

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 4<sup>th</sup> March, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following papers were laid on the Table:-

Report of the Departmental Committee on Local Authorities on the procurement of cemetery land by Nairobi City Council.

*(By Mr. Ngugi)*

Financial Statement of the Kenya Medical Laboratory Technicians and Technologists Board for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Controller and Auditor-General.

Financial Statement of the Kenya Medical Laboratory Technicians and Technologists Board for the year ended 30<sup>th</sup> June, 2008 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Foreign Affairs (Mr. Onyonka)  
on behalf of the Minister for Medical Services)*

Abstracts of accounts of the Town Council of Wote for the year ended 30<sup>th</sup> June, 2007 and the certificate thereon by the Controller and Auditor-General.

Abstracts of the Accounts of the Town Council of Kajiado for the year ended 30<sup>th</sup> June, 2007 and the certificate thereon by the Controller and Auditor-General.

Amended copy of abstracts of Accounts of the Municipal Council of Mavoko for the year ended 30<sup>th</sup> June, 2006 and the certificate thereon by the Controller and Auditor-General.

Abstracts of the accounts of the County Council of Kwale for the year ended 30<sup>th</sup> June, 2006 and the certificate thereon by the Controller and Auditor-General.

Abstracts of the Accounts of the Municipal Council of Mumias for the year ended 30<sup>th</sup> June, 2006 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts of the County Council of Moyale for the years ended 30<sup>th</sup> June, 2004, 2005 and 2006 and the certificates thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Foreign Affairs (Mr. Onyonka) on behalf of the Deputy Prime Minister and Minister for Local Government)*

Annual report and financial statement of the Kenya Ports Authority for year the financial 2007/08 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Foreign Affairs (Mr. Onyonka)  
On behalf of the Minister for Transport)*

Report of the Departmental Committee on Local Authorities on the study tour to South Africa.

*(By Mr. Ngugi)*

### NOTICE OF MOTION

#### ADOPTION OF COMMITTEE REPORT ON PROCUREMENT OF CEMETERY LAND BY NAIROBI CITY COUNCIL

**Mr. Ngugi:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:-  
THAT, this House adopts the report of the departmental Committee on Local Authorities on of the procurement of cemetery land by Nairobi City Council, laid on the Table on Thursday, 4<sup>th</sup> March, 2010.

### QUESTIONS BY PRIVATE NOTICE

#### NON-PROVISION OF FOOD UNDER SFP TO SCHOOLS IN NAIRIMIRIMO LOCATION

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

(a) Why has the Ministry not supplied food under the School Feeding Programme to the six primary schools in Nairimirimo Location in Samburu East, since January 2010?

(b) What measures has the Minister taken to ensure that the food is delivered to the affected schools without further delay?

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

(a) The Ministry was not able to supply food in January, 2010, to schools in Nairimirimo Location, Samburu East District due to transport problems. However, at the moment, all the eight schools in the location have received food. Nevertheless, the schools had extra food from last term's ration and, therefore, the feeding programme had not stalled as claimed by the hon. Member.

(b) All the eight primary schools in the location have received food with facilitation from the Government transport.

**Mr. Letimalo:** Mr. Speaker, Sir, it is good that the Assistant Minister has admitted that he did not deliver the food on time. I was in the constituency on Tuesday

when the Interim Independent Boundaries Review Commission visited Samburu. I met the leaders from Nairimirimo including the area councillor who told me that the food had not been delivered yet. When was this food given because as far as I know, two schools have not been given food and they are going to sit for KCPE examinations.

**Prof. Olweny:** Mr. Speaker, Sir, the hon. Member tells me that councillors told him that food had not been delivered to the schools. Why did he not ask the principals or the head teachers of those schools? I would request the hon. Member to go and find out from the principals whether they received food rations.

**Mr. Letimalo:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order! The Member for Samburu East, could you, please, relax. You do not address the Chair from your seat. Anybody else who is interested in the Question?

**Mr. Imanyara:** Mr. Speaker, Sir, the hon. Member has clearly stated that he was present during the sitting of the IIBRC when he learnt of this. It is also a well known fact that that region has suffered greatly from incidents of instability due to the raids that have been going on and the victims of these raids have been school-going children. Could the Assistant Minister give the specific details of the amount of food supplied in the period that the hon. Member has been asking? Could he tell the House the specific amounts and to which schools?

**Prof. Olweny:** Mr. Speaker, Sir, the amount of food supplied to these schools is as follows: Ingilai has been given 1,750 kilogrammes of maize and 89.6 kilogrammes of beans. They received it on 22<sup>nd</sup> February, 2010. Lelkunya was given 700 kilogrammes of maize; 44.8 kilogrammes of beans---

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. My question was for the Assistant Minister to give specific schools; the names of schools, the amount supplied and the date of supply and not the amount of allocations. There is a great difference between the two.

**Prof. Olweny:** Mr. Speaker, Sir, I am reading the amount of food given and the dates it was supplied. The Olomodei School received 1,050 kilogrammes of maize and 44.8 kilogrammes of beans which was delivered on 27<sup>th</sup> January and 18<sup>th</sup> February, 2010, respectively. Nairimirimo School received 500 kilogrammes of maize, 22.4 kilogrammes of beans on 28<sup>th</sup> January, 2010. Lalaiti received 2,500 kilogrammes of maize and 67.2 kilogrammes of beans on 28<sup>th</sup> January, 2010. Ndonyonaipa received 1,705 kilogrammes of maize and 44.8 kilogrammes of beans on 24<sup>th</sup> February, 2010. Noiyyotoro received 1,950 kilogrammes of maize and 44 kilogrammes of beans on 18<sup>th</sup> February, 2010. Miligis received 950 kilogrammes of maize on 24<sup>th</sup> February, 2010.

