

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 9th August, 2012

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Financial Statement of the Municipal Council of Nyeri for the year ended 30th June, 2009 and the Certificate thereon by the Auditor- General.

Financial Statement of the County Council of Nyeri for the two-year period ended 30th June, 2009 and the Certificate thereon by the Auditor- General.

*(By the Assistant Minister for Agriculture (Mr. Mbiuki)
on behalf of the Minister for Local Government)*

Annual Report and Financial Statement of the Kenya Institute of Administration (KIA) for the year ended 30th June, 2011, and the Certificate thereon by the Auditor- General.

*(By the Assistant Minister for Agriculture (Mr. Mbiuki) on behalf of
the Minister of State for Provincial Administration and Internal Security)*

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

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

Financial Statement of the Town Council of Nyansiongo for the two-year period ended 30th June, 2009m and the Certificate thereon by the Auditor-General.

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

*(By the Assistant Minister for Agriculture (Mr. Mbiuki)
on behalf of the Minister for Local Government)*

Financial Statement of Kenya Tourist Development Corporation for the year ended 30th June, 2011, and the Certificate thereon by the Auditor-General.

*(By the Assistant Minister for Agriculture (Mr. Mbiuki)
on behalf of the Minister for Tourism)*

Financial Statement of the County Council of Meru Central for the two-year period ended 30th June, 2009, and the Certificate thereon by the Auditor- General.

Financial Statement of the County Council of Kilifi for the two-year period ended 30th June, 2010, and the Certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Karatina for the year ended 30th June, 2009, and the Certificate thereon by the Auditor- General.

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

Financial Statement of the Town Council of Masimba for the two- year period ended 30th June, 2009, and the Certificate thereon by the Auditor- General.

Financial Statement of the County Council of Kitui for the year ended 30th June 2009, and the Certificate thereon by the Auditor- General.

*(By the Assistant Minister for Agriculture (Mr. Mbiuki)
on behalf of the Minister for Local Government)*

QUESTIONS BY PRIVATE NOTICE

MEASURES TO CURB ILLEGAL LOGGING IN MATHEWS RANGERS FOREST IN WAMBA

Mr. Letimalo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that there is illegal logging being carried out in Mathews Ranger Forest at Wamba in Samburu East?

(b) What action has the Minister taken to stop further illegal logging in the forest?

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

(a) My Ministry is not aware of illegal logging in the Mathews Rangers Forest in Wamba.

(b) My Ministry is protecting and conserving the Mathews Rangers Forest through the following strategies:-

(i) Protection of the forest for natural regeneration by the Kenya Forest Service rangers and community scouts under Namunyak Mathews Ranges Community Forest Association.

(ii) Rehabilitation of degraded forest areas caused by wild fires and overgrazing.

(iii) Controlled utilization of the non-wood forest products by the forest adjacent communities.

(iv) Improved wildlife conservation and management to minimize human/wildlife conflicts.

(v) Development and promotion of tourism within the ecosystem and its environment.

(vi) Increased public awareness and sensitization on the importance of the conservation of Mathews Ranges Forest ecosystem.

(vii) Promotion of research, monitoring and education for better understanding of the ecosystem attributes and values.

(viii) Enhanced conservation of the rare, endemic and threatened plant and animal species and their natural habitat.

Mr. Letimalo: Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is not aware of the illegal logging that is going on at Mathews Ranges Forest in Wamba. Could he be aware that logs were intercepted by the members of the public and confiscated by the police at Wamba Police Station? Can that confirm that there is illegal logging that is going on at Mathews Rangers Forest in Wamba?

Mr. Nanok: Mr. Deputy Speaker, Sir, that information has not been brought to the attention of my Ministry. But, indeed, if the hon. Member, who is also a friend of mine, has any detailed information concerning this factor, he can provide it to us and I undertake to investigate.

Mr. Deputy Speaker: Hon. Assistant Minister, the hon. Member has said that logs were intercepted and confiscated by police officers who serve in the Government that you serve in. It is not for the hon. Member to give you that information. The information should be with you before anybody else!

Mr. Nanok: Mr. Deputy Speaker, Sir, you know out in the field it is my officers that are on the ground and I depend entirely on the information they provide to me. So far, from the information that has been provided, we have not been notified of such an incident. But this is something we can investigate, now that he has mentioned that some logs were inspected.

Mr. Letimalo: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead the House? I believe the purpose of our filing these Questions is for the staff of that Ministry on the ground to get this information and be able to give it to the Minister. Does that, therefore, mean that his officers are actually colluding with the people who are cutting trees in the forests? Is he in order to mislead the House?

Mr. Nanok: Mr. Deputy Speaker, Sir, I think I am in order to respond as per the information that I have. The information that the hon. Member has provided is new information to me. I want to undertake to him that we will follow up and investigate. If, indeed, it is true, we will give the necessary instructions and take action.

Mr. Lekuton: Mr. Deputy Speaker, Sir, the fact is that there is a lot of logging going on in Mathews Ranges which personally I have witnessed as well. The problem here is lack of enough forest guards and lack of vehicles for them to patrol these forests. What is this Ministry going to do, to make sure there are enough forest officers and vehicles so that our forests can be saved?

Mr. Nanok: Mr. Deputy Speaker, Sir, ever since I was appointed to this Ministry we have been presenting a budget for expanding the Forest Rangers recruitment for additional Forest Rangers and building capacity for the rangers to be able to oversee the forest plantations and natural forests. So far, we now have a ranger overseeing more than 800 hectares. This particular year, we sought for a budget of Kshs6.5 billion but the Treasury was only able to provide us with about Kshs3 billion. This is still very insufficient although I want to thank this House and the Treasury for having given us some budgetary support to purchase some vehicles and aircrafts. As soon as we get these vehicles, the aircrafts and a helicopter, we believe that the forest rangers' capacity will be enhanced to be able to patrol not only Mathews Ranges but all the other forests where we have had incidents and reports of illegal logging activities going on.

Mr. Njuguna: Mr. Deputy Speaker, Sir, could the Assistant Minister promise to visit these areas to ascertain the illegal logging and at the same time quantify the loss incurred as a result of this illegal activity?

Mr. Nanok: Mr. Speaker, Sir, the first action we will undertake is to investigate and find out whether this illegal logging happened. If indeed it happened, then either my substantive Minister or I will make an effort to visit this particular area and verify.

When we plan to go down, I would urge the hon. Member to accompany us and give us further details of what he may know and what the community members may know regarding what is going on.

Mr. Kizito: Mr. Deputy Speaker, Sir, I would like to also add my voice and say that logging is not only limited to the area where the questioner comes from. Much of it is actually being done by the same officers that we have asked to take charge of the forests. What are you doing to curb this logging that is supported by your own officers who are on the ground, who do not even try to involve the community at all?

Mr. Nanok: Mr. Deputy Speaker, Sir, we do not want to blame any officer when we do not have facts that they have been involved in the logging. We have taken action in the past and I can attest in this House that some hon. Members have reported these issues and we have taken action on a few of the officers whom we have actually come to establish have been part of this illegal activity. If any hon. Member of this House gets any information, please verify it and bring it to our attention. I think it is my duty as an Assistant Minister to make sure that a service that was created by an Act of Parliament does the job that it was mandated to do. If we have officers who are not doing the job as required, then they do not need to be in the Public Service.

Mr. Letimalo: Mr. Deputy Speaker, Sir, we are aware that the Minister had established community forest associations to assist in conservation of forest environment. I am just wondering how prepared in terms of capacity the community is in assisting the Ministry to ensure that they undertake such tasks.

Mr. Nanok: Mr. Deputy Speaker, Sir, the community forest associations are part of the Act of Parliament. We have been rolling this out to all areas where we have natural forests. For this particular area where the hon. Member represents, we have the Namunyak Mathews Rangers Community Forest.

I want to admit that apart from capacity building, not much in terms of resources has been rolled out to that community. As a Ministry through the Kenya Forest Service, we will make sure that we have supported these particular groups to assist us in making sure that forests that are within their areas of jurisdiction are protected. These forests belong not only to the Government. If you look at our new Constitution it states very clearly that the Government and the communities have a responsibility to take care of the environment. I think it is the Government's responsibility to make sure that as my Ministry gets sufficient resources these communities are supported to assist the Government to protect forests that belong to them.

INVASION OF MAKINDI PRIMARY SCHOOL BY SQUATTERS

(Mr. James Maina Kamau) to ask the Minister for Education:-

(a) Is the Minister aware that Makindi Primary School grounds in Kandara District have been invaded by squatters thus interrupting the normal learning and management of the school?

(b) What is the Ministry doing to ensure that the squatters are evicted from the school grounds immediately?

Mr. Deputy Speaker: I am informed that Mr. James Maina Kamau is held up somewhere else. The Chair is satisfied with the reason he has given. This Question is deferred to a date when he can ask it.

(Question deferred)

DELAY IN RELEASING OF FREE PRIMARY/
SECONDARY SCHOOL EDUCATION FUNDS

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

(a) Is the Minister aware that schools are about to close for second term holidays and yet the free primary and secondary education funds have not been released to them and, if so, why?

(b) What measures is the Minister taking to expedite the release of the money in order to relieve the schools and parents of the hardships they are experiencing in their operations for lack of funds?

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

(a) Yes, I am aware that schools are closing for second term holidays on 10th August, 2012. With regard to the disbursement of the free education funds, I wish to inform the House that the last tranche of free primary education funds of Kshs2, 649,248,050 for the term in question was released in May, 2012.

On the other hand, the Kshs5.1 billion for Free Day Secondary Education (FDSE) for the second term was disbursed to schools in the same month, leaving some balance. The schedules for the disbursement of the FDSE balance of Kshs4.8 billion have been prepared and are awaiting Exchequer release.

(b) As I have stated, the Ministry has prepared the disbursement schedules for the release of Kshs4.8 billion to clear the FDSE funds balance for Term Two of 2012. Thereafter, the Ministry will disburse both the Free Primary Education (FPE) and FDSE funds for Financial Year 2012/2013. As per the planned schedules and arrangement with the Treasury, 20 per cent of the funds are normally disbursed in September; 50 per cent in January and 10 per cent in May.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I raised the Question yesterday, but the Assistant Minister who was here then was not able to answer it. He requested that the answer be brought today. However, they have brought the same answer. It is very insufficient. On the first part of the Question, he has not even given reasons the money has not been released. He says they have prepared the disbursement schedule for the balance of the Kshs4.8 billion. Why has it not been released and what efforts is he making to release it immediately? The Ministry is not serving any purpose.

Prof. Olweny: Mr. Deputy Speaker, Sir, the money has not been released because the Treasury has not released the money to the Ministry of Education. We, at the Ministry, have already prepared the schedules for disbursing the money. We are only waiting for that money to come to us, so that we can disburse it to schools.

Mr. Deputy Speaker: When will the Treasury release the money? Treasury is part of your own Government. So, you have to give an indication.

Prof. Olweny: Mr. Deputy Speaker, Sir, I do not know when the Treasury will release the money. My colleagues here know the problems that we always have with the Treasury when it comes to release of money. It is always held back. My Ministry has always been frustrated in having it released by the Treasury. Sometimes we are promised, but it does not come. It should have been in schools by May, but to-date, we are still waiting for it to be released.

Mr. Deputy Speaker: We are back to where we were yesterday. A Minister complains that he does not have certain information from his colleague. He comes and feigns helplessness and frustration on the Floor of the House. In the circumstance, what are you doing in the Government to make sure this money is released to schools immediately? Where is the Leader of Government Business or his deputy? Yesterday, the undertaking was that you would go with the hon. Member and walk straight to the Minister. Was that not the case? Or you walk to the Treasury. At least, your colleague gave an undertaking. If my memory serves me right, you were supposed to walk straight to the Treasury to get some indication for the House.

Hon. M'Mithiaru, you were once in the Central Bank of Kenya (CBK). So, maybe, you could help us.

Mr. M'Mithiaru: Mr. Deputy Speaker, Sir, mine arises from the Assistant Minister's frustration that it is the Treasury which is not releasing the money. We have heard that reason from various Ministries. So, can we get some guidance from the Chair as to how this issue is supposed to be handled? We, as Parliament, approved 50 per cent of all the Government's expenditures. We expected some of that money would go to the education sector. What happens if the money is not reaching the intended Ministries? We passed the Budget here. So, how do we handle a situation where Ministries express frustration instead of answering hon. Members' Questions?

Mr. Deputy Speaker: The Chair has time and again repeated that those in Government have collective responsibility. Therefore, it is not adequate for a Minister to come here and complain about his own Government.

Hon. Koech, you are the Chairman of the Committee on Education, Research and Technology. Maybe, you can speak about the Government.

Mr. Koech: Mr. Deputy Speaker, Sir, as I indicated yesterday, it is high time that the two Ministries take this House and Kenyans very seriously. The answer given by the Ministry is, not only to this House, but to the entire nation. There are people who have supplied goods to our institutions and are awaiting payments. The answer given to us here indicates very clearly that the next step the suppliers will take is to sue the school principals and the Boards of Governor, so that they are surcharged. Is the Ministry ready to take up the responsibility of meeting the costs relating to such court cases?

Secondly, could we see the Assistant Minister walking to the Treasury and sit out there and demand this payment? Could he tell this House and the entire nation when this money will reach schools?

Mr. Deputy Speaker: Hon. Sugow is on a point of order.

The Assistant Minister, Ministry of State for Public Service (Mr. Sugow): Mr. Deputy Speaker, Sir, I just want to give my colleague some information.

Mr. Deputy Speaker: So, you are on a point of information?

The Assistant Minister, Ministry of State for Public Service (Mr. Sugow): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Is he happy to have your information? Do you wish to be informed by your colleague, hon. Olweny?

The Assistant Minister for Education (Prof. Olweny): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, hon. Sugow.

The Assistant Minister, Ministry of State for Public Service (Mr. Sugow): Mr. Deputy Speaker, Sir, hon. Members may have realised that there has been a bit of a delay in payments across the public sector recently. This follows the adoption of a new system of disbursement of funds to every public sector, especially after bringing on board the issue of counties in this particular financial year. So, while I may not necessarily be exonerating the Treasury from blame on this particular item, generally, there has been a delay, which affected even Parliament. Hon. Members know that even salaries and other payments within Parliament have recently been delayed.

I would also like to inform my colleague that there is always supposed to be explanation for delays. So, I do not think it is difficult for any of us to inquire from the Treasury and get the right information before coming to the House. I would like to advise my colleague to consult further before coming here, so that he knows exactly why there is a delay in releasing the money.

So, that could be one explanation although I may not say that it is the only reason for the current delay.

(Mr. Bahari switched on his microphone)

Mr. Deputy Speaker: Hon. Abdul Bahari, you have not been given the Floor. Could you switch off your microphone?

Sine every time such a matter comes up we are told that it is an issue of the Treasury, where is the Minister for Finance? Is he here with us? Hon. Oburu Odinga, could you be of some assistance to this House and your Government? Come to the Dispatch Box and shed some light on this matter.

Hon. Koech, allow the Assistant Minister to address the matter and then you can raise your point of order.

Mr. Koech: Mr. Deputy Speaker, Sir, let me raise the point of order, so that he could answer both simultaneously.

Mr. Deputy Speaker: What is your point of order, hon. Koech? Just a moment, hon. Oburu, hon. Koech has a point of order.

Mr. Koech: Mr. Deputy Speaker, Sir, allow me so that he may be able to capture both matters.

I want to thank the Assistant Minister of State for Public Service for the information he has given the House. But I also want to remind him that the delay that we have currently is for the month of July. On the balance of Kshs4.8 billion, the Treasury and the Minister for Education called the media before the end of June and indicated that the money had actually been released on the same day. So, I want him to be clear on that one.

Mr. Deputy Speaker: Could hon. Abdul Bahari also raise his point of order before the Assistant Minister responds?

Dr. Nuh: On a point of information, Mr. Deputy Speaker, Sir. I am uncomfortable with technology because it has failed since yesterday and the Information Technology (IT) Department will confirm to you that they are still working on it. So, it is not a problem of procedure. I want to inform hon. Koech that the issue of the Integrated Financial Management

Information System (IFMIS) that the Assistant Minister is alluding to was only a problem in July and not in June, when the Kshs4.8 billion was supposed to be disbursed. More so, even with the problem of IFMIS, that was sorted out by Tuesday last week. If the Treasury wanted to send out any monies, they would still have done it within a span of ten days.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to seek direction from you? Given that different Government departments are unable to co-ordinate their activities and they are laying the blame on Treasury, would it be in order for you to have the Treasury to come here and make a substantive Statement on these issues? That is because Kenyans are being denied services. I have always known that the Ministry of Education has a lot of money to waste.

