

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 7<sup>th</sup> August, 2012

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATIONS FROM THE CHAIR

#### WELCOME TO SPEAKER OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

**Mr. Speaker:** Hon. Members, I wish to introduce to you and welcome this afternoon, the Speaker of the East African Legislative Assembly (EALA), Hon. Margaret Nantongo Zziwa, who is seated at the Speaker's Row. She is attending EALA Sensitization workshop on Customs Union, Common Market and Monetary Union being held here in Nairobi for Members of EALA.

On behalf of the House and on my own behalf, I wish to welcome the Speaker to our Parliament and wish her a happy stay in Kenya.

Thank you.

#### WELCOME TO DELEGATION FROM THE PARLIAMENT OF NAMIBIA

Hon. Members, I wish to introduce to you and welcome this afternoon, a delegation from the Parliament of Namibia, seated at the Speaker's Row. They are members of the Committee on Gender and Family affairs of the Namibia Parliament and are on a study visit to learn broadly matters to do with gender and family affairs. They are:

1. Hon. Silvia Makgone, MP - Head of the Delegation
2. Hon. Sophia Swartz, MP
3. Hon. Festus Ueitele, MP
4. Hon. Clara Gowases, MP
5. Hon. Ignatius Shixwameni, MP
6. Ms Agnes Mukono – Secretary to the Delegation

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

Thank you.

### QUESTIONS BY PRIVATE NOTICE

*(Ms. Shakila Abdalla took sometime to activate her microphone)*

**Mr. Speaker:** Order, Ms. Shakila Abdalla! You are logging in and out! So, I cannot activate your microphone!

**Ms. Shakila Abdalla:** I am now on, Mr. Speaker, Sir!

**Mr. Speaker:** Proceed.

#### DISTRIBUTION OF SYRINGES TO DRUG ABUSERS/USERS

**Ms. Shakila Abdalla:** Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that the Government is planning to distribute syringes to drug abusers/users in the country?

(b) How will the syringes help the users?

(c) Could the Minister confirm or deny that distribution of the syringes is a way of demonstrating Government failure to curb drug abuse in the country?

**Mr. Speaker:** Where is the Minister for Medical Services?

**The Assistant Minister for Medical Services** (Mr. Kambi): Thank you, Mr. Speaker, Sir. I beg the indulgence of the Chair. We, as a Ministry, had consulted widely over this Question, but we realized it falls under NACADA. NACADA is under the Office of the President.

Mr. Speaker, Sir, I had earlier indicated that the Minister of State for Provincial Administration and Internal Security will answer this Question.

**Ms. Shakila Abdalla:** Mr. Speaker, Sir, the syringe falls under medical service. Could the Ministry consult with NACADA and give a reply to the Question?

**Mr. Speaker:** Mr. Assistant Minister, will you be able to undertake to do so?

**The Assistant Minister for Medical Services** (Mr. Kambi): Yes, Mr. Speaker, Sir. I will do so.

**Mr. Speaker:** In that case then, Mr. Assistant Minister, I will defer this Question to Tuesday, next week for you to come with the answer.

**The Assistant Minister for Medical Services** (Mr. Kambi): Most obliged, Mr. Speaker, Sir.

*(Question deferred)*

#### ENVIRONMENTAL DEGRADATION DUE TO OIL EXPLORATION IN WAJIR

**(Mr. Sirat)** to ask the Minister for Energy:-

(a) Is the Minister aware of the serious environmental degradation, health risks, security lapse and exploitation caused by oil exploration in Khoroh Harar in Wajir East and parts of Wajir south districts?

(b) Is the Minister further aware that M/s Hybrid Solutions on behalf of M/s Simba Energy has hired more than 20 young men armed with *pangas* and axes to cut down trees so as to create access (link) roads, thus causing environmental degradation, posing security risk and scaring away residents and animals?

(c) Could the Minister consider stopping the operations of the company and what measures will the Government take to ensure that further environmental degradation is stopped?

**Mr. Speaker:** Is the hon. Member for Wajir South not here?

**Hon. Members:** He is in the south!

**Mr. Speaker:** He is in the south? Given that this is the first day we are in this Chamber, I think we still have a learning experience to undergo. So, I will revisit this Question later on.

Next Question, Mr. Baiya.

NON-REHABILITATION OF UPLAND-  
GITHUNGURI-RUIRU ROAD

**Mr. Baiya:** Mr. Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Is the Minister aware that the contractor awarded the contract to rehabilitate Upland-Githunguri-Ruiru Road (C65) has abandoned the site after excavation works thus making the road un-motorable?

(b) What measures will the Minister take to ensure that the contractor resumes works promptly to facilitate flow of traffic along the road?

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

(a) The contractor undertaking the spot improvement of Uplands-Githunguri-Ruiru Road, otherwise referred to as C65, did not abandon the works. He left after completion of the stipulated works as per the contract. Some sections of the road had deteriorated and the contract was a maintenance intervention to make it motorable. However, the road suffered further damage following the onset of the long rains.

(b) My Ministry has set aside Kshs30 million in this Financial Year 2012/2013 to carry out further improvement of the road. The Kenya National Highways Authority has initiated the process of procuring another contract and we expect the works to commence as early as October, 2012.

Thank you, Mr. Speaker, Sir.

**Mr. Baiya:** Mr. Speaker, Sir, I am surprised to hear the Assistant Minister say that the contractor did not abandon the road. The situation on the ground is that between Githunguri Town and Kwa Maiko Area, he had already actually extracted potholes with a view to filling them before he actually abandoned the works. That road is now in that state; completely unmotorable and causing a lot of problems. Would it possibly not be in order for the Assistant Minister to offer to visit the road, inspect and confirm that, that is the situation, rather than denying?

**Dr. Machage:** Mr. Speaker, Sir, I share the sentiments of the hon. Member. However, let me inform him that I am aware that the road is in a bad state. That is why I have allocated Kshs30 million to start repairing the road. I wonder whether my visit will make a difference. I will, however, visit the place if he thinks that, that is useful to him.

**Mr. Kabogo:** Mr. Speaker, Sir, if you look at the Question, you will see that, that road starts at Ruiru - and that is my constituency. There were no road works done in Ruiru on that road. The road is so bad that you need to drive in and out of a pothole. The road is not passable. Could the Assistant Minister undertake to come with us? Even if he does not have a GK vehicle, I will offer to take him in my new car! That is because it is a serious matter. I would like to take

him so that he can see for himself and understand that Kshs30 million cannot even do half a kilometre on that road the way it is. Could he undertake to come with hon. Baiya and I, to see the road?

**Dr. Machage:** Mr. Speaker, Sir, I appreciate that the hon. Member is quite well endowed and thanks to God. I would have appreciated if he talked about taking me there in his chopper. But I can assure you that the Government has better facilities to take me to that place. Let us coordinate. I will arrange when to tour the place. I accept your invitation.

**Mr. Speaker:** Member for Mutito!

*(Mr. C. Kilonzo stood up in his place)*

Order! Order! I got the request for intervention from the Member for Mutito, but the microphone has gone to the Member for Yatta. Have you interchanged your cards?

**Mr. C. Kilonzo:** No, Mr. Speaker, Sir. If I have your permission, we do understand that the Assistant Minister had been suspended for a very long time and it would do us good--- I know that road because I have used it once. The original works were actually never completed and the contractor abandoned the site. Could the Assistant Minister, as he visits that area, at the same time, try to see whether he can get a substantial amount? That is a very busy road.

**Dr. Machage:** Mr. Speaker, Sir, I very much share the concerns of the three Members of Parliament. The money I have now is Kshs30 million. It is allocated for the repair of that road. But, at the same time, I am thinking of rebuilding that road afresh. For that reason, I have started the design work for a new road. I think that is better information for you. The Kshs30 million will only make a few patches for the road to be motorable, as I make plans to rebuild that road. But I will visit the place. Let us arrange. I will come to see the road.

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. I appreciate the Assistant Minister's confirmation that the road is already at the design stage. I also appreciate that he has allocated Kshs30 million for its maintenance this year. But the issue we are actually raising is that the contract had been awarded for Kshs49 million or so, to partially rehabilitate that road and make it motorable. The question that we are asking the Assistant Minister is: Was the work really done? The road was really not done. Could he confirm that those works were done and if not, we go and do the inspection with the contractor? We will find out how much has been paid. Have you paid the money?

**Mr. Speaker:** Order! Order! Member for Githunguri, I am afraid that, that does not pass for a point of order. Member for Gwasi!

**Mr. Mbadi:** Mr. Speaker, Sir, from the Assistant Minister's answer, he is saying that after the works, the rains then destroyed the road. What was the time lag between the time that the contract work was completed and the time that the rains came? That is because Ministry officials use rain as an excuse, when actually contractors do not do their work.

**Dr. Machage:** Mr. Speaker, Sir, the information I have is that the works started in January, 2011 and the contract period was eight months. The information that I also have is that the designated work was done as per the contract. However, you will appreciate that the explanation I have from my engineers is that the road was further destroyed by the long rains. I may not be able to prove what the hon. Members want me to prove; that, that work had actually been done at that particular time. I can only go by the information I have from my technical team; that work that was designated to be done was actually done. But I will visit the place to get my own impression.

**Mr. Speaker:** Last question, Member for Githunguri.

**Mr. Baiya:** Mr. Speaker, Sir, I am requesting the Assistant Minister to indicate the date and the time when he is going to visit. I would want him to come and confirm whether some of those potholes had ever been filled.

**Dr. Machage:** Mr. Speaker, Sir, indeed, I see the urgency on this. I may not be able to tell you the date today in this Sitting. That is because I have to consult my diary and see the most appropriate time to come. But I will do it as soon as possible.

INTERFERENCE WITH AVIONIC COMMUNICATIONS  
FREQUENCIES BY LOCAL RADIO STATIONS

**Mr. Mwau:** Mr. Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Is the Minister aware of the complaints that some local radio broadcasting stations are interfering with international and local avionic communications frequencies thereby putting the lives of air passengers in danger?

(b) Could the Minister provide full information including the dates when each company applied for and received approval for radio licences and the frequencies assigned, including the list of all assigned frequencies to each company?

(c) Could the Minister also provide a full list of all companies which have approval and no frequencies assigned, including the dates when the approval was granted and the reason why no frequencies have been assigned, including copies of avionic interference complaints and copies of any investigation and/or report?

**Mr. Speaker:** Minister for Information and Communications! Leader of Government Business, what is happening to your Minister? Maybe the Member for Sirisia wants to offer an explanation to the House.

**The Minister for Trade** (Mr. Wetangula): Mr. Speaker, Sir, I can possibly offer an apology, but not an explanation because I do not know where the Minister is. But on his behalf, I regret his absence and implore the Chair to perhaps hold the Question in abeyance as we deal with other Questions.

**Mr. Speaker:** Fair enough! In the absence of any explanation at all, let alone a plausible one, and given the urgency of the information sought in this Question, and from the position of the Speaker, I have a brief to the effect that perhaps there is a deliberate effort to avoid answering this Question. I want, therefore, to refer this matter to the Committee responsible for Broadcasting. I think they can do it jointly with the Committee on Energy. They more or less have common ground in some respects. I will want the two Committees to inquire into this matter and file a report in the House within the next ten days. It is an urgent matter. Ten days from today, the two Committees, please, note. Let the Minister be aware.

**The Minister for Trade** (Mr. Wetangula): Much obliged, Mr. Speaker, Sir. I will communicate to the Minister.

**Mr. Speaker:** Very well! Member for Kilome, please, note that this matter, will, perhaps, be exhaustively dealt with by the Committee.

**Mr. Mwau:** Mr. Speaker, Sir, I would ask you to maybe order the Minister to provide me with any reports that have been made, so that I can communicate with the Committee and participate in the Committee from a point of information.

**Mr. Speaker:** Your next stop must be the Committee and you can interrogate the Minister, including prevailing over the Committee to call for those documents. They have powers to do so under the Powers and Privileges Act, Cap.6 of the Laws of Kenya. So, you have a remedy somewhere readily available.

*(Question deferred)*

LACK OF CLEAR POLICY ON ISSUANCE OF IDENTITY  
CARDS TO KENYAN YOUTHS

**Dr. Otichilo:** Mr. Speaker, Sir, I beg to ask the Minister of State for Immigration and Registration of Persons the following Question by Private Notice.

(a) Is the Minister aware that Kenyan youths who are 18 years and above are unable to register to be issued with National Identity Cards because they are required to pay Kshs100?

(b) Is he further aware that the people who lost their identification cards are required to pay Kshs400 for a replacement?

(c) Could the Minister confirm that the Ministry does not have a clear policy on this matter as exhibited by the contradictory directives in the House and to the public, and could the Minister state the position of the Government on this matter?

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang’):** Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of any Kenyan youth aged 18 years and above who is unable to register to be issued with the national identity card because he or she is required to pay Kshs100. The initial registration of all applicants has been free and is still free since 2006.

(b) I am not aware that people who lost their identification cards are required to pay Kshs400 for replacement.

(c) The Ministry has a clear policy regarding the amount of fees levied for services offered by the National Registration Bureau. The fees charged for initial registration was waived by the Government with effect from 17<sup>th</sup> March, 2006 vide Legal Notice No.32 dated 27<sup>th</sup> April, 2006. For duplicate identity cards, namely replacement of lost identity cards, the fees---

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** On a point of order, Mr. Speaker, Sir. I am just wondering who is supposed to use the Dispatch Box. I would imagine that Ministers would respond from the Dispatch Box. Now I know that things have changed.

**Mr. Speaker:** Ministers are at liberty to use the Dispatch Box if they want to be clearer than they think they are at the Front Bench where they are currently seated. That option would be available to them. They could speak from the first row to the Speaker’s right or move to the Dispatch Box if they want to be clearer or, perhaps, more emphatic. Proceed, Minister.

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang’):** Mr. Speaker, Sir, I am comfortable where I am and I can be very emphatic. I will continue.

For duplicate identity cards, namely lost second generation identity cards, the fees levied used to be Kshs300 until 3<sup>rd</sup> August, 2012, when we waived it. I had also directed earlier this year that fees charged on replacement of first generation identity cards, namely the large ones, to second generation identity cards was similarly waived. So, as a matter of fact, to obtain any services of registration, whether you are applying afresh, replacing a lost identity card or replacing an old first generation identity card, you will be granted those services free of charge.

**Dr. Otichilo:** Mr. Speaker, Sir, I appreciate the answer that has been given by the Minister. If it is true that identity cards are now being issued free of charge, that is good news. However, I wish to request him to write a circular to all his officers throughout the country, so that they can effect what he has said. His officers on the ground are charging Kshs100 for new registration and they say that this money is for a photograph. They are charging Kshs300 for replacement of identity cards because that is what is in the gazette notice. Could he commit himself to write a circular to all his officers?

**Mr. Kajwang:** Mr. Speaker, Sir, I will not undertake to write such a circular because then I will almost be saying that they are actually doing an illegality. These people should be reported to the police, arrested and then we can deal with them there.

**Eng. Rege:** On a point of order, Mr. Speaker, Sir. It is not a question of arresting the officers. Could the Minister put a notice in the newspapers, so that everyone can see it and when the officers ask applicants to pay the money, they can show them the advertisement?

**Mr. Speaker:** Order, Eng. Rege! That is not a point or order! Minister, you do not have to respond to that.

**Mr. Chachu:** Mr. Speaker, Sir, some of our constituents end up waiting for a whole year before they are issued with identity cards. We have students in our constituencies who have been admitted to teachers training colleges, but they cannot join because they have no identity cards, yet they have been waiting for a whole year. Is there a timeframe, a duration, within which when one applies for an identity card, he or she is issued with one?

**Mr. Speaker:** Order! Hon. Chachu, again, that is just a question. Even if you revisit it yourself, you will find that you have asked a question that the Minister provides a timeframe. So, I do not see a valid point of order there.

