It is simply because she said she was unwell, and whatever money was left behind with her she would try and use it when she got well. If there is need for the money to be sent to Kenya, she will send it.

Another point I want to raise so as to make this matter very clear is that, unlike many Kenyans who work in that country, this lady had contacted the Kenyan Embassy and given them the address where she could be found. Our Embassy officers went there and found her. They spoke with her. The Embassy officials then spoke with the person whom she has been working for. The discussions were conducted in two sessions. In one session, the individual she has been working for was present. In the other session, the officers asked that the lady be left alone with the officers in order for the officers to establish the true position. She said that she was not being abused or misused, and that she was comfortable with the job she was doing.

Mr. Deputy Speaker, Sir, anything else that the Ministry of Foreign Affairs may be asked to do would most likely go against the rights of this individual.

Thank you.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I am actually saddened by the answer that the Assistant Minister has given. I have worked for years, including doing research on issues of trafficking in persons in the same countries that he is speaking about. His answer itself shows elements of human trafficking. All the things that he has said are ingredients of human trafficking. You will find that one is hurt but she says that she cannot leave because one of the things you would find is that her passport is not within her control. Her family is probably being threatened. They will say that they have received her salary yet the salary has not even reached her home.

So, by his own confession, in his lengthy answer, the Assistant Minister is actually telling us that this is a victim of human trafficking. What he has told us in his answer confirms elements of human trafficking. My only concern is that the Assistant Minister has said that they are forming inter-Ministerial teams and what have you, outside the framework of the law that we passed here. I have raised this matter before.

Mr. Speaker, Sir, we have so many cases of girls and men who have been trafficked to the Middle East. In his answer, the Assistant Minister said that all African and Asian countries

are withdrawing their nationals from the Middle East but Kenya is sending her nationals to work there. Therefore, I would want to ask whether it is possible that this Question be referred to a Departmental Committee to deal with it exhaustively. This is not the first case of trafficking of girls. This girl is enslaved. We need to find a way of getting this girl out of that situation.

Mr. Deputy Speaker: Hon. Members, other than the specific case that is at hand now, the Chair is also aware of the fact that the Committee had worked on similar cases before. I do not know whether we have a Member of the Committee here now, or the Chair of the Committee for that matter. Maybe, they can shed some light on what they have done.

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

Mr. Deputy Speaker: What is your point of order, hon. Mungatana?

Mr. Mungatana: Mr. Deputy Speaker, Sir, the point of order I am raising is fundamental because we have the Assistant Minister asserting certain facts, which are in total opposition to what the Questioner is asserting. We are now caught between what we are being told and what is really the fact on the ground. In a situation like this, I would support hon. Millie Odhiambo; that, the matter should go to a Departmental Committee because it is in that forum that proper evidence can be deduced and then proper directions be given. Otherwise, what is going on here does not help the House at all.

Thank you.

Mr. Onyonka: Mr. Deputy Speaker, Sir, I would have no objection if the Committee wanted to look into this issue; but there are some facts which I would like to share with my colleagues in this House.

The total number of Kenyans working in Saudi Arabia and the Middle East region are about 42,000. Many of these are peacefully and successfully working and earning a living. This is simply because we do not have jobs for these individuals in this country. Out of between 40,000 and 42,000 Kenyans who live in the United Arab Emirates (UAE) and Saudi Arabia, about 842 have reported distress.

Out of those cases, 442 of these Kenyans have been repatriated through the Ministry of Foreign Affairs; the Government of Saudi Arabia provided tickets for them to come back when they felt that they did not want to stay there. I have stated that very clearly in the answer I have given my colleague. My suggestion is that we should be very careful even when we mean well for our people, and even when we want to have certain legal frameworks and structures to be in place to make sure that their rights are not violated. We should not assume that because many Kenyans are going to the Arab world to seek greener pastures, everybody who is in the Arab world is mistreating, misusing or abusing our Kenyan people. Our Kenyan people are working diligently. Some of them are earning a good living. Many of them are doing extremely well. The few cases that we have got are the ones we have to look into.

Thank you.

Mr. Njuguna: Mr. Deputy Speaker, Sir, the Assistant Minister has just asserted that this lady was paid four months' salary. Could he table documentary evidence showing even the total amount paid to this lady through her brother?

Mr. Deputy Speaker: Assistant Minister, any proof that the lady has, indeed, been paid?

Mr. Onyonka: Mr. Deputy Speaker, Sir, in the answer I have, there is no documentary evidence but I can table it if it is required.

Mr. Koech: Mr. Deputy Speaker, Sir, in the Assistant Minister's answer, he has indicated that the lady has swollen legs. He has gone further to claim that the employer actually took her to hospital, and that he has given an undertaking to take her back. This being a Kenyan

he has confirmed has swollen legs, which could be as a result of mistreatment or hard work, could the Assistant Minister give an undertaking to send his officers from Riyadh to go and pick this girl, take her to hospital and, maybe, forward the medical report to him?

Mr. Onyonka: Mr. Deputy Speaker, Sir, maybe I was not very clear; the fact that the lady had swollen legs is a condition she had and went with. By the time she was arriving in Riyadh she was actually having a problem with swollen legs. The Government officers from the Kenyan Embassy who went there physically found that she had medical records from Kenya. They made a recommendation to the owner who then told them he had already taken her to the hospital, she had been treated; he confirmed that he would continue providing medical help until she became well.

In fact, the reason we were convinced that the lady was not under any adverse effect was because we were convinced beyond reasonable doubt that she had been taken to hospital and had been treated.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to use the words “the owner” which implies slavery? I heard him very well. He said, “We asked the owner”. You cannot own a human being. Is he in order to refer to somebody as if she was a slave?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I meant the host with whom the lady was staying.

Mr. Deputy Speaker: Assistant Minister, are you sure we are talking about a case that essentially has--- It says Dubai and you keep on referring to Riyadh. These are in two different countries. One is in the United Arab Emirates (UAE) and the other one is in Saudi Arabia. I think we have missions in both of them. So which is which?

Mr. Onyonka: The Member who asked the Question is the one who made the mistake. He asked a Question as to whether Ms. Githae was staying in Dubai. When we called the number it went to Riyadh, and then we referred the matter to the ambassador in Riyadh. If you check page one of my answer at the bottom, I state very clearly that the town is in Saudi Arabia and not in UAE as indicated in the Question.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to avoid answering my question? This Question has come here because there is a Kenyan outside there whom we believe is being mistreated. I asked a simple question, whether the Assistant Minister could undertake to send his officers to go and take this girl for further medication and send a report back to Kenya. Is he in order to avoid answering that question?

Mr. Onyonka: Mr. Deputy Speaker, Sir, if my colleague was to look at page 2 of the reply that we got from the embassy in Riyadh it states that:-

“During the same contact by the Kenyan embassy in Riyadh with Ms. Githae on the 27th of May, 2012 the mission inquired about her working condition at her employers residence in relation to the demand of the family that she be repatriated back to Kenya. Ms. Githae categorically stated that she would wish to continue working for her employer so long as she is taken to hospital for treatment because her legs had become swollen”.

The mission officials who went there confirmed that she was unwell. It is a condition she had at the time she left Kenya. She is now being treated and she is working.

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

Mr. Deputy Speaker: Who is on a point of order? Are you sure it is a point of order and not a supplementary question? Ideally, when you rise on a point of order there is something out of order in the way the Assistant Minister answered a question.

Proceed!

Mr. Kabogo: Mr. Deputy Speaker, Sir, my point of order is simple; the Assistant Minister continues to give a story without producing any evidence of money sent home, a slip from a doctor saying that lady was sick; he does not want to believe a phone call that came from this girl in confidence saying, “I am under torture; I am not being paid and I need help”. Should the Assistant Minister be allowed to continue pouring stories without being asked to substantiate them with facts? Can he lay facts on the table? We want a medical report, payment vouchers, evidence of remittance of money to Nairobi and an affidavit by the girl saying she wants to continue working for this man.

Mr. Onyonka: Mr. Deputy Speaker, Sir, the Questions the Member asked was very specific. There was not a single request to the Ministry to show proof or evidence that this madam was being paid or not being paid.