**Mr. Gabbow:** Mr. Speaker, Sir, the Assistant Minister has just confirmed that the food could not reach those areas because of transport problems. Is he aware the Ministry is not paying the transporters in time, and that is why food cannot reach those schools? What is he doing about this?

**Prof. Olweny:** Mr. Speaker, Sir, I am not aware of that problem because these transporters are paid. The problem we had in Samburu East District was not because of non-payment of the transporters. It was because a new district was created and the District Education Officer (DEO) had not been informed. As you know, it is the DEO that contracts the transporters. That was the reason for these delays. As you know, there

are new districts all over the country. Some of them do not even have DEOs and other district committees. So that is one of the problems that we have here.

**Mr. Konchella:** Mr. Speaker, Sir, could the Assistant Minister confirm to this House that the amount of food that he has just read is sufficient to feed these children in all these schools, not just there, but in all the ASAL areas? He should also confirm to this House that our children will get enough food, so that they can learn and be good citizens of Kenya tomorrow.

**Prof. Olweny:** Mr. Speaker, Sir, the food that we give to schools is dependent on the registration that we have. We will make sure that our children in those schools do not starve.

**Mr. Letimalo:** Mr. Speaker, Sir, these schools are in the ASAL areas which experience scarcity of food. That is why the school feeding programme is provided. We have noted that there is a problem of transportation of this food. What arrangement has the Assistant Minister put in place to ensure that when schools open, these children will not miss food?

**Prof. Olweny:** Mr. Speaker, Sir, may I ask, through you, that the hon. Member repeats that question? I did not get the last bit of it.

**Mr. Letimalo:** Mr. Speaker, Sir, the Assistant Minister says transport poses a major problem in provision of food to schools in ASAL areas. What measures has he put in place to ensure that when schools reopen, these children will not miss food? They are entirely relying on the school feeding programme.

**Prof. Olweny:** Mr. Speaker, Sir, the schools are already in session. Children already have food. We always make sure they have food in good time before schools open. In the new districts, the relevant committees are already in place. These committees will help us to contract transporters, which was a problem in the hon. Member's district.

#### RATIONALE FOR MAKING BIRTH CERTIFICATES A REQUIREMENT FOR KCPE/KCSE REGISTRATION

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

(a) What informed the decision to make birth certificates a requirement for 2010 KCPE and KCSE registration and why is it necessary to implement the same immediately?

(b) What urgent inter-Ministerial co-ordination steps is the Minister taking to ensure that issuance of the certificates is speeded up, considering that the department of Registration of Deaths and Births is currently overwhelmed?

(c) Could the Minister consider suspending the directive and communicate the same to all the heads of primary and secondary schools as a matter of urgency?

**The Assistant Minister for Education (Prof. Olweny):** Mr. Speaker, Sir, this Question came to us this morning. I have promised the Member concerned to deliver a good answer on Tuesday, next week. If the Chair, so allows.

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir. This is not an Ordinary Question. I want to refer the Assistant Minister to Standing Order No.42(2), which I will read, with your permission.

**Mr. Speaker:** Proceed!

**Mr. Mungatana:** Mr. Speaker, Sir, it says:-

“Questions which in the opinion of the Speaker area of an urgent character and relate either to matters of public importance or to the arrangement of business may also be asked of a Minister after Private Notice and shall be answered not later than the next sitting day following such notice.”

When you gave permission for this Question to be put on the Order Paper as a matter of national importance, you had considered what was ailing the people of Kenya on this matter. There is a long queue at Sheria House every morning, of ordinary wananchi who are seeking birth certificates. Some are even sleeping out there, because of some rule which has been passed by the Ministry, which nobody can explain - that children must have birth certificates before they are registered in schools. The Assistant Minister has told us that he has no specific good answer to this Question.

If he has no specific good answer, could he order the suspension of that requirement with immediate effect? People are suffering. We do not ask Questions because we are joking. We are serious and we need answers from these Ministers. If there is no proper answer to this Question, he should just suspend this directive. People are suffering, or does he not see this?

**Mr. Speaker:** Order, Mr. Mungatana! You have actually made your point.

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. I gave my notice on 22<sup>nd</sup> February, 2010. When I hear that the Question was received this morning, I am wondering where it has been lying. The parents are not doing any other work, but queuing and sleeping at district headquarters. Could the Assistant Minister consider suspending this directive, so that we can continue with registration like it was done in the past?

**Mr. C. Kilonzo:** On a point of order, Mr. Speaker, Sir. I want to bring to your attention that apart from Members of Parliament being ambushed by Ministers, the Chair is also being ambushed. I wish to refer to Standing Order 42(5), which is very clear. It says:-

“When the Speaker directs that a Question is in order, the Clerk shall as soon as possible forward the Question to the Minister to whom it is directed and the Minister shall within five days of receipt of the Question, submit a written reply to the Clerk.”

Mr. Speaker, Sir, it has become a common trend by Ministers who come and say on the Floor of the House that they have an answer which is not satisfactory. Indeed, it is ambushing the Chair because, in the first place, they do not have an answer to submit, the Question should not even have appeared on the Order Paper. I seek your guidance.

**Mr. Ngugi:** On a point of order, Mr. Speaker, Sir. This is a simple Question. What informed the decision to make birth certificates a requirement? The Question is being asked to the Ministry of Education which is supposed to prepare our children for examinations. Surely, they must have discussed and agreed on this directive. On this basis---

**Mr. Speaker:** Order, hon. Ngugi! You know that this is not debate time. If you stand on a point of order, you must be precise, specific and indicate what is out of normal!