**Mr. Chachu:** Mr. Speaker, Sir, I was not on a point of order. I was asking a supplementary question.

**Mr. Speaker:** Your button indicated intervention.

**Mr. Chachu:** Mr. Speaker, Sir, I am learning.

**Mr. Speaker:** Okay, Minister, let us accommodate the Member. Reply, please.

**Mr. Kajwang:** Mr. Speaker, Sir, to reply to Dr. Otichillo who had asked me to write a circular to the effect that there will be no charge for any of these services, there is a circular to the effect that Kshs300 is now not chargeable for replacement. There was a legal notice earlier on in 2006 that removed the fees charged on first registration. However, there was no such charge of Kshs100 for first registration. Consequently, this is an illegality.

I want to use this platform that Mr. Speaker has given me to say that anybody charging any fees now for purposes of registration is acting illegally and should face the law. Maybe I can use this opportunity to respond to hon. Chachu and say that we only need 28 days to do identity cards for people who are in Arid and Semi Arid Lands (ASAL) areas and areas which are far away from Nairobi. His constituency falls in such an area. If they take more than 28 days, please, the hon. Member does not have to ask the Question again. He can call me or write to me and I will respond accordingly.

**Mr. Wambugu:** Thank you, Mr. Speaker, Sir. Ladies who want their husbands' names to be included in their identity cards have also been charged a lot of money to do that and they are being frustrated. Could the Minister confirm that they are also exempted from any fees when they are applying for the names of their husbands' to be included in their identity cards?

**Mr. Kajwang:** Mr. Speaker, Sir, for ladies who want to include their husbands' names in their identity cards, I have since said that they should do so without a charge. I have said this

because I think it is discriminatory to expect ladies to pay a fee in order to put their names correctly because it is in the interest of the country and the family that they bear such names.

Consequently, I have directed that no fees will be charged. In fact it was even more costly for a young lady who had been married under customary law to have her husband's name in her identity card because she would be required to have an affidavit. She would also be required to have another affidavit to show where she was when she turned 18. Some of them were married before they were 18 years old and some of these things were very complicated. I can tell you that in my own constituency, to move from Mfangano Island to get an affidavit from Homa Bay, you needed to get a loan from your merry-go-round because you needed Kshs3,000 plus. Nobody has that kind of money for merely putting her husband's name in her identity card. So, we were defeating the purpose for which we were offering this service. So, it is directed that all ladies who want to change their identity cards to read their husbands' name can do so without a charge. They will not even require affidavits. In fact, as long as your chief accepts that what you have said is true, because he is the one who knows whether you are married there or not - magistrates do not know - the authentication of the chief is sufficient.

**Ms. Leshoomo:** Asante Bwana Spika. Ningependa kumuuliza Waziri maswali matatu. Swali la kwanza---

*(Laughter)*

**Mr. Speaker:** Mheshimiwa Leshoomo, uliza swali ambalo ni muhimu sana kati ya hayo matatu!

**Ms. Leshoomo:** Bwana Spika, ningependa kumuuliza Waziri kuhusu mambo ya vitambulisho. Nimetoka Samburu leo na nilikuwa huko kwa siku nne. Wasamburu ambao hawana vitambulisho ni 8,000. Hawa watu watakuwa 8,000 vipi na kila siku katika magazeti, tunasoma kwamba Waziri ametoa vitambulisho? Pia, kwa nini watu wengine ambao wamewasilisha maombi ya vitambulisho wamekaa miaka miwili sasa na cheti cha kungoja?

*(Mr. Kajwang spoke from the Dispatch Box  
after failing to activate his microphone)*

**Mr. Kajwang:** Mr. Speaker, Sir, I think we will go manual even in voting because we can be very frustrated if this is what technology can do to us during the voting.

*(Laughter)*

I am surprised that people have waited for more than two years before they get their identity cards. I would have expected that by now, I would have got that information and we would have dealt with it. However, I will look at it because that is inordinate delay. With regard to 8,000 Samburu residents who do not have identity cards, I think this is a bit speculative. However, we are in every district. It is only yesterday that the Government agreed, one more time, to give Kshs500,000 for every ASAL district and Kshs400,000 for other districts to continue with the mobile exercise. I think in the next two months, we should have mopped everybody who needs to be registered. I am saying this because there are some youths who do not really want to be registered.



*(Ms. Amina Abdalla stood up in her place)*

**Mr. Speaker:** Hon. Amina, what is it? I can see you have an intervention.

**Mr. Kizito:** Jambo la nidhamu, Bwana Spika. Ninafikiri haya ni masuala ya mitambo ya kiteknolojia. Mheshimiwa Leshomo alipouliza swali, pengine alitarajia---

**Mr. Speaker:** Order, Member for Shinyalu! You have not caught my eye neither have you caught my finger. That is your mistake!

Hon. Amina Abdalla has the Floor!

**Ms. Amina Abdalla:** Mr. Speaker, Sir, I had a point of order when the Minister was having a problem with technology and I thought that it could be as a result of the fact that he has been calling for manual voter registration because he has been having challenges with computerization.

**Mr. Kajwang:** Mr. Speaker, Sir, I do not know whether that is a valid point of order but if so, I really wish that we went that technology route. I am appealing that it works efficiently for everybody.

I was about to finish answering Ms. Leshomo when I said that we now have resources and sooner or later we will be on the road one more time. I want to urge Members of Parliament to please use the networks that you have in your constituencies to make sure that Kenyans come out to register. Sometimes we go round and we do not find young people waiting at the spots where we have announced we are going to. It is a bit disappointing and costly. So, please use your councilors and party officials; those who have parties that have networks, to make sure that we do so.

**Mr. Kizito:** Bw. Spika, ninafikiri labda ilikuwa ni shida ya mitambo ya kiteknolojia. Nilikuwa nataka kusimama kwa hoja ya nidhamu kwamba Mhe. Leshomo aliuliza swali fulani na akatumia lugha ya Kiswahili. Ninafikiri labda alitaka jibu la Swali hilo liwafikie wengi kule anakotoka ili waweze kujua Mbunge wao amewaulizia Swali. Kwa hivyo, ningependa kuuliza kama inafaa Waziri kumjibu katika lugha ya Kiingereza na kutatiza mawasiliano yake na wengi kutoka mahali anakotoka.

**Mr. Speaker:** Nimekusikiza Mbunge wa Shinyalu kwa hilo jambo la nidhamu, lakini hiyo ni nidhamu duni kwa sababu utaratibu wetu unatueleza kuwa Mbunge yeyote ambaye angependa kuongea, ataongea kwa lugha anayoanza kuitumia. Kwa hivyo, Mhe. Leshomo yuko sawa sawa kutumia Kiswahili kutoka mwanzo mpaka mwisho. Lakini Mhe. Waziri wa Uhamiaji ambaye pia ni Mbunge wa Mbita akiamua kutumia Kiingereza, ataendelea kutumia Kiingereza. Makosa ni kuchanganya lugha. Hiyo ndiyo sababu nimesema hoja yako ya nidhamu ni duni.

**Dr. Otichilo:** Mr. Speaker, Sir, I want to thank the Minister for being categorical on what the situation on this registration of IDs is. But I still would like to beg the Minister to provide the circular he has said they have prepared to Members of Parliament so that we can have the circular. This is to ensure that when we go to the constituency we can show this circular to his officers because they still insist on payment.

**Mr. Kajwang:** Mr. Speaker, Sir, I want to agree with Dr. Otichilo. I can provide copies of the notice to your pigeon holes. I promise that on Tuesday next week each one of you will find that notice.

BREAKDOWN OF KASARANI WATER PUMP IN MOLO

**Mr. Kiuna:** Mr. Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that Molo residents have not been receiving clean water due to the breakdown of the Kasarani water pump for the last one month?

(b) Why has the contractor who installed the pump not been compelled to repair it since the defect liability period has not elapsed?

(c) What action will the Minister take to ensure that the contractor repairs the pump?

**The Assistant Minister for Water and Irrigation (Mr. Waititu):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that some parts of Molo Town are not receiving---

**Mr. Speaker:** Mr. Assistant Minister, you should answer from the Front row or at the Dispatch Box.

*(Mr. Waititu moved to the Dispatch Box)*

**The Assistant Minister for Water and Irrigation (Mr. Waititu):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that some parts of Molo Town are not receiving normal water supply due to breakdown at one of the boreholes that supply water to the town.

(b) My Ministry, through the Rift Valley Water Services Board has compelled the contractor to replace the damaged borehole under the defects liability period clause.

(c) My Ministry, through the Rift Valley Water Services Board has taken the necessary action and the new pumping unit has already been imported by the contractor and is being cleared at the airport. It will be installed in the new borehole within two weeks and the residents will have normal water supply.

**Mr. Kiuna:** Mr. Speaker, Sir, while I appreciate the Assistant Minister's answer, at least he has said in part "a" of his reply that he is aware that Molo residents have not been receiving sufficient water supply for the last one month or so. This could be true but how comes that this company was awarded this contract to drill this borehole and pump the water in Molo Town yet the grace period for the contractor has not expired and the machines they installed are not functioning? Why are they not functioning and yet they are newly installed?

**Mr. Waititu:** Mr. Speaker, Sir, this borehole was done by use of CDF funds. The contractor had put an oversized pump and, therefore, this led to a breakdown which lasted for quite some time until my District Water Officer intervened. Right now they are on site together with the contractor and the District Water Officer is supervising the replacement of the pump. It is my sincere hope that water supply will resume very soon.

**Mr. Ogindo:** Mr. Speaker, Sir, I want the Assistant Minister to tell the House what he is doing to ensure that the Ministry takes up this borehole and to ensure regular supervision that ensures constant supply of water to the people of Molo. What undertaking will the Assistant Minister give the House?

**Mr. Waititu:** Mr. Speaker, Sir, my Ministry has been following up the matter with the contractor because the liability period has not yet lapsed. The contractor has already bought a pumping unit. I have a copy of the receipt for the new pump, which I can table. There will be supply of water very soon because the District Water Officer is supervising the replacement of the pump.

**Mr. Wambugu:** Mr. Speaker, Sir, the Assistant Minister has accepted that there is no water in Molo and said that he expects to have a supply of the commodity in about another two weeks' time or so. What immediate action is he going to take to make sure that people in Molo town get drinking water immediately? Waiting for another two or three weeks, or a month, will create a lot of problems around that town.

**Mr. Waititu:** Mr. Speaker, Sir, the borehole is not the only one in Molo Town. This was an additional borehole, which was sunk using Constituencies Development Fund (CDF) money. The breakdown of the pumping unit has caused a shortfall in some areas, but it is my sincere hope that supply will resume very soon.

**Mr. Mututho:** Mr. Speaker, Sir, could the Assistant Minister tell us what happened to the pipeline that passes through Molo, Turi and Elburgon, which has never been fed with water, and which would have been an alternative source of water supply? The pipeline has been in existence for over a decade now. Could he confirm whether that project was completed?

**Mr. Waititu:** Mr. Speaker, Sir, I appreciate the question, but it is a different Question, which requires---

**Mr. Kiuna:** Yes, Member for Molo.

*(Mr. Kiuna pressed the "MIC" button twice)*

**Mr. Speaker:** Order, Member for Molo and others! When you make a request, just press your button inscribed "MIC" once and leave it.

**Mr. Kiuna:** Thank you, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that his officers are already on the ground repairing the borehole pump when, in fact, I was there yesterday and I did not see them? This morning, my constituents called to inform me that they are starving due to lack of water. Is he in order?

**Mr. Waititu:** Mr. Speaker, Sir, the information I have from the ground is that the new pump has already been bought. I have a document by which to prove that fact. I also have information from my District Water Officer to the effect that the water pump is now on site and, in fact, he is supervising its replacement. However, we could follow up with the hon. Member to know exactly what is happening on the ground.

**Mr. Speaker:** Next Question, hon. Mabona.

#### UPSURGE OF INSECURITY IN HOMA BAY TOWN

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

(a) Under what circumstances were Messrs Samuel Ogalo, aged 52 years; Dickson Andata, aged 50 years; Samuel Ayuko, aged 49 years; and Oduor Ugenya, aged 54 years, all of whom were night guards, murdered outside Shivling Supermarket in Homa Bay Town on 29<sup>th</sup> July, 2012?

(b) What steps have the police taken to arrest the culprit(s)?

(c) What measures have been put in place to curb the rising insecurity in Homa Bay Town?

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji):** Mr. Speaker, Sir, have you already picked me?

**Mr. Speaker:** Yes, Mr. Minister, I have picked you already. There must be a problem with you because I can even see you on my monitor. You are already using the microphone.

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji):** Mr. Speaker, Sir, I beg to reply.

(a) On the night of 29<sup>th</sup>/30<sup>th</sup> July, 2012, Thaur Security Company, which provides security services to Shivling Supermarket, deployed three guards for night duties at the supermarket. The guards were Samuel Ogola, Dickson Ambata and Oduor Ugenya. At about 0041 a.m., the security company supervisor visited the guards during routine check and found them awake and alert. He signed the Security Register and left. However, when he re-visited the supermarket at around 0441 a.m., he found the three guards and a fourth one, who was guarding Palm Hotel, adjacent to Shivling Supermarket, murdered, with their hands and legs tied together with ropes. Their bodies were lying on the veranda.

The main power switch had been disabled, leaving the supermarket in complete darkness. The CCTV had also been disabled after the main power switch was switched off. The incident was reported to Homa Bay Police Station. During investigations, it was established that the following items had been stolen during the robbery: Cash amounting to Kshs1.2 million, which had been kept in a portable safe inside the supermarket; four television sets and four DVD players.

(b) Following the robbery and murder, investigations commenced immediately, vide Homa Bay Police Station Criminal Record No.617/162/2012. Three suspects were arrested and charged, vide Court File No.783/2012. The suspects are Lamek Ouko Maingo, Ralch Ochieng Arum and George Agenda Nyarinda. Investigations are still ongoing. More suspects are likely to be arrested.

(c) The crime rate in Homa Bay Town is under control and the following measures have been put in place:-

- (i) foot and vehicle patrols have been enhanced within the town and its environs;
- (ii) community policing initiatives have been re-activated in the whole district;
- (iii) private security firms have been advised to ensure that they do not deploy guards to work over long hours to avoid fatigue and sleeping off while on duty;
- (iv) road blocks are being erected randomly within the district, especially at night, to curb crime;

(v) the Municipal Council of Homa Bay has been advised to install street lights in the town to enhance security and visibility at night; and,

(vi) business people have been sensitised on the need to make regular banking to avoid keeping huge sums of money in their premises to reduce cases of temptation and collusion with employees.

**Mrs. Odhiambo-Mabona:** Mr. Speaker, Sir, before I respond, I would like to congratulate you for the refurbished Chamber and say that we, as the womenfolk, are disappointed that we are not part of the glory. At least one woman should have been given a chance to be part of the magnificent glory.

Having said so, it is, indeed, unfortunate that the four watchmen were strangled to death. The day before, I had been called upon to intervene. I actually intervened in a situation relating to one of the wives of the watchmen, who was ailing. So, it is very unfortunate. The wife of the particular watchman comes from Lambwe, in Mbita.

The watchmen were strangled to death only 200 metres away from Homa Bay Police Station. Could the Minister clarify whether there are, indeed, policemen at the station or that they

are not doing their work? They could have heard a commotion, and responded immediately, but they had to wait for somebody else to discover the murders. Are they really working?

**Mr. Speaker:** Thank you, Mrs. Mabona, for the congratulations to me and to the rest of us.

Mr. Minister, you may now answer.

**Mr. Haji:** Mr. Speaker, Sir, if, indeed, there was a police station, I cannot confirm whether it was 200 metres or not. But, presumably, if it was there, we expected the police officers to be there. I did not have any contrary information to say that they were not there.