Mr. Deputy Speaker: Hon. Assistant Minister, can you now proceed, come to the Dispatch Box and respond to all the questions?

The Assistant Minister for Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I do not know how to use this microphone.

Mr. Deputy Speaker: It is on.

The Assistant Minister for Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I am sorry this is my first time to come here since this new system was introduced. Therefore, I am not quite conversant with it. But the issues being raised by hon. Members are quite pertinent and I would like to request that you allow me to make a comprehensive Statement on this matter next week on Tuesday afternoon.

Mr. Deputy Speaker: Fair enough. Under the circumstances, I think I will have no option but given the importance of this particular issue – funds to schools – it is only fair that this Question will also be deferred to a day later. So, I direct that you proceed and give a comprehensive Statement.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of information, Mr. Deputy Speaker, Sir. I know the hon. Chair for Education has spoken about suppliers who have not been paid. I do not think the suppliers should panic. The Assistant Minister is going to make a Statement and the Ministry of Finance and the Ministry of Education will ensure that they are paid. If we start doing that, they will not be able to supply our schools. They will not be able to supply the schools with the necessary things. So, the suppliers should not panic because if we make them panic---

(Several hon. Members interjected)

Mr. Deputy Speaker, Sir, you need to protect me from hon. Members.

Mr. Deputy Speaker: Hon. Ndeti, I have given the Floor to hon. Koech who is on a point of order.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I would not mind if the Government appoints hon. Ndeti to be the Minister for Finance.

(Laughter)

However, while I appreciate the direction that you have given, it is important to note that schools are closing tomorrow, before Tuesday. Would I be in order to request that the Minister for Finance gives that assurance that the payments should be done by a specific date?

Mr. Deputy Speaker: Mr. Assistant Minister, you have a problem using your own IT but proceed and come to the front. I do not know why the microphone--- Is the front microphone

being captured by the HANSARD? Is the HANSARD capturing the microphone at the Dispatch Box?

Proceed, hon. Oburu! It is confirmed that the HANSARD is capturing the sound.

The Assistant Minister for Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, as to this particular case of Kshs4.8 billion, I would like to assure the suppliers that we shall sort out that matter of the schools by next week. We shall make sure that they are paid.

Mr. Deputy Speaker: Fair enough. I have directed on when this Question should be listed on the Order Paper and I have also directed that you come and give a comprehensive Statement on the same.

(Question deferred)

Next Question by hon. Langa't!

ORAL ANSWERS TO QUESTIONS

Question No.1673

UPGRADING OF KERICHO TOWN-AINAMOI TRADING CENTRE-THESHALIA ROAD

Mr. Deputy Speaker: Is hon. Lang'at not here? I think given the fact that we have so much business to transact, it would be unfair if somebody is not out on official parliamentary business to keep us coming back to his Question. Is hon. Lang'at by any chance out on any official parliamentary business or has he informed the House? His Question is dropped.

(Question dropped)

Next Question by hon. Lekuton!

Question No.1654

CRITERIA FOR APPOINTING MEMBERS TO NSSF AND NHIF BOARDS

Mr. Lekuton asked the Minister for Labour:-

(a) what criteria is used to determine the composition and membership of the Boards of the National Social Security Fund (NSSF) and the National Hospital Insurance Fund (NHIF);

(b) why the Union of Kenya Civil Servants (UKCS) with a membership of 70,000 is not represented in the Boards of the NSSF and NHIF and yet, the implementation of their policies directly affects their members/organization; and,

(c) what immediate and specific interventions the Minister has put in place to transform those institutions, in line with the Constitution of Kenya, 2010 and ensure that the composition and membership of the Boards of those public

corporations reflects adequate representation of key stakeholders/contributors' interests and rights.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I beg to reply but before I proceed, I will only answer the part that relates to NSSF. That is because it belongs to my Ministry. I left out the section that relates to NHIF.

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. This Question was supposed to cover the Ministry of Labour and the Ministry of Health and the way it is framed here, it looks like the Assistant Minister is going to answer half of it. Would we be in order to go and rectify this and the Assistant Minister comes to answer this Question next week?

Mr. Deputy Speaker: You want the Assistant Minister to answer this Question next week?

Mr. Lekuton: Yes, Mr. Deputy Speaker, Sir. That is what I am asking.

Mr. Deputy Speaker: It is a comprehensive Question. He will consult with his counterpart in the other Ministry and then answer it. Hon. Assistant Minister, I think as the Government, you can do that given that both of them are intertwined. That is because the second and the third part of the Question concern both bodies. So, it is important you hold consultations with your counterpart in the other Ministry and come up with a comprehensive answer. In any case, it is just a list.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, indeed, I had already written to the Ministry of Health and they will furnish me with the answer regarding NHIF.

Mr. Deputy Speaker: Fair enough. When do you wish this Question to be listed on the Order Paper?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, on Thursday next week.

Mr. Deputy Speaker: Hon. Lekuton, are you comfortable with that?

Mr. Lekuton: Yes, Mr. Deputy Speaker, Sir. I am.

Mr. Deputy Speaker: Fair enough. It is so directed.

(Question deferred)

Next Question by hon. Duale!

Question No.1604

MEASURES TO SAFEGUARD PROPERTIES OWNED BY KMC

Mr. Duale asked the Minister for Lands:-

(a) whether he is aware that huge acreage of land and properties that is owned by the Kenya Meat Commission (KMC) has 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 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 KMC?

Mr. Rai: Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a number of parcels belonging to Kenya Meat Commission were allocated to private developers across the country.

(b) The following is a list of parcels owned by the Kenya Meat Commission with a summary of particular and status. I, hereby, lay it on the Table.

(Mr. Rai laid the document on the Table)

(c) My Ministry, in liaison with the Ministry of Livestock Development and Kenya Meat Commission (KMC), has recommended a number of steps to be taken to remedy and safeguard the properties owned by the KMC. These include:-

1. surrender of titles allocated to third parties;
2. extension/renewal of leases where the terms have expired or are about to expire;
3. revocation of titles that have been issued for KMC land.

(d) In the meantime, a team from the Ministry of Lands, Ministry of Livestock Development and the KMC is developing and establishing an accurate inventory of all the land belonging to and reserved for the KMC.

Mr. Deputy Speaker: Mr. Olago, are you on a point of order?

Mr. Olago: Yes, I am, Mr. Deputy Speaker, Sir.

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

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. This Question is partially answered. The last time it was answered by the Minister, the issue was for the Ministry to give details of the names of the allottees, so that we could have the chance to interrogate the names properly. Among the groups was some group known as Kamba MPs or something like that. In these circumstances, I wish to seek your direction if we can postpone this Question to next week, so that we can interrogate the list which has been tabled. We need to have the details, so that it can be interrogated properly.

Mr. Deputy Speaker: Has the list been supplied to the Questioner?

Mr. Duale, have you had this list before?

Mr. Duale: Mr. Deputy Speaker, Sir, I have a list of 1,000 individuals, including former Vice Presidents, Members of Parliament, Permanent Secretaries, former military generals, sitting Members of Parliament and companies, whose owners the Assistant Minister does not want to tell us. I seek your indulgence. I agree with Mr. Olago that you give us until Tuesday next week to interrogate each and every individual. I want to confirm that more than 15 Kamba Members of Parliament are in the list.

Mr. Deputy Speaker: Order! Order! Mr. Duale, under the law and the new Constitutional dispensation, it is, indeed, an offence for you to refer to a section of this society of Kenya by its tribe. You can mention names; you can mention constituencies, but for God's sake do not talk of Kambas, Luo, Luhya or Somali. Withdraw that.

Mr. Duale: Mr. Deputy Speaker, Sir, I apologize and withdraw, but the names I have on this list are of Members of Parliament from Kitui, Makueni and Machakos counties of this country. I seek your indulgence; none of these names belong to people from the pastoral communities.

Mr. Deputy Speaker: Order, Mr. Duale! You cannot seek a deferment of the Question for you to study the list and be able to adequately interrogate it as Mr. Olago said in his point of

order. You cannot prosecute the Question half way and still demand that it be deferred to another day for you to have ample time. Can you apologize for that?

Mr. Duale: Mr. Deputy Speaker, Sir, I apologize but I was only answering Mr. Olago---

Mr. Deputy Speaker: Order! Order! What is your point of order, Ms. Wavinya Ndeti?

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of order, Mr. Deputy Speaker, Sir. Is the Member of Parliament in order to mention only Members of Parliament from Ukambani who own KMC land? Why did he not mention the others? If he has the names, we would want to know who they are. This is discrimination.

Mr. Deputy Speaker: The Chair has already given direction on that and the hon. Member has apologized.

Mr. Mwau, proceed!

Mr. Mwau: Mr. Deputy Speaker, Sir, I am a popularly elected Member of Parliament for Kilome Constituency which is within Makueni County, and it is alleged that Members of Parliament from the Kamba community are involved in this particular scandal. The Standing Orders are quite clear; to mention a Member of Parliament adversely you require a substantive Motion. So I want to know whether it is true that Members of Parliament from Ukambani, including myself, are on that list. I seek your ruling on that matter!

Mr. Deputy Speaker: It is out of order for anybody to mention hon. Members, or any section of the society of this country on the basis of their ethnicity. I have gone through the list; indeed, as you have said, Mr. Mwau, this list is composed of Kenyans, not necessarily only from one area of the country. In any case, I had given a direction. I intend to give a direction for this Question to be listed on the Order Paper on---

Dr. Khalwale, you have a very burning point of order. What is your point of order?

Dr. Khalwale: Mr. Deputy Speaker, Sir, if you are deferring the Question, allow me to request that you also direct the Assistant Minister that when he comes, he should improve on the list. We can see names that resemble names of Members of Parliament, Permanent Secretaries and other senior officers. Could he kindly, through you, ensure that he describes the person? If it is a PS, he says, "Former PS of such a Ministry or current PS of such a Ministry". Why? This is because some of these PSs will soon be coming before this House, in a few months' time for vetting. We want that, as we go through this matter, we know that a guy whose name has come here is actually a thief of land meant for the public; we will use that reason to block him. Could you direct that he qualifies the names?

Mr. Deputy Speaker: The Chair is in no mood to entertain any more points of order. Hon. Members, you are not going to prosecute this Question because it is going to be deferred. If you insist on points of order, the Chair will apply sanctions.

Order, Ms. Ndeti, you have made your point!

Mr. Rai, when do you want this Question to be listed on the Order Paper?

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, I am ready even now if this Question can be prosecuted.

Mr. Deputy Speaker: Mr. Duale, how much time do you need to study this list?

Mr. Duale: Mr. Deputy Speaker, Sir, Tuesday next week. However, I want to say that there are names of companies; we want the Assistant Minister to provide the owners of those companies, which were also allocated the land.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question be listed the Order Paper on Tuesday next week.

(Question deferred)

Ms. Ndeti, I have already given direction on this. What is your point of order?

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Could that reference to “Kamba Members of Parliament” be removed from the records of Parliament?

(Dr. Nuh and Mr. Kabogo stood up in their places)

Mr. Deputy Speaker: Order! Dr. Nuh and Mr. Kabogo, you are overstretching the patience of the Chair! You have an IT system there; use it!

What is your burning point of order, Mr. Kabogo? You had better not discuss the content of the Question itself.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I apologize for insisting. I just wonder what your guidance is. I was on the system, trying to catch your eye---

Mr. Deputy Speaker: Order! Order!

Mr. Kabogo: I am trying to explain, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, proceed.

Mr. Kabogo: Mr. Deputy Speaker, Sir, you went ahead and allowed a second point of order to Ms. Wavinya Ndeti. I am not complaining but I could not catch your eye.

Mr. Deputy Speaker: Order! Order!

Mr. Kabogo: Can I raise my point of order, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: Order! You have just exhausted your opportunity to raise a point of order.

Mr. Kabogo: Thank you, Mr. Deputy Speaker, Sir. Thank you.

Mr. Deputy Speaker: This is because this is a House of Members of Parliament. No Member is so special that he has to catch the Speaker’s eye. You are not the only ones. You must understand Ms. Ndeti comes from the community that was mentioned here. There is discretion of the Chair. It is not for you to determine how the Chair is going to exercise its discretion.

I have already directed that this Question be listed on the Order Paper on Tuesday next week. Assistant Minister, you have heard the sentiments of Kenyans here, the issues and concerns that have been expressed. Can you get all that information within this time, or you think you need more time to get it?

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, what is being sought now is new. What I was requested was---

Mr. Deputy Speaker: How much more time?

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, Thursday next week.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question be listed on the Order Paper on Thursday next week.

(Question deferred)

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir, not on this matter but on something else that is equally important arising from the Chair’s direction on the mention of tribes. The Chair mentioned that it is unconstitutional to mention tribes here but my

understanding is that we should be proud of our tribes in a way that builds Kenya to be a better country.

Mr. Deputy Speaker: Order! If you want to give a speech to Parliament, look for another opportunity. The Chair has already given direction on this.

Question No.1542

UPGRADING OF OL KALOU HOSPITAL TO LEVEL 4 HOSPITAL

Mr. Mureithi asked the Minister for Medical Services:-

- (a) whether he was aware that Ol Kalou Hospital, which was built in 1975 is yet to be gazetted as a Level 4 hospital;
- (b) whether he was also aware that the hospital's equipment and facilities are broken down or obsolete; and,
- (c) what steps he was taking to ensure that the hospital is opened, gazetted and fully equipped to serve residents of Nyandarua County effectively.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ol Kalou District Hospital was gazetted as a Level 4 facility (district hospital) through Gazette Notice No.3142 published on 16th June, 1995.

(b) The hospital's equipment and facilities are functional.

(c) The hospital has been rendering services to the people of Nyandarua County and, for all intents and purposes, the people have for a long time known that it is open. As I have already indicated, the facility was gazetted in 1995 and there has, therefore, been no need to gazette it afresh as a Level 4 hospital.

As regards equipping the facility to serve residents of Nyandarua County effectively, our position is that, like other public hospitals in the country, Ol Kalou District Hospital has functional equipment which the Ministry will continue to progressively improve or replace as funds become available.

Notwithstanding the foregoing facts, the Ministry on 10th July, 2012 issued Gazette Notice No.9811 renaming the facility in honour of the late J.M. Kariuki. This was the culmination of related deliberations by the town council of Ol Kalou and a formal request to the Ministry to effect the change dated 6th July, 2012. The renamed hospital was officially launched by the Right Hon. Prime Minister and my boss, Prof. Anyang'-Nyong'o.

Mr. Mureithi: Mr. Deputy Speaker, Sir, as I said yesterday, I was honoured because after I mentioned this to the Minister who is seated here, he quickly moved there and he has directed that the committee and the local people sit together with the Ministry of Public Works considering that it is a large hospital without even an intensive care unit and a very small mortuary, so that we can upgrade.

However, the Assistant Minister has said that Nyahururu Hospital was upgraded. It only serves a small location. What is he going to do to hasten the refurbishment of the hospital so that it can serve the larger part of Nyandarua County? However, I am very grateful that he came together with the Prime Minister opened the hospital so that it can move to the level other hospitals have moved to.

Mr. Shakeel: Mr. Deputy Speaker, Sir, this particular hospital was renamed J.M. Memorial General Hospital. Likewise the New Nyanza General Hospital was renamed Jaramogi

Oginga Odinga Memorial General Hospital. I want to ask the Assistant Minister when these names are going to be formalized and the names of the hospitals effectively changed.

Mr. Kambi: Mr. Deputy Speaker, Sir, let me start with Mr. Mureithi. We have advised our supplies agency, KEMSA, to supply the equipment and refurbish the whole facility so that people can enjoy and minimize the pain they have been suffering.

To answer Mr. Shakeel, once the names are gazetted, it will take immediate effect.

Mr. Mureithi: Mr. Deputy Speaker, Sir, it is my joy; I am very happy that the Minister and his Assistant are able to deliver very well. We shall be expecting to get the equipment plus the medicine and I am truly grateful on behalf of Nyandarua County.