If you look at the Question, the first part is about whether she is being held against her will and the answer is “no”. The second part is about whether we aware that she is ill, and the answer is “yes, she is and something is being done about it”. The third part is about what measures the Government is taking and I have explained them, including the legal framework and a Bill will be brought to the House. There was no Question about whether we should confirm the phone number, how much money she has been getting and who is getting that money. However, if the hon. Member requires that, I am ready to table it.

Mr. Deputy Speaker: Assistant Minister, if you are so categorical and sure about the fact that the lady is not being held against her own will or wish, then why can your officers not call the family in her presence? The officers need to do more than that. They need to have some evidence. Indeed, as the hon. Member says, whether it is an affidavit, audio or whatever it is, it should be something to rest the fears and worries of the family and the elected Member of Parliament.

Mr. Onyonka: Mr. Deputy Speaker, Sir, if the Member and the House require further proof, I believe we can present it.

Mr. Deputy Speaker: The Chair directs that the Assistant Minister goes back and revisits this matter. I am sure it is just a matter of a telephone call. An hour from now, when you are in your office you can call our mission in Riyadh; they can send an officer there to go and establish the facts for himself, and then you bring documentary evidence. We need evidence or something that shows that there is nothing controversial, so that the family is assured. I am sure it is the family that is pestering the hon. Member that, indeed, this girl is being held against her will or wish.

Mr. Onyonka: Mr. Deputy Speaker, Sir, I promise that by next week we will provide the necessary evidence.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper two weeks from today

(Question deferred)

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

Mr. Deputy Speaker: Not on the same. What is it in addition to?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I want to thank you for your indulgence. As the Assistant Minister goes to do that, I said yesterday that it was reported by a local newspaper that

there were 20 Kenyans held in a holding camp in Saudi Arabia. I gave that copy but the Minister was not here and I wish to give it to the House.

Mr. Deputy Speaker: Is that a newspaper cutting?

Mr. Kabogo: It is, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: But a newspaper is not evidence that is acceptable in Parliament.

Mr. Kabogo: Mr. Deputy Speaker, Sir, it is an assertion that is common knowledge in the Republic. It would not harm the Assistant Minister to find out whether 20 Kenyans are---

Mr. Deputy Speaker: Assertion or no assertion, common knowledge or not common knowledge, we have rules that say that essentially we do not rely---

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

Mr. Deputy Speaker: Do you want to be informed?

Mr. Kabogo: Yes, Mr. Deputy Speaker, Sir.

Ms. Karua: Mr. Deputy Speaker, Sir, actually there is a source of that information and it is a reputable Non-Governmental Organization (NGO); the Muslims for Human Rights (MUHURI). Therefore, the Assistant Minister could investigate because there is credible source that 20 Kenyans are being held in a camp in Saudi Arabia after being mistreated by their employers and they need help to come home.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I had also sought the help of the Chair to request the same Assistant Minister to comment on an undertaking he gave the House on Tuesday that two young minors were supposed to come back by Kenya Airways (KQ) and they did not come.

Mr. Deputy Speaker: From where?

Mr. Kabogo: Mr. Deputy Speaker, Sir, from Mozambique.

Mr. Deputy Speaker: And that was an undertaking given to you?

Mr. Kabogo: Mr. Deputy Speaker, Sir, it was an undertaking and he even gave me a copy of the ticket but the kids did not come. I had sought the indulgence of the Chair.

Mr. Deputy Speaker: Assistant Minister, what is this that you undertook?

Mr. Onyonka: Mr. Deputy Speaker, Sir, it is true that we had made preparations and tickets were issued by KQ which earlier on - outside the Chamber - I discussed with the hon. Member. The reply that we got this morning from Zimbabwe because our Zimbabwe office is the one handling this matter for Mozambique, was that the children refused to leave Mozambique for the simple reason that the ashes of their mother which had been interred had not been released officially by the Mozambique Government and the children felt that it would not have been right for them to come without them. The information I have now is that the embassy in Zimbabwe has finally managed to secure those ashes officially because of the health and legal issues involved and the children will be travelling immediately when KQ avails the flight, which should be tomorrow.

Mr. Deputy Speaker: Fair enough. I thought the Chair had given a direction on when the Question has to be listed on the Order Paper; two weeks from today. Is that okay with you, Mr. Kabogo?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I thought you would have said Tuesday. He just said they will be coming tomorrow. Two weeks is too much for minors.

Mr. Deputy Speaker: Order! The issue of the children from Mozambique is a supplementary oral matter that you have just raised. The Chair is basing his ruling or direction on what is on the Order Paper today which is what has been disposed of on the issue of Saudi Arabia. Are you comfortable?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I have no problem with that.

Mr. Deputy Speaker: You have no problem with that?

Mr. Kabogo: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough. The Chair directs that the Question be listed on the Order paper two weeks from today.

(Question deferred)

ILLEGAL SUB-DIVISION OF
L.R. NO. BARAGWI/RAIMU/22

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

(a) Is the Minister aware that land parcel L.R. No. Baragwi/Raimu/22 which belongs to Kirinyaga County Council and which was a subject of Civil Appeal case No. 28 of 2001 has been irregularly subdivided and transferred to a third party contrary to the Court order?

(b) What is the Minister doing to reverse the irregular transaction?

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, last time I was here, I had asked the indulgence of the House to give me time but the answer I have - I have discussed with the hon. Member - is quite insufficient; I think I cannot stand here to answer this Question. I need time to investigate why my officers gave me such an answer to come and read.

Mr. Deputy Speaker: When do you want to answer this Question?

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, I think I need two weeks because my officers seem to be taking us for a ride and I have discussed the matter with the hon. Member.

Ms. Karua: Mr. Deputy Speaker, Sir, there appears to be a genuine desire on the part of the Assistant Minister to give a good answer. I have also supplied him with documents to help him in finding out the true position. I am willing, subject to the Chair's ruling, to have the Question in two weeks' time.

Mr. Deputy Speaker: The Question is a Question by Private Notice. A Question by Private Notice is---

Ms. Karua: One week then, Mr. Deputy Speaker, Sir. It is about a title deed and he was not given details of a Court of Appeal ruling and I have now supplied him with a Court of Appeal ruling.

Mr. Deputy Speaker: Assistant Minister, because this is a Question by Private Notice---

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, why I am requesting for two weeks is that I am prepared to even go to the ground to find out the truth so that I know who is not saying the truth then I will report back.

Mr. Deputy Speaker: As long as you can make that firm undertaking that, indeed, you will go to the ground---

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

Mr. Deputy Speaker: When the Chair is addressing the House, you are rising on a point of order! You wait until the Chair has stopped what he is saying. You mean that you will be able to go to the ground and gather the right information and what you need is two weeks?

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, that is correct.

Mr. Deputy Speaker: Fair enough. Are you comfortable with two weeks?

Ms. Karua: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper two weeks from today. The Clerk's Department knows very well how that is computed.

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

Mr. Deputy Speaker: On the same?

Mr. Kabogo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it?

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. A couple of weeks ago, I had a similar Question and the same Assistant Minister sought the indulgence of the Chair that he was not satisfied with the answer and we concurred. When the Question came back, the other Assistant Minister came in with the same answer and he said that he would want to proceed and answer. You were on the seat then and I objected and said that they had sought time to go and give a comprehensive answer and the Assistant Minister, Mr. Rai, came with the same answer and he was allowed to proceed.

May I seek the indulgence of the Chair that this is not repeated? As you said, it is a Question by Private Notice and the Assistant Minister is asking for time to get more information. The Question I am referring to is the question on Kyang'ombe residents' title deeds in Thika and it just went like that because we never got more information. The Assistant Minister was allowed by the House, by the Chair then, you, Mr. Deputy Speaker, to proceed and give an unsatisfactory answer. I seek the ruling of the Chair.