**Mr. Njuguna:** Mr. Speaker, Sir, I thank the Minister for that very comprehensive answer. Could he indicate to the House what humanitarian assistance is being extended to those innocent Kenyans whose lives were terminated at tender ages?

**Mr. Haji:** Mr. Speaker, Sir, it is unfortunate that I do not have any resources with which I can assist the bereaved families. We do not have any money for such cases.

**Mr. Mbadi:** Mr. Speaker, Sir, as hon. Odhiambo-Mabona has just said, actually, that Shivling Supermarket is just 200 metres away from the police station. There have been so many reported cases of this nature in Homa Bay. What is the Minister doing to reshuffle the police officers who are in Homa Bay, so that we can get more serious police officers to patrol that town so that the locals do not suffer from those unnecessary massacres?

**Mr. Haji:** Mr. Speaker, Sir, as I earlier said, several measures have been put in place to ensure that what happened in Homa Bay will not happen again. In view of the fact that allegations are being made that police officers are not working there, we will investigate the matter and take appropriate action if it is true that they are not doing their job.

**Mrs. Odhiambo-Mabona:** Mr. Speaker, Sir, it is just that I know the Member of Parliament of the area, Mr. Ogindo, was very eager to speak. I just want to note that, indeed, the police station is only 200 metres away. So, he can confirm that to the Minister.

**Mr. Ogindo:** Mr. Speaker, Sir, it is because technologically, I was trying to raise a point of order and also ask a question but none was working. Thank you for your indulgence. Just allow me, as the Member of Parliament for Rangwe, where Homa Bay is situated and where the deaths occurred--- I lost my constituents. Just allow me to convey my condolences. However, having done that, I just want to beg for your indulgence so that I can seek one more clarification from the Minister?

**Mr. Speaker:** Order, hon. Ogindo! You know people who are properly schooled like you can still find a way of articulating whatever you want attended to by the Minister by way of a point of order. That is why I picked your intervention.

**Mr. Ogindo:** Thank you, Mr. Speaker, Sir, for two reasons – for your intervention and for having recognized my schooling.

*(Laughter)*

Mr. Speaker, Sir, is it in order for the Minister to deny that Homa Bay Police Station is not 200 metres away from the scene of murder and yet, that should have been the preliminary findings of the investigations? Is it not true that Homa Bay does not have adequate policemen and it is for that reason that when those men were screaming, after they were attacked by a gang of more than 20 people, no police officer could respond?

*(Mr. Haji looked for the microphone button)*

**Mr. Speaker:** Minister, you are making my life difficult.

**Mr. Haji:** Mr. Speaker, Sir, I never denied about the police station being 200 metres, neither did I confirm. That is because I have never been there and it is the first time I am being asked that question. Anyway, if that is true or not, it has to be checked again. But there are adequate police officers there and if the allegation by hon. Ogindo is correct, I will have to revisit the issue and see. I will make sure that enough police officers have been taken there.

**Mrs. Odhiambo-Mabona:** Mr. Speaker, Sir, it is not only in Homa Bay Town that there is an increase in crime rates. Homa Bay Town is just the headquarters of Homa Bay County. Between Homa Bay Town and Mbita, there are increased incidents of crime. Given that in that instance, there is a very clear case where the police have failed to exercise due diligence to deal with this matter even by failing to respond on time, could the Minister then consider taking up part of the burial expenses of those families even if it means liaising with the Ministry of State for Special Programmes?

**Mr. Haji:** Mr. Speaker, Sir, while I sympathise very much with the bereaved families, I have said that I am not able to help them with any resources. The hon. Member can take up that matter with the Minister of State for Special Programmes.

**Mr. Speaker:** Hon. Members, allow me at this point to commend hon. Mrs. Odhiambo-Mabona for, perhaps, being the most savvy with the system. I have had very little difficulty with her so far. She has followed the instructions so strictly and diligently. We want to call the hon. Member for Rarieda, Eng. Gumbo!

## ORAL ANSWERS TO QUESTIONS

### *Question No.1352*

#### STATUS OF CELLULAR MOBILE QUALITY SERVICE PERFORMANCE ASSESSMENT REPORT IN KENYA

**Eng. Gumbo** asked the Minister for Information and Communications:-

(a) whether he could present and explain the latest (2010/2011) Cellular Mobile Quality of Service Performance Assessment Report for all the mobile phone operators in Kenya;

(b) whether he is satisfied that all the mobile phone operators in Kenya have achieved the minimum set targets for all the eight (8) Quality of Service (QoS) performance parameters as set out by the Communications Commission of Kenya (CCK) and;

(c) what the Ministry is doing to ensure that Kenyans, and all mobile phone users in Kenya, get value for every cent spent on those networks.

**Mr. Speaker:** Is the Minister for Information and Communications not here? Member for Sirisia and Minister for Trade, do you have any changed position?

**The Minister for Trade** (Mr. Wetangula): On which issue, Mr. Speaker, Sir? Sorry, I was consulting with the---

**Mr. Speaker:** I am calling the Minister for Information and Communications to answer Question No.1352 and he does not seem to be in the House.

**The Minister for Trade** (Mr. Wetangula): Mr. Speaker, Sir, I still have no idea. If, perhaps, you give me a few minutes, I can step out and call the office and then inform the Chair. In the meantime, on behalf of the Government, you have our apologies.

**Mr. Speaker:** Eng. Gumbo, in the meantime I will defer this Question to Wednesday next week and, please, hon. Wetangula, take this message to the Minister. I do not want to enforce any sanctions now because it is possible that he has very good reasons for being away. But I surely will on Wednesday. Eng. Gumbo, please note that.

*(Question deferred)*

**Eng. Gumbo:** Mr. Speaker, Sir, while I appreciate the Chair's directive, this Question has been on the Order Paper now for about five months and the implications are very serious for Kenyan mobile service users. That is because the quality of service of all the networks has become very low and we need to know what sanctions the Ministry is taking against those operators.

**Mr. Speaker:** Indeed, hon. Eng. Gumbo, I am aware that this is a very urgent matter and I have very advisedly asked hon. Wetangula to take up this matter with the Minister for Information and Communications. That is because in the grapevine, I am hearing things which I am not very happy to begin to speak to at this point in time. So, hon. Wetangula, maybe, you want to go back to the Executive and see what is happening around the Ministry of Information and Communications.

**The Minister for Trade** (Mr. Wetangula): Mr. Speaker, Sir, the mobile services are not affecting only the Member for Rarieda. All of us are having difficulties using our mobile phones. I will certainly do so.

**Mr. Speaker:** Member for Dujis.

*Question No.1604*

IRREGULAR ALLOCATION OF KMC LAND  
TO PRIVATE DEVELOPERS

**Mr. Duale** asked the Minister for Lands:-

(a) whether he is aware that huge acreage of land and properties that are owned by the Kenya Meat Commission (KMC) have been irregularly allocated to private developers across the country;

(b) whether he could provide a list of all the land parcels and properties owned by the KMC, indicating the Land Reference Numbers, their locations and status of ownership; and,

(c) what action the Ministry has taken to safeguard properties owned by the KMC.

**Mr. Speaker:** Minister for Lands. Very well, Member for Dujis, is it the operational position that the Minister had engaged you for deference?

**Mr. Duale:** Yes, Mr. Speaker, Sir. This Question has been on the Order Paper for the last five months and we have deferred it more than six times. The Minister has agreed in principle that he will be ready to answer it on Thursday, which I have no problem with. It is a Question of national importance.

**Mr. Speaker:** You agree to accommodate the Minister, is that so?

**Mr. Duale:** For Thursday, yes.

**Mr. Speaker:** Very well. The Question is deferred to Thursday this week.

*(Question deferred)*

Next Question by the Member for Tetu.

*Question No.1558*

ALLOCATION OF INADEQUATE GRANTS TO KAGUMO TTC

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

(a) whether he is aware that the only two national diploma teacher training colleges do not get equal grants;

(b) what criteria is used to determine this allocation, and why Kagumo Teacher Training College, being the oldest and the biggest of the two, receives the lesser amount; and,

(c) what plans the Ministry has to address the unfairness.

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

(a) Yes, I am aware that two national diploma training colleges, Kagumo and Kibabii, have not been previously getting equal grants. This is because Kibabii Diploma Teacher Training College is a new college, which has been undergoing a lot of infrastructural development for the last three years.

(b) The criteria used to determine the allocation is the needs of each college and the availability of funds from the Ministry. The new college, Kibabii, has fewer facilities and receives a higher allocation for development of programmes and facilities required to meet the basic standards for teacher training in addition to operations, while Kagumo is a well established college and is given funds mainly for operations, maintenance and improvement, hence the difference.

In addition to the allocations for both recurrent and development expenditures, Kagumo TTC has received infrastructure support from the Government through the Ministry of Public Works for the construction of a multi-purpose hall, four computer laboratories, two halls and 16 class rooms, which since 2010 has totaled to Kshs208 million.

(c) In view of the answers I have given in parts (a) and (b) the two colleges are allocated resources equitably and according to their specific needs.

Thank you.

**Mr. Nyammo:** Mr. Speaker, Sir, the answer could be partially true or correct. However, I wonder; if the allocation is per needs, when did the Ministry visit Kagumo Teachers Training College to notice that it is in dire need of funds for rehabilitation of its old buildings, which are in need of repair?

**Prof. Olweny:** Mr. Speaker, Sir, the Ministry is always in Kagumo because that is the Ministry's college. Whatever is done in Kagumo depends on what is requested by the college management. As I have said, through the Ministry of Public Works we have done 16 new class rooms and provided all the facilities I have talked about. That indicates to the hon. Member that we care about Kagumo just as we care about our other institutions.



**Mr. Chanzu:** Mr. Speaker, Sir, these colleges, being middle level colleges, are supposed to be very important in this country because of the numbers, growth of the country and what we expect to achieve. What is the Ministry doing to ensure that we have more of these middle level colleges? They seem to have been taken over during the increase of the number of universities in the country. What are you doing to ensure that you have got more of these institutions in the country, particularly in the western part of Kenya?

**Prof. Olweny:** Mr. Speaker, Sir, the Member is asking me a very interesting question, yet it is us the public, Members of Parliament and the leadership in this country who always poach our colleges. Recently, even a school in Homa Bay was taken and made a TTC despite our complaint. All the same, when any of our colleges is converted into a university college, we try our best--

**Mr. Ogindo:** On a point of order, Mr. Speaker, Sir. The Member for Vihiga asked about the Ministry's policy to ensure that this very vital level of colleges is increased in the country. Is the Assistant Minister in order to mislead this House that recently a college was converted into a university in Homa Bay County while the request has gone unheeded?

**Prof. Olweny:** Mr. Speaker, Sir, I wish the Member had allowed me a few minutes to also finish responding to his colleague.

Mr. Speaker, Sir, a number of colleges, particularly teacher training colleges, in this country have been converted into university colleges. When this has been done the Ministry has always tried its best to get land, so that we put up a new college to replace the one that has been converted into a university college. For example, Kibabii is now being converted into a university college. The Ministry is trying its best to come up with a new campus to take care of Kibabii students. Recently, we lost Bondo Teachers College to Maseno University; it is now Bondo University College. We have put up a new college to take care of that. Therefore, our policy is to ensure that we keep our colleges but they always go. Once they go, we try as much as possible, if funds are available, to have new colleges replacing those that have been converted into university colleges.

**Mr. Speaker:** Member for Tetu, please, proceed.

*(Mr. Nyammo pressed his "MIC" button several times)*

Order, Member for Tetu! As I said, press your button once and leave the rest to me! If you keep going back to it, it will not work! Now you have left it and that is okay!

**Mr. Nyammo:** Mr. Speaker, Sir, I would like to be ICT savvy, but you probably will have to bear with us as we learn and catch up with you.

My last question is; the Assistant Minister is probably aware that Kagumo TTC is a diploma college with ICT laboratories. Knowing as he does that we do not have enough teachers of ICT in our secondary and primary schools, what is he doing to support Kagumo TTC to produce enough ICT teachers for our secondary and primary schools?

**Prof. Olweny:** Mr. Speaker, Sir, ICT is in the Ministry of Education's policy today. So we are trying as much as possible to ensure that all our teacher training colleges (TTCs) have teachers who train our trainees to be very conversant with ICT and all that is computer literacy because when they are engaged in schools later in their lives and careers, they are expected to use ICT for teaching. So, the shortage of teachers and tutors for that matter is a national problem for us but we are trying as much as possible to ensure that we have enough.

**Dr. Khalwale:** Mr. Speaker, Sir, before I ask my Question, allow me to remind the Speaker that in the Old Chamber we had a great statement here and I do not see what offence it caused because it was a constant reminder to all of us to be humble in serving the public of Kenya. I beg that you reconsider reintroducing those words even if you want to amend a little bit in recognition of issues of gender.

**An hon. Member:** And a clock!

**Dr. Khalwale:** Mr. Speaker, Sir, and a clock. The words were: "For the Welfare of Society and the just Government of Men."

**Mr. Speaker:** Order, Dr. Khalwale. Your point is made, just carry on. That has been noted and we will take action.

*Question No.1506*

STALLING OF REHABILITATION WORKS ON ST. JAMES  
HOSPITAL-AMBOSELI ESTATE ROAD

**Dr. Khalwale** asked the Minister for Local Government:-

(a) whether he could inform the House why Rapido Construction Company Ltd., the contractor rehabilitating the road from St. James Hospital on Mombasa Road to Amboseli Estate in Nairobi South C has abandoned the site before completion;

(b) when the contractor will resume rehabilitation work and save taxpayers the agony of walking through mud during rainy season and dust in the hot season; and,

(c) what the value of the contract CCN/CE/TO41/CE/2009-10 is, how much money has been paid and what the balance is.

**Dr. Khalwale:** However, I do not have a written answer.

**Mr. Speaker:** Minister for Local Government! Hon. Members, many of us may be aware that the Minister is indisposed and the Assistant Minister is unavailable. He is engaged elsewhere on official business. So, this Question will have to be deferred. I am afraid, Dr. Khalwale, in those circumstances. We will defer it to ten days away to allow the Minister some time to recuperate and for the Assistant to be available from wherever he is deployed.

**Dr. Khalwale:** Mr. Speaker, Sir, I have no problem with that but could you direct that I be given the written answer five days before those ten days because there are issues of accounting there. So I would like to compare what it is that they want to give with the facts on the ground.

**Mr. Speaker:** I so direct!

*(Question deferred)*

*Question No.1272*

NON-PAYMENT OF SALARY ARREARS TO  
MR. JOSEPH MUTHAMIA BY TSC

**Mr. Gitari** asked ask the Minister for Education:-

(a) whether he is aware that Mr. Karimi Richard Mithamo (TSC No. 253273) was promoted from P1 to S1 in 1996 but his salary increment has not been effected to date and, if so, why; and,

(b) what measures he will take to ensure that the increment is effected and his salary arrears paid immediately.

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

(a) Yes, I am aware that the Teachers Service Commission (TSC) received a photocopy of Mr. Karimi Richard Mithamo's promotion letter on 16<sup>th</sup> July, 1999. According to the copy of the letter which the reference is given dated 4<sup>th</sup> July, 1996, the teacher had been promoted from P1 to S1 with effect from 1<sup>st</sup> July, 1996. On verification from the list of those teachers who had been promoted, his name was not there. The TSC communicated this information to the teacher on 18<sup>th</sup> August, 1999 advising him to liaise with the Ministry headquarters to confirm the authenticity of the promotion letter. The teacher did not respond. However, on further investigation of the matter, the Commission discovered that the letter presented was fake; that it was a fraud.

(b) In view of the answer given, the TSC, therefore, did not recognize the photocopied promotion letter produced by Mr. Karimi. It was declared null and void and a forgery. That was the reason why his salary increment has not been effected.