Mr. Deputy Speaker: So you are satisfied with the answer!

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

Question No.1511

BENEFICIARIES OF YEDF MONEY DISBURSED
TO KEIYO SOUTH CONSTITUENCY

Mr. Kiptanui asked the Minister for Youth Affairs and Sports:-

(a) how much money has been disbursed to Keiyo South Constituency by the Ministry through the Youth Enterprise Development Fund (YEDF) and other schemes; and,

(b) whether he could provide a list of all beneficiaries in the constituency since its inception, indicating their respective locations.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. First, I am proud to be a Kenyan and proud to be a Mkamba girl.

An hon. Member: You are a woman!

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

(a) The Ministry has so far disbursed a total of Kshs5, 905,000 to 147 youth enterprises in Keiyo South Constituency through the YEDF. Of this amount, Kshs3, 180,000 has been disbursed to 64 youth groups while Kshs2, 725,000 has been disbursed to 83 individuals who have graduated from group loans. An additional Kshs10, 647,858 has been disbursed to 594 youth enterprises in Elgeyo Marakwet County through financial intermediaries in partnership with the YEDF.

(b) A list of all beneficiaries in the constituency indicating their respective locations is herewith attached.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, indeed, these YEDF has really transformed a number of youth in the country. Once the Ministry has disbursed the money to the youth groups in the constituencies, how often do they monitor and evaluate the progress made by these youth?

Ms. Ndeti: Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that before we disburse any money to the youth groups, we train them on entrepreneurship and after that we follow up on the progress that they are making on their projects. We have officers on the ground; we have employed two officers in every constituency to deal with the youth in the constituencies.

Mr. Nyambati: Thank you, Mr. Deputy Speaker, Sir. The issue of youth in this country is extremely important. I am happy that the Assistant Minister says the fund is funding a lot of

youth groups in the country. Unfortunately, I cannot say the same for my constituency. Could she through her Ministry ensure that the hon. Members of Parliament are involved in such functions which involve our youth, so that we advise them on how to utilize these funds properly?

Could she also give us a list per constituency on how many youth groups have benefitted from this fund because hon. Members are kept in the dark as far as the youth fund is concerned?

Ms. Ndeti: Thank you, Mr. Deputy Speaker, Sir. I would like to inform the hon. Member that we have been holding county meetings to discuss the youth issues and how to fund their projects. But when we invite hon. Members of Parliament to such meetings, some of them do not turn up. So, please, when you get an invitation from us, come and join us so that you can know what is happening in the constituencies. I do not want to mention names here, but we have had quite a few who do not attend those meetings.

With regard to the hon. Member's second question, I can avail that information about how we have been funding youth programmes in each constituency tomorrow because that it is available in my office. We have all information on what we have done in each and every constituency. We are ready to avail that information. We, as a Ministry, have always worked with the hon. Members. So, I urge hon. Members to be involved in whatever youth are doing in their constituencies.

Dr. Nuh: Mr. Deputy Speaker, Sir, I think hon. Nyambati asked for close sharing of information like the way Women Enterprise Development Fund is currently being handled where the Ministry concerned usually gives to all hon. Members a bi-annual report as to the progress on how groups are being funded. So, I think that is the model that hon. Nyambati is alluding to when it comes to the Youth Enterprise Development Fund (YEDF). We want such actions taken in that Ministry.

Mr. Deputy Speaker, Sir, Muslim youth do not access funds from the YEDF because of high interest rates charged. How has the Ministry factored them in to ensure that they have a fund that is Islamic *Sharia* friendly as it is currently happening with other banks that are Islamic compliant?

Ms. Ndeti: Mr. Deputy Speaker, Sir, we have youth groups which are composed of members who are Muslims taking money from the YEDF. I can give you names of the groups from the different constituencies where we have members from the Muslim community who have taken the money. But if that is an issue, as a Ministry, we are always ready to listen. We are there for the youth. If that is an issue, I can assure you as a Ministry that we will deal with it.

Mr. Mwaita: Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister consider increasing the amount disbursed per youth group because currently the amount is very low?

Ms. Ndeti: Mr. Deputy Speaker, Sir, the hon. Member says the amounts we disburse to youth are low. How low is it? The amount they borrow ranges from Kshs50,000 to Kshs400,000. The minimum they borrow is Kshs50,000. Once they have paid Kshs50,000, they can borrow Kshs100,000 or Kshs400,000. If they want to borrow from the financial intermediaries, they can borrow up to Kshs1 million. Currently, we are advising them that once they have paid what they borrowed as a group, they can now borrow individually. We have come up with packages that are very youth friendly. If the hon. Member is interested in more information about these packages, he is free to come to our office.

Mr. Duale: Mr. Deputy Speaker, Sir, I want the Assistant Minister to confirm to this House and the nation whether some of the intermediary financial institutions they are using are Islamic *Sharia* compliant. Are they using the Islamic banking system that will be used by the

Muslim youth in order to avoid interest rates which is against the Islamic faith?

Ms. Ndeti: Mr. Deputy Speaker, Sir, I do not have a lot of information on that issue. I will get back to you. I can come back and give an answer on that. I do not want to talk about something that I do not know.

Mr. Deputy Speaker: Fair enough!

The last supplementary question, hon. Jackson Kiptanui.

Mr. Kiptanui: Thank you, Mr. Deputy Speaker, Sir. Indeed, as I said earlier, there are so many successful businesses which have been started by the youth in the country. What programmes has the Assistant Minister put in place to ensure that the business which are successful and the products by these youth are marketed abroad and within Kenya?

Mr. Deputy Speaker: Hon. Warugongo, do you still want to ask that supplementary question?

Mr. Warugongo: Mr. Deputy Speaker, Sir, let me ask a very quick one.

Mr. Deputy Speaker: Mr. Assistant Minister, can you answer those together?

Mr. Warugongo: Mr. Deputy Speaker, Sir, I know that many members of our youth in the country are listening. I want the Assistant Minister to very quickly tell us the terms and conditions for the groups borrowing money from this fund.

Ms. Ndeti: Mr. Deputy Speaker, Sir, we provide marketing and linkages to support the youth enterprises. For example, we took a few youth to Rwanda and Tanzania. We also facilitate commercial infrastructure for the youth enterprises. We also facilitate youth to gain employment abroad.

Mr. Deputy Speaker, Sir, the requirements for youth to get the funds from the YEDF in every constituency are as follows:-

1. They must come as a group.
2. They must write a business proposal, of which our youth officers normally help them out with.
3. They must submit the business proposals to us.

Once they fulfill these conditions, we are able to verify them and give them the money. They have to be in a group first. Once they finish paying as a group, then they can move on and apply as individuals. So, there are no conditions. We do not ask for a title deed or anything else. The only information we ask is their location, sub-location and village, because we have to follow up on the payment of these funds.

Mr. Deputy Speaker: Next Question by hon. Kabogo.

Question No.1612

WRONGFUL DISMISSAL OF EMPLOYEES BY SUPERFOAM LIMITED

Mr. Kabogo asked the Minister for Labour:-

- (a) whether he is aware that Superfoam Limited wrongfully terminated seven of its technical workers on 28th December 2011 without notice;
- (b) whether he is further aware that these workers have not been paid their benefits to date despite several attempts to have the same settled; and,
- (c) when all the 7 workers will receive their benefits and other dues as required by law.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that seven employees of Superform Limited left employment after declining internal transfers, which is a breach of obligations arising under their contract of service.

(b) Following a reconciliation meeting at the District Labour Office, Thika, on 11th April, 2012, and attended by the management representatives of Kenya Chemical and Allied Workers Union and the affected workers, a mutual agreement was reached to reinstate all the seven workers by 2nd May, 2012. The management immediately implemented the agreement and sent reinstatement letters to all the affected workers. However, the workers declined their reinstatement.

(c) Given that the workers declined to comply with the terms of the mutual agreement, they are supposed to restart negotiations with the conciliator through their union on the same.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am thoroughly disappointed by the answer that has been given by the Assistant Minister to the extent that I even feel that he is answering his own Question, and not the one that I have asked. I want to take you a little bit back to last week, 1st August, 2012, when this Question came on the Order Paper. The Minister, Mr. Munyes, asked for time for his office and I to meet and look at this matter. The Assistant Minister has now come to the House and said: "Yes, I am aware that Superfoam Limited employees left employment." The Question I have asked is:-

(a) Is the Minister aware that Superfoam Limited wrongfully terminated 7 of its technical workers on 28th December, 2011 without notice?

(b) Is the Minister further aware that those workers have not been paid their benefits to date despite several attempts to have the same settled?

(c) When will all the seven workers receive their benefits and other dues as required by law?

Mr. Deputy Speaker, Sir, clearly, if you look at the answer, this Question is not answered.

Mr. Deputy Speaker: You have made your point. Mr. Assistant Minister!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, it is true that the employees were terminated. But, thereafter, after the union engaged the employer together with officials from the Ministry of Labour, they agreed to reinstate those employees. Indeed, they were reinstated and letters of reinstatement issued to them. But, again, they refused to go to the stations where they were posted. It is true that they have not been paid. But the only avenue available so far, because they were terminated and reinstated--- So far, we believe that they are in employment, but they have just refused to report to their work stations. They can go back to our labour office or to the conciliator whom we appointed, negotiate and they will be paid their dues. That is the notice they were supposed to give to the employer only. So, the avenue is not closed so far.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. It is out of order for any Member to give untrue information to the House, with knowledge that it is not true. In his answer, he is talking about internal transfers and, yet in the issue deliberated by the union and employer, it was a transfer from Superfoam Limited to another company by the name A1 Plastic Limited. That is not an internal transfer. Those fellows are trying to avoid paying workers their dues and the Ministry is condoning theft of salaries and dues of members of the public. Could you ask the Assistant Minister to go back and come with an answer to my Question?

Mr. Deputy Speaker: Mr. Assistant Minister, is it true that the employees or workers were terminated by Superfoam and now, as part of the agreement with the union, they have to work for another company?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, those employees were employed by Superfoam, but they have knowledge in the plastics department. That very Superfoam has a sister company which deals with plastics. So, that was just as per their contract when they were being engaged. They could be moved from one company to another. It is just the same management.

Mr. Deputy Speaker: Is that in line with the labour rules? Is that legal? The hon. Member says that the whole thing is designed to make sure that their employment keeps on shuffling them from one end to the other end so that they can lose their benefits. If you work for one company for “X” number of years and then another for “X” number of years, then you cannot have the cumulative one. That, most likely, is prejudicial to the employees.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, those people have the collective bargaining agreement and the terms are very much listed. They are very clear. It is just that they are being moved from one station to another, but the person paying them is the same. They are not losing any year.

Mr. Deputy Speaker: You can have interests in many companies but, definitely, an employee is an employee of a company, unless the employees were employees of the group’s holding company in the first place. But, anyway, hon. Kabogo, you are on a point of order.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. We cannot allow the Assistant Minister to continue misleading the House. There is no collective bargaining agreement between Superfoam, A1 Company and the employees. For the information of the Assistant Minister, a company is a person in the eyes of the law. Could you allow the Assistant Minister time to go and get his house in order, to know exactly what the position is, and come to the House with an answer to my three questions in one?

Mr. Deputy Speaker: Hon. Assistant Minister, indeed, as the hon. Member puts it, a company is a legal personality. It is an entity that can be sued and taken to court. But you cannot have an employee who is working with one company and then can easily be moved to another company by the employer. There is a bit of an issue here. I might not be an expert in labour laws or practice, but you need, probably, to go back and make further consultation on this. Indeed, the House and Chair has a responsibility to protect those poor Kenyans who need to make a living and not to be taken advantage of by employers. So, can you go back and come up with an answer that is able to comprehensively answer the issues that are there? In any case, if the employees were wrongfully terminated in the first place, that is an issue also to be tackled by the Assistant Minister. When can you have this answer, again? Pick a date or time.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, those people have not been terminated from employment. They were reinstated.

Mr. Deputy Speaker: Reinstated to who? Not to Superfoam and they were employees of Superfoam.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, they are still employees of Superfoam, but they have been taken to a different branch.

Mr. Deputy Speaker: No. The hon. Member is talking about a different company all together - A1 Plastics Limited. It is a legal personality in its own right. It is a limited liability company.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, you will give me up to Tuesday, because it is a straightforward issue. The employer is willing to pay them, in case they are willing to terminate their services. But so far, they are still employees of Superfoam.

Mr. Deputy Speaker: Can you now consult more with the hon. Member? I direct that this Question be listed on the Order Paper on Tuesday next week.

Yes, hon. Kabogo!

Mr. Kabogo: Mr. Deputy Speaker, Sir, I want to thank you. But on Tuesday, I have a Question by Private Notice. I request that we do it on Wednesday morning, if possible.

Mr. Deputy Speaker: Is that okay with you, hon. Assistant Minister?

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

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Wednesday morning, next week.

Next Question by hon. Gitau!

Question No.1436

ALLOCATION OF NIB LAND TO PRIVATE DEVELOPERS

Mr. Gitau asked the Minister for Lands:-

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

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

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

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, I had answered this Question up to the end, and the hon. Member presented some papers which I doubted whether or not they were genuine. You ordered that we repeat. Should I begin afresh or I should start from where I stopped?

Mr. Deputy Speaker: Cover where you did not cover last time.
Proceed!

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, I have the documents that were laid by the hon. Member. This one cannot make one to qualify to have a title deed. For one to have a title deed, whether he or she is allocated by the Government or not, you must have the following documents:-

(i) Since it is public land, you must have the minutes of the county council meeting, which are missing.

(ii) A letter of allotment from the Commissioners of Lands, which is not there.

(iii) The allottees must have paid and the receipts must be there, which are missing.

(iv) You must have the registry index map from the Director of Survey, which is not there.

(v) A transfer from the Commissioner of Lands. A transfer must be done by the Commissioner of Lands. Alienation of public land is never delegated to our District Land

Registrars. Therefore, if there are any title deeds as alleged, then they are forged. They were made in the streets, and the Ministry cannot recognize them.

Mr. Gitau: Mr. Deputy Speaker, Sir, indeed, I tabled a registration index map from the Provincial Survey Office in Nyeri. The 100 plus titles are registered as freehold titles on the National Irrigation Board land that was set aside for the staff quarters. If the Assistant Minister is rejecting the registration index map, could he table the correct registration index map for the area?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I have the original map. Your office was unable to make photocopies of this map because it is very wide. We walked around Nairobi and we could not get copies. That is why I am still walking with the original and I will return it to your office. If the Member had looked at this map critically, he would have discovered that it is not an authority on the boundaries. It is even written here. I am challenged on a document that has a statement that it is not an authority, and I am unable to comment.

Mr. Gitau: On a point of order, Mr. Speaker, Sir. The amendment on the registration index map confirms that these titles have been registered at Kirinyaga Lands Office. We are not disputing that this map is not an authority on boundaries, but there are numbers of titles which were given out by the survey office for issuance of titles by the Registrar of titles in Kirinyaga Lands Office. Could the Assistant Minister assure this House that in case these titles exist in his records, he is going to cancel all of them and do away with the record?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, if the Member was listening, he would agree with me that if there was any title deed, he would be challenging me by producing copies of the title deeds that he is talking about. According to me, no title deed has been generated by our Ministry. For our Ministry to generate a title deed on public land, I have given the conditions. There must be a letter of allotment from the Commissioner of Lands, receipts to the people who paid money, a transfer letter signed by the Commissioner of Lands and not the District Land Registrar. I have said all these things in broad day light and he was listening to me. I want your direction on the matter.

Mr. Deputy Speaker: Are you saying, hon. Assistant Minister, that, indeed, the claims in here do not exist? There were no title deeds issued to private developers, and no land was allocated to private developers of the scheme?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I am quite suspicious that the Member is talking about some crooks who might have prepared title deeds in Mwea. I am not privy to any title deeds which are prepared in Mwea Market.

Mr. Gitau: Mr. Deputy Speaker, Sir, if, indeed, there are crooks who have prepared title deeds for the same land that is in dispute, and the records are kept by the Registrar at the Kerugoya Lands Office, could he then indicate to this House that he is going to direct that all those records be removed from his Registry at the Kerugoya Lands Office?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, my earlier answer was very clear, that the land of the Mwea Irrigation Scheme under the NIB has not been allocated to anybody. That is what our records show. If he is disputing that, he can come to the Ministry and I will show him that the land is intact.