**Mr. Ngugi:** Mr. Speaker, Sir, what is out of order is that---

**Mr. Speaker:** Out of normal!

**Mr. Ngugi:** Mr. Speaker, Sir, what is out of normal is that the Assistant Minister is not able to answer a simple Question addressed to the Ministry of Education.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, on the same point, my request to this Ministry is that given that people are suffering, could they consider the issuance of these certificates where they are required, rather than making people to come to Nairobi and Provincial headquarters to acquire these documents? In this case, I am referring to primary and secondary schools where they are needed. Just to say that you do not have an answer is not enough.

**Mr. Speaker:** Order, Mr. K. Kilonzo! That, to me, at best, was just a supplementary question. Mr. Mbadi, what is your point of order?

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. I would like to plead with the Chair to find the Assistant Minister out of order in refusing to answer the Question. This is because it is believed---

*(Mr. C. Kilonzo passed a copy of  
the Standing Orders to the Mr. Mbadi)*

I am quoting from Standing Order No.46.

**Mr. Speaker:** After receiving help!

**Mr. Mbadi:** Mr. Speaker, Sir, after receiving help from my able friends!

*(Laughter)*

Mr. Speaker, Sir, the reason why I would request you to rule the Assistant Minister out of order is because it is believed that before a Ministry issues a directive, it considers why that directive is to be issued. If you look at this Question, it is simply asking: "What informed the decision?" This decision and the reasons behind it must be with the Ministry. So, I find the Assistant Minister evading answering this Question. In that case, I would request you to rely on Standing Order No.46 and find him out of order and punish him accordingly.

**Mr. Speaker:** Order! Order, hon. Members! Mr. Assistant Minister, you have heard all those sentiments out of as many as seven points of order. Do you have any response that you want to make on those points of order at this stage?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, those points of order are concerns of the hon. Members that we give an answer to this Question immediately. I have told the House that we got the Question today and have promised that during the next sitting, which is, Tuesday afternoon, you will get an answer to this Question.

**Mr. Speaker:** Order! Hon. Members, I deliberately let this matter have adequate time so that hon. Members can ventilate on it because of the gravity of it. Mr. Assistant Minister, you have heard the concerns and sentiments of the hon. Members which, in fact, are representative of the concerns of the larger Kenyan public. There is, therefore, need for you to attend to this matter urgently and decisively. Please, do so before Tuesday. I am not inclined to find you out of order at this stage because you may very well just have been a victim of circumstances. We will have to ascertain the facts so as to

take any punitive action. But in the meantime, please, come with an answer on Tuesday and ensure that you take any remedial action as may be necessary before Tuesday.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. I am not challenging your ruling in any way, but when he is giving that answer on Tuesday, could he also provide an assurance to the House that he has made necessary consultations with the other Ministries concerned, including the Minister of State for Provincial Administration and Internal Security, because there is a security element involved; the Ministry of State for Immigration and Registration of Persons, which is responsible for registration and immigration, so that he can give a statement that encompasses the whole Government and not just one department? This is an issue that touches on more than one Ministry.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): On a point of order, Mr. Speaker, Sir. I just wanted to correct the hon. Imanyara. Registration of persons and Immigration does not fall under the Office of the President. In fact, registration of persons falls under the Office of the Vice-President and Ministry of Home Affairs.

**Mr. Speaker:** Order, Mr. Ojode! That, certainly, is not a valid point of order. If anything, it is completely misplaced, considered in the context of hon. Imanyara's point of order. The point of order by hon. Imanyara was to the effect that the issues involved in this Question are cross-cutting and that they involve more than just the education sector. I thought you have adequate knowledge to understand that easily but, unfortunately, you are proving me wrong!

Mr. Assistant Minister, please, comply.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, hon. Imanyara's concern is one of the reasons we were not ready with the answer today. More than one Ministry is involved and part "b" of this Question addresses that issue. So, that is why we just needed a little more time. We got the Question today and we have to consult because, at least, three Ministries are involved.

**Mr. Speaker:** Mr. Assistant Minister, we will give you the benefit of the doubt. You know that the expectations of the House on this matter are very high. Please, come prepared to meet those expectations.

## ORAL ANSWERS TO QUESTIONS

### *Question No.019*

#### COMPENSATION TO FAMILY OF LATE TRAIN GUARD SAMSON DOK

**Mr. Anyanga** asked the Minister for Transport:-

(a) if he is aware that Mr. Samson Dok, who worked as a train guard (RB III CTF/83646), under the Yard Master, Nakuru, died on 11<sup>th</sup> October, 2000 due to injuries sustained in a train accident while on duty; and,

(b) when the family will be compensated.

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

(a) Yes, I am aware that on 11<sup>th</sup> October, 2000, while deployed as a train guard, Grade RB III in traffic department, Nakuru, Mr. Samson Dok died due to injuries sustained in a train accident along the Soi-Sabatia Section.

(b) The corporation paid pension lump sum dues to the family of the late Dok totalling to Kshs330,132.75 as follows: On 15<sup>th</sup> October, 2004, cheque No.293900, Kshs10,000; 15<sup>th</sup> March, 2005, cheque No.299847, Kshs100,000; 15<sup>th</sup> April, 2005, cheque No.300907; Kshs100,000; 15<sup>th</sup> May, 2005, cheque No.302119;Kshs120,132.75. The dependants were also paid a monthly pension for the years as provided by the Pension regulations. The corporation processed the payment of "Killed-on-duty dependants pension" equally between the late Dok's widows at the rate of Kshs29,010.60 per year for a period of five years; totalling Kshs145,053. Each widow was paid Kshs72,526.50 vide cheques nos. 9002195 and 9002196 on 22<sup>nd</sup> February, 2010.