**Mr. Gitari:** Mr. Speaker, Sir, while thanking the Assistant Minister for the answer, I am a bit concerned because since 1999, the Assistant Minister has confirmed that they wrote a letter to the said teacher and they confirmed that he presented to them a fake document. What steps have they taken to ensure that the teacher is arrested if the document he presented was fake?

**Prof. Olweny:** Mr. Speaker, Sir, I do not have an answer to that. This is why sometimes you can see it was all the way in 1999 when the verification was done and he should have been arrested that time. So today, if you want him arrested, we can initiate the process which I will do.

**Mr. Ologo:** Mr. Speaker, Sir, I am surprised that the Assistant Minister is telling the House that for all this time he cannot do anything about this matter. It should be public knowledge that presenting a fake document amounts to a criminal offence. It is referred to as "uttering a false document" and Mr. Wetangula knows it very well. Forgery and uttering a false document are two different offences. Surely, if it is true that this man uttered this document in 1999, 13 years down the line, action should have been taken against him unless we assume that there was no wrong that the man did.

**Prof. Olweny:** Mr. Speaker, Sir, it is a long time, I agree, but I want to give a commitment here that the Minister is going to pass the information to the right authorities to follow up the case so that the man is arrested and arraigned in court.

**Mr. Gitari:** Mr. Speaker, Sir, this Question appeared on the Order Paper on Thursday last week and because I got an answer, I made an effort to talk to the teacher. He confessed and told me that he is ready even to go to any advocate to swear an affidavit about the authenticity of this document. Would I be in order to ask whether I can produce that to the Assistant Minister as he pursues it because the teacher insists that he got the documents from the TSC and his offices?

**Prof. Olweny:** Mr. Speaker, Sir, if you insist on it, I will take it, but we will pass all bucks to the right authorities to do further investigations and arrest the gentleman, if possible. So, you have helped us by bringing the case to us.

Thank you, Mr. Speaker, Sir.

*Question No.1322*

## UPGRADING OF ITHOOKWE AIRSTRIP IN KITUI COUNTY

**Mr. K. Kilonzo** asked the Minister for Transport what plans the Ministry has to upgrade Ithookwe Airstrip in Kitui County in view of the large number of air travelers to the county?

**The Minister for Transport** (Mr. Kimunya): Mr. Speaker, Sir, I want to seek the indulgence of the House because the answer to this Question was with my Assistant Minister, and he did tell me that he was of the impression that the hon. Member for Mutito had travelled and that he was not going to be in the House today. So, I did not carry the answer. I would ask that we sort this Question out on Thursday, if it is agreeable.

**Mr. Speaker:** Hon. Member for Mutito, does that make sense to you?

**Mr. K. Kilonzo:** Mr. Speaker, Sir, as usual, the hon. Minister does not take his work very seriously. He has already passed over to me a one sentence. Even if he did not have the actual answer, he would have memorized it. In the answer, just to help him, he says he has no plans to upgrade the said airstrip.

*(Laughter)*

Mr. Speaker, Sir, it is important to give him time to go and organize himself and to take the matters of this House seriously in order to come with an answer that befits the dignity of this House and this new Chamber.

**Mr. Speaker:** Mr. Minister, the hon. Member for Mutito says that although you do not have the answer and, indeed, your Assistant Minister is not here, he has already been furnished with a one line answer. Do you want to proceed or do you want to improve that answer, so that we defer this Question to Thursday?

**The Minister for Transport** (Mr. Kimunya): Mr. Speaker, Sir, in the circumstances, I would prefer we proceed and I beg to reply.

**Mr. Speaker:** Fair enough; carry on!

**The Minister for Transport** (Mr. Kimunya): Mr. Speaker, Sir, there are no plans to upgrade Kitui Airstrip during the current financial year. However, it will be considered in the next financial year.

**Mr. Speaker:** The hon. Member for Mutito, ask your first supplementary question.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, just as I alluded before, I would expect the Minister to be serious because this airstrip is the only one in Kitui County. It has never been upgraded in the last three or five years. As I speak now, donkeys and cows are grazing there. It has never been fenced and yet, this is the kind of casual answer he is giving in this House. That is why I asked for your indulgence to make him take his work a bit more seriously, so that we can see a different Kimunya from the one we have been seeing for the last four-and-a-half years.

**Mr. Speaker:** Mr. Minister, just answer the question part; leave out the rest.

**Mr. Kimunya:** Thank you, Mr. Speaker, Sir. The reason we are not doing this airstrip in this financial year is because we have a programme of maintenance and upgrading of the various airstrips across the entire country. This does not fit it within the programme for this year. We also have a limitation in terms of the financing that has been approved by Parliament. So, it will be unfair of me to promise the people of Kitui County that we will do something when I do not have the money to do it. However, for next financial year, we have already communicated to the

Kenya Airports Authority (KAA) to start looking at all the airstrips and airports within the counties with the objective of having at least one working airstrip or airport in every county. Within that comprehensive review, Kitui County will be considered. But at this point, it will be unfair to say “stop doing Isiolo; go and do Kitui” or “Stop doing Jomo Kenyatta International Airport and go and do this one” because an hon. Member has asked. We have a comprehensive programme. As I said, it will be considered within next financial year. But for now, I do not have the budget and it is not on our programme. If being truthful is being not serious, then I am guilty as charged.

**Mr. Speaker:** Order! Order, Minister! You have actually answered the question.

**Mr. Kathuri:** Thank you, Mr. Speaker, Sir. Let me take this opportunity to also congratulate you, although it appears that it is taking a bit of time for some of us to be noticed. I wonder whether we are being noticed.

Mr. Speaker, Sir, I was just wondering whether---

**Mr. Speaker:** Order! Order, Mr. Kathuri! How could you complain whether or not you are being noticed and yet I have given you the Floor?

**Mr. Kathuri:** Mr. Speaker, Sir, it is because of the number of times I have attempted to catch your eye. However, I accept this is my chance.

Mr. Speaker, Sir, as much as we know that the Budget has been approved and in view of the fact that Kitui County is going to be very busy because of the coal exploitation---

*(Applause)*

I was just wondering whether the Minister is not capable of pushing it under the Supplementary Budget, which is coming in March, so that we can have the airport being constructed in the course of this financial year?

Thank you, Mr. Speaker, Sir.

**Mr. Kimunya:** Mr. Speaker, Sir, indeed, there is a lot of potential within Kitui County. We are looking at the wider development of that area, all the transport connectivity with the other corridors and how all that gets connected. I do not want to promise this House that I will do something that I know is, perhaps, not within the plan. But we have undertaken to have the review of what best will serve Kitui County. It could well be that airstrip or be a new one, but it is something that is being considered. We can only handle that within a framework of the Financial Year 2013/2014. All the plans for Financial Year 2012/2013 are already complete. There is nothing else that I can do about it as everything has been committed.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, the Minister says in his answer that the airstrip is being intended for administration, communication, emergencies and security operations. As I speak, I have just informed him that cows and donkeys are grazing there. I have also informed him the airstrip is not fenced. From his answer, he says this airstrip is intended for administration, emergencies and security details. I am just reading from the next page of the paper I was given. How does he expect security to be managed and yet the airstrip has not been fenced and animals are grazing there? How does he even expect the security personnel to land there? In the circumstances, could the Ministry set aside some funds at least to fence it, so that animals can stay away? Could they also do a bit of upgrading, so that the security and emergency planes can land there during this financial year? Do they need to wait to do these small things the next financial year?

**Mr. Kimunya:** Mr. Speaker, Sir, obviously, we can consider some of the minimal interventions that can be made within the budgetary constraints that we have. But most of those airstrips are across the country – because it is not unique to this particular airstrip. They were there and were being maintained within the framework of the Provincial Administration. They were all then taken over by the Kenya Airports Authority for maintenance. But we have done assessments of when they are ever used for commercial or civil aviation purposes and you will find that most of them do not fall within that category. For security purposes, there is a mechanism through which, if there was a use intended for that day, there is a way they would clear and use it for that day. So, we are not putting anyone at risk from a security perspective; that the airstrip cannot be used. It is there and available. We would ask the leadership within the area also to ask the people to desist from bringing their animals into the public places. Again, it is within the mandate of the local councils in terms of where animals can be grazed and where they cannot be grazed. But we will do all that we can do in terms of securing facilities; not just this one, but across the entire country.

**Mr. Speaker:** Member for Nyakach!

*(Mr. K. Kilonzo stood up in his place)*

Order, Member for Mutito! It is my assessment at this point that we have given the Question enough time and we are pressed. We are actually out of time for Questions. Member for Nyakach!

*Question No.1503*

STATUS OF GOVERNMENT HOUSES IN NYAKACH DISTRICT

**Mr. Ochieng** asked the Minister for Housing:-

(a) how many Government residential houses for civil servants are in Nyakach District and whether he could indicate their respective locations; and,

(b) whether the houses are in habitable condition and, if no, when the Ministry will provide funds for the repair of the same.

Mr. Speaker, Sir, I do not have a written answer yet.

**The Minister for Housing** (Mr. Shitanda): Mr. Speaker, Sir, we forwarded to Parliament eight copies of this answer way back in May. I do not understand how the hon. Member has not gotten a copy but I have an answer here. If he is okay with it, I can read it.

**Mr. Speaker:** Member for Nyakach, are you in a position to proceed without the answer?

**Mr. Ochieng:** Mr. Speaker, Sir, let him proceed, because I have been waiting for this Question for a long time.

**Mr. Speaker:** Minister, you may carry on.

**The Minister for Housing** (Mr. Shitanda): Mr. Speaker, Sir, I beg to reply.

(a) There are 51 Government residential houses in Nyakach District which are located in about 13 different sites. Twelve of them are actually health facilities and one side is the district headquarters.

(b) The Ministry is satisfied that those units are in habitable conditions, except for one lograte house situated in Sondu Dispensary, which we are going to rehabilitate during this financial year.

**Mr. Ochieng:** Mr. Speaker, Sir, the Minister has said that there are 51 Government houses, including the district headquarters. But let me inform him that the district headquarters was not put up by the Government. The district headquarters was actually put up through *Harambee* by the people of Nyakach. Currently, the Government is now putting up a district headquarters which is not yet ready. My main point of interest is in the houses that are at Pap Onditi District Hospital. Those houses are dilapidated. They were put up 30 years ago and no single repair has been carried out throughout all those years. What plans do you have to renovate those houses, so that they can be habitable?

**Mr. Shitanda:** Mr. Speaker, Sir, I just want to inform the hon. Member that in cases where the public comes together and puts up a residential or office for use by Government officers, my Ministry normally takes over those buildings and they become part and parcel of the pool housing for Government. So, the buildings which were put up on *Harambee* basis to house the district headquarters are actually Government buildings as of now. Regarding Pap Onditi Hospital, during the year 2006/2007, my Ministry spent Kshs600,000 trying to rehabilitate those buildings. It is true that they are very old and some of them were put up before Independence. We have, however, allocated enough money this financial year – about Kshs1.9 million – for the rehabilitation of the remaining units at Pap Onditi Hospital.

**Mr. Njuguna:** Mr. Speaker, Sir, I have been listening to the Minister keenly. He has asserted that there is one house that the Ministry has noted that it requires very urgent renovation. Could he, therefore, indicate to the House the level of funds that the Ministry has allocated and when the Ministry will embark on those works?

**Mr. Shitanda:** Mr. Speaker, Sir, I have said that we have allocated Kshs1.9 million in this financial year to Nyakach District for the rehabilitation of Government houses in that district. As I said earlier, there is one particular unit which had not been renovated at all, which is in Sondu Dispensary. It is being used as a store at the moment. We are also going to renovate it alongside the other houses at Pap Onditi Hospital.

**Mr. Speaker:** Last question, hon. Ochieng!

**Mr. Ochieng:** Mr. Speaker, Sir, my question will just be like the one that has been raised by the Member for Lari.

**Mr. Speaker:** It has, indeed, been answered.

**Mr. Ochieng:** Mr. Speaker, Sir, the Minister has agreed that he is going to release about Kshs1.9 million for the repair of the houses. Those are eight residential houses. I wonder whether the Minister is sure that Kshs1.9 million would really be able to rehabilitate those houses to good standards that are required. When is he going to start the work?

**Mr. Shitanda:** Mr. Speaker, Sir, the figure of Kshs1.9 million was provided to us by the Works Officer in Nyakach District. This money is going to be released in the next two weeks. We have just commenced the financial year and we are in the process of preparing the Authority to Incur Expenditure (AIE) to be released to the districts. They should get the money before September this year.

#### *Question No.1446*

#### FINANCIAL ALLOCATIONS TO POVERTY ERADICATION COMMISSION

**Mr. Shakeel** asked the Minister of State for Planning, National Development and Vision 2030:-

(a) what the role of the Poverty Eradication Commission (PEC) is and whether the Commission is still financially viable;

(b) whether he could provide a report detailing the activities of the Commission since 2006; and,

(c) how much money was set aside for the Commission in the 2011/2012 Financial Year.

**The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030** (Mr. Kenneth): Mr. Speaker, Sir, I beg to reply.

(a) The role of the Commission is to advocate for mainstreaming of poverty concerns in national development, develop poverty eradication strategies and advise the Government on policies and initiatives, conduct research on key poverty issues as well as pilot innovative ideas for poverty eradication and to disseminate the results. The Commission is still important given that the poverty agenda is still one of the top development concerns in the country. The Government has continued to expend resources to address poverty alleviation initiatives. Its financial viabilities is, however, doubtful due to budgetary constraints.

(b) The PEC was initially established in the Office of the President. It was transferred to the current Ministry of State for Planning, National Development and Vision 2030 in December, 2002. Since 2006, the Commission has carried out the following initiatives:-

(i) piloting of revolving Male Fund through identified anti-poverty initiatives;

(ii) piloting small-scale commercial farming through promotion of high value crops;

(iii) supporting the development of table banking concepts and training community groups on the concept;

(iv) capacity building through induction seminars and other poverty alleviation relevant skill upgrading trainings;

(v) supporting formation of district poverty eradication committees as an arm of the Commission at a devolved level;

(vi) organizing national and regional stakeholders forums and co-ordinating celebration for observation of international days for eradication of poverty in Kenya by various stakeholders;

(vii) monitoring and evaluation of Commission projects and programmes in the districts;

(viii) documentation of emerging practices, including “the people can do it” report on the status of the Commission-supported pilot revolving loan funds.

(c) In the 2011/2012 Financial Year, the Commission was allocated Kshs63 million for recurrent activities and Kshs100 million for development activities. For the current year, 2012/2013, the Commission has only been allocated Kshs15 million for recurrent activities and no money for development activities.

**Mr. Shakeel:** Mr. Speaker, Sir, we all know that the PEC has had very expensive meetings, overseas visits, expensive cars and has dispensed some very questionable revolving loan funds, which were given on very preferential basis to friends. Could the Assistant Minister tell us how much of those revolving funds were repaid? What sort of assets does the Commission has at the moment?

**Mr. Speaker:** Order! Minister, please, just answer one question out of those three?

**Mr. Kenneth:** Mr. Speaker, Sir, as I have said, the amount of money allocated is Kshs15 million. The Member has said there the Commission has had expensive overseas visits and expensive vehicles. As a matter of fact, the Commission has no vehicles. It is looking for vehicles. It has actually used the recurrent budget of Kshs15 million in organizing induction seminars at the county level.



**Mr. Shakeel:** Mr. Speaker, Sir, the Assistant Minister has said that in 2011/2012, Kshs163 million was given to this Commission, quite apart from the other money---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Hon. Shakeel has stated that loans were given preferentially to friends of the Ministers and senior officers. This is a very serious allegation. Could he kindly substantiate, so that we can see the kind of corruption that goes on in this Ministry?

**Mr. Speaker:** Order! Member for Kisumu Town East, this challenge by the Member for Ikolomani, although picked a bit late, is actually directed to you. You made the statement. Are you in a position to substantiate?