Mr. Deputy Speaker: Order! Satisfactory or not satisfactory, based on the contents of an answer is a matter for the judgment of the hon. Member who has---

(Mr. Kabogo stood up in his place)

Order! Do not say that the Chair proceeded and allowed the Assistant Minister to give an unsatisfactory answer. What is an unsatisfactory answer? An unsatisfactory answer is an answer in which in your opinion you feel does not answer the Question. There are provisions in the Standing Orders. The Speaker or the Chair is not a participant in the debate. He is only a participant in the debate to the extent which, as listed on the Order Paper, is the Question itself and the answer. Beyond that, it is for the hon. Member to seek other avenues to get redress. So this is---

(Mr. Kabogo stood up in his place)

Order, Mr. Kabogo! You need to protect the dignity of this House and I want to repeat this to you. You have so many ways of doing these things and for God's sake you have a responsibility that you also need to execute including respecting the dignity of the debate itself here. The Assistant Minister has given an undertaking and a direction has been given on the same. You should raise that issue at the appropriate moment which is after Question Time itself.

Next Question by Mr. Chachu!

NON-IMPLEMENTATION OF SECURITY
COMMITTEE RESOLUTIONS

Mr. Chachu: Mr. Deputy 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 the larger Marsabit District Security Committee held a meeting on 13th December, 2011 at Malkona and that its resolutions have not been implemented to date?

(b) Is the Minister further aware that due to failure by Government to recover the camels stolen by members of the Samburu community of Loiyangalani District from the Gabra community there has been tension between the two communities?

(c) Could the Minister provide details on the resolutions made by the District Security Committee meeting of 13/12/2011 and also state when the Government will recover the stolen camels?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima: Mr. Deputy Speaker, Sir, I beg to reply.

On 3rd May, 2012 I gave a comprehensive answer to this Question. However, I committed to report back to this House the progress made in the arrest and recovery of the stolen animals. The recovery of all the animals is ongoing and, in fact, by yesterday, 30th May, 2012, 18 camels were recovered and arrangements are being made to hand them over to the owners.

Mr. Deputy Speaker, Sir, it is worth noting that the recovery efforts have been hampered by rough terrain. However, the District Security Committee (DSC) has requested for assistance from their counterparts from neighboring districts. Active investigations are ongoing to recover all the camels. Our security agents are still putting effort to trace the suspects, arrest them and recover all the remaining camels.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Chachu: Mr. Deputy Speaker, Sir, I have interrogated this Question on the Floor of this House for one month now. This incident happened seven months ago. It is only after trying all the other avenues available to me that I finally came to the Floor of this House to seek justice for these Kenyans.

Mr. Deputy Speaker, Sir, during that raid, a Kenyan by the name Boya Dido Kocha was killed and over 300 camels were taken. To date, 80 camels are still at large. The criminals are known even by name and even their whereabouts. On three occasions, they did return some of the animals, but they have refused to return the rest of the animals; about 80 camels in total.

Mr. Deputy Speaker, Sir, I appreciate that at least today, 18 more camels have been recovered and they are at South Horr Police Station. The thieves and even the area where the remaining animals are said to be are known, which is Longorine and Illaut areas of Samburu North District. Why can the Government not use the security machinery, the DSC and other officers in Samburu North to recover these camels and also ensure that justice is done for the person who was killed almost three months ago?

Mr. Deputy Speaker, Sir, there is so much tension in that area. We have been living in peace for quite some time. Unless something is done soon, this area could be in so much tension. Why do we not use the officers in Samburu North District - there are chiefs, DCs, OCPDs and others - so that those animals are recovered?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I do appreciate the efforts made by the hon. Member in following up on the stolen animals. I want to assure the hon. Member that everything is being done. I am sure he has seen some results. I will discuss this with him also and inform him on what is going on. We do not want to give details of the locations of these criminals, but we are involving the security teams from both counties because this is in the border areas. We

are also involving the elders and the peace committees. We have not relaxed on this matter. I request him to also keep on assisting us with information whenever he gets it. He should also encourage the reduction of tension in that area. Now that some recoveries have been made, I think these are signs that the people along the border are willing to return the rest of the animals.

Mr. Lessonet: Mr. Deputy Speaker, Sir, if it is not the policy of this Ministry to encourage cattle rustling, how many people have the Assistant Minister arrested for cattle rustling, particularly in this particular case? Probably, he could take this opportunity to also tell us how many murderers he has arrested in the incident of Baringo North.

Mr. Lesrima: Mr. Deputy Speaker, Sir, those are two different questions. On the question of Baringo North, it is very sad. The insecurity is about the border dispute. We are going there very soon to address those matters with the leaders. With regard to this particular arrest, I must admit that we have not made any arrests because normally when the terrain is vast, it is difficult. It is 39,000 square kilometers. These animals were driven from one end of that constituency to the next county. So, you must appreciate that the terrain is extremely difficult and the places where those people are hiding are not accessible, but we will eventually get them. These are young people who, when they steal animals, they go and hide, but eventually, through their relatives, we will zero in on them. There have been a number of cases where we have actually arrested cattle rustlers, but unfortunately, the media does not find it exciting to report cases of arrest of cattle rustlers and their convictions. But action is being taken even in Baringo North.

Mr. Kiuna: Mr. Deputy Speaker, Sir, while I appreciate the effort the Government is making to reduce cattle rustling, what is the Ministry doing to reduce the high tension between those two communities? This is not the first time we have heard of cattle rustling in our Republic. What long term measures is the Government putting in place to make sure that this bad habit of cattle rustling is eradicated once and for all?

Mr. Lesrima: Mr. Deputy Speaker, Sir, the long term measures are included in a report of a special Committee of this Parliament on the prevalence of cattle rustling in Kenya. But in summary, the long and short term measures, of course, are increasing the number of security personnel in the area and improving infrastructure. We have had additional police stations, District Commissioners' offices, District Officers' facilities, continuous peace meetings between communities and, basically, diversifying the economy of that region. We are very happy because there is now wind power, oil and so on. The other one is improving education. Where is this meat eaten? It is eaten here in Nairobi. We also want to rein in on conflict entrepreneurs; people who benefit at the end.

Mr. Lekuton: Mr. Deputy Speaker, Sir, some of this livestock was apparently recovered in the border of Laisamis and Samburu districts. However, the reports on the ground say that some owners of these animals were coerced to surrender their livestock. Some of them were not guilty. So, how does this Government want to eradicate cattle rustling by coercing innocent people into producing livestock that they never stole in the first place? What is your procedure on that?

Mr. Lesrima: Mr. Deputy Speaker, Sir, under the current constitutional dispensation, we do not believe in communal punishment. But we all border each other – you know hon. Lekuton is my neighbour, so is hon. Chachu. We are all involved in managing this situation. We know that when cattle are trailed, where they end is where the suspects are normally approached to produce animals. But I am not aware myself that, in this particular case, forceful effort was used to produce these camels. So, if the hon. Member has any information, we can discuss it. I know

that some of these animals are in his constituency and others are in my constituency. I think this is a matter that we need to discuss.

(Mrs. Shebesh stood up in her place)

Mr. Deputy Speaker: What is your point of order? Some of these animals are in your constituency while others are in the Constituency of hon. Lekuton.

Mr. Lesrima: Mr. Deputy Speaker, Sir, going by the police reports, some of these animals are in both constituencies. This is the latest information I have just received. We want to take action by involving the elders and the chiefs to get the animals back.

Mr. Deputy Speaker: It is paramount more than anybody else and incumbent upon you as the elected Member of that constituency and hon. Lekuton to be involved in that exercise of taking back the animals because that is the cause of the tension.

Mr. Lesrima: Mr. Deputy Speaker, Sir, this has just been brought to my attention. Because this is the end of my constituency – my constituency spans from Maralal to the other end which is about 300 kilometers--- Because this Question was being handled by hon. Ojode before, I was not aware of this fact. All these communities live across the border.

Mrs. Shebesh: On a point of order, Mr. Speaker, Sir. I am seeking your direction on an issue that is obviously touching on the Assistant Minister who is responding and the hon. Members who are asking questions. Is it fair for the Government and even for the Assistant Minister himself when they have another Assistant Minister and a substantive Minister who can answer this Question so that hon. Members get satisfied and do not doubt the answers of the Assistant Minister, to continue responding? The Assistant Minister should also not feel as if his answers are not being received due to the fact that he comes from this particular area. I am just seeking your direction. Would this Question not be better placed to be answered by a Minister who is not involved at all in this issue?