**Mr. Anyanga:** Mr. Speaker, Sir, now that the payment has been processed and that the checks have already been paid equally to the two widows, I am satisfied.

**Mr. Speaker:** Well done, Mr. Minister, you did well.

Next Question, Mr. Mwaita.

*Question No.021*

EXPLOITATION OF GEOTHERMAL POWER  
WITHIN BARINGO DISTRICT

**Mr. Mwaita** asked the Minister for Energy:-

(a) what the Ministry has done, as part of pursuing green energy, to promote exploitation of geothermal power within Baringo District; and,

(b) what funds have been set aside by the Ministry for the purpose in the last two fiscal year.

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Speaker, Sir, I beg to reply.

(a) Studies were conducted in Lake Baringo prospect area in 2004, which falls within Baringo Central area. Since then, other service studies are going to be done in other areas namely: Kurusi, Chepkuk and Paka. Shilali is also earmarked for the same study this year.

The Ministry's strategy is to conduct service study in all fields then privatise them based on scientific findings for further development. Larger fields will be given the first priority. Results from Baringo prospect indicate a power potential of at least 200 megawatts.

(b) Development of geothermal resources is a national programme and it is not divided according to regions. Allocation of funds for geothermal development is normally done for all fields in the Rift Valley system. Over Kshs5 billion has been spent in Olkaria 1 and IV, respectively, within the last three years. A total of Kshs120 million has been spent in Menengai, Arus, Bogoria, Krosi, Chepkuk and Parka Pills, respectively. This year, funds allocated for this programme will be used to buy rigs for drilling some of the fields identified.

**Mr. Mwaita:** Mr. Speaker, Sir, the Assistant Minister has given a detailed reply. However, there is the issue of the potential. He has admitted 200 megawatts can be



obtained within Lake Baringo and Lake Bogoria Basin. How much money has been spent within that basin? He says they have spent a whopping Kshs5 billion in Olkaria?

**Eng. M. M. Mahamud:** Mr. Speaker, Sir, the amount of money spent in Olkaria has been over the years. To date, we have energy to the tune of 163 megawatts. But, in fact---

**Mr. Speaker:** Order, Assistant Minister, you do not seem to be answering the question. The Member is specific. How much money have you spent on the Baringo Basin? He wants a comparative analysis which you are not doing.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, I was answering that to show that Olkaria was a long term---

**Mr. Speaker:** Order, Assistant Minister, please, answer the question as asked.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, I do not know how much we have spent on the Lake Baringo Basin. The biggest amount that we spent is on the generation of energy. So, I do not have the figures specifically for that particular---

**Mr. Speaker:** Order, Assistant Minister! Are you saying you are not able to answer that question? Say that very simply, so that we save time.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, I have a consolidated figure for Menengai, Bogoria, Kurusia, Chipkucha, part of the same field which is about Kshs120 million.

**Mr. Yinda:** Mr. Speaker, Sir, the hon. Assistant Minister has already indicated that the study on Lake Baringo Basin has shown a potential of 200 megawatts of power. When will the Ministry put a drill on that basin to start exploiting the potential?

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, we are currently in the process of buying drilling rigs for GDC. As soon as those rigs are put on board we will prioritise this field also.

**Mr. Gabbow:** Mr. Speaker, Sir, the Assistant Minister has not yet answered the question. How much funds have been set aside in the last fiscal years? That is a simple question. We need an answer from the Assistant Minister.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, part "b" of my answer was that geothermal development resource is a national programme. We did not actually specify for each field, we put it together in a pool and the funding is actually accounted for in the whole field.

**Mr. Imanyara:** Mr. Speaker, Sir, on the 26<sup>th</sup> of February, last week, the Ministry put up adverts in the newspapers stating the Government's intention to levy taxes on geothermal products through the Kenya Revenue Authority (KRA). Given that this is a taxation measure which is connected with geothermal exploration, could the Assistant Minister tell this House when this policy decision was taken and how much money is envisaged to be collected through this tax for the geothermal project as published in the newspapers on 26<sup>th</sup> February this year?

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, I am sorry that is a different question. I do not have information on it.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, the Assistant Minister's answer says that they have spent a whopping Kshs5 billion in Olkaria 1 and IV. Yet, in other parts of the country, like Lake Baringo Basin which has a potential of 200 megawatts potential, they have only spent Kshs120 million. What is the rationale of spending Kshs5 billion in one

part of the country and neglecting other areas with similar or high potential and yet, this is supposed to be a national initiative?

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, to put it in perspective, the entire geothermal potential in this country is spread across from Lake Baringo to Lake Turkana. It is a whole area.

The Ministry of Energy, for over a period of three years, has been developing power within the Olkaria region only. It is only now that we have intensified our programme in trying to reach all the areas up to Lake Turkana. On Olkaria 1 to IV, we have actually tapped 163 megawatts. We are now doing other projects which will give us extra 200 megawatts. So, we are proceeding progressively, GDC was formed specifically to fast-track this. This is an area we will pursue in the next maybe five years to come, because we have a potential of 7,000 megawatts. So, we want to exploit all of them, but systematically.

**Mr. Mwaita:** Mr. Speaker, Sir, I want to know from the Assistant Minister about these studies which were conducted in 2004. What were the findings in respect to Lake Baringo Basin?

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, the findings were that there are prospects for geothermal production. That is why I said we can get 200 megawatts from there. So, there is the potential of getting geothermal power from there.