**Mr. Shakeel:** Mr. Speaker, Sir, I never said that they were friends of the Minister. I said that the loans were given on preferential basis to friends and other parties. That is exactly what I said and the HANSARD will bear me out.

**Mr. Speaker:** Order! We will then have to get that right. Member for Ikolomani, the Member for Kisumu Town East denies that he said the loans were given to friends of the Minister or Ministers. So, your challenge will not survive in that case. Assistant Minister, you want to respond finally to the Member for Kisumu Town East? Member for Kisumu Town East, maybe we give you the Floor first. Assistant Minister, you will have to wait.

**Mr. Shakeel:** Mr. Speaker, Sir, the Assistant Minister has said that in 2011/2012, Kshs163 million was allocated to this Commission. About Kshs100 million of that was for development activities. What happened to that Kshs100 million which was meant for development activities? He has clearly said that there were no development activities and the Budget Committee has seen good sense to reduce that to Kshs15.2 million. Could he tell us how the Kshs100 million, which was meant for development activities in 2011/2012, was utilized?

**Mr. Kenneth:** Mr. Speaker, Sir, I said that Kshs100 million was for development activities in 2011/2012. I have a breakdown showing how much was given to the various counties and there are about 786 groups. This amounted to Kshs100 million and I will table the list. In the current financial year, there is no allocation for development activities. In the previous year that the Member is asking about, we were allocated Kshs100 million and I have a breakdown of how it was distributed. The largest county took Kshs4 million. The list shows the number of the groups that were given the money. The constituency poverty index was taken care of including the constituency ranking. I wish to table the list, so that the Member can see it for himself.

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

**Mr. Speaker:** Mr. Assistant Minister, the document you have tabled, as I can see has no date, signature and it appears as if it has been pulled off from a bigger document. So, how do you want me to admit it?

**Mr. Kenneth:** Mr. Speaker, Sir, I was trying to ease the work of the House for the hon. Member because it was part of my supplementary. He asked a particular question about the Kshs100 million that was put in the Development Budget of 2011/2012. It is actually titled---

**Mr. Speaker:** Fair enough, Mr. Assistant Minister. So that we save time, in that case, could you kindly take this document and sign it so that you take responsibility for it?

**Mr. Kenneth:** Much obliged, Mr. Speaker, Sir.

**Mr. Speaker:** We will take the Question by hon. Sirat which we said we will come to later on. It is actually the second Question by Private Notice.

## QUESTION BY PRIVATE NOTICE

### ENVIRONMENTAL DEGRADATION DUE TO OIL EXPLORATION IN WAJIR

**(Mr. Sirat)** to ask the Minister for Energy:-

(a) Is the Minister aware of the serious environmental degradation, health risks, security lapse and exploitation caused by oil exploration in Khoroh Harar in Wajir East and parts of Wajir south districts?

(b) Is the Minister further aware that M/s Hybrid Solutions on behalf of M/s Simba Energy has hired more than 20 young men armed with pangas and axes to cut down trees so as to create access (link) roads, thus causing environmental degradation, posing security risk and scaring away residents and animals?

(c) Could the Minister consider stopping the operations of the company and what measures will the Government take to ensure that further environmental degradation is stopped?

**Mr. Speaker:** Is Mr. Sirat still not here? That Question is dropped!

*(Question dropped)*

Hon. Members, that brings us to the end of Order No.6.

Next Order!

Hon. Members, we will first take statements which are due today beginning with the Minister of State for Provincial Administration and Internal Security.

## MINISTERIAL STATEMENTS

### MYSTERIOUS MURDER OF MR. GITURA KANG'ETHE

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Y.M. Haji):** Mr. Speaker, Sir, this is a Ministerial Statement regarding the mysterious circumstances under which Mr. Gitura Kang'ethe was shot dead on 31<sup>st</sup> July, 2012.

On Wednesday, 1<sup>st</sup> August, 2012, while standing on a point of order, hon. William Kabogo, the Member of Parliament for Juja sought a Ministerial Statement on the mysterious circumstances under which Mr. Peter Gitura of Gatundu Travellers Sacco was shot dead on 31<sup>st</sup> July, 2012 at Ichaweri Village in Gatundu.

He wanted a clarification on how far the investigations into his predecessor's death which occurred two years ago have gone and what urgent measures the Minister is taking to ensure the safety of *matatu* operators and the general public noting that it is along the same road within Gatundu that a bomb was found planted on the roadside. He finally sought a clarification on what measures the Minister will take to make sure there are no further deaths from *matatu* operators within Gatundu District. I wish to state as follows:

Mr. Speaker, Sir, on 31<sup>st</sup> July, 2012, at about 6.00 p.m., Mr. Gitura Kang'ethe arrived at his Ituiku home within Ituru Location after his day's duty at Gatundu Township *matatu* stage office where he was working as the Operation Manager with Gatundu Travellers Sacco booking office.

He had supper with his family and at about 7.00 p.m., a gang of about 10 men, one armed with a rifle and others with *pangas* stormed into the kitchen where they were and declared that they wanted to kill Mr. Gitura. A fight ensued during which the gang shot him on the head and abdomen at close range and disappeared into the darkness. His wife was also dragged and left in their farm unharmed. Nothing was stolen from the deceased or his family. A report was made at the Gatundu Police Station and the officers responded immediately. The scene was visited and the gang tracked but all in vain. Investigations commenced immediately and two spent cartridges of 5.56 millimeters recovered at the scene were taken for forensic analysis. The body was taken to Gatundu District Hospital Mortuary for postmortem.

Investigations conducted so far have not revealed any co-relation with the previous murder of his predecessor. Also, in view of this, patrols have been enhanced within the area to forestall future incidents. However, it is recommended that *matatu* industry operations be streamlined to reduce cases of tough wars among rival Saccos operating along the same routes.

**Mr. Speaker:** Hon. Members, we will take interventions beginning with the Member for Juja.

**Mr. Kabogo:** Thank you, Mr. Speaker, Sir. I thank the Minister for a timely Statement. You will realise that this is the only Minister who has promised to give a Statement and given it today as promised. However, the Statement is very wanting because it is a matter of security of Kenyans and you heard the Minister state that it is a question of rivalry. He said that the gang went to the house of the deceased and informed him that they had gone to kill him. This is the case and yet the Minister says that there is no relationship between Gitura's death and that of his predecessor.

The last time I sought Ministerial Statement on the death of the predecessor, the same promise was given to the House that surveillance and night patrols would be improved. This is the case and yet somebody has died after a promise of night patrols.

Is the Minister satisfied really that a *matatu* operator dies two years ago because of a similar case and the one who takes over is killed under similar circumstances and all that the Minister tells the country is that they will enhance patrols? There is a lot of tension, as we speak today, in Gatundu because of the killing of *matatu* operators. The Minister should come out clearly and say what he will do to make sure that people do not continue killing each other because of the *matatu* industry. What exactly will the Minister do to make sure that these killings stop in Gatundu and more so in the entire Republic?

**Mr. Speaker:** Very well. Mr. Minister, you may respond to the only intervention.

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Y.M. Haji):** Thank you, Mr. Speaker, Sir. While I thank the hon. Member for the good sentiments that he has made about giving this Statement, I would like to inform the House that during investigations, police were reliably informed that prior to his death the deceased had travelled to Nairobi, Ngara Stage and confronted a rival Sacco that broke away from Gatundu Travellers Sacco demanding to know how the rival group had secured a stage within Ngara and an office at Kobil Petrol Station.

During the incident, it is understood that a confrontation ensued leading to passengers being forcibly removed from the matatus and ordered to board others. It was also found out that

the Ngara/Kobil Petrol Station management advised the deceased to write a note and press for a meeting with the chairman of the station which was arranged for 1<sup>st</sup> August, 2012. This was not to be as he was murdered before then. Some five suspects are being investigated in connection with the murder and appropriate action will be taken once investigations are completed. However, it is imperative to note that this is a likely case of a tough war between rival *matatu* groups which normally happens in many business undertakings.

*[Mr. Speaker left the Chair]*

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

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Use the gadgets.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, the Minister has made a very worrying statement to the effect that this is normal rivalry among these *matatu* people. Is he in order to assert that it is normal practice to kill somebody over business rivalry? What action will he take to apprehend the whole group of people who were involved in this scam?

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security** (Mr. Y.M. Haji): Mr. Temporary Deputy Speaker, Sir, I did not say that the killing is normal. I said that disagreement among business people is always the cause of some of these things. We are not condoning at all that people who disagree meet their death. People should go to court and put their cases against each other.

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, you understand the gravity of this matter. The Minister casually suggests that warring parties should go to court when they are killing each other. From his statement, he is suggesting that people should go to court yet he says he is aware that these killings are as a result of rivalry between two parties. Why can the Minister not take the initiative as a security concern to make sure that the rivalry is sorted out and these two *matatu* operating groups are merged and live together? There is no one who is interested any more in bringing harmony in the *matatu* business in Gatundu because of fear of death. As we wait to go to court, could he liaise with the Member of Parliament for Gatundu South to be able to bring harmony in Gatundu Town so that we do not continue receiving death threats? The Minister is aware; he is very well informed.

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security** (Mr. Y.M. Haji): Mr. Temporary Deputy Speaker, Sir, while we support initiatives that are taken to resolve any differences between these Saccos, I think it falls within the Ministry of Co-operative Development and Marketing to intervene; call these people and bring them together and, therefore, talk to them.

#### BUILD-UP OF TENSION IN BANITA SETTLEMENT SCHEME

Mr. Temporary Deputy Speaker, Sir, on 2<sup>nd</sup> August, 2012, the Member of Parliament for Rongai; Mr. Lucas Kigen, stood on a point of order seeking a Ministerial Statement from the Ministry of State for Provincial Administration and Internal Security with regard to the tension that has been building up between the communities living in Banita Settlement Scheme in Nakuru County that has occasioned a long standing dispute on irregular allocation of land.

In the Statement, the hon. Member sought to know:-

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

(b) Why the District Officer, Solai Division, was transferred via instructions issued on phone on 23<sup>rd</sup> July, 2012, where the officer was required to leave the county immediately and what steps were taken to facilitate the officer to report to the station.

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

(d) What steps the Ministry is taking to guarantee safety in view of the intimidation and threats issued to him and members of his constituency office with regard to the position taken to ensure that deserving squatters are settled on this piece of land.

(a) Mr. Temporary Deputy Speaker, Sir, in 1996, the Government purchased 14,000 acres to resettle squatters who had worked in sisal estates of Rongai District. The land was subsequently sub-divided and allocated to the squatters. The allocations generated a lot of complaints prompting the Government to nullify and appoint a new committee made up of elected representatives of the 13 villages where the squatters had settled. This allocation was contested by two groups made up of 81 and 69 who petitioned the Government against the allocation and were all resettled on the land.

In total, the scheme has 1,982 beneficiaries based on the 13 villages. The allocation criteria was as follows:-

Squatters	-	1,352
Rongai Constituency	-	150
Other areas of Nakuru	-	480

Mr. Temporary Deputy Speaker, Sir, Kalenjins got 853 plots which is 43 per cent. Kikuyus got 619 plots which is 31 per cent. Others; Luhyas, Luos and Kisiis got 511 plots which is 26 per cent. The total is 1,982 persons.

Mr. Temporary Deputy Speaker, Sir, in response to the first part of the Question, I wish to state that the problem facing the Banita Settlement Scheme is one where the Kalenjins who were the major beneficiaries believe that the entire scheme belongs to them and will not allow other communities to be resettled in the scheme. They have consequently tried to stop other communities from accessing their plots in the scheme. The incident which the hon. Member is referring to is one example where an attempt to bury the dead has been resisted. Such cases have generated conflict among the various communities and have a security challenge.

(b) With regard to the second part of the question, the District Officer Solai Division was not transferred on phone as alleged. She was transferred through a normal posting order signed by the Provincial Commissioner who was responsible for such a transfer. A copy of the transfer letter is herewith attached and I will table it.

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

I would like to state that a transfer in the Provincial Administration takes immediate effect. The officer was facilitated with official transport, GK A260Y and 70 litres of fuel. She was also authorized to sign the work ticket which she did. It is the policy of the Government to provide official transport or reimburse the cost of transport in the absence of Government transport to

officers on transfer. In this case, the officer was given a vehicle and enough fuel. I will table the work ticket signed by her.

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

Mr. Temporary Deputy Speaker, Sir, in response to Dr. Khalwale's question on the same matter, I wish to state that no further report has been made to the police regarding the incident in Naivasha where unknown person assaulted the District Officer while traveling in a *matatu*. Furthermore, she has not complained against the DC for sexual harassment as alleged by the hon. Member. However, should such a report be made and any officer including the DC found culpable, appropriate action will be taken in accordance with the law.

No investigation can therefore, commence unless the officer makes a formal complaint to the police. The officer is equally free to report such cases to any office for appropriate administrative action.

(c) On the measures taken to resolve the long standing land conflict, I would like to state that the scheme has been under close surveillance by the District Security Committee because of the conflict and appropriate action is taken whenever security situation---

The local peace committees have been holding several peace meetings and initiatives to address the conflict. Plans are also underway to establish a police post at Kokwamwei to beef up security in the scheme. The Provincial Commissioner has recommended the setting up of a task force to look into all matters affecting Banita Settlement Scheme and the matter is being considered by the Government.

(d) I am not aware of any security or personal threat on the MP or any of his constituents since he has not brought to my attention any such threats.

I am not aware of any security threat to the MP or to any of his constituents since he has not brought any such threats to my attention. I wish to encourage the MP to report to the police any threats to his life or to the lives of his constituents. I can assure him that appropriate action will be taken.

These are all the documents.

*(Mr. Haji laid the documents on the Table)*

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, I am grateful for the response given by the Minister, which tells me that he is seized of this matter. However, I am appalled by the kind of answer that he has given. He wants this House to believe that members of one community are suggesting that they are the only ones who should benefit from that land. That is a sign of lack a balanced investigation. For example, he has said that he is not aware of the threat to my life.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Kigen! You need to seek clarification and not to make another submission.

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, there was a court order barring any activity on that land, including the burial of the body of the particular deceased person who never lived in Banita Settlement Scheme. How come the body of this person was brought in, in violation of the court order? Could he tell us why they violated the court order and allowed the burial of this person to proceed despite the fact that they were already seized of the matter?

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Minister, you will wait for more clarifications. I can see that more hon. Members are interested in the matter.

Yes, hon. Olago Aluoch.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, as I listened to the Minister giving the Statement, the impression I got was that the situation in Banita Settlement Scheme is so explosive that unless it is handled carefully, it may pose a serious risk to security. This matter has come before the House several times. The issue that both the Minister and I know is that there are very influential personalities involved in the settlement scheme. I believe that unless we handle the issue before the House very delicately, we could make the situation worse. Under the circumstances, I humbly propose that the issue of Banita Sisal Estate Settlement Scheme be taken to the relevant departmental Committee of the House for the Committee to deal with it away from the television cameras.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I agree with hon. Olago that the issues arising from Banita Settlement Scheme in Rongai are volatile. I mentioned it when we were talking about the Report on Internally Displaced Persons (IDPs), because I personally visited there.

Having said so, the clarification I want from the Minister is that there was an allegation of sexual harassment that was made by a young officer. Given the nature of sexual harassment offences, people would not go to the roof tops of buildings and scream “sexual harassment!” Could this young officer be given a chance, in-camera, to actually indicate what threats she has gone through by the District Commissioner? This is because shortly after she made the sexual harassment allegation, she was physically attacked. So, without asking the lady to report this matter, given that, in their very nature, sexual harassment offences are difficult to handle, has he gone out of his way to find out the facts on his own?