Mr. Deputy Speaker: Are you saying that there is declaration of interest in this?

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I am saying that I do not think that it is fair because the Assistant Minister himself has indicated that he is an interested party in this issue.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I am a Government Minister and I do not condone or participate in cattle rustling. I think that my colleague was just querying the methodology used by security forces in tracking stolen animals and I said that I was not aware. However, in the latest incident where animals were recovered, no force was used.

Mr. Njuguna: Mr. Deputy Speaker, Sir, hon. Chachu has, a few minutes ago, talked about unknown cattle rustlers who are currently causing havoc and tension in that area. Why is the Ministry or the Government hesitating to arrest known criminals who have caused unnecessary tension in that area?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I think I have already answered that question. I have said that a number of them have been arrested and killed. Others have killed each other during cattle rustling. Every effort is being made to trace and arrest known criminals including cattle rustlers.

Mr. Chachu: Mr. Deputy Speaker, Sir, it was after seven months that I decided to come to the Floor of this House to seek justice because I was not getting justice in my constituency. This is a case where these rustlers are known. Their whereabouts are also known. On a few occasions, they have returned some animals and refused to return the others and the Government knows this.

Finally, 18 camels were recovered yesterday while 72 are still at large. I beg you not to dispose of this Question until the Government does what it has to do to recover the remaining animals. A Kenyan died on the same day and up to today, nobody has been arrested leave alone recovering the camels that were stolen.

Mr. Deputy Speaker: Mr. Assistant Minister, what firm undertaking that will essentially rest the concerns of the House can you give because as the Member puts it, this issue, in the larger Marsabit District, dates back to December last year?

Mr. Chachu: Mr. Deputy Speaker, Sir, the attack occurred on 9th November, 2011. After that, within a month, the larger Marsabit County Security Committee held a meeting and since they know the bandits and where the rustlers are, a decision was made. I attended that meeting held on 13th December, 2011 where a decision was taken where the OCPD and the DC Loiyangalani were asked to implement the decision. To date, seven months down the line, it is only yesterday, after pressure was exerted on the Floor of this House that 18 camels were recovered.

Mr. Deputy Speaker: Mr. Assistant Minister, give an undertaking that will essentially---

Mr. Lesrima: Mr. Deputy Speaker, Sir, the hon. Member has mentioned certain locations where these people are said to be located. I am also in touch with the Provincial Administration on the ground and the OCPDs from both sides. I have been talking to them. We want to involve the elders and the chiefs to zero in on these people to ensure that those animals are recovered. Indeed, it is true that the young men are hiding but I think it is not good to go further and pick their parents and so on. However, it is in my own interest and in the interest of our people that these animals are returned so that we continue to co-exist peacefully.

Mr. Deputy Speaker: Hon. Assistant Minister, you need to give some kind of undertaking. You seem to be aware of the fact that even the young men who have been involved in cattle rustling are known to be hiding somewhere. What is the security machinery doing about this because there is the long arm of the law which is supposed to reach everywhere?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I have just said that we will continue pursuing them because these are pastoralists and they do not stay in one place. These young morans, as you know, do not stay in one place but we will continue tracking them down.

Mrs. Shebesh: On a point of Order, Mr. Deputy Speaker, Sir. I beg to seek your indulgence again and to plead with you that as I said, I do not think that it is fair to have this Question being answered by an interested party. I feel that the hon. Member for North Horr is not satisfied. Could you give guidance on my earlier request that this issue be brought again and that the substantive Minister or the other Assistant Minister is considered?

Mr. Deputy Speaker: As a matter of fact, I find that the Assistant Minister has been very honest in this matter. It is not often that you will find a Member in the Government who admits that there are morans in his own constituency and other neighbouring constituencies that are responsible for this. But nonetheless, because this matter has taken a long time and it is only now that it has come to the Floor of the House and there seems to be some effort to take the livestock to the original legitimate owners, the Chair directs that this Question be listed on the Order Paper two weeks from today. The Minister had better come with an answer that essentially shows that a substantial amount of work has been put into it to take back these animals to the legitimate owners.

(Question deferred)

Mr. Deputy Speaker: Next Question by Mr. Gitari!

ORAL ANSWERS TO QUESTIONS

Question 1245

STALLED REHABILITATION OF KERUGOYA MARKET

Mr. Gitari asked the Minister for Local Government:-

(a) why the rehabilitation works at Kerugoya market have stalled, forcing traders to operate in an incomplete facility;

(b) how much money was set aside for the rehabilitation of the market, what the scope of works was and how much money has been spent so far; and,

(c) when the Ministry will complete the market, including paving it.

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Deputy Speaker, Sir, I beg the indulgence of the House. I had approached the hon. Member because the answer that I have is not satisfactory and I would like to request if I could have one week to answer it properly.

Mr. Deputy Speaker: Assistant Minister, you want this Question not to be listed on the Order Paper today? Is the hon. Questioner in agreement with you?

Mr. Gitari: Mr. Deputy Speaker, Sir, that was not the agreement with the Assistant Minister. The Assistant Minister had promised that it should appear on Wednesday next week. I do not know what has prompted him to change to one week.

Mr. Deputy Speaker: Today is Thursday. Between now and next Wednesday it is just one day less than one week.

Mr. Gitari: I am most obliged.

Mr. Deputy Speaker: So, the Chair directs that this Question be listed on the Order Paper one week from today. Assistant Minister, you better have an answer that is adequate and that is valuable for one more day.

The Assistant Minister for Local Government (Mr. Nguyai): That is why I asked, Mr. Deputy Speaker, Sir.

(Question deferred)

Mr. Deputy Speaker: Next Question by hon. Isaac Muoki!

Question No. 1402

REVIVAL OF FISH FARMING PROJECTS UNDER ESP IN IKUTHA/MUTOMO DISTRICTS

Mr. I. Muoki asked the Minister for Fisheries Development:-

(a) whether he is aware that fish farming projects funded under the Economic Stimulus Programme in Mutomo and Ikutha districts were abandoned at the initial stages; and,

(b) what urgent measures he will take to revive the projects.

The Assistant Minister for Fisheries Development (Mr. A.C. Mohamed): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the aquaculture project in Mutomo was abandoned. However, I am aware of some challenges that the project faced and is still facing in Mutomo. These are:-

- (i) persistent water shortage in the constituency;
- (ii) shortage of staff; and
- (iii) shortage of funds for pond liners.

(b) In addressing the above challenges so as to ensure the success of the project in Mutomo, the Ministry has undertaken the following measures:-The Ministry has made provision for pond liners to be used to harvest rain water. It has posted a Fisheries Extension Officer to the Kitui South Constituency. In addition, the hon. Member has visited the Ministry and discussed the matter in details with among others the Permanent Secretary and the Director of Aquaculture and he was satisfied with the proposals to be implemented on this project.

Mr. I. Muoki: Mr. Deputy Speaker, Sir, I want to confirm that, indeed, the project had actually stopped and as a follow up, I visited the Ministry and as the Assistant Minister has said, we consulted with the Permanent Secretary and the Director of Aquaculture and we agreed on the mode of reviving this programme and I am satisfied. However, could the Assistant Minister ensure that what we discussed about reviving the project takes place as soon as possible?

Mr. A.C. Mohamed: Mr. Deputy Speaker, Sir, I am most obliged. We will undertake to implement all that we have discussed.

Ms. Shakila Abdalla: Mr. Deputy Speaker, Sir, while I appreciate the Ministry for coming up with a project for fish farming, could the Assistant Minister inform the House what efforts they have made to assist the local fishermen who fish in the sea with their funds because I understand there is Kshs3 billion from the World Bank, given that he comes from a constituency whose economy depends on fishing?

Mr. A.C. Mohamed: Mr. Deputy Speaker, Sir, it is true there is Kshs3 billion but that is not for the Ministry of Fisheries Development only; it cuts across the agriculture sub-sector ministries. Now, for the area of the Indian Ocean, the Ministry has a plan to put up a mariculture programme that is different from fish farming.