Mr. Gitau: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is confusing this House. The same documents are being used to transfer this land to unsuspecting buyers, yet he does not commit himself to remove the records, so that the crooks can no longer continue to transfer the land. Is he in order to refuse to accept the responsibility of removing the records from his office?

Mr. Deputy Speaker: The Assistant Minister says that there are no records of any land that has been alienated or allocated to individuals. That land of the Mwea Irrigation Scheme under the management of the NIB is intact. That is what he has said. If you have information contrary to that you can make it available to the House; that is what you need to do.

Mr. Gitau: Mr. Deputy Speaker, Sir, one good proof is the registration index map, which is from his office. It is a registration index map which is normally given to the Registrar of Titles to give out title documents for the registration of titles. He should not allege that that registration index map is from the street until he tables a registration index map from his office indicating otherwise.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I told you that whatever the Member tabled is not an authority on boundaries. It is even written on it. I wish he could come here, so that I show him what is written. I request you to read the document, otherwise my eyes may not be seeing properly.

Mr. Deputy Speaker: Hon. Member, unless you can show proof other than what the Assistant Minister is saying--- In that case he would have misled the House and the Chair would be in a position to apply very firm sanctions against him; you cannot commit perjury on the Floor of the House. You have to go ahead and supply the Chair with the information that you are talking about, or at least a proof towards it.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is being unfair in terms of answering this Question because the document the hon. Member tabled has been used in this House by the Government when the demolitions of Syokimau took place. That is the authority that they used. The map that they tabled in this House is what unsuspecting Kenyan buyers used to buy land that was alienated for the Kenya Airports Authority (KAA).

As the hon. Member is saying, if the Minister for Lands could substantiate his claim that this map is a faked one and is from Kirinyaga Street, then he ought to table the original one that is from his Ministry. That is the only way he can contradict the evidence that was tabled by the Member for Parliament. Otherwise, he is just saying that this map is not admissible and he is not giving a contrary map that is an authority which this House can rely on. I think the hon. Assistant Minister is being economical with the information that he ought to supply to this House.

Mr. Deputy Speaker: Are you satisfied? Did you supply the relevant gazette notice that alienated Mwea Irrigation Scheme in the first place?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I was responding to that map. But now that you have requested, I can supply the correct one.

Mr. Deputy Speaker: Fair enough! The Assistant Minister has maintained that there is no land that has been alienated. He has said that the land is intact and he is in a position to supply that. The Chair will direct that he supplies it through the Chair at some point. I do not see why the Member and the Assistant Minister who are both Members of Parliament representing constituencies, while one of them is in the Executive as well as responsible for a constituency cannot sit and go through these things. These are things that ordinarily you can clear between yourselves instead of having to prove them on the Floor of the House. This is a very straightforward thing.

Hon. Gitau, can you not go to the Assistant Minister's Office, verify for yourself and make sure that your fears are arrested?

Mr. Gitau: Mr. Deputy Speaker, Sir, this is actually something that we had discussed with the Assistant Minister. I had indicated to him that I could prove this to him if he only called his Land Registrar at the District Registry to confirm for himself.

Mr. Deputy Speaker: Do you wish to have our Committee investigate this matter?

Mr. Gitau: Mr. Deputy Speaker, Sir, I wish that happens.

Mr. Deputy Speaker: I direct the Departmental Committee on Lands and Natural Resources to proceed to investigate this matter and report back to this House. Where is the Chairman of the Departmental Committee on Lands and Natural Resources? Is there any Member of that Committee who is here? How much time do you need to verify this? This is a very straightforward thing.

Mr. Gunda: Two weeks.

Mr. Deputy Speaker: Okay! In two weeks time, you will have to come and report back to the House. The Chair also directs that this Question be listed on the Order Paper two weeks from today.

(Question deferred)

Question No.1597

AUTHENTICITY OF ALLEGATIONS MADE BY MR. RANNEBERGER
ON CRIMINAL ACTIVITIES BY KENYAN NATIONALS

Mr. Mwau asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) whether he could clarify whether Mr. Michael Ranneberger filed a formal criminal complaint at the then Kenya Anti-Corruption Commission (KACC) between November and December, 2010, and if so, whether he accused Kenyan nationals of various criminal economic activities; and,

(b) whether comprehensive investigations were carried out by the Kenya Anti-Corruption Commission (KACC) and if so, what action was taken and whether he could also provide a copy of the KACC report on the criminal activities committed.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Deputy Speaker, Sir, this Question had been discussed between hon. Cheptumo and the hon. Member but because of further information that the hon. Member required, it had been agreed that the matter comes up next week on Wednesday when the hon. Cheptumo can supply the further information that is required. It had already been agreed by hon. Mwau and hon. Cheptumo, if the former can confirm.

Mr. Deputy Speaker: Hon. Mwau, are you comfortable with that?

Mr. Mwau: Mr. Deputy Speaker, Sir that is the correct position. The matter can be raised on Wednesday next week.

Mr. Deputy Speaker: In the morning or in the afternoon?

Mr. Mwau: Morning will be okay, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Chair directs that the Question be listed on the Order Paper on Wednesday, next week in the morning.

(Question deferred)

Let us move on to the next Question by hon. Sirat.

Hon. Sirat, the Chair has communication from the Minister that his Assistant Minister who was dealing with this matter is out of town and that he has also travelled to Homa Bay. When would you wish this Question to be listed on the Order Paper?

Mr. Sirat: Next week, Mr. Deputy Speaker.

Mr. Deputy Speaker: Next week when?

Mr. Sirat: Wednesday will do, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: In the morning or in the afternoon?

Mr. Sirat: In the afternoon, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question be listed on the Order Paper on Wednesday, next week.

Mr. Sirat: Thank you.

Question No.1242

LAUNCH OF MOBILE ID REGISTRATION
PROGRAMME IN WAJIR SOUTH

(Question deferred)

Question No.1329

DEPLOYMENT OF HODS TO DISTRICTS

Mr. Deputy Speaker: Hon. Kiema Kilonzo is out of town and he informed the Chair of the same. This Question is deferred to a time or date when hon. K. Kilonzo will be in the Chamber.

(Question deferred)

Question No.1573

UTILIZATION OF ALTERNATIVE SOURCES OF POWER

Mr. Odhiambo asked the Minister for Energy:-

(a) what comprehensive program the Government has put in place to enable areas that have not utilized the wind, solar, geothermal and biomass energy have access to such sources of energy and also introduce areas which are still not being fully served from the national grid;

(b) what plans the Government has in opening up the energy sector to private sector investment so as to unlock massive energy potential to drive the development in rural areas in line with Vision 2030; and,

(c) how much wind energy the Government intends to tap in the country in 2012/2013 Financial Year and what the level of investment for the same is.

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

(a) Comprehensive programmes for enhancing access to renewable sources of energy including wind, solar, geothermal and biomass have been put in place. This include:-

(i) electrification of public institutions in Arid and Semi- Arid Lands (ASAL) with solar photovoltaic systems;

(ii) installation of solar and wind hybrid systems in off grid power stations remote from the national grid, and;

(iii) the establishment of feeding tariffs within the policy for solar and wind for the isolated off grid areas.

(b) So as to attract and facilitate private sector investment in the energy sector, my Ministry has established the feed-in tariffs policy in the March, 2008 for renewable energy generated electricity for feeding into the national grid. The tariffs cover wind, geothermal, small hydro, solar, biomass and biogas power generated electricity. The tariffs are currently being reviewed.

Other measures that have been taken include resource assessment to reduce the time taken by potential investors as well as instilling confidence in their investments. My Ministry has been undertaking the following measures:-

(i) Installation of wind masts and data loggers in high resource potential area and so far, a total of 54 masts have been installed. A tender has also been floated for data analysis and preparation of reports in different sites. Reports that will be prepared will be given to the private sector.

(ii) Promotion of the Public Private Partnership for geothermal development is based on two models namely; steam supply contracts between GDC and IPPs and associated steam conversion contracts between Kenya Power Company (KPLC) and IPPs. Secondly, the joint steams production contracts between GDC and private sector companies and steam to electricity contracts between Kenya Power and IPPs. Under this model, they will be supplied with steam by GDC and its steam production private sector partners.

(c) In the year 2012/2013, the Ministry of Energy through KenGen will commence construction of a 15 Megawatts wind farm in Ngong at a cost of Kshs662 million. Lake Turkana Wind Limited will also commence construction of a 300 Megawatts wind power plant in Marsabit County for sale to KPLC once completed. This is expected to be done by the end of 2014. This project is expected to cost the Kenya Government Euros600 million.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given. In part “a” of his reply where he is saying that “we are making comprehensive programmes to access this geothermal and biomass which have been put in place” could he specify any particular area or place where in Kenya you have wind or biomass or solar energy? You are being very vague. You are just saying it is in arid areas. Can you specify which particular areas you have put in place comprehensive programmes for accessing renewable sources of energy?

Mr. Magerer: Mr. Deputy Speaker, Sir, I have mentioned Ngong and Turkana. The other parts where feasibility studies are being done can only be made public once we are convinced that that is the area that we will have this biomass going on.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, we are aware that Mumias is one of the private sectors that is now able to supply co-generation power. What is the Ministry doing to ensure that this power is connected to the main grid?

Mr. Magerer: Mr. Deputy Speaker, Sir, I think I have talked about the comprehensive feed-in tariffs policy. That will enable Mumias Sugar Company and other independent power

producers to be able to sell power to the main grid at the rates that have been agreed upon by the Ministry.

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, could the Assistant Minister state whether North Eastern is part of these areas that are earmarked for wind power tapping?

Mr. Magerer: Mr. Deputy Speaker, Sir, definitely, the North Eastern and other areas also fall within the ASAL areas that we have targeted. So, I want to assure the hon. Member that he is within the map of the Ministry of Energy.

Mr. Kutuny: Mr. Deputy Speaker, Sir, I am sure that the Assistant Minister is aware that this country has a lot of potential on geothermal but it is one of the areas where the Government is not concentrating in funding. What measures is the Government putting in place to ensure that they get enough resources for this sector for geothermal exploration particularly to the Geothermal Development Company?

Mr. Magerer: Mr. Deputy Speaker, Sir, I want to inform my friend, Mr. Kutuny, that the Ministry of Energy has prioritized geothermal energy. Just about a week ago, we invited His Excellency President Mwai Kibaki to preside over a power plant at one of our geothermal areas in Olkaria.

As a Ministry, we have a comprehensive funding programme for other areas that have been earmarked for geothermal resource exploitation. This is mainly the Menengai area, Pokot area and a few other areas within our country. Therefore, my Ministry is very keen to ensure that we put enough resources. Where we are unable to do so, we have always partnered with development partners like the AFD; that is, the French Government.

We have also partnered with the German Government and the African Development Bank to be able to facilitate the funding for expansion of geothermal resources.

Mr. Samoei: Mr. Deputy Speaker, Sir, it is an obvious fact that part of the challenges that we have as a country in terms of energy infrastructure is that the cost of energy in our country is fairly higher compared to our competitors in this region; Uganda and Egypt. What strategic arrangement does the Ministry have to ensure that Kenya becomes a competitive destination for investors especially with regard to the cost of energy?

Aside from the levels of supply of energy, we have serious issues as to the cost of energy in our country. In fact, most industrialists think many times before they invest in our country because of the cost of energy. What strategic planning does the Ministry have to ensure that they increase the supply? I would want to know from the Assistant Minister in the next two or three years what level of energy Kenya will have from all our energy sources and how they are planning to ensure that that energy is cost-effective for purposes of ensuring that power investors find Kenya a suitable destination for investment.

Mr. Magerer: Mr. Deputy Speaker, Sir, I want to believe the hon. Member for Eldoret North is referring to the cost of electricity because if we are talking about energy, then we have to go comprehensively to both the fuel and also the electricity. So, I would like to probably highlight a few steps that my Ministry is taking towards that end.

Currently, our total generation is slightly less than 1,390 Megawattss against a peak demand of about 1,220 Megawattss. We have elaborate plans to ensure that we keep sources of electricity. That is why I have said that my Ministry has given a lot of prioritization to geothermal energy, that is the green energy programmes which we expect to generate about 5,040 Megawattss by the year 2030 through geothermal only.

Mr. Deputy Speaker, Sir, we also expect to generate a further 2,400 Megawattss through coal production. You are aware that Kenya is now working on coal mining within the Mui Basin of Kitui area. That will help us to generate 2,400 megawattss.

Regarding the gas turbine, arising from our discovery of what we call liquid gas in our country, my Ministry also expects to generate to a capacity of 2,340 megawattss. Of course, we have not retired all the high speed diesel generators, which we also use to supplement whenever we have a shortage. From that alone, we expect 1,440 megawattss.

From wind energy, which is a very important area we are already moving to, we expect that this country will be able to generate a net of 1,500 megawattss by the same time. We also intend to increase the capacity of hydro-power generation by another 200 megawattss by improving some of the turbines that we have within the hydro-generation areas.

Mr. Deputy Speaker, Sir, on behalf of the Government of Kenya, my Ministry has signed an agreement with the Ethiopian Government to import electricity. Kenya will be importing electricity from Ethiopia and other countries belonging to what we call the “East African Power Pool (EAPP)”, which Kenya currently chairs. The EAPP brings together all the East African Community (EAC) countries and some sub-Saharan countries, including Egypt and the Sudan. Through the EAPP, we expect to import about 2,000 megawattss.

Finally, another area we are exploring into, where my Ministry has already set things in motion is nuclear energy. From this sub-sector, we intend to generate about 4,000 megawattss. So, the total amount of electric power, we expect to generate within the next 18 years or so, is 18,920 megawattss. So, as Kenyans, we have no reason to worry that investors will continue shunning Kenya because of the high cost of production.

Mr. Deputy Speaker: Mr. Assistant Minister, if I heard the hon. Member correctly, he was talking about investors who right now have to choose between coming to Kenya and going to Egypt or to the south. You are talking of the future. A period of 18 years is a long time for an investor to wait for you to have energy that is affordable.

Mr. Magerer: Mr. Deputy Speaker, Sir, 18 years is not a long time. I said that in 18 years’ time, we will have generated 18,000 megawattss, which we do not need it now. What we currently need is just extra 1,000 megawattss. What we are currently producing is 1,300 megawattss. That is the amount of electric energy that Kenya is running on.

As I said, two weeks ago, the President launched the geothermal power project in Olkaria. It will take less than one-and-half years for the turbines to be put in place. From that project, we will generate extra 280 megawattss. This is in the immediate. We have also already signed an agreement with the Government of Ethiopia to supply us with about 500 megawattss. So, we are within the expectations of investors.

Mr. Deputy Speaker: Hon. Ruto, are you on a point of order?

Mr. Samoei: Mr. Deputy Speaker, Sir, the Assistant Minister is carting around the question. The question is direct. In fact, I have put some timeline of two or three years in my question. What strategic interventions are they making for investors who want to invest in our country? May be, for the record, he should know that electric power in Kenya costs three times more than in Egypt. If you were an investor and you wanted to make a decision as to where you wanted to invest, you would decide to go elsewhere. Do investors who want to make decisions have to wait for 18 years, so that we can have all the figures that he has given us? For example, I know of one power plant in India, which I visited, generating electricity using coal. It took three years to put it up. It is now producing 4,000 megawattss.

Could the Ministry not think of a strategic intervention that would bring electric power in the tune of 2,000 to 3,000 megawattss in the next two to three years, so that we can begin to influence investors ahead of time? As things stands today, we are behind the Vision 2030 schedule, because it was envisaged that it would grow the economy at 10 per cent for 24 years. We are so many years into the Vision 2030 schedule. We are growing our economy at 4 per cent. At this rate, the 2030 that he is talking about will actually go to 2060.

Mr. Deputy Speaker: Hon. Ethuro, are you also on a point of order?

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

Mr. Deputy Speaker: You have the Floor.

Mr. Ethuro: Mr. Deputy Speaker, Sir, while everybody is appreciating this digital technology, it is completely something different to catch the Speaker's eye because you are at his mercy only and there are no reminders allowed.

Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House that it will take him 18 years to produce 18,900 megawattss of electricity when it has taken the Ministry about 50 years to produce 1,390 megawattss?