*Question No.024*

TARMACKING OF ROADS IN KITUI WEST

**Mr. Nyamai** asked the Minister for Roads what plans the Ministry has to tarmac Mulutu-Ikutha, Kithimani-Katangi and Katangi-Kwa Kilui roads.

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

I have no immediate plans to tarmac Mulutu-Ikutha, Kithimani-Katangi and Katangi-Kwa Kilui roads. However, I am in the process of finalising the road sector investment programme that will be used to identify and prioritise the roads for upgrading to bitumen standards, his areas included.

**Mr. Nyamai:** Mr. Speaker, Sir, on Tuesday, I asked the same Assistant Minister a Question about a road which was started in 1968 in my area. This is another Question and he says he has got no immediate plans to tarmac that road. Could he tell us whether he is discriminating against us or not?

**Dr. Machage:** Mr. Speaker, Sir, no, I am not. I am only dictated to by the availability of resources for the whole country. I have considered doing certain parts of the roads as follows. Road E709, which is from Kalulini to Ikutha and Kalulini-Makutano. It is about 40 kilometers and I have allocated it about Kshs2.4 million this year for grading and gradient works, while Makutano-Ikutha Road has been allocated Kshs612,000. The Kathimani-Katangi Road, that is in Yatta District, classified as Road E488---

**Mr. Nyamai:** On a point for order, Mr. Speaker, Sir. Is the Assistant Minister in order to answer a question which I have not asked him? I asked him about the tarmacking

of roads in my area. He is talking about the money which is coming to the constituency through KERRA, and that has got nothing to do with my question.

**Mr. Speaker:** Order, Mr. Nyamai. I think the Assistant Minister's answer is legitimate. You asked him a fairly general question when you had an opportunity to ask a supplementary question. You asked the Assistant Minister: "Is he discriminating against you?" So, the Assistant Minister is demonstrating that he is doing something in that area. so, that answer is legitimate! The question asked calls for it.

Mr. Assistant Minister, you need not respond further. Proceed with your answer!

**Dr. Machage:** Mr. Speaker, Sir, I have allocated Kshs4.5 million for Kathimani-Katangi Road, which is in Yatta Constituency. I know that this road is in a deplorable condition. For the Road 511, I have not allocated any money this financial year. However, I have requested the Exchequer to allocate Kshs2.2 billion for the purposes of repair of all roads that were destroyed by the *El-Nino*. I hope this request will be granted and that this road is considered in this programme.

**Mr. Abdirahman:** Mr. Speaker, Sir, I have heard the Assistant Minister say that they are finalizing the roads investment plans, and this is one Ministry that does not allow leaders to get involved in the plans. Ministries like that of Energy and Finance have opened up. Can the Assistant Minister consider involving parliamentarians, or leaders in general, to actually help him plan for these major programmes in the country, so that we do not get disadvantaged and we do not have to wait for people right at the top and lobby, so much that we are not able to appear anywhere. Can they consider involving us in the initial stages so that we can plan together?

**Dr. Machage:** Mr. Speaker, Sir, to the contrary, my Ministry has given a big window to the hon. Members to be involved, previously in the District Roads Committees and now through the Constituency Roads Committees.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, the problem we are having with this Ministry is that roads are being tarmacked without following the right procedure. Could the Assistant Minister tell us which roads are supposed to be classified, because in some regions you find roads which are classes C or E being tarmacked, yet in other regions you find roads which are classified as A or B not being tarmacked. We want to know the procedures for tarmacking roads in the Ministry.

**Dr. Machage:** Mr. Speaker, Sir, the hon. Member's observation could be right, because this is what is happening on the ground. I cannot defend myself against an anomaly that might have been propagated previously by other decision makers. But I have said that I am in the process of compiling a list on prioritization of the roads that will be bituminized for every hon. Member to see and respond to.

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. My question to the Assistant Minister was the criteria. I just alluded to situations which he has accepted. But what is the Ministry's criteria? Does the Ministry have criteria or not? If it has criteria, what is the criteria?

**Dr. Machage:** Mr. Speaker, Sir, you will accept that, that is a completely different Question from what I was asked today. If he wants to make that a substantive Question, then I will answer it. But he knows that roads classes A, B and C are roads that are classified under certain service deliveries. Roads classes A are international roads, which connect different countries; Roads class B connect different provinces and Roads class C connect districts. We have had many districts created very recently and this

requires that we change even the classification of some of these roads. The criteria include the economic importance of an area to the country, for example due to agricultural potential or due to security reasons. Road E may be bituminized or upgraded if it is of major economic or security importance. So, all these things are factored in.

**Mr. Abdirahman:** On a point of order, Mr. Speaker, Sir. I do not think the Assistant Minister has fully answered the question, which I had asked alongside the one hon. C. Kilonzo asked---

**Mr. Speaker:** Order, Mr. Abdirahman! Your question came even before the question by the hon. Member for Mutito and so you are late---

**Mr. Abdirahman:** No, Mr. Speaker, Sir. I am relating my point of order to---

**Mr. Speaker:** Order, Mr. Abdirahman! You are not going to stage an argument with the Chair.

Proceed, hon. Nyamai!

**Mr. Nyamai:** Thank you, Mr. Speaker, Sir. Now that the Assistant Minister has said that they are coming up with the new criteria, can he assure me - and my brother, C. Kilonzo, because these two roads connect or pass through our constituencies - and the House at large, that this road will be considered because it will reduce the distance between Thika and Mombasa by about 60 kilometers. This is the same road the Assistant Minister uses when he is going to pay dowry!

*(Applause)*

**Dr. Machage:** Mr. Speaker, Sir, on a light note, yes, these roads will be considered among others in this country.

**Mr. Speaker:** Mr. Assistant Minister, you have just owned up that you are still paying dowry; is that so?

*(Laughter)*

Next Question, the hon. Member for Vihiga!