Mr. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister has addressed Kitui South in respect of the Economic Stimulus Programme but this programme covers the entire country and most of the projects were not completed. He has admitted that they have a shortage of pond liners, officers and other required materials. Could he inform this House whether they have provided enough funds to complete the projects which were started under the same programme in other constituencies and most specifically Kiharu?

Mr. A.C. Mohamed: Mr. Deputy Speaker, Sir, during the 2009/2010 Financial Year, the Government allocated over Kshs1.12 billion to support fish farming productivity programmes but unfortunately in the current 2011/2012 Financial Year, the Treasury has withdrawn the money from the Ministry and that has incapacitated us from implementing all the programmes across the country.

Mr. Deputy Speaker: Hon. Isaac Muoki, the last supplementary question. Are you satisfied?

Mr. I. Muoki: Mr. Deputy Speaker, Sir, I said that I was satisfied as long as the Assistant Minister assures me that the project will resume, which he confirmed.

Mr. Deputy Speaker: Next Question by Mr. C. Kilonzo!

Question No.1391

ILLEGAL SALE OF WATER TANKS AT
MATUU DISTRICT HOSPITAL

(Mr. Deputy Speaker left the Chair)

(Mr. Speaker resumed the Chair)

Mr. Speaker: Order, hon. Members! I have information that hon. C. Kilonzo is away on official parliamentary duty out of the country. So, his Question is deferred until such time that he is back.

(Question deferred)

Mr. Deputy Speaker: Next Question by Dr. Otichilo!

Question No.1200

MEASURES TO MITIGATE DRYING UP OF LAKE KANYABOLI

Dr. Otichilo asked the Minister for Environment and Mineral Resources:-

(a) what the cause of the drying up of Lake Kanyaboli in Siaya County, one of the largest ox-bow lakes in Africa is;

(b) which endemic fish species and other aquatic life are threatened by the drying up of the lake; and,

(c) what urgent measures he will take to arrest the situation and avoid extinction of endemic aquatic life in the lake.

Mr. Speaker: Minister, are you ready to answer?

The Minister for Environment and Mineral Resources (Mr. Mwakwere): Mr. Speaker, Sir, I am not ready to answer. Unfortunately, I have just arrived from Moscow where I was on official duty. I have not even gone to the office. I have just arrived straight from the airport to Parliament. So, bear with me, hon. Speaker.

Mr. Speaker: Fair enough. How long do you want to answer the Question?

The Minister for Environment and Mineral Resources (Mr. Mwakwere): Mr. Speaker, Sir, on Wednesday next week.

Mr. Speaker: Very well. It is so directed. Hon. Dr. Otichilo, please note on Wednesday next week.

Dr. Otichilo: That is okay.

Mr. Speaker: Wednesday at 9.00 a.m.

(Question deferred)

Mr. Speaker: Next Question by Mr. Chanzu!

(Hon. Pesa stood up in his place)

Mr. Speaker: Hon. Pesa you are not the Member for Vihiga, are you?

Mr. Pesa: On a point of order, Mr. Speaker, Sir. Hon. Chanzu talked to the Deputy Speaker and we agreed with the Deputy Speaker that I ask the Question.

Mr. Speaker: So, proceed!

Question No.1510

PROCEDURE FOR REGISTERING A PUBLIC SECONDARY SCHOOL

Mr. Pesa, on behalf of **Mr. Chanzu** asked the Minister for Education:-

(a) what the procedure for registering a public secondary school in the country is;

(b) whether he is aware that it takes too long for a public secondary school to be registered by the Ministry; and,

(c) what measures he will take to ensure that the red tape in the registration of schools is cut down considerably.

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

(a)The procedure for registering public schools is as follows: The Board of Governors (BOG) applies to the District Education Board (DEB) for recommendation for approval of the school's registration. The letter is addressed to the District Education Officer (DEO) who is the secretary of the DEB.

The DEO assigns the Quality Assurance and Standards team to conduct an assessment of the institution and provide a report confirming that its criteria for registration and the report cover aspects like the size and documentary evidence of ownership of land, availability of adequate facilities such as tuition, sanitation, administration, dining, staff houses and playgrounds, organizational structure covering management, administration, staffing, curriculum and departments among others and potentiality of certain areas in terms of population and proximity to justify the need for the establishment of the school.

Then the DEO requests the District Public Health Officer to compile a report on the sanitation conditions at the institution. The DEO presents both reports to the DEB for deliberation and recommendation for registration. The principal fills and signs the application form provided by the Ministry detailing particulars including the name, location, address and type of school, management, sponsorship, types and numbers of classrooms at the school.

The District Education Officer (DEO) forwards to the Ministry Headquarters the following set of documents; application form duly filled and endorsed by the DEO, DEB minutes approving the school for registration, recent and not more than six months quality assurance report, recent and not more than six months health and sanitation report from the District Public Health Office and the school site plan.

At the Ministry Headquarters, the following procedure is followed. A school file is opened and the school pays an application fee of Kshs1,000 and a brief of the school is prepared. If the documents are found to be in order, a recommendation is made to the Director for registration of the institution. The Director approves the registration and the certificate is prepared and forwarded through the DEO for onward transmission to the school.

(b) The duration that the Ministry takes to register a public secondary school depends on the fulfillment of the requirements that I have detailed above. According to the Service Charter of the Ministry, we have committed ourselves to register a school within a maximum of 21 days after receipt of the documents at the headquarters. Otherwise, applications for registering a school are processed and concluded in a matter of hours when all these documents are provided and are in order.

(c) I am not aware of any red tape in the registration of schools that needs to be reduced.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has stated here that it is the duty of the DEOs to inform and involve the local Public Health Officers. Is the Assistant Minister aware that the DEOs do not do this job and instead it is the headteachers and the Parent Teachers Associations (PTA) that approach the local Public Health Officer at a fee?

Prof. Olweny: Mr. Speaker, Sir, well, I shall remind the DEOs that they should help in facilitating that. Otherwise, it causes no harm even if the DEO approaches the public health team in the district. After all, they are in the same district.

Mr. Pesa: Mr. Speaker, Sir, though the Assistant Minister has denied that there is a delay in registering schools whenever the application is sent to them, now that we are going regional, could the Ministry come up with a policy whereby most of the work of the registration of schools especially primary schools and secondary schools can be done at the regional level?

Prof. Olweny: Mr. Speaker, Sir, I have said that there is no delay. However, the devolution process is just on. We will see what comes out of it. We are coming up with a new education policy and some of these things will be covered.

Mr. Speaker: Order hon. Members! Because of the communication which I made earlier on with respect to resumption of the sitting to go through the voting exercise, I will now defer the balance of the Questions until Tuesday, next week. They will take priority over Questions that are, otherwise, scheduled to appear on the Order Paper for that day.

Question No.1362

MECHANISMS TO COMPLY WITH GENDER
REQUIREMENT IN PUBLIC SERVICE

(Question deferred)

Question No.1558

IRREGULAR ALLOCATION OF GRANTS TO TWO
DIPLOMA TEACHERS TRAINING COLLEGES

(Question deferred)

Question No.1532

STATUS OF INVESTIGATIONS
INTO DRUG TRAFFICKING CASES

(Question deferred)

Next Order!

MINISTERIAL STATEMENT

BUSINESS FOR THE WEEK
COMMENCING 5TH JUNE, 2012

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I wish to make the following Statement with regard to business for next week pursuant to provisions of Standing Order No.36(4). Next week, we expect the House to debate on the following Bills that are currently at their Second Reading stage. They are: The Pyrethrum Bill, Bill No.57 of 2011; The Sugar (Amendment) Bill, Bill No.62 of 2011; The Traffic (Amendment) Bill, Bill No.8 of 2012 and Public Private Partnership Bill, Bill No.12 of 2012.

We also expect the Committee of the Whole House on the Statute Law (Miscellaneous Amendment) Bill, Bill No.14 of 2012 obviously, upon conclusion of its debate on the Second Reading stage as well as the Committee stage on the Kenya School of Law Bill which has already gone through the Second Reading. We will also be giving priority on any remaining business from today's House proceedings.

The House will also consider debate on the Motion to adopt the Report on the Select Committee on Budget on the examination of the Annual Estimates of 2012/2013. Finally, the House Business Committee will meet on Tuesday, 5th June, 2012, at the rise of the House to consider business for the rest of the week.