Mr. Magerer: Mr. Deputy Speaker, Sir, I want to begin by saying that I am in no way attempting to mislead the House. What the Government has done in the last 40 years is in line with the demand for electricity. If we anticipate to produce so much power in terms of electricity needs and we do not have an equivalent capacity in terms of demand, we will just be doing what I would call "wasted effort". I have given an elaborate plan. In the immediate, the Government of Kenya has already signed an agreement with the Government of Ethiopia to import electric power in the tune of about 500 megawattss.

Mr. Deputy Speaker: How immediate? Give a timeline. If it is in one year's time or two years' time, say so.

Mr. Magerer: Mr. Deputy Speaker, Sir, it is not in a year's time. When I say that we have already signed an agreement with the Government of Ethiopia in terms of the purchasing and the supplying, it means that we are already in business.

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

Mr. Deputy Speaker: The Assistant Minister is responding to a point of order. Allow him to complete.

Mr. Magerer: Mr. Deputy Speaker, Sir, the hon. Member for Eldoret North seems to be saying that investors cannot make decisions to come to Kenya in the immediate because we do not have sufficient power. I have told this House that we are currently generating 1,392 megawattss of electricity. The pick demand for electricity in this country is not even 1,392 megawattss. So, we do not have a problem in terms of the amount of electricity that is required. However, the cost of production is high.

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, the Chair wants to help you. The Member of Parliament for Eldoret North has talked about affordable energy. If we are going to have 2,000 or 3,000 megawattss of electricity, but that electricity is going to cost three times more than it costs either in Egypt or South Africa, it will not help. That is the question you should be answering. Talk about how we can get cheaper electricity for this country and give a timeframe.

Mr. Magerer: Mr. Speaker, Sir, of course, comparative to other governments, our Government can do what its citizens require in terms of power generation.

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

Mr. Shakeel: Mr. Deputy Speaker, Sir, clearly, the Assistant Minister is grasping straws. Would it be in order for me to ask if he could come back with a comprehensive answer? Perhaps, he was not ready for the comprehensive request that hon. Samoei put to him. It is very important to us. So, would I be in order to ask that we ask him to come back to us, after having done his research, to give an answer that is based on facts?

Mr. Deputy Speaker: The Question actually demands a comprehensive answer and I will volunteer to depart slightly and take a national position. What the hon. Member is talking about is that we are now in a global village in which we are in the Common Market for East and Southern Africa (COMESA). So, goods from Egypt will come into this country without any duty. Goods will be exported out of this country without any duty. The same applies to goods from South African because of the COMESA aspect. So, maybe, you need to look at this very broadly and come back. Do you wish to have another moment when you can come and give a comprehensive answer that essentially does also give a direction to this country in terms of the need for us to industrialize through cheap energy?

Mr. Magerer: Mr. Deputy Speaker, Sir, I have already talked about us being members to East African Power Pool. I have said that the Government of Egypt, the two Sudans, all the way to South Africa, we now belong to one pool and the intention of the East African Power Pool is to try and have feeding tariffs that are similar within the member States of those who are members---

Mr. Namwamba: On a point of order, Mr. Deputy Speaker, Sir. Indeed, I had made the request earlier. I wish to say something with your indulgence.

Mr. Deputy Speaker: I want to actually back the proposition that the Assistant Minister returns here with a more comprehensive answer, but then add that one of the issues that are critical and that one would wish to see when the Assistant Minister returns to the House, is on the question of levies. If you take an ordinary electricity bill even for domestic consumption, you will see a myriad of levies similar to the levies that Treasury attempted the other day. It is good that the Minister for Finance is in the House. Treasury attempted the other day to push all sorts of levies to basic stuff like maize meal and milk – basically the basic foodstuffs. Those are the kind of levies that you see on an electricity bill. I wish to point out that the Assistant Minister also comes to this House with a copy of an ordinary electricity consumption bill and just go through those levies and justify, perhaps, with the support of the Minister for Finance who is in the House, just how reasonable they are. Whether we produce 10,000 megawattss, is it possible really to reduce the cost of electricity with those myriad levies that are not necessary?

Mr. Samoei: On a point of order, Mr. Deputy Speaker Sir, I would really want to persuade the Assistant Minister that in the interest of providing a comprehensive answer, and in the interest of shedding light so that our friends who want to invest can know whether--- Really, I want to persuade the Assistant Minister to take this House more seriously than he is. That is because when he says that we are producing 1,300 megawattss and the peak is 1,200 plus megawattss, we are basically operating at the margin. Surely, if we are operating at the margin, it means we are not serious. You know cost is a basic concept of supply and demand. As we are talking today, 80 per cent of Kenya depends on wood fuel. I mean 80 per cent of Kenyans do not have electricity. So, for you to say that we are comfortable because we are producing 1,300 megawattss, surely, you are not being serious. That is because if 80 per cent of Kenyans are still waiting for you to supply them with electricity, and you are comfortable with what you are supplying to only 20 per cent and at a cost that is not affordable. Really, do you have a strategic plan for the country or you are basically doing guesswork?

Mr. Ngugi: On a point of order, Mr. Deputy Speaker, Sir. I have also been keen to ask the Assistant Minister a question but since it looks like you are going to rule that he comes back with a more comprehensive answer, I was going to say that as he comes back, there are many areas, including Kinangop just after Fly Over there, where investors have come and they are leasing land from the farmers in order to generate electricity from wind power. What measures is the Ministry putting in place to ensure that those investors do not come and exploit the poor farmers who own the land by signing some long terms agreements but being paid peanuts?

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I also want to add that the cost of energy in this country is not only scaring away the potential investors, but it has already chased away many investors who have invested in this country. So many factories have closed shop mainly because of the cost of energy. Even Kenyans who have access to electricity still use charcoal for cooking mainly because electricity is too expensive. That, as a result, is threatening very seriously the conservation efforts in this country.

Mr. Deputy Speaker: Hon. Ethuro, and then I will give direction on this matter.

Mr. Ethuro: Mr. Deputy Speaker, Sir, in anticipation of your ruling where you will expect the Assistant Minister to come back--- I want him, as he prepares to come back, first, just to realize that this week and last week, we talked about power connectivity to Bura Constituency. Since Independence, they have never seen electricity light until we brought the Question. I want to thank the Assistant Minister because he seems to be a very active man. As we were prosecuting the Question, he managed to supply the power. So, I guess ODM Reloaded has some sense.

(Laughter)

However, more importantly, the Turkana Wind Power Project which has commenced and is aimed to produce 300 megawattss of power to the nation, cannot proceed. It has actually stalled because of the inaction of this Assistant Minister. The Government and the World Bank is willing to give the project money, but because there is supposed to be a guarantee and transmission lines by the Government, that has not happened. I want him to come and tell us, when he returns here, what he is actually doing to ensure that, that project is on course.

Mr. Deputy Speaker, Sir, finally, I want him to know that the 500 megawattss that he is boasting that he is going to import from Ethiopia will not happen. That project is at the base of the damming of River Elgibe which is going to drain the water of River Omo which drains its water into Lake Turkana and thus killing our communities around Lake Turkana. We will not allow that. He should know that.

Mr. Sambu: Mr. Deputy Speaker, Sir, it appears that the Assistant Minister is going to come back with a much more comprehensive answer, but let me very quickly just add two things. One is that a feeding power policy was introduced in March 2008 to attract and facilitate investors. It is a commendable policy which we should all support. Could the Assistant Minister, when he brings a comprehensive answer, also quantify the number of investors who have come forward to take advantage of that facility since 2008? Secondly, the ordinary person is not worried about the 18,000 megawattss in 2018, but is more worried with the quality and reliability of the service. At the moment, in some parts of the country, the quality and reliability is very poor. Could the Assistant Minister also explain why this is so and what action is being taken to improve the quality and reliability of the service in most parts of the country?

Mr. Deputy Speaker: The hon. Questioner, hon. Alfred Odhiambo, the last one and then we give a date on when this Question will be put on the Order Paper.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, now that this Question has raised a lot of concerns from Members of Parliament, I also wish to request the Assistant Minister that when he comes with the comprehensive report, he tells us when this review of the feed-in tariffs policy is going to be completed.

Mr. Deputy Speaker: Mr. Assistant Minister, since you are going to be give a comprehensive Statement, you just have to give an undertaking on when you will be ready to do that.

Mr. Magerer: Mr. Deputy Speaker, Sir, I just want to say before that, that I am one Assistant Minister who takes his work very seriously. If you look at the Questions that were put in, none of all those things that have been requested now was part of it. So, it is just not right that some of our Members feel that I did not take the House seriously. I take the House very seriously.

To prove it, on all these questions which have been put forward, if I am given time, I can give a comprehensive report on Thursday next week, if that is okay with you.

Mr. Deputy Speaker: Is Thursday next week okay with you? The Chair directs that this Question be listed on the Order Paper on Thursday next week. The Chair confirms that you will have ample time.

Mr. Magerer: Mr. Deputy Speaker, Sir, will it be the same Question or the others because there are a myriad of others?

Mr. Deputy Speaker: It will basically be the same Question for you to put in details. It will enable you to talk about the myriad of issues. It will be given priority as a very important matter.

Assistant Minister, the Chair occasionally goes out of its way to give further direction on matters like this because of the national concern. We are in COMESA; we are competing with goods that are manufactured in countries that have got a power or energy price that is a third of ours. So, indeed, we have to. If you go to South Africa or Ethiopia, you will be surprised to see how much they pay for energy and how much we pay. The Chair directs that this Question be listed on the Order Paper on Thursday next week.

(Question deferred)

Next Question, Mr. Shakeel.

Question No.1412

DELAYED HAND-OVER OF LASDAP PROJECTS
BY KISUMU CITY COUNCIL

Mr. Shakeel asked the Minister for Local Government:-

(a) why the Kisumu City Council has not handed over the community village hall, which was constructed under the LASDAP Programme in Ragumu village in Central Kolwa two years ago; and,

(b) why the council has also not handed over the project undertaken by the Ministry of Housing at Mama Ngina Children's Home to the facility's management; and,

(c) when the projects will be handed over for use and what measures will the Minister take to ensure that all such projects are not left disused after completion in future.

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

Mr. Deputy Speaker: Do you wish to proceed and prosecute this Question without the benefits of a written answer?

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

Mr. Deputy Speaker: Minister for Local Government? Deputy Leader of Government Business, where is the Minister, or where are your Ministers?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I believe the circumstances of the Minister for Local Government were explained and the situation has not changed. I would like to ask the indulgence of the House to wait for the return into circulation of both the Minister and Assistant Minister.

Mr. Deputy Speaker: Fair enough, the Chair directs that this Question be also listed on the Order Paper on Thursday next week.

Mr. Shakeel, are you comfortable with that? We just want to give the Minister more time. I wish him well. We all wish him well; the House and the Chair wish him well. We wish him quick recovery. The substantive Minister should be back and take up his duties very diligently as he always does.

Next order!

(Mr. Githae stood up in his place)

Mr. Deputy Speaker: Minister, do you have a Statement? Minister, we will have to defer Statements to Tuesday next week.

The Minister for Transport (Mr. Kimunya): Why?

Mr. Deputy Speaker: Deputy Leader of Government Business, it is the discretion of the Chair.

Minister, your Ministerial Statement was demanded by whom?

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order! Move to the Front Bench or the Dispatch Box.

(Mr. Githae moved to the Dispatch Box)

Who asked for the Ministerial Statement?

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, this is in line with what, I think, the Chair ruled, that every Ministry that needed to present all the pending Ministerial Statements be allocated a day. Today is for the Ministry of Finance, and I have three of them. The first one was by the Member for Nyakach; Mr. Ochieng'. The other ones were by Mr. Mungatana and Mr. Martin Ogindo. We actually called them from the office to alert them that we would be delivering the Ministerial Statements. However, I do not see them in the House. Therefore, I have no objection to delivering them on Wednesday.

Mr. Deputy Speaker: Fair enough! This is one moment when the Minister is ready but the hon. Members are not ready. It is only fair that when it is allocated time again, hon. Members are in the Chamber to receive their own Ministerial Statements.

We will take a request for one Ministerial Statement from Mr. Linturi and then go to the next order.

POINT OF ORDER

DISAPPEARANCE OF MR. MARTIN KIRIMI AND MS. MARY MWANGI IN TANZANIA

Mr. Linturi: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Foreign Affairs with regard to the disappearance of a couple by the names Mr. Martin Kirimi and Ms. Mary Mwangi, who were headed to Tanzania for honeymoon in Zanzibar and are feared dead in the ill-fated ferry that capsized in the sea between Zanzibar and mainland Tanzania.

In the Statement, the Minister should:-

- (i) clarify whether this couple actually arrived in Tanzania, and if so inform this House the border point at which the couple exited from Kenya;
- (ii) confirm whether the couple boarded the ill-fated ferry to Zanzibar or not;
- (iii) outline the measures that the Government has put in place to trace this couple;
- (iv) explain what facilitation the Government will extend to the family of the couple in case they will be required to undertake the nucleic acid test in the identification of bodies of the victims of the ill-fated ferry.

Mr. Duale: On a point of order, Mr. Deputy Speaker, Sir. I want to ask the Minister do the following in the same statement:-

- (i) provide the calling data of the phones of the couple from 17th of July, 2012;
 - (ii) provide the details of the hotel where the couple stayed when they were in Tanzania;
- and,
- (iii) inform the House if the Government has sought the assistance of the Tanzanian Government with a view of tracing the said Kenyans.

Mr. Deputy Speaker: Yes, Deputy Leader of Government Business, please, proceed. The Minister is not here, and you have to give an undertaking.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the matter will obviously require quite some extensive liaison and investigation with Tanzanian authorities. I would like to ask that we give the Minister the next two weeks to have a comprehensive report.

Mr. Deputy Speaker: Are you comfortable with that, Mr. Linturi?

Mr. Linturi: Mr. Deputy Speaker, Sir, considering the circumstances that the family and relatives are living in, two weeks is really a long time. I would suggest that at most--- This happened almost three weeks ago. The Government has lost its own citizens and we have a high commissioner in Tanzania; one week will be good enough.

Mr. Deputy Speaker: Fair enough. Mr. Kimunya, should we say Thursday next week?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, if the House will be comfortable with a progress report by Thursday next week, then we can start from there.

Mr. Deputy Speaker: Fair enough. The Chair directs that this Ministerial Statement be delivered on Thursday next week.

Mr. Kimunya will proceed and give the programme for the coming week.

MINISTERIAL STATEMENT

BUSINESS FOR THE WEEK COMMENCING 14TH AUGUST 2012

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

Next week, we expect the second readings of the Bills that will not have been concluded this afternoon. These include: The Finance Bill (Bill No.26 of 2012), The Capital Markets Bill (Bill No.24 of 2012), The Central Bank Bill (Bill No. 23 of 2012), The Sugar (Amendment) Bill (Bill No.62 of 2011) and also the Motion to adopt the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the inquiry into the receivership at the Kenya Planters Cooperative Union (KPCU) that was laid on the Table of the House on Tuesday 6th of March, 2012.

Mr. Deputy Speaker, Sir, on Tuesday, in addition, the House Business Committee (HBC) will consider the need to fast track the following Bills which are critical for implementing the provisions of the Constitution within the framework of the 27th August, 2012 deadline. These are slated for First Reading today and we will consider for fast tracking for Second Reading next week. These are:-

- (i) The National Intelligence Service Bill
- (ii) The National Security Council Bill
- (iii) The Leadership and Integrity Bill
- (iv) The Petitions to Parliament (Procedure) Bill

We shall also be considering the Teachers Service Commission Bill at the Committee Stage, I believe next Tuesday. Finally, the HBC will meet on Tuesday, 14th August, 2012, at the rise of the House to consider business for the rest of the week.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I find myself congratulating the Government for acting expeditiously on the President's statement last week that his Government will be moving fast to have these Bills fast tracked. The Minister says he would like Second Reading to come next week, some of them are so critical like the National Intelligence Service Bill. We need a comprehensive report also from the Committee of the House. So when he says that his intention is to bring the Bill to the House for Second Reading next week, is he suggesting that he does not wish the matters to be given to various Committees and for the Committees to be given sufficient opportunity to scrutinize these Bills because they are critically important? Even though they relate to constitutional reform, it is important that they go through the process of the Committees' scrutiny.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. Actually, I also wanted to congratulate the Minister because we have been on his neck for these constitutional Bills. However, my concern is also just similar to the one raised by my colleague; that we must make sure that even though we are trying to do these ones in haste, we do not make the mistakes that we have made in the past when we are rushing constitutional Bills.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we are very much alive to those concerns of hon. Members and we want to give adequate time for involvement of the entire House. Indeed, without anticipating debate, the Motion we will be bringing immediately after this would be to shorten the publication period so that the Bills can find their

way into the Committee. I am aware that the Committees have planned some retreats this weekend to start looking at these Bills and hence fast tracking their own work and report. So in anticipation that the Committees will work this weekend and will probably prepare their reports, then we would want to give hon. Members the opportunity also to start the discussions and contributions so that the Committees' reports will be far more enriched by hon. Members' contributions and by the time we reach the Committee Stage, certainly some time before 27th August, then we will have had the advantage of stakeholders' consultations, the Committees themselves and contributions by Members of this House because the Bills are quite important and they relate to our own security.