*Question No.073*

#### UPGRADING OF INZARO/LYANAGINGA/VIHIGA HEALTH CENTRES

**Mr. Chanzu** asked the Minister for Medical Services whether he could consider upgrading Inzaro, Lyanaginga and Vihiga Health Centres to Sub-District Hospitals.

**Mr. Speaker:** Where is the Minister for Medical Services? I thought we were doing very well; I was beginning to have reason to believe that the Executive has transformed itself in this new Session. It looks like we have to slip back to poor performance. Who takes responsibility for this; is it the Deputy Prime Minister or the Minister for Higher Education?

**The Minister for Higher Education Science and Technology (Dr. Kosgey):** Mr. Speaker, Sir, I take responsibility. I think he is out of the country and I suspect he does not have an assistant.

**Mr. Speaker:** We will defer this Question to Tuesday, next week.

Mr. Chanzu!

**Mr. Chanzu:** Thank you, Mr. Speaker, Sir. But I just wanted to say that going by the doctrine that there is collective responsibility in the Cabinet, why can the Minister not undertake to answer the Question herself on Tuesday?

**Mr. Speaker:** Order! I have given direction that the Question will be answered on Tuesday, next week. that remains the order for that matter.

That brings us to the end of Question Time.

## POINTS OF ORDER

### DEATH OF FISH IN LAKE NAIVASHA

**Mr. Mututho:** On a point of order, Mr. Speaker, Sir. Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Ministry of Environment and Mineral Resources. Having witnessed firsthand the death of millions of fish and fingerlings in Lake Naivasha over the last two weeks, I would like to seek a Ministerial Statement from the Minister for Environment and Mineral Resources touching on massive deaths. In his statement, he should name the chemicals used in Lake Naivasha and the level of current toxicity and, more specifically, their half life.

The Minister should also provide names of the suspected firms that allegedly poisoned the lake. He should tell this House the outcome of investigations on allegations appearing in the media that one firm poured directly into the lake 1,800 litres of unspecified toxin.

Mr. Speaker, Sir, he should also state when the lake will be safe for use and what measures have been put in place to clean up the mess. More importantly, the Minister should tell us when the water will be clean again for domestic consumption. We also want to know who will bear the cost of detoxifying the lake and treatment of the water for both human beings and animals. In the unlikely event that the water is not usable for domestic consumption, could the Minister make urgent arrangements for alternative source of water for both human beings and livestock?

### INCURSION INTO KENYA BY ETHIOPIAN RAIDERS

**Mr. Kaino:** Mr. Speaker, Sir, I rise to seek Ministerial Statements from two Ministries. The first one is from the Minister of State for Defence with regard to the recent incursion into Kenya of the Nyang'atom Tribe of Ethiopia. In his statement, the Minister should clarify the following:-

(a) How many people, both civilians and security officers, were killed or maimed in the raid in Turkana North?

(b) How many head of cattle were lost during the invasion?

(c) What measures has the Government put in place to ensure that our borders are secure?

### DROUGHT AND STARVATION IN POKOT

Mr. Speaker, Sir, I seek my second Ministerial Statement from the Minister of State for Special Programmes with regard to the drought and starvation facing the Pokot from Kacheliba who crossed the Kenyan border to Uganda in search of pasture and water. Those Pokot were consequently disarmed by the Ugandan army and dispossessed of their cattle. In his Statement, I would like the Minister to tell this House:-

- (a) How many head of cattle were taken?
- (b) How many people have died out of starvation?
- (c) What arrangements does the Government have to mitigate their suffering, especially in the provision of food and medicine?

**Mr. Speaker:** The Minister for Livestock Development, when will this Statement be available? Dr. Kosgei, will you give an undertaking on behalf of the Minister?

**The Minister for Higher Education, Science and Technology (Dr. Kosgei):** Mr. Speaker, Sir, I undertake to inform the Minister for Livestock Development.

**Mr. Speaker:** Could that Statement be brought on Wednesday morning?

**The Minister for Higher Education, Science and Technology (Dr. Kosgei):** Mr. Speaker, Sir, I will pass the same information to the Minister.

**Mr. Speaker:** I have directed so. Ensure that the Minister knows that.

**The Minister for Higher Education, Science and Technology (Dr. Kosgei):** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Do we have the Minister for Environment and Mineral Resources to give the Ministerial Statement on Lake Naivasha?

Dr. Kosgei, you have to take this brief as well.

**The Minister for Higher Education, Science and Technology (Dr. Kosgei):** Mr. Speaker, Sir, I will do so.

**Mr. Speaker:** On Wednesday afternoon. Is that okay?

**The Minister for Higher Education, Science and Technology (Dr. Kosgei):** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** It is so directed!

Proceed, the Member for Central Imenti!

ARREST OF MS. ARUNGA AND OTHERS ON  
ALLEGATIONS OF BELONGING TO A CULT

**Mr. Imanyara:** Mr. Speaker, Sir, I am glad that the Assistant Minister, Ministry of State for Provincial Administration and Internal Security is seated next to me. I rise to seek a Ministerial Statement with regard to the saga surrounding the well-known television personality, Esther Arunga. I would like the Minister to tell us when the State determines what is the right religion and what amounts to a criminal cult for which the practice will lead to prosecution. He should specifically state the provisions of the Penal Code under which the police entered the premises in Runda Estate and arrested Ms. Arunga together with others.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima):** Mr. Speaker, Sir, we undertake to provide the Ministerial Statement on Thursday, next week.