(Mr. Koech stood up in his place)

Mr. Speaker: Order, hon. Members! The Member for Mosop, I do not know why you are on your feet. Is there any other Statement which is ready for delivery? The Member for Mosop, to attract my attention, you actually say "point of order".

Mr. Koech: I said "on a point of order" Mr. Speaker, Sir.

Mr. Speaker: I did not hear you, neither did the Member for Ikolomani until now. Proceed.

Mr. Koech: Mr. Speaker, Sir, I want to thank the Deputy Leader of Government Business for the business of next week. But there is a Bill that we have been awaiting for very long and I was expecting it to come next week. This is the Teachers Service Commission (TSC) Bill. I do not know how far it is. Maybe the Deputy Leader of Government Business could tell us the position of the same.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I think the TSC Bill has already been published and it is here.

Mr. Speaker: Hon. Members, the Bill on Teachers Service Commission has actually been published and it can come for First Reading possibly next week. So, it has been attended to really. Is there any other Statement ready for delivery? Then we will take requests for Statements.

Yes, the Member for Makadara.

POINTS OF ORDER

RECKLESS KILLING OF KENYANS IN SOUTHERN SUDAN

Mr. Mbuvi: Mr. Speaker, Sir, I have two requests for Ministerial Statements. First, I rise to seek a Ministerial Statement from the Minister for Foreign Affairs on the reckless killing of Kenyan citizens in Southern Sudan. In the Statement, the Minister should clarify the following:

(i) Whether he is aware that Kenyans in Southern Sudan are being killed unjustifiably.

(ii) Under what circumstances was a young Kenyan girl, Tabitha Mulekye Musangi, aged 25 years shot by South Sudan security forces?

(iii) The Minister should provide the names of other Kenyans killed in South Sudan since January, 2012 to date.

(iv) What measures the Government is taking to provide security for all Kenyans in South Sudan.

(v) Owing to the public concern on this matter, the Minister should clarify what steps the Kenya Government has taken to make sure the families of all Kenyans killed in South Sudan are compensated.

Mr. Speaker: Fair enough. Minister in charge of foreign Affairs---

(Dr. Khalwale stood up in his place)

What is it, the Member for Ikolomani?

Dr. Khalwale: Mr. Speaker, Sir, further to what Mr. Mbuvi has said, I do not know whether the Chair will indulge me so that I can seek a small thing---

Mr. Speaker: You have the Floor.

Proceed.

Dr. Khalwale: Mr. Speaker, Sir, the Minister should also add to it, what action he is taking to ensure that the Government of South Sudan protects the businesses of Kenyans who are in joint venture with South Sudanese citizens. This is because some of the Kenyans, after the businesses have taken off, are normally ordered out of the country, sometimes at gunpoint.

Mr. Speaker: Yes, Deputy Leader of Government Business!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I would ask that we give the Ministry of Foreign Affairs up to Thursday, next week, to come up with a comprehensive Statement. This is because they might need to consult with their neighbours across.

Mr. Speaker: It is so directed. Member for Makadara, please, proceed to the next request.

MEASURES BY GOVERNMENT TO BAN GAY/LESBIAN PRACTICE IN KENYA

Mr. Mbuvi: Bw. Spika, ninesimama kuomba Taarifa kutoka kwa Makamu wa Rais na Waziri wa Masuala ya Ndani kuhusu kuongezeka kwa idadi ya mashoga na mabasha humu nchini, haswa humu jijini Nairobi na Mombasa. Katika Taarifa yake, ningependa Makamu wa Rais na Waziri wa Masuala ya Ndani afafanue masuala yafuatayo:-

(i) Serikali ina mpango gani wa kupiga marufuku shughuli za ushoga na ubasha humu nchini;

(ii) iwapo Serikali inaunga mkono ama inapinga hatua ya mashoga na mabasha kutaka kupewa leseni humu nchini;

(iii) ni hatua gani mabasha na mashoga watachukuliwa wakipatikana wakiendeleza kazi zao za ubasha na ushoga katika mitaa ya Jiji la Nairobi na Mombasa; na,

(iv) ni mikakati gani mwafaka Serikali imeweka kuhakikisha kwamba vijana wasio na ajira hawahusishwi na masuala ya ushoga na ubasha humu nchini.

Mr. Speaker: Is there any Minister from the Office of the Vice-President and Ministry of Home Affairs? Deputy Leader of Government Business, can you take brief for your colleagues?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we will pass on the message to the Office of the Vice-President and Ministry of Home Affairs for them to have the Ministerial Statement delivered on Thursday, next week.

Thank you.

ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY – NARC-KENYA CLUSTER

*(Pursuant to Article 50(1) of the Treaty for the Establishment
Of the East African Community Act and the Treaty for the
Establishment of the East African Community (Election of
Members of the Assembly) Rules 2012*

Mr. Speaker: Hon. Members, we will, at this point, not proceed to the next order. Instead, we will go by the Communication that I gave earlier. Therefore, let us take the business of voting for Members of the EALA, limited to the election in the cluster of NARC-KENYA, where there was a tie between two candidates, namely, Kimura Catherine Ngima and Ogle Abubakar D. Abdi. We will now proceed to vote for these two.

The procedure is as communicated at the commencement of the sitting this morning. I reiterate the contents of that procedure. The rules will be the same. We will, therefore, move to do that now. I am certain that the two agents are here, namely, the Whip for the PNU side and the Whip for the ODM side, both of whom are Government Whips. Therefore, please, now see that the ballot boxes are empty.

*(The Clerks-at-the Table displayed
two empty transparent ballot boxes)*

Hon. Members, voting will continue for 40 minutes, beginning from now. We will carry on until 5.20 p.m. After that, we will suspend the sitting for 30 minutes to enable the Returning Officer to count and tally the votes. There are two ballot boxes out there. We will not have voting booths because we have established that it is possible to still vote secretly without the use of voting booths. You will vote from the two ends of the Dispatch Box.

The voting will proceed in this manner: We will, first, take the front row from the right hand side of the Speaker. When they finish, we will go to the front row to the left of the Speaker. We will expedite the process as best as we can.

Hon. Members: No! Both sides can vote simultaneously!

Mr. Speaker: Order! Order, hon. Members! I understand that there is also a Front Bench to my left.

Hon. Members: Yes!

Mr. Speaker: Hon. Members, therefore, since we have two Clerks-at-the-Table, who can take both rows, we will simultaneously take the first row to the right of Mr. Speaker and the first row to the left of Mr. Speaker. Please, proceed in an orderly manner. We do not want to see any crowding in the House.

(Hon. Members proceeded to vote, one by one)

Mr. Speaker: Order, hon. Members. Please, resume your seats. Hon. Gumo, the time for voting is up.

(Consultations)

Hon. Members, the time allowed for voting is up. So, the polling station will now close and we will suspend the sitting for the next 30 minutes so that the Returning Officer can count and tally the votes.

*(The sitting was suspended for 30 minutes
to allow for the country of votes)*

(The Sitting of the House Resumed)

Mr. Speaker: Order, hon. Members! The counting and tallying is now complete. The Returning Officer is in a position to give us the results.

Order, Serjeant-At-Arms!

ANNOUNCEMENT OF THE RESULTS OF THE EALA ELECTION – NARK-KENYA CLUSTER

The Clerk of the Kenya National Assembly (Mr. Gichohi): Mr. Speaker, Sir, the results of the election on NARC-Kenya are: Spoilt votes - nil. Kimura Catherine Ngima garnered 25 votes; Ogle Abubakar Abdi - 81. The total votes cast - 106. Certified by the Returning Officer; witnessed by the counting agents, the Chief Whips, hon. Jakoyo Midiwo and hon. Johnstone Muthama.

DECLARATION OF THE OUTCOME OF THE EALA ELECTION-NARCK-KENYA CLUSTER

Mr. Speaker: Hon. Members, following the election that has taken place with respect to the election of the nominee under the auspices of the Party of National Unity, NARC-KENYA, I am satisfied that the elections have been conducted in accordance with the Constitution of Kenya, the Treaty establishing the East African Community and the rules promulgated by this House and declare hon. Ogle Abubakar Abdi elected after garnering 81 votes.