So, there is no intention of curtailing debate or curtailing participation. All we want is to maximize the participation of the Committees before we then come to the final amendments or discussions at the Third Reading.

Mr. Deputy Speaker: Let us have the final intervention by Mr. Ethuro.

Mr. Ethuro: Mr. Deputy Speaker, Sir, unlike my two colleagues, I really have nothing to commend the Minister for. The Minister likes working too late and then coming here to ask to reduce publication but maybe for the effort he needs to be commended. Last week, the Deputy Leader of Government Business promised us the petition that was supposed to be answered by the Government. I have not heard him say anything about that petition as part of the work programme for this week or next week.

The second issue is that I expected the Minister also to prioritize the Internally Displaced Persons (IDPs) Bill which is already ready. It has been around for a while. It is part of Agenda No.4 business and Agenda 2. It should be part of the constitutional Bills that he is talking about and on this, he does not have to ask for a procedural motion to reduce the number of days because they have elapsed already and are ready for business.

Mr. Deputy Speaker: Fair enough! Mr. Kimunya, do you wish to say anything?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, indeed, I believe the Internally Displaced Persons Bill should be on next week but because it will come during Private Member's time on Wednesday. I did not want to touch beyond Tuesday when the Committee meets but we are alive to that fact. The other thing that I want to clarify is that it is not that the Government has delayed to bring these Bills. As the Minister for Justice, National Cohesion and Constitutional Affairs will explain when he starts getting through, the extensive consultations that have taken place, we had to push as the Government to get it from all the other agencies because it was getting late to come to the House. But we have done our bit and I am sure the end will justify the means. It is a good product and we will all be vindicated by 27th August.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF BILLS:

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to move:- THAT, pursuant to the provisions of Standing Order 107, this House orders that the publication period of the following four Bills be reduced from 14 to 3 days:

- (i) The National Intelligence Service Bill (Bill No. 31 of 2012)
- (ii) The National Security Council Bill (Bill No. 32 of 2012)
- (iii) The Leadership and Integrity Bill (Bill No. 33 of 2012)
- (iv) The Petitions to Parliament (Procedure) Bill (Bill No. 34 of 2012)

The rationale for the reduction of the publication period is, like I said during my earlier statement, to facilitate these Bills to find their way formally to the Committee because a Committee of Parliament will not have received this until another two weeks and we believe there is urgency in receiving these Bills. We have already scheduled a meeting to start discussing this and the earlier we can give them to the Committee the better for all of us. We have anticipated that these Bills would have been published last Tuesday which would then have given more time. However, as fate would have it, the Head of State was out of the country on an external visit and also the consultations with the Commission on the Implementation of the Constitution (CIC) were taking place on Monday and Tuesday. It was only on Friday that we were able to clear this within the Cabinet. They were published over the weekend but they were dated Monday. So, it is a very procedural matter and we would wish to ask the House that we grant this exemption so that the Committee can start its work and produce a report that will then help us all in debating this matter and move forward.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, as I am asking for this, I would want to clarify one thing; that we spent the entire Monday of last week with the CIC and all the other stakeholders looking through these Bills and agreed on clause by clause particularly on the Leadership and Integrity Bill.

I was very surprised then to see a whole page advert saying that the Government has adulterated the Bill. I think that is the word that was being used, but it was an agreement we had--

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! We are on a Procedural Motion. We have not even come to those Bills.

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. So, I just wanted the hon. Members to know there will be no mischief. The earlier we receive these Bills, the earlier we will know the truth. There is a need to even fast track the movement of these Bills to the Committee. That is the context in which I wanted to just get that, so that we start getting the Committee to see what we have actually published. Give us a report and we will work on it.

Mr. Temporary Deputy Speaker, Sir, I do not want to belabour the point and I wish to ask hon. Wamalwa to second.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to second this Procedural Motion to allow for fast tracking of these Bills through the reduction of a period of publication. As hon. Kimunya has said, we did go beyond the extra mile to ensure that we live up to the expectations of this House. We did make an undertaking when we had the Speaker's *Kamukunji*, that we must have all the five Bills published by 2nd July. I did also make a statement in this House that we were trying to do so by the 29th, particularly with regard to the Leadership and Integrity Bill and The Petitions to Parliament (Procedure) Bill.

Mr. Temporary Deputy Speaker, Sir, we did have these Bills ready, but they could not come to the House until after His Excellency the President returned on Friday and they were all

approved. We do believe that once we are able to shorten the period, we will be able to dispose of these Bills and we will meet the 27th August deadline.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question proposed)

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, because the hon. Minister for Finance thinks this is the old, rubberstamp Parliament; forget it.

Mr. Temporary Deputy Speaker, Sir, I was standing to oppose this Motion, but after listening to hon. Kimunya, especially the Seconder, Eugene Wamalwa, acknowledging the fact that they failed to deliver the promise of 2nd July, which was a commitment made to this House. At least, I think they are honorable enough to accept. If they had not accepted the fact that, that was the commitment to this House, then I would have opposed it. Now, with that kind of commitment, I think I will support the Motion. I am just wishing that in the future, because this happens too often, please, really learn to work with the deadlines that we have committed ourselves in order to give Committees sufficient time, so that you can also have our input.

I beg to support although grudgingly.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. Because of the importance and constitutionality of this Bill---

(Mr. Keynan pressed the interjection button)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Keynan, are you on a point of order? I can see you have pressed the interjection button. Are you on a point of order, or do you just want to place a request?

Mr. Keynan: It is a request, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Okay, continue, Mr. Njuguna.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, thank you for the chance to contribute to this very important Motion. Because of the importance and constitutionality of these Bills, I would very strongly support the reduction of the time sought. It is important that we allow the Bills to meet the timelines in the new Constitution.

With those few remarks, I beg to support.\

Mr. Keynan: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to support the Leader of the Government Business on this initiative. We, as a country, must be frank enough with the Kenyan public. Since the promulgation of the new Constitution in August, 2010, the Government had two good years to prepare these critical Bills. As much as we do accept that these are critical Bills and we must meet the constitutional deadline of August 27th, we must also be frank enough to tell the Executive that this is not the way to do business here in Kenya because things have changed. The essence of this and the shortage of time mean that hon. Members will not have adequate time to critically analyze them and public participation will be hampered. So, it is not an issue of fast tracking. The Constitution is clear on how some of these things are supposed to be achieved. So, we empathize with the situation because we must do this because the time is not there. But on the other hand, the Government must learn from its past mistakes. For how long are we going to complain that we are fast tracking this? What were you doing for two good years to have these Bills prepared and brought before the House?

Mr. Temporary Deputy Speaker, Sir, the Deputy Leader of Government Business has alluded to the itinerary of the President. Presidential times are prepared one year in advance. Therefore, it must have been known to the officials of the Ministry of Foreign Affairs. Mr. Kimunya does not know that the President's diary has been planned one year in advance. Therefore, the issue of the Olympic Games and the Presidential visit to London is not an issue that can be used as an excuse for the delay in the tabling of these Bills. You can use any other excuse. Certainly there, he needs to apologize to the President, the Ministry of Foreign Affairs and all the other technocrats who handled the visit. Indeed, he is projecting them as people who are inadequate, deficient and who do not plan. It is totally not a justifiable reason for him to say that, indeed, it triggered the delay of tabling of these Bills.

Mr. Temporary Deputy Speaker, Sir, these are critical Bills and we do not have enough time to critically analyse them. We only have one week and you know what is required of us. I want to appeal to the hon. Members to get copies of these critical Bills. These are critical in the sense that they are addressing security sector of the Republic of Kenya. A fifth Bill which was supposed to be part of this has not been tabled. I hope that it is going to be tabled because it also has the same timelines. That is the Kenya Defence Forces Bill, which we were promised. I hope it will come in the shortest time possible, although I do not want to anticipate debate. All these Bills require critical analysis by the hon. Members so that, at least, what we are going to legislate conforms to the Constitution and also takes into account the wishes of the citizens of the Republic of Kenya.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): This being a Procedural Motion, I will allow two minutes intervention.

Yes, Mrs. Odhiambo-Mabona!

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I would therefore want to urge the Minister--- That is because every time we have intervened, those are the issues that we have raised. We do not want to be rushed with issues that will create a problem for this country later. That is because hon. Members are very busy. Indeed, the Minister has indicated that he knows that the Committees that are dealing with these Bills will be retreating this weekend. I sit in the Committee on Justice and Legal Affairs that will be dealing with one of these Bills, but I am not aware of any retreat this weekend. I know that we will be put back through the same rush. I would urge the Minister, even though I am supporting grudgingly, for any subsequent Bills on constitutional implementation; that he needs to hasten.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Information and Communications (Mr. Poghio): Mr. Temporary Deputy Speaker, Sir, mine is simply to support the Procedural Motion.

Mr. Temporary Deputy Speaker, Sir, straightforward as it may be, I have to appeal to hon. Members to have the same understanding that it is important to shorten the time for purposes of compliance. So, this is basically to appeal to all colleagues that we support this shortening of the time, for purposes of being effective and also efficient. That just makes us read faster and, probably, do focus groups and understand better. I do not think that there is any mischief intended.

Mr. Temporary Deputy Speaker, Sir, I do support.

Mr. Namwamba: Mr. Temporary Deputy Speaker, Sir, time and again, this House has risen to the occasion in terms of utilizing time effectively and beating very tight deadlines, especially since the promulgation of the new Constitution. I think the Tenth Parliament has, time

and again, demonstrated our readiness and commitment to ensure that our new Constitution is implemented to the fullest, especially in time before we go to the next general elections. Therefore, I want to support this Motion and really hope that even as we hasten to complete debate and enactment of these Bills, we will still remain vigilant to ensure that we debate these Bills thoroughly and effectively, to avoid the kind of errors which have been witnessed in the recent past in some of the Bills whose enactment we have hastened, only to later on notice errors of omission and commission that are not only dangerous, but also an embarrassment to the dignity and authority of this House.

Mr. Temporary Deputy Speaker, Sir, I also want to commend the new Minister for Justice, National Cohesion and Constitutional Affairs. Since he took over the Ministry, we have seen faster drafting of Bills and I think it is in order. We live in times when it is not every day that we take time to acknowledge a good deed. Therefore, I want to congratulate my brother, Eugene Wamalwa, for that. I would like just to urge that even as we do this, let us continue listening to each other because the implementation of the Constitution has to be inclusive and participatory, so that we all feel that we are, indeed, living the spirit of the new Kenya.

Mr. Temporary Deputy Speaker, Sir, I do support.

The Temporary Deputy Speaker (Mr. Imanyara): Minister, you can respond now. Mr. Minister, you can reply. There are not further requests for interventions.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I just wish to thank hon. Members for the support on this matter and assure that we will continue working in the same spirit to ensure that Kenyans receive the enabling framework through the new laws to enact the new Constitution by the due date. All support will be provided to ensure that the environment is conducive enough for the discussion without any pressure on any of the Committees or Members to pass within a specific time. It will all be done when the House is comfortable. We believe that this is the first step today towards achieving that objective.

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

(Question put and agreed to)

BILLS

First Readings

THE NATIONAL INTELLIGENCE SERVICE BILL

THE NATIONAL SECURITY COUNCIL BILL

THE LEADERSHIP AND INTEGRITY BILL

THE PETITIONS TO PARLIAMENT (PROCEDURE) BILL

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

Second Reading

THE ASSUMPTION OF THE OFFICE OF PRESIDENT BILL

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, the principal object of this Bill is to operationalize the provisions of Article 141 of the Constitution on the procedure and ceremony for the assumption of the Office of the President. It also provides for---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Minister! You are very experienced! You start by moving the Bill!

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): I beg your pardon, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I beg to move that The Assumption of the Office of the President Bill be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, the principal object of this Bill is to operationalize the provisions of Article 141 of the Constitution on the procedure and ceremony for the assumption of the Office of the President. This Bill provides for a framework to facilitate and organize handover of power to the incoming President. It details how a President-elect will take over office and the process of handing over with clear timelines.

Mr. Temporary Deputy Speaker, Sir, under Part II, the Bill contains provisions that indicate a major departure from the manner in which the Presidents were sworn in office in the past. The timing, place and State officer to administer the oath to the President-elect will no longer be the discretion of the select few.

Mr. Temporary Deputy Speaker, Sir, the Bill establishes a Committee to be known as the Assumption of the Office of the President Committee consisting of 18 persons. This Committee will facilitate the handing over process by the outgoing President to the President-elect.

Mr. Temporary Deputy Speaker, Sir, Part IV of the Bill provides for the swearing in ceremony of the President-elect. It shall be conducted in a public ceremony held in the capital City. The committee shall publish by notice in the Gazette, the date and place for the conduct of the swearing-in ceremony. The day on which the President-elect is sworn in shall be a public holiday. During the swearing in ceremony, the President-elect shall take and subscribe to the oath of affirmation for the execution of the functions of the office, not earlier than 10.00 a.m. and later than 2.00 p.m., and shall sign a certificate of inauguration. This part also provides for the swearing in of the Deputy President-elect.

Part V sets out the number of miscellaneous and supplementary provisions. It will be recalled that we never had a Bill on the assumption of the office of the presidency, which at times unnecessarily raised eyebrows whenever the President was sworn into office. This Bill, therefore, addresses this kind of unnecessary speculation and thus will go a long way in avoiding rumours and speculation.

With those remarks, I beg to move. I ask hon. Wamalwa to second the Bill.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, I beg to second this Bill. In seconding it, I wish to say that this is perhaps one of the most important pieces of legislation that this House is going to pass. Part of the problem we had in 2007/2008 came from lack of clear laws on the process of the transfer of power; the old Constitution provided that one became President upon being declared a winner and would be sworn into office. The ceremony was unclear. This particular

piece of legislation gives effect to the provisions of Article 141 of the Constitution, which makes it very clear that the President elect shall be sworn into office by the Chief Justice or his deputy. It says that this very important ceremony in our public life must be done in the capital city. It gives elaborate procedures as to how this should be done.

It also allows time. After being declared winner of the election, you will not assume office immediately. It gives 14 days within which if there are any challenges, Kenyans will have time to go to the courts to challenge that election. So, it will give enough time before the President elect is sworn in, in a clear ceremony on a known date at a known place. It will be a way of avoiding future problems, because of this clear procedure that was lacking before. When that President elect is sworn, he will go into office free of any encumbrances. Within the 14 days period, all the matters will be dealt with; if there is a petition, that President elect will have to wait, even after the court makes a declaration, another seven days before he is sworn into office. All this will allow for time for challenges to ensure that whoever is sworn into office as the Fourth President of the Republic of Kenya or his successor, it will be done in a clear way before all Kenyans.

For some of us who were born not so long ago, we had never seen a regime change. We had never seen one President take over from another and 2002 was really a historic moment unlike 2007/2008. Perhaps the heroes and heroines of our country will never be known without a clear law. We had a President, the only one some of us knew in our lifetime, who had been President for over 24 years. We were little kids when the late President Kenyatta died and Moi took over. We drank the Nyayo milk and we only knew one President in our lifetime. But when the elections took place and a new President had to take office---

There is a great lady in this House, hon. Dr. Sally Kosgei; maybe Kenyans do not know the role she played in ensuring that there was peaceful transfer of power. People may say anything about the former President Daniel Arap Moi, but one thing that we must, as a country, know is that we owe him gratitude. On a continent where Presidents have refused to hand over power, where they have opened their countries to bloodshed, former President Moi handed over power. His candidate, hon. Uhuru Kenyatta, also conceded defeat. For the first time in the multi-party era, a candidate conceded defeat and we had a smooth transfer of power, even without a clear law.