I would also lend my voice to hon. Olago that the Committee on Justice and Legal Affairs, and the Committee on Administration and National Security jointly look into this matter, given that we are going into an election year, and considering the fact that the situation in that area is already volatile and may create a problem.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the Minister is an experienced officer in the line of Provincial Administration. In fact, he was my Provincial Commissioner (PC) for many years in Kakamega. As a matter of fact, he knows the challenges that young officers go through under the hands of aged and experienced officers. I would like the Minister to take this matter very seriously because I have an interest in it. The young officer is my cousin’s daughter. She will be 25 years old in a few months’ time.

The DC by the name of Joseph Montari, who is around 58 years old, and who has been harassing this girl, has given his side of the story. The Minister has not heard the side of the story of this girl. The truth is that the 70 litres of fuel that the young lady was given was paid for by the Chairman of the CDF of Rongai Constituency. That is a fact. After the young officer was assaulted, she recorded a statement at Naivasha Police Station. That is a fact. He has not been told that. Before I ask my supplementary question, in agreement with hon. Olago, I want to request that this matter be taken up by a joint Committee of the Administration and National Security Committee, the Lands and Natural Resources Committee, and the Committee on Equal Opportunity.

Having said so, could the Minister tell us, if he is, indeed, satisfied that this girl was transferred normally, how it occurred that she received a telephone call from the DC at around 3.00 pm, which has been recorded, ordering her to leave before the end of the day? If this was true, how come that it was the DOI who gave her consent to take the Land-Rover? The girl was

professional. She only signed the work ticket because she knew that Government vehicles are not driven without authorisation.

Mr. Temporary Deputy Speaker, Sir, the Minister also needs to tell us why he has not investigated the fact that there are two bodies in question. The first body was, last year, buried in breach of a court order, and the permission to bury that body was given by Mr. Joseph Montari. The second body is the one which has led this girl into problems. She stopped the burial because she wanted the court order upheld. So, between the DC and the young DO, who should have been punished? Is it the DO who upheld the court order or the DC, who breached the court order? By the way, when he did so last year, hell broke loose.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, I can see a lot of interest in this matter. Therefore, I suggest that I just give chance to the immediate neighbours, each of whom should take less than a minute. These are hon. Kiuna and, finally, hon. Mututho.

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, while I appreciate the Statement given by the Minister, I remember raising a Question on a similar matter regarding the same farm sometime early this year. The Question was about a certain man who was shot dead and his body buried there, but which, subsequently, was unfortunately exhumed and taken to a shopping centre. The Government has not yet arrested those who exhumed the body. It was alleged that certain people used a certain vehicle to take the body to the shopping centre and dumped it there.

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

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, my question to the Minister is: What action has he taken against those people who exhumed the body and why did they release the vehicle that was impounded by the police officer? Could the Minister clarify the following: How come that some Kenyans are being discriminated? There are some who cannot be settled on land or live in one particular area in this country and yet, all of us are Kenyans and the Constitution is very clear that any Kenyan can live and own property anywhere in this Republic.

Mr. Deputy Speaker, Sir, how come that in that particular incident, some people went to bury their bereaved on the same farm? They were waylaid on the way, shot with arrows and taken to Nakuru General Hospital. This honourable Government has not taken any action on the perpetrators of that heinous crime and yet, we are saying that we are supposed to be united. Could he inform this House what action he has taken to arrest those warriors who shot those people? There are people who are preaching peace and yet, there is no peace? So, I request the Minister to clarify very clearly whether we are going for elections as a peaceful nation or, maybe, by 2013, we shall go back to where we were in 2008.

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security** (Mr. Haji): Mr. Deputy Speaker, Sir---

**Mr. Mututho:** On a point of order, Mr. Deputy Speaker, Sir. The matter being conversed here this afternoon is extremely sensitive, particularly to the people of Nakuru. I would seek your guidance that either we go in camera or, alternatively, this matter be entrusted with the three committees that are supposed to handle this matter. Otherwise, as it goes, it can ignite large scale violence in the areas where we reside. I believe this is a matter that we can be able to contain and solve within this Parliament.



**Mr. Namwamba:** On a point of order, Mr. Deputy Speaker. In fact, my intervention has already been registered on your system even though I must say that I already miss the drama of the scramble to catch the Speaker's eye. But technology is technology. This matter, obviously, and I want to agree with the Member for Naivasha, is of critical national importance. I do not believe it is just about Nakuru. This is a matter that touches on national security and a lot of pain that this country has experienced out of the post election experience. Whereas I agree that it is prudent that this matter be referred to the relevant House committees, but I believe this whole matter would benefit a great deal if this House took a little bit more time to ventilate on it. I, therefore, want to plead and beg the indulgence of the Chair as to whether we go in camera as hon. Mututho proposes, or any other arrangement that the Chair would deem fit. I would plead with the Chair that we take a little bit more time so that even if this matter eventually would have to proceed to the committees, it will do so with sufficient expression of sentiments from hon. Members. I seek your indulgence and guidance.

**Mrs. Odhiambo-Mabona:** Mr. Deputy Speaker, Sir, indeed, when I walked out there, I was trying to get the Standing Orders because I do not have my copy. I wanted to get the section that talks about going in camera because we are feeling restrained. There are issues which we want to raise and which we cannot do with the cameras on. You could indulge us that we go off camera.

**Mr. Deputy Speaker:** Hon. Members, to begin with, as far as the joint committees are concerned, the committees do not have to have direction from the Chair for them to do this. I am sure they can understand and appreciate the importance of the matter or any matter that essentially has the kind of interest that this one has. However, be that as it may, I think we have taken a lot of time on this. But we will allow the Minister to make a response and then after that, I will give a direction on the matter.

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji):** Mr. Deputy Speaker, Sir, first of all, I agree that this is a security matter. As I had said earlier, the Provincial Commissioner (PC) has written to say that we should form a committee of security officers and elders from that area to go and solve the problem in that settlement scheme. However, we are not aware that the District Officer (DO) encountered an incident on her way to Nairobi on 25<sup>th</sup> of July after reporting to her new station. Also, this young lady--- The letters that I have laid on the Table here--- I have seen a letter written by the PC to her commending her for her good job and, therefore, it would be very sad if we start now speaking about such a young lady who has a future ahead of her in a forum like this, maybe, where the Press will take the matter up. If she has any grievances which she has never reported to the police and the PC, I am prepared to sit and listen to that matter and take the necessary action where I find it is prudent to do so.

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

**Mr. Deputy Speaker:** Hon. Kigen, you do not rise on a point of order anymore. Try and use the technology. If the technology does not register you, seek some assistance. There are so many officers who are around there to assist Members of Parliament. Proceed, hon. Minister!

*(Mr. Kigen was assisted to log in)*

**Mr. Kigen:** On a point of order, Mr. Deputy Speaker, Sir. It saddens me to hear the Minister say that the young lady has not reported to the police station. She has recorded a statement at the Naivasha Police Station. It is on record. So, when the Minister stands up to say

that she has not made a statement, I do not know what kind of statement he is referring to. This lady has been hospitalized. She is in Kenyatta National Hospital (KNH) as I talk. The Minister here can say that the lady is doing a good job when he does not know that she is in hospital. Is he in order?

**The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji):** Mr. Deputy Speaker, Sir, can the hon. Member clarify why this lady is in hospital because we are not aware that she is in hospital? She can be in hospital if she has other ailments like malaria or any other thing. He has not proved that that she has been mishandled or she was beaten. Please, avoid making wild allegations against this young lady.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to treat this matter as casually as he is doing? We have requested to go off record. I urge that you allow us to go into camera.

**Mr. Deputy Speaker:** Fair enough. In the circumstances, the Chair will give direction on this tomorrow morning, and say whether we can go into camera and what time we shall do so. That is the position of the Chair and I think the matter should rest at that. Let the Chair give direction on this tomorrow morning after Question Time.

**Dr. Khalwale:** On a point of order, Deputy Speaker, Sir. Just on a point of procedure, you know we are trying to acclimatize to this new system. There is something I have observed. When a Minister is speaking from there and he comes to the Dispatch Box, by the time he is back these seats are occupied. It has happened this afternoon. The Minister has to respond and then wait for supplementary questions from the third row. Would you consider putting a mobile chair there, so that any Minister who wants to take supplementary questions can then use the mobile chair which can then be removed after that?

The other issues of procedure is that this thing is failing us in the sense that when we rise on points of order, the Speaker does not seem to know that you have risen. We press and nothing happens. If there is a problem on your end, can you, please, come out clean and tell us? We do not understand.

**Mr. Deputy Speaker:** There is no problem on your end. You are the one who is not getting used to it. I can see an intervention right now by Mr. Mungatana and I did see your own point of order. In any case, this is the first day; let us all be patient. It is going to serve us very well.

Yes, Mr. Mungatana, please proceed.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I am assuming that you have already given a ruling; so I will---

**Mr. Deputy Speaker:** I have already given a ruling and this matter is disposed of at this moment.

**Mr. Mungatana:** In which case, I wanted to---

**Mr. Deputy Speaker:** Yes, you can proceed and seek your Ministerial Statement.

#### FUNDING OF POLITICAL PARTIES

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister in charge of finance regarding the Political Parties Fund. When the Minister comes to give this Statement on the political parties funding, he should clarify:-

(i) whether he is aware that Section 24 (1) of the Political Parties Act reads as follows:-

“The Political Parties Fund shall be comprised of such funds not being less than 0.3 per cent of the revenues collected by the national Government as may be provided by Parliament”?

(ii) He should clarify whether the Kshs250 million allocated to the Political Parties Fund is, in fact, 0.3 per cent of the national revenues collected in the financial year that has just ended.

(iii) He should clarify whether he is aware that the Political Parties Act---

**Mr. Deputy Speaker:** Order, Mr. Mungatana! Mr. Wetangula, are you on a point of order?

**The Minister for Trade (Mr. Wetangula):** Mr. Deputy Speaker, Sir, I had wanted to follow up what Dr. Khalwale said.

**Mr. Deputy Speaker:** That was earlier; fair enough.

**The Minister for Trade (Mr. Wetangula):** Yes, Mr. Deputy Speaker, Sir.

After him you can still give me an opportunity to---

**Mr. Deputy Speaker:** Proceed, Mr. Mungatana. I am now at a loss. I do not know where I have to give you a microphone from. Can you come and help me?

Mr. Mungatana, please, proceed.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, the Minister should:-

(iii) clarify whether he is aware that the provisions of Political Parties Act require that the 51 political parties that are now registered must maintain branches in the 47 counties;

(iv) clarify whether he is aware that the running costs of these branches require the full disbursement of the 0.3 per cent;

(v) clarify when the Treasury shall release the balance of the funds that are expected by political parties, considering that this is an election year and we need to prepare.

Thank you.

**Mr. Deputy Speaker:** Minister, can you give an undertaking on when that Ministerial Statement will be ready? The Minister for Finance is not here, and my presumption--- Where is he?

**The Minister for Finance (Mr. Githae):** Mr. Deputy Speaker, Sir, we can issue this Statement on Tuesday next week.

**Mr. Deputy Speaker:** Mr. Githae, I am a bit at a loss as to whether you, as a Front-bencher---

**The Minister for Finance (Mr. Githae):** This is the new Chamber.

**Mr. Deputy Speaker:** Yes, but there are certain rules of the new Chamber that are going into effect after the general election, and there are certain rules that are part of the transitional period. They are basically about the way we operated before. Therefore, Mr. Githae, I would request you to come to the Front Bench of the Government Side.

*(Mr. Githae crossed the Floor to the Front Bench  
of the Government side)*

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

**Mr. Deputy Speaker:** You are on a point of order!

**Mr. Namwamba:** And technologically too! My point of order is whether some of these restrictions have not been ended by this horse-shoe shape. I thought this horse-shoe shape has sort of mixed and matched---

**Mr. Deputy Speaker:** I am not quite sure, but I think there is still need for us to have some kind of a Front Bench of the Government side.

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, certainly we want to see--- I mean even in the Animal Farm, some animals were---

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

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, guidance from the Chair would be useful in terms of this.

**Mr. Deputy Speaker:** Some comprehensive guidance will be given on this. For now, the Chair would want to maintain a certain tradition. That tradition is that Ministers, who are now not Secretaries, will have to address the House from the Government side.

Proceed, Mr. Githae.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. I want a small clarification. You remember this morning both the President and the Speaker said that the Old Chamber was created on the Prime Minister model, the adversarial model. They said that the horse-shoe shape was non-adversarial. To my understanding, that means this horse-shoe shape creates only one Front Bench; the shape is like this all the way. So wherever you speak from, you are on the Front Bench.

**Mr. Deputy Speaker:** Order! Order, Dr. Khalwale!

The nature of Parliament and political contest in the management of democracies is in itself adversarial. That is why you belong to a party X, Y, Z and somebody else belongs to another party. We all contest for prominence and to run the system. For now, the Ministers will address the House from this side.

Proceed, Mr. Githae!

**The Minister for Finance (Mr. Githae):** Mr. Deputy Speaker, Sir, I think we can be in a position to issue this Statement on Tuesday next week.

**Mr. Deputy Speaker:** It is so directed! Are you comfortable with that Mr. Mungatana?

**Mr. Mungatana:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** It is so directed! Next Order!

## **BILLS**

### *First Readings*

#### THE FINANCE BILL

#### THE CENTRAL BANK OF KENYA (AMENDMENT) BILL

#### THE CAPITAL MARKETS BILL

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

## MOTION

### EXTENSION OF TERM OF TRUTH, JUSTICE AND RECONCILIATION COMMISSION

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Wamalwa): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

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

This Motion is pursuant to the provisions of Section 20(4) (A) of the TJRC Act that came through an amendment that we brought through the Statute Law (Miscellaneous Amendment) Bill that was passed recently by this House and that was assented to by the President and is now law.

Section 4(A) provides that:-

“Notwithstanding the provisions of subsection (3) and (4) where the Commission is unable to complete and submit its report within the time extended under sub-Section 4, the Commission shall submit a progress report to the National Assembly together with their request for a further extension provided that a request under this sub-Section may be made notwithstanding that the period in respect of which it has been made has expired.”

**Mr. Konchella:** On a point of order, Mr. Deputy Speaker, Sir. This Motion is not practical. We are supposed to give the Commission three months from the 4<sup>th</sup> of May which has already expired and so I do not understand how we will give them three months yet the time they require has already passed.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Wamalwa): Mr. Deputy Speaker, Sir, perhaps, if the hon. Member listened to me he would have understood the amendment that we brought under Section 20(4); we had amended the Act to extend the term by six months previously. That is the extension that was made upon the first request before this House and that extension was granted and was extending the term of the TJRC up to May. So this Commission was supposed to submit their report to the President on 3<sup>rd</sup> May but that was not done. Subsequently, we brought an amendment to the TJRC Act to extend the period by three months and that is the provision I was reading to you.

In addition to the first extension of six months under Section 4, we have 4(a) which reads:-

“Notwithstanding the provisions of sub-section (3) and (4) where the Commission is unable to complete and submit its report within the time extended under sub-Section 4, the Commission shall submit a progress report to the National Assembly together with their request for a further extension provided that a request under this sub-Section may be made notwithstanding that the period in respect of which it has been made has expired.”

So that is the provision that we approved during the Statutes (Miscellaneous Amendment) Bill. We debated and approved it. So in essence, we have approved the second extension of three months.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. While I actually agree with the interpretation the Minister is giving, the proviso gives him comfort but before he can move this Motion, we would like him to give us proof that, in fact, he has complied with that section itself by submitting a progress report to the National Assembly; whether it has been

tabled. If it has been tabled, when was it tabled because we want to know? If he has not tabled it, then he cannot utilize this section.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Wamalwa): Mr. Deputy Speaker, Sir, perhaps, if the hon. Members were patient to allow me move, then they would get all the facts. I was first laying basis for extension and it comes through the amendment provided under 4(a) that we recently passed allowing for three months. It requires that after the extension that we proposed under 4(a), the Commission is now required to submit this report to the National Assembly. This was done on 15<sup>th</sup> June and there is a specific request from the TJRC to the National Assembly together with a progress report that is outlining the progress made so far.