Hon. Members, that then will bring us to the end of the order pertaining to elections. Bearing in mind the business that the House has had to transact today both in the first sitting and second sitting which entailed working through the lunch break for all practical purposes, I

exercise powers conferred upon me as the Speaker by Standing Order No.36 and find that that should bring us to the end of business for today. So, we will close our business and the House stands adjourned until Tuesday, next week at---

Mr. Midiwo: On a point of order, Mr. Speaker, Sir. We thought you would give us a minute just to thank your office and the hon. Members for a successful day. It is a historical moment.

Mr. Speaker: If that is the mood of the House, then I will let it happen. I will begin with you, Chief Whip.

Mr. Midiwo: Mr. Speaker, Sir, I am sorry to interrupt you when you were on your feet but I thought this is the first time in this country that hon. Members or politicians are being asked for their votes. It is historical that we have had a full day to vote. I wanted to particularly thank your office and the Office of the Clerk for an exercise well done.

(Applause)

I would like to say that, having listened to your Speech at the National Prayer Breakfast session this morning, I was particularly very impressed that you wish this country stays peaceful during the next electioneering period. We have had a day without any incident. Hon. Members are cordial to one another. Truly, this is the direction that all of us should preach across the country as we move towards the next elections.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Thank you, Chief Whip, for your kind words.

Yes, Member for Lagdera!

Mr. Farah: Mr. Speaker, Sir, I also want to join the Chief Whip in thanking all the Members of Parliament who participated in this exercise today, and thanking you for the way you have conducted this exercise, which is a first one in the history of our country, and which has come out a very exemplary one.

I also want to congratulate all the eminent people who have been elected to these positions, beginning with Amb. Ogle and the rest of them – Abisai, Zein, Sarah Bonaya – and tell them that they now have a responsibility to integrate the region. There is a very tough task ahead of them but I am sure that they are equal to the task.

Mr. Speaker, Sir, what I have seen today is our own harmony and integration of this country at its own time. The exercise today was conducted not on ethnic basis or on party basis but on individual basis. The manner in which every hon. Member was able to campaign with other Members across the board was impressive. The people we have voted in are exemplary. They will serve us very well.

I want to thank everybody, beginning with presidential candidate; hon. Martha Karua, whom, I am sure will also have some very wise advice to these eminent people.

Thank you.

Ms. Karua: Mr. Speaker, Sir, I also want to join my colleagues in thanking you and the entire staff members of the National Assembly, represented by the Clerk, and to congratulate the nine Members who have been elected for holding peaceful campaigns. I also want to thank Parliament for holding peaceful elections.

I just want to tell these Members that they are not representatives of their ethnic groups. They are not representatives of the political parties that have nominated them. They are not representatives of the regions they come from. They represent Kenya in the EALA. They are our

ambassadors for integration of our region. We wish them well. I want to echo my colleagues that this is the way forward in this country. Let us have peaceful campaigns and peaceful coming general elections.

Thank you.

The Assistant Minister for Tourism (Ms. Mbarire): Mr. Speaker, Sir, I wish to add my voice to those of my colleagues in thanking your able office for enabling us go through this process in a peaceful and very transparent manner.

I am even more excited by the fact that we have ended up with five women who have been elected to the EALA, and four men. So, for the first time, we have more women than men representing Kenya in the EALA. I am very happy about that outcome.

Mr. Speaker, Sir, I want to congratulate all the candidates who have made it through and also congratulate those who did not make it through because they did peaceful campaigns. The most important thing is the way we handled the whole issue. We had intense campaigns and lobbying that was very peaceful.

One thing that made my day was this morning when hon. Martha Karua and hon. Uhuru Kenyatta shook hands and spoke very cordially about the elections. I hope that even as we go to the national elections, we shall see the same spirit go with us out there.

Thank you, Mr. Speaker, Sir.

Mr. Nyambati: Mr. Speaker, Sir, I also wish to take this opportunity to congratulate our Members to the EALA and urge them that they are our representatives there. I hope that they will hasten the integration of the East African Community (EAC), so that we become one country, politically, as well as socially and economically.

Mr. Speaker, Sir, the kind of elections that we have had in this House today should be a precursor to what should be in the coming general elections. The country has witnessed the very peaceful elections that we have held in this House. I hope and pray that this will be an example of what we should have in the coming general election.

I congratulate the successful candidates and wish them well, and hope that they will fly our flag high.

Thank you, Mr. Speaker, Sir.

The Minister for Gender, Children and Social Development (Dr. Shaban): Ahsante sana, Bw. Spika, kwa kunipatia fursa hii. Ningependa kuwapongeza watu waliokuwa wakishindania viti vya Bunge la Jumuiya ya Afrika Mashariki. Pia, ninataka kuwapongeza Wabunge wenzangu kwa kazi nzuri tuliyofanya. Pia, kwa Wakenya, kuna funzo: Kwamba, Wabunge wakikaa pamoja hawakosani, na tusitoke nje kwenda kuwakosanisha watu wetu.

Kwa hivyo ninataka kuwapongeza wale walioteuliwa kutuwakilisha katika Bunge la Jumuiya ya Afrika Mashariki na kuwashauri kwamba wanakwenda kupeperusha bendera ya Kenya na kutufanyia kazi kama Wakenya. Jumuiya ya Afrika Mashariki ni muhimu kwetu sote ambao tuko katika eneo la Afrika Mashariki. Ninataka kuwapongeza wale akina mama wanne waliopata vyeo hivyo leo na kuwahimiza kwamba wasisahau kwamba wao ni akina mama, na wao ni Wabunge; na wana haki ya kuipeperusha bendera yetu ya Kenya.

Ahsante, Bw. Spika.

The Minister for Roads (Mr. Bett): Mr. Speaker, Sir, I also want to associate myself with these congratulatory sentiments by saying “well done” to the Office of the Clerk of the National Assembly for the job they have done today.

In a democratic process, there is always a winner and a loser. I want to address the losers and tell them that they have not lost because that is part of democracy. I want to congratulate

them for offering themselves to be part of this process. I want them to know that this process was transparent. I want to urge them to continue in their quest to serve this country, and not to give up.

Mr. Speaker, Sir, I also want to indicate that this should be reflected in the next general elections. The peaceful manner in which today's elections were held in this House should be reflected in the coming general elections. Let us conduct our campaigns in a manner befitting orderly ladies and gentlemen.

Thank you, Mr. Speaker, Sir.

Mr. Chanzu: Mr. Speaker, Sir, I also want to add my voice and congratulate the nine Members who have been elected to serve in the EALA. In particular, I want to congratulate Sarah Bonaya for having been returned because that will allow for continuity. She can serve to share the experience she has acquired and the knowledge of the place with the newcomers.

Mr. Speaker, Sir, the way your office designed the ballot papers made it very easy for hon. Members to vote. It has taken into account, generally, regional balance, which has been a problem in this country. I thank your officers and congratulate the successful candidates, and remind them that when they go out there, they will be representing this country, and not the areas that each individual comes from. I would like us to emulate this when it comes to the general elections at the end of this year or early next year.

Thank you.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Speaker, Sir, I want to congratulate your office and the Office of the Clerk of the National Assembly for work well done.

Mr. Speaker, Sir, Parliament is leading the path on reforms. I recall the way the outgoing EALA Members were picked in the Ninth Parliament. If you compare that process with the way elections were done in the Tenth Parliament, you will agree with me that there have been a lot of reforms undertaken by this country since then. I also want to point out the fact that the exercise that we have carried out today is historical. When I was contributing to the Motion on the Election Rules for Members of EALA on the Floor of this House, I talked of integrating the region, taking into account the interests of the people living on the borders of our country; from Lunga Lunga to Malaba. Those are the people who are most interested in the integration of the East African Community because of the challenges they face daily. I am happy that today's elections have been very historic in that two people from communities living on the borderline of our country with our neighbours have been elected.

I really want to congratulate the House for that. This is the first time in the history of this country that, that area got a chance to represent this country in the EALA.