We must remember Dr. Sally Kosgei and the role she played. When we remember about the painful moments of 2007/2008, we must be happy that we will now pass legislation to ensure that future generations will not be exposed to the same situation where there is no clear legal procedure for a President elect to assume power. That is the importance of this piece of legislation that we have placed before the House today. I believe that it is one of those very important constitutional Bills that we had undertaken to pass within two years of the promulgation of the Constitution. It is one of those that we must pass before the 27th August deadline. Again, this House is rising to the occasion as it has done before, to pass this law within the constitutional deadline. Today, we are very grateful to the Members of this House for their patience and understanding and agreeing to the shortening of the publication period of the other remaining five Bills that will be coming and that must also, together with the Bill before the House, be passed before the 27th August.

When you look at the Fifth Schedule, you find that The Assumption of the Office of the President Bill is one of those Bills that must be passed. We urge Members to support this Bill and pass it, so that those who will be tasked with the heavy responsibility of having to attend to the President-elect, or having to form a committee that will oversee the very critical process of

the transfer of power, will have clear procedures, timelines and a very respectable ceremony, established by law, to follow in the transfer of power.

With those few remarks, I beg to second.

(Question proposed)

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill. This is a very important Bill. Transfer of power from one Government to the other, all the world, particularly in Africa, has been an issue in terms of providing stability and peace to people in a country.

This Bill provides a framework to facilitate an organized hand-over of power in a very peaceful manner. This will send a message to presidential candidates and political parties that Kenya has come of age; that Kenya respects the rule of law and that democratic elections must be respected across the board. Twelve years ago, one individual, hon. Sally Kosgei, single handedly did what we are proposing now in a piece of legislation. History must be told. In 2002, we know how President Kibaki took over power at Uhuru Park, where mud was thrown all over the former President's body, where distinguished regional heads of State could not find a place to sit because of the chaos in a transition. We are happy that our country has come of age, that we have a legal framework that will create order, not only for the people, but even for investors, business people and our regional players, because Kenya is a business hub. Our neighbours will always want to see how transition from one regime to another will take place. This piece of legislation has come at the right time. It will open the door for a peaceful election and peaceful transfer of power. It will make investors have confidence in our country; those who are here will know that things will go as per the law. Our regional interests--- We have seen that the 2007/2008 scenario will not play out again.

Mr. Temporary Deputy Speaker, Sir, this Bill complies with Article 47 of the Constitution which says that the Head of State will be sworn-in in a public place and in the capital city where the date and venue will be gazetted legally and where the President-elect from the moment he is announced the winner will have the privilege to receive intelligence and all other reports. The technocrats, politicians and those who are in power from the time that the transition takes place who were used to enormous power will have no option when they see this law; that when the winner is announced, whether you were close to the former Head of State or the former Government, once the time reaches, you have to quit.

We have 16 State officials who are mandated under this law to prepare for the transition. Out of the 16 State officials, three of them will be appointed by the President-elect and this gives confidence to even the incoming Government. That is why we are saying that with the new dispensation, those who are now holding key or strategic positions in the Government, for example, the Governor of the Central Bank of Kenya (CBK), the National Security Intelligence Service (NSIS) Director-General, the Chief of Defence - CGS and the Inspector-General of Police form the 16-member Committee to hold the first meeting that will be held one month prior to the elections. That will be on 4th February, 2013, God willing.

We are saying that as State officials, they must respect the rule of law and this piece of legislation so that when time comes, they follow it in the transition of power. This will send a very good message to peace loving Kenyans who every year, when there is a transition of this type, their lives are lost and their properties destroyed, that disputed elections will not be the order of the day any more.

Finally, the Bill has been anchored very well under Article 10 that this Committee will give all the security briefings to the President-elect.

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

The Minister for Finance (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to support this very important Bill. In doing so, we must recall that 2002 is when we had real change of power, administration and Government. That is the first time that we had real change of power and Government. There are four people that we need to commend because they were able to oversee the handover ceremony peacefully although this Bill was not in existence.

The first person I would like to commend is hon. Uhuru Kenyatta because he did not even wait for all the votes to be counted because that is what the law required. The law requires that all the presidential votes must be counted and received by the Returning Officer who is the Chairman of the Electoral Commission. When he saw the way Kenyans were excited and the country was heavy with anticipation, on his volition, he went to the Serena Hotel and issued a statement conceding defeat. So, we are grateful for that and that is why I think we had a very peaceful handover.

The other person we need to commend is the then Permanent Secretary, Secretary to the Cabinet and Head of the Public Service, Dr. Sally Kosgei who, even without this Bill crafted some team to oversee the ceremony. So, we are also grateful to her for that historical role that she played. We must also not forget the retired former President, Daniel arap Moi that he did not resist the change. It must also be recalled that even when he said that he would hand over peacefully, most people did not believe. However, when I saw him a month before being bid farewell by the Armed Forces as the Commander-in-Chief, that is when I believed that he was determined to hand over power peacefully. So, we must also be grateful to him.

There was the Attorney-General who gave an opinion that it was important for the former President to give confidence to the country that he would hand over power. The reason I am supporting this Bill is because we are now institutionalizing our Government. It is not based on Dr. Sally Kosgei as an individual. I am giving an example. We are now institutionalizing the governance of this country and that, to me, is the most important thing.

The other thing why it is important to have this Bill, and this is the point I have been making wherever I have gone, particularly to the investors, is that they should not wait to make financial decisions because of elections. Elections come and go. The country will remain; the people will remain and institutions will remain. As the Minister for Finance, I am happy that this message is sinking to the investors and they are making decisions. A number of world corporations are coming to this country and putting up their headquarters in Nairobi. For the first time, foreign direct investment is going up in an election year. I was just looking at the graphs of the previous elections and three months towards an election, direct foreign investment would dwindle to almost nil but for the first time, direct foreign investment is going up. That is a mark of confidence that investors are showing to this country.

Mr. Temporary Deputy Speaker, Sir, I will stop there because there are many hon. Members who want to contribute and say that I support this Bill.

The Temporary Deputy Speaker (Mr. Manyara): Indeed, I have a number of requests but since Dr. Sally Kosgei you literally deserve those accolades, I would like to give you an opportunity to listen to the hon. Members first and then you can speak just before the Leader of Government Business responds.

So, I will go to Millie Grace Akoth Odhiambo.

Mrs. Odhiambo-Mabona: Yes. Thank you, Mr. Temporary Deputy Speaker, Sir, for mentioning my official names. Indeed, my middle name is Grace and that is why I am favoured by the Lord because “Grace” means “grace”; that is the Grace of the Lord. “Akoth” means that I was born when it was raining and that means that I bring blessings. “Mr. Mabona”, of course, that is obvious.

I want to stand in support of this Bill. In supporting this Bill, I want to join hands with the Members who acknowledge that we had a difficult situation in 2007 because we did not have a proper transition. The only thing I want to differ is that we did not have problems just because of the transition but because we did not respect the law.

Mr. Temporary Deputy Speaker, Sir, in 1992, when I was just debuting the electoral world, I remember we were so excited that we were going to remove KANU and Moi out of power. With my many friends, Anne Nyambura Makone and the brother Jeff Makone, we were together and we voted. We did not care what our tribes were. We voted together. After that we were singing and saying:

“The cock is dead, the cock is dead. It will never cry coco di coco die.”

Unfortunately after that, the cock did not die. After the elections, the cock came out even much stronger. I remember that evening we went back home and we ate and were peaceful despite not supporting the cock. So, the reason that we had a problem last time was not just because of transition. So, if you look at it in terms of transition alone, there is a problem.

Mr. Temporary Deputy Speaker, Sir, I have said it before and I want to say it publicly, that as a country we made a mistake in the way we treated Moi. It is not Christian and the Bible does not allow it. The leaders are chosen by God; we should not have thrown mud and stones at Moi. We may not have liked him; I did not like his rule but because he is a leader we needed to give him that respect he deserved.

Having said that, I also want to say that I am happy today we are acknowledging all the people who did a lot of good work to ensure transition. Because we are a thankless nation, sometimes we forget people that we over-politicize. I want to thank the hon. Prime Minister, Raila Amolo Odinga. Because of where I stand and come from, people will think I am playing politics but it is not every day that you have a person who will take over a person in a wheelchair, campaign for him and stand with him at a point of transition. We forget as a nation. Until as a nation we address those issues that I am mentioning, we will always have problems.

I therefore, want to encourage us that as a nation, one, we respect leadership and two, we learn to be thankful. Having said that, I want to say that therefore, I laud all the people who conceded defeat like my friend hon. Uhuru Kenyatta but I also want to encourage us that even in future let us respect the rule of law so that we do not have the situation that we had before. That is why I want to thank the Minister for bringing this Bill. I want to just mention a few things that I would want the Minister to look at.

One, on the short title and commencement, it is provided that this Act may be cited as the Assumption of the Office of the President Act and shall come into force upon the announcement of the date of the first election. Kenyans are very litigious. We might have six announcements so we need to be clear which announcement.

The other issue that I wanted to address is that in terms of the establishment of the Assumption of the Office of the President Committee at Clause 5(2) (m), it talks of three persons nominated by the President-elect. In terms of the timing, I am not too sure whether these people would be in place if you look at the timing of the Bill. So, I want the Minister to just look at the timing because they might not be there. If they are not there, then we need to look at other people

who can fit in this because I am uncomfortable if you only have very heavy Government machinery. The transition of presidency is not only a Government affair; it is a Kenyan affair. So, if we can have, even if it is not a president-elect, the civil society or some other body that you can chose. I say that if you look at it against Clause 5(3) that the chairperson of the committee shall convene the first meeting of the committee at least 30 days before the date of the general elections. By that time I do not think we will know who the president-elect is.

The other thing that I wanted to say is that because we are in a coalition Government, I think we need to also transit. Because of that, I would want to suggest that we add the Ministry of Local Government to include devolved structures and somebody from the Office of the Prime Minister which will exit when the next Government comes in. If you look at the offices that are here, you have the Secretary to the Cabinet, the Attorney-General, internal security, finance, foreign affairs, information, constitutional affairs, defence forces, intelligence, police and State House. It leans very heavily towards one coalition. Because we want to transit, I am sure you did not intend it but because I have drawn it to your attention please take into account that.

Under Clause 6, the functions of the committee shall be to facilitate the handing over process by the outgoing President. I would want to add that even though it looks obvious but in Kenya unless some things are put forward very expressly, we do not know. Please facilitate a proper and legal handing over process.

For Clause 9, I would be comfortable if we talk about providing adequate security immediately, giving a time frame because then people will start getting into a legal argument that will give you security after four, five days or one week. Even though the Minister is shaking his head, I can tell you for a fact that this hon. House asked that Ms. Rachael Shebesh be given added security when she said her life was in danger and to date, she is only being told that she has to go and explain herself to Mr. Kimemia before she can be given further security. So, really, even things which are common sense sometimes it is not very common in Kenya. So, I would want to suggest that you provide it very clearly.

Mr. Temporary Deputy Speaker, Sir, another thing that I would also want to urge the Minister to consider looking at is that we provide that when you are taking the oath and signing certificate of inauguration, it could be the Chief Justice or in the absence of the Chief Justice the Deputy Chief Justice, could we please provide the instances when the Chief Justice will not be available because otherwise, we get back to the usual Kenyan intrigues. So, I would want to say that the Chief Justice would not be available if he is sick but not just that.

Originally I was a little skeptical when we were using the sword as a symbol of handing over. But I changed my mind when I looked at my information. I would want to indicate that when I have done a little research it shows that in Budhism the sword is a symbol that deals with the issue of discrimination of thought. So, it is actually a symbol of justice. In the Congo, it is a symbol of transition. In Christianity the sword is a symbol that deals with protection, righteousness and justice. In a lot of Christian literature we see the Arch Angel Michael depicted in Christian art holding a sword which also has the scales to reinforce the concept of truth, purity, equanimity and justice revealed in the light of Christ. It also talks of purity of heart. Therefore, I am happy that we used the sword. Of course originally I was only looking at it maybe as a negative symbol. Therefore, it also shows that what many people may fear as negative can also be a positive.

I would want to talk very quickly to Clause 20. Clause 20 seeks to bring a limitation under Article 35 of the Constitution. I am uncomfortable with Clause 23(a) that talks about limitation where we are talking about the issue of information. We are saying that we will not

give information if it is undesirable in the public interest. Such provisions would be adopted in the previous Constitution. We have actually left them in the previous Constitution. So, I would want us to be more specific than “in the public interest”.

Mr. Temporary Deputy Speaker, Sir, again, I want the Minister to look very carefully at the issue of confidentiality. Arising from some infamous books that some people have been reading, which I have personally not read; we now want to talk about signing confidentiality agreements.

When you are a public figure, you must know that people will write books about you. It does not matter whether the contents will be truths or falsehoods. We have laws dealing with such things, by which we can bring the authors to justice. We cannot gag people by providing for them to sign confidentiality agreements, especially on issues of transition. So, to me, Clause 20(5) appears to be unconstitutional because it takes away the freedom of expression, and we are not very specific about the level we want to limit it to.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, just for guidance, the following is the order I intend to pursue in the speeches: Hon. Ekwe Ethuro, hon. David Njuguna, hon. Ababu Namwamba, hon. Lukas Chepkitony and hon. Sally Kosgei, in that order, and then the Minister will respond. Those are the people who have made requests, in that order.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I also wish to support the Bill. I support this Bill because it is bringing sanity, stability and procedures in the way the highest office on the land will be given the dignity it deserves. Unfortunately, we are just learning from one particular incident of 2007/2008, which was as a result of bad manners by Kenyans. That issue cannot be addressed through legislation. The committee will essentially comprise of technocrats appointed by a sitting President. The Bill provides for three persons to be appointed by the President-elect, but when will he or she do so? That will be after the event.

Secondly, Africa must learn that assuming an office of this kind is not a guarantee to give goodies to your kinsmen. This Bill must also put some responsibility on the citizenry. I will be looking into how to make this happen. The Bill requires the Inspector-General of the National Police Service to provide adequate security during the swearing-in of a President-elect. How do you give adequate security at Uhuru Park when the citizens just want to touch and feel the President-elect?

Mr. Temporary Deputy Speaker, Sir, the police cannot create space between him and people. The people make the work of the police nearly impossible. This Bill must also introduce punishments for people who think that, because they do not like the outgoing President, and they like the incoming President; they can treat the outgoing President with contempt by throwing mud and stones at him and try to make the President-elect their own.

That is not correct. Once one is elected, he becomes the President of the Republic of Kenya, whether you voted for him or not. So, there should be responsibility on the citizenry, because I see that as one other problem. We have heard stories about some ordinary citizens who had said that they were going to clean State House even before the results of the Presidential elections had been announced. They were behaving as if State House was not adequately resourced.

Mr. Temporary Deputy Speaker, Sir, we have witnessed change of power in Africa. We have seen it happen in Malawi and, recently, in Ghana, following the demise of the President of the latter nation. I know that we have also made provisions for ourselves in case of such an

eventuality, but what are we going to do when even Ministers have been overheard saying “we want the retired President to see how we can govern” and “let him go and rear goats”?

Those were the days when a comedy group called “*Redykyulass*” would dramatise what hon. Kamotho would be doing after retiring from power. According to them, he would be selling *mandazi* or sweets in *matatus*. Some things are demeaning to the positions we occupy and to the position of the President that we want to seek. So, this Bill is trying to bring humility to the winning team, and bring respect to the losing team.

Mr. Temporary Deputy Speaker, Sir, I am still concerned that we seem to be talking and placing to higher Heaven the reforms in the Judiciary and in Parliament but, taking into consideration the case of the last elections, if I decide that I am not going to court, even if that court is good, what good will it do to the transition period? I want to make a radical proposal: Since we now say that the Judiciary is good, can all the presidential candidates sign some binding document indicating that, in case of any dispute after the elections, they will go to court, and not to the streets?

What we are talking here is good. It can be done. It could have been done previously. We are saying that hon. Sally Kosgei did it, and we commend her for it, but what did we do to her? Immediately we assumed office, we chased her away. Did we recognise her, as an individual, having accomplished that particular task, under the difficult circumstances of that particular time? This is a sick nation. This nation needs a serious cure.