I will, of course, take hon. Members through it because I needed to tell you what the TJRC has been doing, what progress it has made so far because you need to be satisfied, as a House, that, indeed, it is necessary to give this extension. This progress report gives the facts as to what has been done up to now and why the Commission is now seeking a further extension. This report is already before the House.

After Mr. Speaker going through the request and the progress report, he approved this Motion and it is now upon the House after approval of the Motion by Mr. Speaker to approve the request. So it is really to formalize what we had already brought before the House. During the debate of the Statutes (Miscellaneous Amendment) Bill I gave reasons as to why it was necessary to extend the term of the TJRC for three months.

Mr. Deputy Speaker, Sir, in giving my reasons then, which remain the same now, we indicated to the House that, indeed, this Commission had been given time of two years to investigate and make recommendations. It was not possible to do this within the two years period that we had approved in the Act itself. After that, the Commission came before the House in June 2011 and requested for an extension of six months. This was subsequently granted and the six months went up to 3<sup>rd</sup> May as I had indicated. After I took over the Office, there was quite a bit of wrangling between the Chairman and the Commissioners. My first port of call as the Minister for Justice, National Cohesion and Constitutional Affairs, of course, was at the TJRC. My challenge to them then was that “if you cannot reconcile your differences as Commissioners who have been given the mandate to reconcile Kenyans, how are you going to do that?” Subsequently, the Commissioners and the Chairman were able to reconcile their differences and they were able to complete the hearings. As we speak today, they are in the process of preparing their report to this nation. This report will give this country a clear roadmap towards reconciliation. It is a report that has been made after very serious hearings which have been held across this country. Over 42,000 statements have been received by this Commission across the country.

Mr. Deputy Speaker, Sir, this Commission has also, during its work, been able to interview over 1,500 witnesses. As I speak today, they have received over 1,500 memoranda from different communities. Today the Commission is in the process of compiling this data, coming from all the different parts of this country and different communities. It is one of the largest data gathered in terms of evidence that any truth and justice commission has held. It is what has been accumulated over the last few months and weeks and it goes far in excess of what was done by the Truth and Reconciliation Commission (TRC) in South Africa. They are now in the process of compiling this report. Their request is for what was granted through this Miscellaneous Amendment to be allowed to regularize their term up to now in order to validate what this Commission has done to date.

Mr. Deputy Speaker, Sir, when you look at what this Commission is discharging in terms of mandate, it covers a period of over 40 years; right from 1963 to 2008. These Commissioners have grown through various areas that cover cases where Kenyans have been denied access to justice; they have covered economic marginalization and minorities; they have covered the sensitive land issues, whether it is in the Rift Valley or at the Coast; this Commission has also covered our dark past in terms of torture in Nyayo Chambers, in terms of detention centres and what Kenyans have gone through in our prisons for over the last 40 years.

Mr. Deputy Speaker, Sir, this Commission has also covered the sensitive issue of the 1982 attempted *coup d'etat*. It has also covered areas touching on the security agencies of this country, particularly the extra judicial killings that have taken place over the last 40 years. It has covered massacres, including the Wagalla Massacre and other massacres that have taken place in this country.

Mr. Deputy Speaker, Sir, it is a huge mandate spanning over four decades that we expected the Commission to do within two years. What they are saying is that the sensitive issues they are working on and the timeframe they were given was not sufficient. What they have gathered up to now is very sensitive; it is very eye opening in terms of telling this nation the truth about what has bedeviled this country over the last 40 years, the human rights abuses and so on. The data gathered is very sensitive and will help this country in reconciling itself with its past.

But apart from what they have gathered, Mr. Deputy Speaker, Sir, this Commission will also be required to make recommendations on reparations. This is because there are victims who will seek reparations. Currently, it is in the process of preparing a policy on reparations to say how the victims, over the last four decades, will be compensated. Apart from reparations, this Commission will also be required to make findings and recommendations on the issue of amnesty. It is in the process now after compiling the findings and gathering evidence of preparing a policy on the issue of amnesty. There are Kenyans out there who would like to be given amnesty to come out and tell all about what happened and what role they played. This entire process was not practically possible to be done within the timeframe that we had given them. As I said, they are in the process of developing that policy on amnesty. If we allow them time to go ahead to do this, they will be able to call out Kenyans, give them amnesty to come out and tell what they, probably, could not tell before because of lack of a policy on amnesty. This framework policy is provided by the TJRC Act.

Finally, Mr. Deputy Speaker, Sir, the Commission is also required – because in the course of its hearings, names have been mentioned – that if any Kenyan has been adversely mentioned in any report, they should be given notice and an opportunity to appear before such a body, probably, to clear their names or to give their side of the story. Within the time constraints given in this process, the Commission has not been able to do so. With the extended period, it will be asking for more time to do so.

But for now, this progress report will show the House that they have not just been wasting tax payers' money but they have been working. They have reconciled their differences and they are working together very, very well. If they are allowed to complete their work, already some chapters of this report are complete. However, because of the huge evidence gathered over time, they are anticipating having up to four volumes of this report that they will be releasing to the public once it is ready. What they are asking for now is that this House grants them time to complete their work.

Mr. Deputy Speaker, we admit that, probably, they have not given their best in terms of utilizing their time optimally because of the wrangles that existed. But all that is behind them

now. As I speak, the Chairman and all the Commissioners have been in Mombasa compiling chapter after chapter of their report. They were required to present this Report to the President on 3<sup>rd</sup> August, 2012, but they were not able to do so. Through this Motion, we are asking the House to now formalize the extension of three months that it had granted through the Statute Law (Miscellaneous Amendment) Bill.

Mr. Deputy Speaker, Sir, we know hon. Members of this House and members of the public had had issues with TJRC. However, we are saying that this is not the amendment that, probably, many have thought is controversial. We have said that because time lapsed on the 3<sup>rd</sup> of August, it would be necessary to bring a further amendment to the Act. As and when I do so, I will come before the House to tell the House why we will need a further extension. But for now, I am asking the House to formalize what it had already granted. We had granted them three months up to the 3<sup>rd</sup> of August. What we are now asking the House to do is allow the TJRC to actually regularize their operations up to date. Through this progress report, I am telling the House what they have done so far. Therefore, I will urge hon. Members to support this Motion. If you have any issues, there is an amendment to the TJRC Act that is coming and I would urge you to hold your fire for that particular Bill. But for this Motion, it is clearly procedural. I would say that it is only for purposes of formalization of what we had already passed. I ask hon. Members to support it to enable us now bring the amendment to the Act itself to allow for an extension from 3<sup>rd</sup> of August.

But for now, Mr. Deputy Speaker, Sir, with your permission, I would wish to table the progress report, which will be available to all hon. Members. I will hope that enough copies will be made for all hon. Members, so that when we bring the Bill now for further amendments--- The House has only granted one amendment so far; the second amendment was granted through the Statute Law (Miscellaneous Amendment). This was already debated. But the third amendment is what I know you have issues with. But through this report I would like to urge hon. Members; take your time, go through the report and when we bring that amendment, we will be able to tell you where we are, how much time is required for a comprehensive report to be produced for taxpayers' money not to be wasted and for this country to get a comprehensive roadmap towards healing and reconciliation.

With those few remarks, Mr. Deputy Speaker, Sir. Allow me to table this report and to ask hon. Mututho to second---

**Mr. Deputy Speaker:** You do move first!

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Wamalwa): I do move, Mr. Deputy Speaker, Sir.

Thank you, Mr. Deputy Speaker, Sir.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. I have no problem with the procedure that the Minister has adopted to give us the progress report and expect us to support him in extension of time. But, would you not, in your own opinion, consider and find that it would have been more useful if we had looked at the progress report, be satisfied with the contents and be encouraged to then give him the extension that is required? Is this not tantamount to putting the cart before the horse?

**Mr. Deputy Speaker:** Indeed, the progress report has been tabled now. But this is merely to regularize the period that we have taken. It has also been done through the Statute Law (Miscellaneous Amendment) Bill. So, I think that we are pretty much in order at this stage. In any case, the report itself will be circulated and the Bill will come.

Hon. Mututho, can you proceed and second the Motion.



**Mr. Mututho:** Mr. Deputy Speaker, Sir, I rise to second this Motion.

Mr. Deputy Speaker, Sir, I wish to remind my colleagues, hon. Members, that, ultimately, this Commission will do four reports, as stated very eloquently by the Minister. The gist and meat of it is that the Commission looks forward to sharing with the nation its findings on extrajudicial killings, political assassinations, massacres, detention, torture and ill treatment. A unique aspect of the mandate of this Commission is that it will also look into the feuds that we have in land. What we heard early today, most likely, it will also be part of this kind of thing. Ultimately, most of these matters might end up in court. If we do not have everything in good place, then we shall be throwing the report itself to the dogs in terms of challenges in courts.

Mr. Deputy Speaker, Sir, I support this with a lot of anxiety so that within 3<sup>rd</sup> or 4<sup>th</sup> August, at least, for once, we can have a documentation of all the matters that have bedeviled this nation.

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

*(Question proposed)*

**The Minister for Finance** (Mr. Githae): Mr. Deputy Speaker, Sir, I rise to support this Motion simply because it is purely procedural. If we do not extend the time, we will not have an opportunity to look even at the report itself or the amendments that hon. Members will be proposing to make to the main Act. If we do not extend this, there will be no report. It means that all the work that this Commission has done will be wasted. It also means that all the money that they have spent will be wasted.

Mr. Deputy Speaker, Sir, to enable them to make the report, which we can then look at and see how far they have gone in trying to reconcile and resolve some of those outstanding issues, I really would urge hon. Members to pass this Procedural Motion, so that the main thing comes to us and then we will look at it.

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

*[Mr. Deputy Speaker left the Chair]*

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

**The Minister for Trade** (Mr. Wetangula): Madam Temporary Deputy Speaker, at one time in the course of their work, I was one of the Kenyans who were very angry with this Commission. I was angry because this is one of the products of Serena negotiations - Agendas 1, 2, 3 and 4. Truth, justice and reconciliation was critical in healing some of the glaring past injustices meted on Kenyans. Unfortunately, the Commission spent a lot of negative energy on wrangling, abusing each other and going to court. They wasted valuable time.

But Madam Temporary Deputy Speaker, we are also alive to the famous unpalatable phrase in this country called “stalled projects.” I do not think any of my colleagues here would want this to be one of the “stalled projects.” The purpose of Truth, Justice and Reconciliation Commission was to find the truth, to define and give a direction to justice and to reconcile the country. I would want to see this come to fruition.

Madam Temporary Deputy Speaker, secondly, the intention and purpose of setting up this Commission at the very beginning was that it was going to be part of the healing process

before we go to the 2013 elections. It is my hope and wish that the time we are going to extend, which I fully support--- That is because one, we have spent a lot of resources on this Commission and, two, we are told, and rightly so, that enormous pieces of evidence have been gathered. Many Kenyans have volunteered. In the words of Lord Denning in the Profumo Inquiry; some have gone publicly, sneaked, written, whispered or spoken publicly and openly. Every one of those will expect an outcome in the pursuit of justice, truth and reconciliation.

Madam Temporary Deputy Speaker, the interim report has just been tabled. Like all hon. Members, I believe that we have not seen it, but this is not the time to discuss it. The Bill is coming. What I want to urge is an expeditious completion of the work of the Commission. I do hope that the Commission will not go around in unconvoluted manner, like we have been seeing the National Cohesion and Integration Commission constantly behaving, like dogs barking at a new moon at the beginning of every month. We want to see real facts and real direction for the people of this country to reconcile with each other. We want to see historical injustices corrected. But I want to caution that if a country is hell-bent on punishment, it will not reconcile. We must find better avenues. We are talking of reparations. Of course, there are certain injustices that must meet prosecutions. But we want to emphasize on reconciliation. As the Bible says: "The beginning of healing and forgiveness is the acknowledgement of wrongdoing". Those who did wrong must acknowledge that they wronged others and those who were wronged must have hearts large enough to say: "I forgive you", so that we can enable our country to achieve the vision we have set for ourselves.

Madam Temporary Deputy Speaker, our Vision 2030 and all other visions of development in this country will not be achieved if we engage in witch-hunt, looking for whom to punish, who to humiliate and forgetting that this country has room for each and everybody. I want to urge that this Commission must style up. The time we are giving to them must be put into good use, and they must bring a report commensurate to the resources and the expertise that we have put at their disposal, and the expectations of the people of this country, so that we can heal and reconcile our country. I support the Motion and I urge the House that we support the Motion; in any event, we passed the extension in the Statute Law (Miscellaneous Amendment) Bill which is now an Act, and we should move on.

**Mr. Mungatana:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I stand to oppose this Motion. This Commission was formed by the Government. The Government brought this Commission to this House. It was not the idea of Parliament to give it two years. It was the Government's idea that in two year's time, the work should be done and it is the business of Parliament to oversee the Government.

Section 20(1) on the establishment of this Commission says that:-

"The Commission shall be inaugurated within 21 days of the appointment of its members and shall operate for two years".

This was not the idea of Parliament. This was a Government Bill and it was the Government that brought this Commission to existence. Sub-section (2) of the same section states that the Commission would have a preparatory period of three months during which it was supposed to undertake necessary tasks for it to undertake the duties. So, you count three months. Then they had the two years. Then they sought the first extension from Parliament for six months. Now, they are coming for three months. The Minister is telling us that he is going to bring another extension. It is like Parliament is being converted into a rubber stamp for the use and convenience of the Executive. Parliament is being requested to reward the inefficiencies of the Executive by giving them further authority to use the taxes of the people of this country for

their convenience. In fact, the Minister is giving us a notice that he is coming again. This Parliament is not going to be used like that by the Executive. It is a very good idea that now we are going into a situation where Parliament is going to be completely separate from the Executive.

I wanted to dare a Cabinet Minister to come and repeat those words that they are seeking an extension of six months, and we give it to them; they want three months, and they are coming for another period of extension. This is the Parliament of the Republic of Kenya. It is not a jokers' house. This House should send a strong message to the Government and we should start with this Commission. We should tell them that we are not going to be the rubber stamp for the convenience of the Executive. We should oppose this extension. I want to stand here to strongly oppose the arguments that have been put here that the people of Kenya shall not have the benefit of the knowledge of what has been gathered up to now. That is not true. Under Article 35 of the Constitution, all Government information is supposed to be freely accessible to the public. Indeed, if this Commission is serious, without further utilization of the taxpayers' money, they can simply go to the constitutional court after they have completed whatever they are doing now and get an order to say that they are publicizing the report under Article 35 of the Constitution. In fact, they do not even need to move to the constitutional court. On their own, they can print it in the media. They can go and release it in the internet, but for purposes of officialdom, they might wish to file that report in a manner that is complete and signed by all the Commission and then they have it formalized by a court order.

This will be a very simple application as the Minister very well knows. You just go, seek an order and say that, "under Article 35 which gives us the right to release public information, we wish this official document to be made public". That court application will cost us very little money if at all and that information will be public. Why are we spending more money? Is it not the same Government which says that it does not have enough money to spend? Is it not the same Government that says that it does not have enough money in the Development Vote? I strongly urge this Parliament that we must send the message to the Executive. Parliament has changed; it is not a rubber stamp and they must know that we are unwilling to spend money to support undisciplined actions by this Government.

I strongly oppose this extension and the taking for granted of this Parliament.

**Mr. Muthama:** Thank you, Madam Temporary Deputy Speaker. I stand to support this Motion. I am supporting it because from the outset, this Commission was faced with too many problems; the Chairman had no time to sit and perform his duties. When the Chairman was in problems, the Commission was not working. The truth of the matter is that Kenyans continued to spend their resources in maintaining and managing the same Commission. I also put into consideration the fact that many people have suffered in this country. Kenyans have lost lives. We had many extrajudicial killings which are yet to be exposed and the reason given why they took place.