**Mr. Speaker:** It is so directed!

**PERSONAL STATEMENT**MISREPORTING BY *THE STANDARD*

**The Minister for Higher Education, Science and Technology** (Dr. Kosgei): Mr. Speaker, Sir, I rise pursuant to the provisions of Standing Order No. 76, seeking the indulgence of the House to make a Personal Statement on a news item titled: "Kosgey says she was denied visa over the Ndung'u Report." *This was carried in today's edition of The Standard.*

The misleading statement is purported to have been said by myself during my contribution to the Presidential Speech yesterday. I wish to set the record straight. I did not say that I have been denied a visa over the Ndung'u Report or for any other reason. The HANSARD recording of yesterday's House proceedings will bear me witness and I quote:-

"Most of us are constantly put in a position where we feel that we need to explain ourselves because we do not know what is in the Ndung'u Report. Did he interview the person he has accused of this and that? I have tried at some point in the past to apply for a visa and I was told that I am in the Ndung'u Report for having been given land in Athi River which I never got. Somebody else got the title and sold the land."

Mr. Speaker, Sir, as you can see, I did not say that I have been denied a visa. The mere fact that clarifications are sought always by embassies does not mean a denial. For *The Standard* to report: "Minister becomes the first Cabinet Member to admit that she is amongst 15 top officials banned from visiting UK and US" is just untrue, offensive and, in my view, pure malice for a newspaper that claims that it bases its work on professional work, fairness, and justice. Thankfully, I have never been denied a visa to any country ever either in the past or currently. I have all the visas I need to visit the countries I usually visit for official and private reasons.

It can only be concluded that the misreporting and misrepresentation of facts by *The Standard* was calculated not only to malign my name and impute improper motive on my personality, but also reflect me in bad light here and outside. I hope that while we get misquoted elsewhere, at least, within this House where there is a HANSARD, we can be sure that we are reported correctly. If not, then, Mr. Speaker, you protect others so that they do not go into ridicule.

I thank you, Mr. Speaker, Sir.

**COMMUNICATION FROM THE CHAIR**

## PRESIDENTIAL MEMORANDUM ON OFFICES OF MINISTERS BILL

**Mr. Speaker:** Hon. Members, I have one communication to make at this stage.

You will recall that the House passed the Offices of Ministers Bill, 2009 on 9<sup>th</sup> December, 2009 and was subsequently submitted to the Attorney-General on 28<sup>th</sup> December, 2009 for onward transmission to His Excellency the President for his assent. In exercise of the powers conferred on His Excellency the President by Section 46(3) and (4) of the Constitution of Kenya, he declined to give his assent to the Bill.

His Excellency the President submitted a memorandum to my office dated 20<sup>th</sup> January, 2010 giving reasons for declining to assent to the Bill. The provisions of Standing Order No.125 (6) provide:-

“When the President submits a Memorandum on a Bill to the Speaker pursuant to Section 46 of the Constitution, the House shall deliberate on such Memorandum within 21 days of the date when the House next meets.”

Since the House reconvened on 23<sup>rd</sup> February, 2010, it means that the Memorandum should be considered not later than Monday, 15<sup>th</sup> March, 2010. Given our calendar of sitting days, it means that the Memorandum should be considered on or before Thursday, 11<sup>th</sup> March, 2010.

In order to enable hon. Members to familiarise themselves with the contents of the Memorandum, I direct that the Clerk of the National Assembly circulates the Memorandum to all Members of the National Assembly and that, it be placed on the Order Paper of Wednesday, 10<sup>th</sup> March, 2010, afternoon Sitting.

Thank you.

Next Order!

### MOTION

#### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair, laid on the Table of the House on Tuesday, 23<sup>rd</sup> February, 2010.

*(Mr. Thuo on 2.3.2010)*

*(Resumption of Debate interrupted on 3.3.2010)*

**Mr. Speaker:** Who was on the Floor?

**Mr. C. Kilonzo:** I was on the Floor, Mr. Speaker, Sir.

**Mr. Speaker:** How many minutes were left?

**Mr. C. Kilonzo:** Two minutes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! Proceed.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, before I ran short of time yesterday, I was talking about corruption.

Corruption in this country has become like a lullaby song. The only way we can stop corruption is to strengthen existing institutions. For instance, we need to strengthen the Kenya Anti-Corruption Commission (KACC). We have three cities in this country. KACC has its offices in Nairobi with a skeleton staff of about 250. We need to modernise the Police Force and improve the Judiciary. At the same time, if we are going to fight corruption, we need to address the salaries for police officers. Police officers are on call 24 hours. I am speaking from experience. Magistrates in this country earn peanuts. In general, all civil servants earn meagre salaries.

*[Mr. Speaker left the Chair]*



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

Mr. Temporary Deputy Speaker, Sir, if you are convicted of a corruption offence in China, you face a firing squad. If one is associated with corruption in Japan, he or she commits suicide. But, in this country, one would hardly even want to think about stepping aside.

You must have heard the latest joke in town about a party that was formed barely a week ago to fight corruption. I am told that party goes by the name "PDM". You should have seen the line up of the people who said that they are going to fight corruption. It was the most degrading moment.

**The Temporary Deputy Speaker** (Mr. Imanyara): Time up!

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg support.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion.

Mr. Temporary Deputy Speaker, Sir, the President's Speech was timely. I would like to congratulate him for delivering such an excellent Speech. After listening to the President and re-reading the Speech that he delivered, it is clear to everyone that the President is very clear in his own mind where he wants to take this country. However, I am sorry to say that some of us, who are charged with the responsibility of initiating and implementing Government policies, are not doing it properly.