Mr. Speaker, Sir, I also want to agree with my colleagues that we move ahead in a very peaceful way to the national elections. We also urge those elected to represent the country as a whole and even the East African region.

Thank you.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I also just want to thank the office of the Speaker and that of the Clerk of the National Assembly for a very good election. I also want to thank the Members for very fair elections, even though I know the candidates were fronted by different parties. However, when it came to voting, we looked at Kenya as a whole; indeed, those who have been elected largely reflect the face of Kenya.

Mr. Speaker, Sir, I just want to say that I am very happy that we have considered very able women like Mumbi Ng'aru, Sarah Bonaya, Nancy Abisai and Judy Pareno. I am very

happy; I know that these women will do us proud and will ably represent this country the way we, women, have represented women of this country in this House.

Mrs. Shebesh: They should *fuata our nyayo!*

Mr. Odhiambo-Mabona: Finally, I can hear Rachel saying they should *fuata our nyayo*. Yes I would encourage them to, so that wherever they go, people will see that there are tough women in Kenya.

Mr. Speaker, Sir, I also want to just say that I am very happy that we have also very largely considered minority communities. Indeed, the other people are very able and hoped to be considered; Mr. Ng'eny, the former Mayor of Buret, amongst others, is a very able person. I want to say that they will have opportunities in the future; really we could have only the nine.

Congratulations to them.

Thank you Mr. Speaker, Sir.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Speaker, Sir, I was among the team of lawyers who went to the East African Court of Justice (EACJ) to challenge the decision of the Ninth Parliament and the manner in which they had picked the representatives to the EALA. It was found that they had violated the provisions of Article 50 of The Treaty for the Establishment of the East African Community. The manner in which they picked the names was undemocratic.

Mr. Speaker, Sir, today, I am proud to be a Member of the 10th Parliament. I think we have set standards. We have carried out these elections in a very democratic way.

Mr. Speaker, Sir, we must thank you, the Office of the Clerk of the National Assembly and all Members for the manner in which we have carried out these election. If we can carry out an election in the manner that we have done here today, and if we can carry out an election the way we did during the Referendum in 2010, we believe come the next general election, we will carry out a peaceful and democratic elections in this country.

As we close our work next week on Thursday, may we proceed to Mombasa all of us. I am inviting all Members of Parliament to be at this workshop where we will talk about peaceful elections. We have shown an example that, indeed, Kenya can hold peaceful elections. Parliamentarians and this House can do it; we have set standards. I just want to thank Members and ask them that next week, we all be in Mombasa to talk about peaceful elections and a peaceful transition for the sake of our nation.

Thank you.

Mr. Langat: Mr. Speaker, Sir, I want to start by congratulating those who have been elected here today. As they prepare to take up their new positions, I would like to ask them to ensure that the Kenyan flag flies very high within the EAC. They should represent us as a country.

For those who tried and failed, I will tell them tomorrow is another day. They will live to fight again. I want to thank my colleagues for the manner in which we conducted these elections. The campaigns were very quiet but very intense.

Mr. Speaker, Sir, I want to say congratulations to your office and the Clerk's office. I say congratulations because the process was free and fair, and everybody in the country was watching.

I congratulate those who have been elected and wish them the very best as they start work in their new positions.

Thank you.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Mr. Speaker, Sir, I would like to join my colleagues in congratulating your office for conducting a very peaceful, transparent and professional exercise today. I think the elections that are coming will be what we, leaders, will make it. Let us emulate those candidates of EALA who campaigned amongst us today. As my colleague put it, they campaigned in a very intense manner, but very peacefully. Let us make sure that this country will hold peaceful elections. It is we, the leaders, who will determine how the elections will go. It will not be the voters. It will be we; the leaders.

Mr. Speaker, Sir, I would like to congratulate the Members who have been elected today, and tell those who have not been successful that all is not lost. It was about democracy. They have offered themselves to serve this country and I believe they will either continue serving where they are or they will, probably, get better opportunities to serve this country in a different capacity.

With that I say thank you.

Mr. Njuguna: Mr. Speaker, Sir, let me start by thanking His Excellency the President for the Statement he delivered during the prayer breakfast meeting. I also extend my commendation to the Speaker for also making a very wonderful speech during this meeting. We also have noted commendable work done by the parliamentary staff, and also the organizing committee headed by Mr. Ndambuki.

Let me also thank the Members of this House for the true spirit of brotherhood and nationhood displayed today in the House. Let me urge those who have been elected to continue building the spirit of East Africanism in our region.

With those few remarks, I support.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Speaker, Sir, I want to join my colleagues in congratulating your office and Members of this House for choosing these nine members. I note that men are four and women are five. I think that is the way to go.

Mr. Speaker, Sir, there is one issue that is disturbing me. In the first round of this election, there were ten spoilt papers. You were very clear; I heard you on radio as I was driving from my house. You were very clear in the way you spelt out the rules. Here are very educated members of society, Members of Parliament and we got ten spoilt ballot papers! I am just thinking about the next elections. We will have six candidates to vote for. These ten spoilt ballot papers are worrying me. How many spoilt ballot papers are we going to get in the coming general election? This should be a pointer to the Chairman of the Independent Electoral and Boundaries Commission (IEBC) that he has problems coming.

Thank you Mr. Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I want to start by, perhaps, disagreeing with my colleague that the next elections will not be problematic. We have every hope that the systems that have been put in place will make sure that it will be easier. Let me start by congratulating the nine Members elect of the East African Legislative Assembly (EALA) and also to recognize the efforts that have been put by the Speaker's Office and the Clerk's Office and the Committees that have worked on the rules and the whole procedure; the way the political parties have also behaved themselves in terms of the nomination and clearance of the people and avoiding any showdowns on the Floor of the House as we saw in the past.

I think when we look at these elections, they are also taking place at a time when His Excellency the President Mwai Kibaki is the Chair of the East Africa Community (EAC). It is very symbolic that this Parliament may well be setting the pace for how the elections will be held

within the EAC as part of the best practices for other countries. I will not be surprised if the EAC was to ask you and the Clerk to be consultants in the other countries in terms of having these elections. But even before then - because we have elections in 2013, especially given some of the financial challenges we are seeing within the Independent Electoral and Boundaries Commission (IEBC) and this has been a cost effective election - perhaps there might be lessons and we would propose a session between your office and the IEBC on how to run cost effective elections. They were very complex but we managed to go through clustering, then parties and eventually we have selected nine people comprising the region, the gender and all those things within one single sitting. It is all partly because of the process that was put in place and the management of the elections. I want to congratulate your team and to offer, on behalf of this House, your services to the IEBC. Perhaps we could second the Clerk's Office to the IEBC to help build their capacity to hold the elections that we need next year on a very serious note because the lessons have been learnt on what to do in a complex situation. We only changed the rules within the last month; we have been able to educate hon. Members on the rule. Hon. Members have managed to get an output that would have taken days and even when we were looking at it as the House Business Committee, the reason we started in the morning, was that we were envisaging that we might even have had to sit for several days to get that combination but we managed to do it. So, from the bottom of my heart, I want to record those thanks.

Again, congratulations to those who participated and those who were elected. I hope that as they represent us within the EAC, they will obviously now forget their party colours and forget the regions and look at the issues of Kenya within the EAC as we move forward towards the political federation which we hope to achieve within the five years that they will be within the East African Legislative Assembly.

Mr. Speaker: Hon. Members, kindly allow me to put on record, on behalf of members of staff, led by the Clerk and myself, our acknowledgment and appreciation for the commendation that has been forthcoming from all the hon. Members without exception for the work that we put into this exercise. In fact, it took focused and professional team work to do this. As a matter of fact, a lot of the time - and I want to thank members of staff for this - our working day for the past three weeks or so has run into invariably 12 hours a day and perhaps, that is what it will take to take Kenya to the next level.

ADJOURNMENT

Mr. Speaker: Having said that, I wish to revisit what I had started to say earlier on, that exercising the powers vested upon me by Standing Order No.36, I find that it is a convenient point at which to break, bearing in mind the business that we have transacted throughout this day. Therefore, the House stands adjourned until Tuesday, 5th June, 2012 at 2.30 p.m.

The House rose at 6.10 p.m.