As I was driving into Parliament precincts at around 12.30 p.m., I found a group of IDPs demonstrating at the main gate. They were carrying placards with the message that "we, as Kenyans, we want *haki yetu*". That *haki yetu* can only be realized through this House.

We cannot be so ignorant that whenever any group or team of Commissioners is given a chance to do some work and come up with some truth and reasons why certain things took place, we are out to challenge, stop everything and go back to square one. We must believe that it is Kenyans themselves who will deal with problems and issues that affect the country.

If an opportunity has been given to Kenyans like this Commission was, I do agree and support the position that we must support the Commission and allow it to do its work. Personally, as a people's representative, I want to see the truth. I also want to see the report that will be produced by this Commission and unless we give it time and a chance to complete its work, we will not get what we expect.

With those very many remarks, I support the Motion.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, there seems to be a lot of interest and I have a long list. I do not know whether we can all agree to give each other not more than two or three minutes because the matter is--- Is that okay?

**An hon. Member:** Five minutes!

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, five minutes may be too long. I think three minutes will be okay.

Yes, Dr. Khalwale!

**Dr. Khalwale:** Thank, you Madam Temporary Deputy Speaker. In 1975 when I was a new boy at Kamusinga High School, J. M. Kariuki died. In 1990 when I was a young doctor, newly qualified and transferred to Mombasa, Dr. Robert Ouko died. I have always wanted to know why they killed these people and it is my hope that with this kind of Commission, we will get to the bottom of the truth. It is shame, shame, shame up to the high heavens that after the Serena negotiations created commissions, all of them very critical, it is only this one that has been unable to deliver on time. Of what use will the information be to this nation if we will not learn from what they will tell the country so as not to repeat the same mistake in the forthcoming general election? We must put pressure on them. Hon. Wamalwa, this is your opportunity to create a big name. We will drag you to State House one of these days by putting pressure on these guys so that no extra public cent is spent on them. Let them make up for what they lost through wrangles by reporting in time. We must never extend their time, Mr. Minister.

There is something called "value for money". What will be the value for money if this Commission lost goodwill from the public right from the word go? You know very well that the reason why the Chairman could not hold his seat is because the public was against him. The fact that he managed to convince the legal aspect of this country but failed to convince the court of public opinion, it means that even his report will not give us value for money. For this reason and many reasons which I would have given, I want to strongly request hon. Members that we should stand up proudly and put pressure on these guys to deliver on time without us giving them any extension so that we send a clear message; the way the Judiciary is sending clear messages that things will be done in this country in accordance with the provisions of the law.

I, therefore, strongly oppose this extension.

**Mr. Konchella:** Madam Temporary Deputy Speaker, I would have opposed this Motion but because of the suffering of Kenyans particularly those who lost their lives, parents and even children who are in the streets because of political torture and past injustices, it would be prudent for this House to allow the Commission an extension so that Kenyans who have suffered so much can be able to get reparation and compensation for the suffering they have gone through. It is my contention that we need to support this extension.

There are many areas in Kenya where there are a lot of problems even today as we speak particularly in the Rift Valley and I hope the report will be very clear on how to manage those areas which are likely to be problematic in the future even as we go for the general election. Unless we address those problems first; compensate and resettle the people who are still suffering in camps, we will not be doing justice to our people if we have this report as it is.

Madam Temporary Deputy Speaker, I would also expect that we identify the people who actually suffered so that when it comes to compensation we actually compensate those who are surviving and their children so that this country can reconcile. We have looked at the issue of those people who actually suffered and found that they are many and they are known. You can know the families of the great leaders who died because of this. So, I support the Minister on this. Let us support him because we need to compensate these people for the suffering they have undergone.

I support.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, I would like to support this Motion to extend the life of this Commission. I would also like to appreciate the points that hon. Members have raised that in the best of all worlds, this Commission should have finished its work in time and handed it in expeditiously. But as you know, this Commission was involved in a lot of problems. Some of the problems are not of its own making. The nature of the work of this Commission invited a lot of interest whereby some people were resistant to the work of the Commission. Therefore, the undercurrents leading to the problems of the Commission, some of us do understand.

I just want to say one thing: For those of us who went through this very difficult period, we are looking forward to this report of the Commission. When I was teaching at the University of Nairobi in the early 1980s, I did lose my brother under very dubious circumstances in Mombasa. Attempts to get the information on this to unravel what happened failed miserably. The police department which was investigating this was disbanded in a matter of three weeks. So, we had nowhere to get information. Several years later when I approached the late Shaw who was part of the reserve police in Nairobi and who knew a lot, I remember going with the late Shaw to Starehe Boys School, we went in the middle of the football field, he left his car on the touchline and he told me this is the safest place where we could talk about this issue. At that point in time it was approaching ten years after my brother had disappeared and we wanted to put a closure to the misery. We wanted to see whether the Attorney-General could institute an inquiry. The late Shaw told me in no uncertain terms that I would be wasting my time trying to get an inquiry into the issue because there was no wing in the Government to look into such issues. He told me that the best thing would be, rather than keep on having pain in the family, to put a closure on the issue and hope that one of these days there would be a willing Government which would look into this issue. Some of these things that you can see, cases going to court or people who were detained and are now looking for reparations, are very painful and very deep. Kenyans, as Mr. Wetangula was saying, would like to be reconciled to one another, to know who did what. Not so much that there can be retribution but so much so that we can finally know that something happened, how it happened, why it happened and we can live with our conscience and mind at peace. I think this is what Kenyans are looking for. So, I do hope that this Commission will very clearly bring out a report as people have reported to it without any fear or favour so that the truth can be known and true reconciliation can occur in our nation.

Madam Temporary Deputy Speaker, though it is difficult to agree with the extension, I think there is necessity for a proper job to be done. I hope this time that this extension is indeed the last and we shall see the product of this Commission. Notwithstanding the problem that it had, I think it is capable of coming out with a report at least on cases that were reported to it. Even people who have not appeared before the Commission, if they can write that report and send it the Commission, we can then reconcile our nation not on the basis of speculation but on the basis of facts.

I beg to support.

**Prof. Kaloki:** Madam Temporary Speaker, I rise to support the Motion, which is very important to this country.

This particular Commission is a creation of this Parliament, having constituted many other commissions. This particular Commission has been able to assess the challenges and difficulties that Kenyans have faced for so long. It is for that reason that I stand to support the extension of the term, so that it can complete the mandate it has been given to carry out.

Madam Temporary Deputy Speaker, I would also like to urge the Minister to make sure that the Commission is allocated adequate resources to enable it complete the exercise it has been assigned to do. The Commission needs to be facilitated to move around and complete interviewing Kenyans, so that it can come up with a comprehensive report that will help this country to address some of the challenges that it has been facing, as we find ways of living together as one country.

With those remarks, I beg to support.

**Mr. Kombo:** Madam Temporary Deputy Speaker, I also rise to support the Motion.

In my view, of all the Commissions that were set up under Agenda No.4 of the Kenya National Accord and Reconciliation Act, this is the most important. It is unfortunate that with the wrangling that the Commission experienced, it could not do the job fast enough. If you look at the mandate of this Commission, you will realise that it is huge. It is also under that mandate that, as a country, we can bring a closure to our ugly past and move forward.

Madam Temporary Deputy Speaker, the Commission is concerned with reconciling Kenyans. They want to do the healing. They are talking about reparation and amnesty. This is a wide scope. That is what Kenyans need to go through quietly. Especially, talking about amnesty, you can only forgive when somebody comes forward and says "I wronged you." That is when you can forgive, and that is when we start talking about amnesty and so on. These are things which this Commission is being asked to do.

The Commission is looking at the issue of land, and we all know how emotive it is in this country. The Minister told us that there are people who have been mentioned adversely. It is only fair that those who have been mentioned adversely are given a chance, so that their side of the story can be heard clearly. If we are to go through all these processes, as the people's representatives, we need to accept that the Commission has not done the job fast enough because of the wrangling, but we need the job done properly, so that, as Kenyans, we can bring a closure to our ugly past and move forward.

With those few words, I beg to support.

**Mr. Chachu:** Madam Temporary Deputy Speaker, I stand to support this Motion. This Commission was part of the Agenda No.4 that we agreed upon as a nation to reconcile our nation and move on after what happened in 2008. In this country, we have faced many injustices over the years. There have been many massacres. Very prominent Kenyans - and some of them Members of this august House - have lost their lives under very dubious circumstances. There is J.M. Kariuki, Tom Mboya, Dr. Ouko and many others. We want to know why they were killed. Hopefully, this Commission, as it reconciles this nation, will also be able to provide a few answers to those injustices.

Madam Temporary Deputy Speaker, I personally want to know why, during the Turbi Massacre, young children were murdered while they were learning in their classes. Why were those young Gabra children murdered in the Turbi Massacre of 2005? If we did a good job in terms of vetting members of this Commission from the outset, I think the wrangles that this

Commission faced, whereby they wasted taxpayers' money without doing any credible job at the beginning of their work, maybe, this extension would not be necessary. I want to be practical and pragmatic. Now that this Commission is taking so much of taxpayers' money, I think we just have to enable and facilitate them to finish their job, so that we can move on to the next phase of what we can do with that report.

Madam Temporary Deputy Speaker, I hope that the report that they will provide to this nation will enable us to move on, to reconcile and, hopefully, address some of the injustices that have been meted on Kenyans for so many years. I think it should be a lesson for us, as the august House that, in future, we should vet members of commissions in a very credible way, so that we do not have the wrong people for the right job. If we did that, the many months that they wasted wrangling could have been avoided.

Madam Temporary Deputy Speaker, as I conclude, I really hope that this Commission will give us a credible report, so that we can be at peace with ourselves. It should not create more disharmony and chaos instead of bringing this nation together. If they do that in a very credible way, that can be realized.

Thank you, Madam Temporary Deputy Speaker.

**Mr. Langat:** Madam Temporary Deputy Speaker, I want to support the Motion because it is very difficult to oppose. Opposing this Motion will mean that the amounts of money that the Commission has used so far will have been wasted. That is because we will not have the report that we expect. However, as I support, we know the challenges that the Commission faced initially. We know the challenges that the Chairman of the Commission faced because of the other Commissioners and other people. I heard my friend Bonny Khalwale saying that the public was against him. But to the best of my knowledge, there was no public referendum to determine whether the Chairman was not accepted by the public. We are the ones who vetted the Chairman and other Commissioners. So, I think we support, but we want the Commissioners to go an extra mile so that we can get a very credible report. I hope by this extension we will get a report that will not divide us more but will give us a very good way forward by which Kenyans will reconcile, know the truth and move forward.

Madam Temporary Deputy Speaker, as the Minister seeks the extension, he must also give this Commission the necessary resources at the right time if resources are an issue, so that the Commission can finalize its work in the three months, and we get a report in the shortest time possible.

We hope the truth of the many issues that have been raised by many of my colleagues, including the issues of the land in the Rift Valley, Mombasa and other areas will come out.

I do not want to say much. I support and urge the Minister to give the Commission the resources it requires effective from tomorrow, assuming the Motion will be approved.

Thank you.

**The Temporary Deputy Speaker (Dr. Laboso):** Hon. Members, we want to give the Minister at least five minutes to respond. Therefore, we should reduce our contribution time even further to even a minute or two. We will have three other Members.

Mr. C. Onyancha, please, proceed.

**Mr. C. Onyancha:** Madam Temporary Deputy Speaker, I rise to reluctantly support this Motion. I do so reluctantly because this Commission has performed below expectations. This Commission has not performed, and that is why this extension is being sought. It is only that we have spent resources and time. We have run out of time for the next elections but I wish to support this Motion.

Madam Temporary Deputy Speaker, in supporting it I hope that in the future these particular Commissioners, if they ever come up for public office, will have this issue of failure taken into account. There is also the issue of wasted resources. I have roads in my constituency which are impassible because of wastage of resources like this; now we have to pay extra money for the completion of this report. However, it is important that it is completed. It is important that justice is done to the people who feel that they were wronged; they are many. There many in my constituency. There are some who lost both hands so they cannot do any job; they have not been take care of by the Government in any way. They deserve justice.

Madam Temporary Deputy Speaker, cognizant of the time, I wish to add just one more issue. As much as this Commission has lost time, it has lost a measure of credibility and reputation, let us try as much as we can, and give them this little time and support them, so that we can have the report completed.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Dr. Laboso): Mr. Njuguna, a minute.

**Mr. Njuguna:** Madam Temporary Deputy Speaker, within a minute I would support the extension sought by the Minister in order that this Commission will be able to address the glaring historical injustices that have been seen in this country. We have had the colonial Government that displaced our own people; we have had Africans displacing their own people; we had the Lari Massacre and up to now we have not known who did it. We even have our freedom fighters in London, whose grievances have not been addressed. This Commission is a creature of this House, and it needs to be given the required time to complete the mandate given to it by this House.

With those few remarks, I fully support.

**Mr. Ochieng:** Madam Temporary Deputy Speaker, I want to support the Motion and I want to believe that when this Commission is granted the three months, the Minister should make sure that the report that comes to this House is comprehensive enough. All that information that has been given to this Commission, wherever they have been, must all find its way into this report. I know we have injustices that were done to my people in Nyakach in 1992; some strangers came and killed them around Sondu. Boundaries were just being pushed and nobody could question. In 1969, people were killed at Russia Hospital in Kisumu. We want to know what exactly happened and I want to believe that when all these things come to light, then Kenyans will come to terms with what happened and maybe pardon one another.

With those few remarks, I beg to support.

**The Assistant Minister for Lands** (Mr. Bifwoli) Madam Temporary Deputy Speaker, I want to support the extension of time just for one reason; that the report has been laid on the Table today so that we are given the opportunity to give our input and discuss the report and give our recommendations to the Commission.

With those few remarks, I beg to support on that basis.

**Mr. Kigen:** Madam Temporary Deputy Speaker, thank you for the opportunity to support this Motion. I am supporting it because of the various concerns of the past that have been shrouded in mystery and Kenyan people, out of Agenda No.4, are expectant of the real reasons why the many massacres were carried out. They would also want to know the motive behind the many murders that were carried out.

I would want to ask the Minister that in these three months that he is asking for extension, to also allow more information from those people who did not get an opportunity to make their input because I still believe that there are many people who would want to say something about



what really happened in the past and which has brought us to a level where we are suspicious of one another.

With those few remarks, I beg to support.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Wamalwa): Madam Temporary Deputy Speaker, may I thank all hon. Members who have supported this Motion and also thank the two who have opposed it; Mr. Mungatana and Dr. Khalwale, for good reasons. I want to assure them that I will relay their genuine concerns to the Commissioners. Many Kenyans are not happy with their performance but where I come from, there is a small fish called *Nambale* or *Omena*. They say this fish may not be very tasty but it has very good soup. So you might not like the Commissioners and how they have behaved but the soup which is the truth that this nation has waited for; for over 40 years is so precious that we must do everything to ensure that we get this truth for the Scripture says: “The truth will set us free!”

With those few remarks, I beg to move and thank you very much for giving me this opportunity to be the first Mover of the first Motion in this new Chamber. I must congratulate you and Mr. Speaker. We have boasted about the Judicial reforms and heralded the reforms of the Judiciary under the leadership of Dr. Willy Mutunga as the most phenomenon. But under the leadership of Mr. Marende who comes from a place called Emuhaya where people aim higher, we have seen phenomenon transformation of this institution. As we enjoy this new Chamber and pass our first Motion, I say congratulations to you, Madam Temporary Deputy Speaker, the Speaker and this institution as well.

With those few remarks, I beg to move.

*(Question put and agreed to)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, for the convenience of time, it is now time to interrupt the proceedings of the House. The House is, therefore, adjourned until tomorrow, Wednesday, 8<sup>th</sup> August, 2012, at 9.00 a.m.

The House rose at 6.30 p.m.