Mr. Temporary Deputy Speaker, Sir, this nation requires a prophet like Jeremiah, who said: “We want the law to be written in the hearts of men and women, and not just in this statute.” If we cannot write the law in the hearts of all the citizens of the Republic, can we at least make sure that the law is written in the hearts of presidential candidates, so that they can own it? We want them to have good manners and good practice. One should be able to determine that if one has to win, one should be humble enough to appreciate one’s predecessors because, as the good Bible says, there is no leadership that has not been ordained from above. Whether we like it or not, as the ones who elect that leadership, we must just accept it for what it is.

I want to make one plea to the nation; it cannot be that every time we have a general election, everybody fears. I am glad to hear from the Minister for Finance that foreign direct investment in the country is increasing. This shows the confidence that the citizenry and people from outside have in this country. We must all be clear that a general election is actually an opportunity for peacemaking, as my good sister sang. I cannot sing. I do not know whether it is even parliamentary to sing while on the Floor of the House, but I am glad that the Chair allowed her. Going to vote is a democratic right. It should not translate into mayhem, hatred and killings.

Mr. Temporary Deputy Speaker, Sir, I pray that, as we move towards the general elections, we can demonstrate that we are starting the process of making peace in this country, as we committed ourselves, as Parliamentarians, in Mombasa; and not just because we want to run away from the very bad past of 2007/2008. We want to hear more peace messages from our presidential candidates. As the chairperson of Amani Forum, I will be organising more meetings for peace building. I will be inviting all the presidential candidates to come and make public commitments to a peaceful Kenya at the time of the general elections.

With those remarks, I support.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. David Njuguna.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, let me start by appreciating the efforts by the Acting Minister for Provincial Administration and Internal Security for his role in moving this very important Bill. Let me start to recall that very chaotic environment when the

former President, His Excellency Daniel Toroitich arap Moi, was handing over at Uhuru Park, and congratulate him for his resilience and patience. Moi is a peaceful and credible leader because he agreed to hand over power to the new President smoothly and peacefully. There was a lot of tension at Uhuru Park at that particular time. A big segment of the population and particularly those people who were very close to the President threw human faeces at the President. Even his suit was affected by this. Moi is a very tolerant leader. Aware that he was inhumanly treated by our people, I would urge him to forgive all those who insulted and abused him. I am not forgetting the presence and sorrow that was exhibited by Sally Kosgei, the then Permanent Secretary in the Office of the President. I even recall vividly the last minute she went to bid farewell to the former President. We noted your heavy heart and that is a very high degree of patriotism.

Mr. Temporary Deputy Speaker, Sir, we are also bound to remember how the current President took over power on a wheel chair – the only known President in the whole world who took over power on a wheelchair. He has raised to greater heights the economic and social development of our country. This new law is very specific on the instruments of power. It has been a mystery. Not many people know what are really handed over. But, for the first time, the youth of this country will know the real instruments of power that are to be handed over – the sword and the Constitution. Our primary school kids and even secondary school students do not know the instruments that are exchanged during that very significant occasion.

(Mr. Njuguna's microphone went off)

The Temporary Deputy Speaker (Mr. Imanyara): You put it off yourself! Put it back on! Press the control button!

(Mr. Njuguna activated his microphone)

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. Therefore, this law is very important because it has created very important events that Kenyans will witness and, particularly, the swearing-in of the new President. It will be a historic day and a holiday in this country where the entire population will be able to witness that very important day.

Mr. Temporary Deputy Speaker, Sir, under Article 16, there are provisions where it is mandatory that the new President will give an inauguration speech. It is important to recall that by then the whole country will be polarized because of political parties that will be competing for this very high office. Therefore, it will be important for the writers of the Presidential speech to make sure that inspiration and unity of this country are maintained.

Mr. Temporary Deputy Speaker, Sir, we have seen the freedom fighters of this country being forgotten, yet we are aware that without their commitment and sacrifice this country would not have been liberated. The first, second and third Presidents have not really given recognition to these freedom fighters. I am therefore, hoping that the fourth President who will be sworn into office in 2013 will recognize the role played by the freedom fighters, and accord them their rightful liberties. They should even be given some land that they have been fighting for in this country.

I note that there is a provision that the incoming President will appoint three people. In my view, one of them should be a lady and the other two should not come from the ethnic group of the President. The President will come from a certain area of this country and the other three

must be appointed by the incoming President, considering the diversity of our people in this country. This law will create the position of the Deputy President.

Mr. Temporary Deputy Speaker, Sir, we have seen that in Malawi a lady Vice-President was appointed by the late President of that country. During the entire period the late president was in office they never spoke to one another. The current President spoke only after the demise of the former President. We would expect that the President and his Deputy will work harmoniously for the interests of this country.

With those few remarks, I fully support the Bill.

Mr. Namwamba: Mr. Temporary Deputy Speaker, Sir, I want to support this very historic Bill because, indeed, it is a historic Bill in that it is breaking new ground.

It is said that failing to plan is planning to fail. Indeed, we have witnessed the consequences of failure to plan, especially planning for the obvious, the expected and the anticipated. That is why we have repeatedly mentioned that very sad scenario that we witnessed in December 2002, when a moment that was meant to be of a historic happening in the history of our country--- We witnessed for the first time transfer of power after a democratic electoral process that ended up being a national shame, as chaos were witnessed at Uhuru Park.

Mr. Temporary Deputy Speaker, Sir, we have come a long way and we are definitely at a moment when we can be proud. On August 27th 2010, as we promulgated the new Constitution for this country, we witnessed a different scenario at Uhuru Park. The organization or the arrangement was certainly better than what we had witnessed eight years earlier.

It is also said that even if you are on the right track, you will be run over if you just sit there. You have to keep moving and keep moving in the right direction. This Bill certainly is movement in the right direction.

Mr. Temporary Deputy Speaker, Sir, I also want to commend retired President Daniel Toroitich Arap Moi for really having set us rolling by handing over power peacefully at the conclusion of the 2002 elections. I believe that this country owes an official apology to Daniel Arap Moi for the manner in which he was handled during that ceremony; at an appropriate time, perhaps, this country and the Government of Kenya will deliver an official apology to former President Moi.

Mr. Temporary Deputy Speaker, Sir, let us not wait to say this after he has departed because Kenyans have a penchant to praise the dead. We seem to have some morbid fear of praising people during their lifetime and even apologizing to them for having wronged them. So we wait until they are departed and then we shed crocodile tears in their funeral services when it would be much easier to do so while they lived. Also to commend gallant sons and daughters of this country like my dear sister, Dr. Sally Kosgey, an eminent daughter of this land of no mean international repute for the excellent role she played in that very difficult transition. Remember that Dr. Kosgey was presiding over a process with no precedence in terms of our history as a country. I think we really owe gallant citizens of this land like my dear sister Dr. Kosgey a debt of gratitude for the role they played.

History has conspired to place President Mwai Kibaki in a very unique position. Indeed, when the history of this country is written ultimately, His Excellency President Kibaki will always be that president who was in the moment of transition. This is the president who was right at the heart of that first transition after the democratic elections of 2002 when for the first time power transited from one political party to the other with President Kibaki, of course, being the man of the moment of the third President of the Republic. President Kibaki will also be remembered as the President who presided over the transition from the old constitutional order to

new constitutional order. Now President Kibaki again will be that President who will be presiding over the historic process of the first president elected under the new Constitution to whom we expect and hope that President Kibaki will be handing over to. I want to hope that having been such a historic President in very many respects, His Excellency President Mwai Kibaki will want to see this transition happening in a manner that will be unforgettable, the challenges that we have witnessed in the recent past notwithstanding.

Allow me to mention a few sections of the law that I wish to invite the Minister to consider looking at afresh. Section 5(5) of the Act provides that among other responsibilities of the Committee – this is under Part V that establishes the Assumption of the Office of President Committee. Section 5 relates to the appointment of the secretary of the committee. It provides that members of the committee shall at the first meeting of the committee elect from among their members a secretary who shall be responsible for taking minutes and keeping the record of the committee. It is traditional---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Namwamba, I know you would want to take all your time but given that I had indicated that I would like to allow Dr. Kosgey to speak---

Mr. Namwamba: If you allow me another three minutes. , Sir, Mr. Temporary Deputy Speaker, Sir, I should be through.

The Temporary Deputy Speaker (Mr. Imanyara): Very well!

Mr. Namwamba: Mr. Temporary Deputy Speaker, Sir, I want to propose that the Act specifies clearly who shall be the secretary from amongst the members of this committee because it is tradition that in committees such as this, the secretary is not elected; the secretary is clearly specified from among the members of the committee.

Mr. Temporary Deputy Speaker, Sir, with regard to Section 6(1), among the functions of the committee is to organize for the security of the President-elect. It is my humble submission that the security of the President elect cannot be the subject of this committee. That the security of the President-elect is a matter that needs to be dealt with substantively within the structure of the Government. I think it will not be right to leave a matter as critical and substantive as the security of the President-elect who is assuming office to a committee described in section 5(2) as an *ad hoc* committee. This is merely an *ad hoc* committee. I would wish that the law be amended to provide a more substantive mechanism. I can see the Minister of State for Defence and the Acting Minister of State for Provincial Administration and Internal Security is here. Let us have a more substantive arrangement for the security of the President-elect rather than leaving it to an *ad hoc* committee. That also is contained in Section 9, which also addresses the question of security for the President-elect.

Indeed, Mr. Temporary Deputy Speaker, Sir, we need to move to a stage where all presidential candidates, once they have been nominated by their political parties because this is the practice in all serious democracies, it must be the responsibility of the Government to provide all of them with sufficient security for the duration of the campaigns as part of just making sure that they are safe.

Mr. Temporary Deputy Speaker, Sir, Section 12(1) talks about the place where the coronation ceremony, where the handing over will be done and it provides:-

“The swearing in of the President-elect shall be conducted in a public ceremony held in the capital city in accordance with Article 141 of the Constitution.”

Mr. Temporary Deputy Speaker, Sir, many countries that have gone the way that we are attempting to walk, in terms of providing a clear law and clear provision on assumption of office,

normally indicate very clearly a place or venue that becomes the standard venue for this kind of ceremony. In the US, for instance, we know that this ceremony will always take place at the capital, and it is clearly indicated so that we know in advance. We will know the security arrangements to make; we will know the protocol that goes into preparations for the venue and so I believe this law should be amended to clearly indicate where the assumption of office would take place.

Finally, Mr. Temporary Deputy Speaker, Sir, the law does not provide for dissolution of the committee that will preside over the assumption. Section 5(2) provides that it is an *ad hoc* committee. The law does not indicate at what stage this committee will stand dissolved.

Otherwise, Mr. Temporary Deputy Speaker, Sir, I do hope that this law will ultimately move us forward to make sure that we conduct assumption of office in a manner that is certain, in a manner that is full of respect and that will uphold the dignity of our sovereignty.

The Temporary Deputy Speaker (Mr. Manyara): Mr. Lucas Kipkosgey Chepkitony; please, in the spirit of the Procedural Motion that we passed and in order to facilitate the completion of this Business within the timeframe, I will give you two minutes.

Mr. Chepkitony: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this important Bill. We are wondering why we have never had such a Bill before. Such a Bill is going to assist to ensure that handing over and taking over will be according to the law. In the past, there has been no law. The ceremony will be done according to the law. There will be order. I believe we will not witness the chaos as it happened in 2002. I hope both the outgoing and the incoming presidents will be respected. This committee will be able to plan it. In 2002 when the former President Moi was handing over to the incumbent President, there was a lot chaos. This country owes President Moi an apology because he was not treated with decorum. Not even a single word of “thank you” was ever uttered to him. I think it is never too late to thank him. I think those who took over should even have told him “thank you for coming to hand over power to us”. That would have been enough for him because he did a lot for this country. It is important to recognize his role in this country.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Minister for bringing this Bill to this House because it will assist this country to see a smooth transition.

Thank you, Mr. Temporary Deputy Speaker, Sir. With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Manyara): Dr. Sally Kosgey; just be mindful that the Minister has to reply. That is all that I require of you.

The Minister for Agriculture (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, I am very much aware that we have a limited amount of time. In any case, if I had to say everything that I need to say, I would need to write a book. Maybe, I should actually do that.

Mr. Temporary Deputy Speaker, Sir, I want to start by supporting this Bill, which is extremely important, given the history of where we have come from. Let me thank those who have acknowledged the role that I may have played, but I want to also say that there were six of us. There was myself as the Chair, the Attorney-General at the time, the Chief of Intelligence, the military boss, the police boss and the Permanent Secretary for Internal Security. There were only six of us. We were not appointed. It was my duty, as the Head of Public Service to consider that we were going to come up with this.

Mr. Temporary Deputy Speaker, Sir, in that context, I want to say that a transition is not what happens on the day you are handing over power. It takes place over a long time. We prepared for six months and the chaos at Uhuru Park had nothing to do with the arrangements.

That was an enthusiastic crowd for which there was no plan. However, one of the reasons we had those types of chaos had to do with the fact that Kenyans were not aware that there was, indeed, a plan for a peaceful handover. The incoming President had been briefed. I had briefed him along with others who were coming with him. We arranged a speech for him. Some of the people who were in that group did not trust us and decided that they did not want to use it. There were Heads of State here. We had invited them because we knew what we were doing. This was a tradition in the region. So, all these things were being done--- As a matter of fact, it has been mentioned here that one of the candidates had conceded defeat. Yes, Uhuru Kenyatta conceded defeat, but that speech had been written three months before the elections. There were two speeches; one for conceding defeat and the other one in the event that he should win the elections. This is the work of the Civil Service, as I knew it to be. This is what we had done for a very long time. We met every working day in the first month. In the second month, we met every other day and worked it out to a fine tune. It has been mentioned that, in fact, the instruments of power had been handed over before we came to Uhuru Park. That is true. But Kenyans did not realize the significance of handing over as the Head of Defence Forces. That was to encourage those who understood, to know that the outgoing President could not and would not call the forces out to the streets, if he did not like the results. That had already been done.

Mr. Temporary Deputy Speaker, Sir, but as I said, I could talk about this until tomorrow. The fact that we left Uhuru Park eventually without shoes and riding in other people's cars because mine had no windscreen and glass at the back--- Two guys had to sit on me to protect me because they said that in their tradition, women cannot be killed in front of them. I was completely shaken, not because of fear, but because something that we had crafted for a very long time, taking a lot of pain to make sure that it works out well, had failed because of lack of trust. I would just like to put it at the level that, perhaps, people did not know and trust that, indeed, there was a process by which power would be transferred. That morning, the outgoing President had called the incoming President six times to encourage him to arrive at Uhuru Park quickly, so that he could hand over.

Mr. Temporary Deputy Speaker, Sir, as I said, I could speak about this subject for a long time. But I just want to commend the Ministry responsible for actually making it a law. That is because we cannot expect that people will simply know that it is their duty and then get up to do the jobs the way they are supposed to be done. So, I am very happy to support this. Actually, I feel that it should make our acceptance of transition of power a lot more easier and then we can be like other countries like Tanzania. That will make Kenya a happier place.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister!

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to thank the Members for their contributions and also for the support that they have given to this Bill.

It will please the Members to know that this Bill came as a result of the good work and the befitting remarks that you make about the role of my sister, hon. Dr. Sally Kosgei when she was the Head of the Civil Service. They left minutes behind. We thought that with this new dispensation and according to the new Constitution, we must come up with a Bill which will give

us the structure for a smooth transition from one president to another. All the remarks that the Members made will be taken into account when we make the necessary rules and regulations on how to go about implementing this Bill.

I beg to move.

The Temporary Deputy Speaker (Mr. Imanyara): From the Chair, may I also pay my tribute to Dr. Sally Kosgei; as a lawyer, I know we had had many meetings debating what to do in the event that she did not do what she did. Because I did not get an opportunity to contribute from the Chair, let me add my voice to all those messages of congratulations to Dr. Sally Kosgei.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Mr. Githae, I will give you an opportunity just to move the Bill and then we adjourn. We have two minutes.

Second Reading

THE FINANCE BILL

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Finance Bill be now read a Second Time.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): On that note, hon. Members, we adjourn the proceedings of this House to Tuesday, 14th August, at 2.30 p.m.

The House rose at 6.30 p.m.