I would like to touch on a few areas that the President mentioned in his Speech. One of them was reduction of poverty. As you go round this country, you will be alarmed to note that our people are getting poorer and poorer. There are many factors to that and one of the factors is unemployment. The President said that one of the ways of tackling unemployment was to initiate a policy that will reduce and maintain low interest rates.

Mr. Temporary Deputy Speaker, Sir, the cost of money in this country is very high. We have said that time and again. We have asked the Deputy Prime Minister and Minister for Finance and the Governor of the Central Bank to ensure that policies are put in place to reduce the cost of money. Interest rates are very high. Every time the banks publish their profits, they are the most profitable institutions in this country. They are milking Kenyans by charging high interest rates. A savings account earns not more than 4 per cent. But the banks charge an interest rate of between 16-18 per cent per annum.

Where in the world can you invest and create employment, when you pay 18 per cent interest on loans? Therefore, I urge those who are responsible for our monetary policy to ensure that banks reduce interest rates, so that our people can borrow money, invest and create employment.

Mr. Temporary Deputy Speaker, Sir, another area that the President touched on in his Speech was education. Today, most of the people here are celebrating the good performance of their schools. Sadly, many of us cannot join in those celebrations. That is because our schools lack teachers. For how long are we going to continue comparing and testing schools based on their performance, when we know very well that the Government is not distributing teachers fairly?

I am very sad to say that I have some schools in my constituency that have two Form II classes, but with only one teacher each. How does the Ministry of Education expect those schools to perform when they are denied teachers? I am, therefore, urging the Ministry of Education to do everything possible to ensure that there is equitable distribution of teachers in this country.

We will no longer tolerate a situation where some areas are favoured and given all the teachers they need, while others are left without teachers. This is a matter we have talked about for many years. Time has now come for the Minister to put deliberate efforts to ensure that every school in this country is supplied with teachers.

Mr. Temporary Deputy Speaker, Sir, the President is the initiator of the *Kazi kwa Vijana* Programme. We know that he is inventing other ways of creating employment for the young people of this country. But where is *Kazi kwa Vijana*? When that programme was started, we were told that funds were available. Some funds were, indeed, made available. But the programme is no longer in place. It was a very good thought, indeed, but it is not sustainable. We know that the young people worked for only a few months and that was it.

So, again, the President has very clear policies. But the implementation is lacking. I am, therefore, appealing to the Minister responsible to ensure that funds are given to constituencies to restart the *Kazi kwa Vijana* Programme in order to employ the youths who are currently jobless.

Mr. Temporary Deputy Speaker, Sir, this afternoon, a Member of Parliament asked a Question about the payment of pension of a deceased person who died in the year 2000. It is only last week when the Minister said that the dues were paid. This House has, in the past, taken action to ensure that the Ministry of Finance pays pensioners promptly on retirement. This House has taken action to make sure that the Ministry of Finance pays relatives of those who die while still employed within three months.

That was done by the passage of the Pensions (Amendment) Act during the Ninth Parliament. But, despite all those efforts and, as of now, the Treasury and, specifically, the Director of Pensions, has refused to obey the law and pay pensions when they are due.

For how long is this country going to victimize people who have served this country throughout their lives? I submit that it is now time for heads to roll in the Pensions Department. Our people are suffering. Whenever they go to the Pensions Department, they are told that the files are missing. I think Lady Angote should go to the Office of the Deputy Prime Minister and Ministry of Finance and look for the files that are missing there. We cannot afford a situation where we treat our pensioners like second class citizens. We must respect and treat them with honour. We must also pay their pensions when they are due without any delay.

Mr. Temporary Deputy Speaker, Sir, thirdly, I would like to talk about roads. Again, this Government is being praised all over for improvement of infrastructure. However, today you heard the Member for Kitui West asking why a road in class B is not tarmacked and yet roads in class E are tarmacked. He did not get a satisfactory answer. I submit sadly that the Ministry of Roads appears to be taking the position of a Government agent for marginalizing certain areas. This is so because the Ministry of Roads deliberately directs resources to certain areas where the Minister and Permanent Secretary like. It is not based on any plan. Therefore, I would like to say here that even

being in the Government is a matter of utmost concern that one Government Ministry does not develop this nation as it is supposed to. I, therefore, urge the Minister for Roads to ensure that resources are properly distributed throughout this country. This is because every part of this country requires to be served with infrastructure.

Recently, the Minister for Roads purported to be opening bank accounts for constituencies. He opened some of them in areas far from the headquarters of the constituency. We refuse that the Minister for Roads dictates to the Constituency Roads Committees (CRC) as to where they should operate these accounts. Therefore, we cannot accept that and we would like the Minister to reverse this decision.

With those few remarks, I beg to support this Motion.

**Mr. Chepkitony:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the Motion on the Presidential Address which I support.

I would like to commend the President for the excellent Address he made in this House. He spelt out Government policy, the Bills and Government programmes ahead of us. He touched on the Draft Constitution which he asked all of us to support so that we can get a new Constitution after waiting for two decades. I urge my colleagues that we support the Draft Constitution when it is brought before the House. I think the Draft Constitution which has been tabled in this House is so far the best we have ever seen. I hope all of us shall support it and if there has to be any change, then we should change the necessary sections.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the farmers. The President mentioned the New Kenya Corporative Creameries New (KCC). He requested the Ministry of Co-operative Development and Marketing, the Ministry of Livestock Development and the Ministry of State for Special Programmes to incorporate milk powder as a national food reserve. I support this because while farmers are trying to improve their income having come out of drought, the New KCC is unable to take all the milk that is being produced. This is very sad and a big loss to the farmers. I commend the President for directing that milk powder be made part of the national food reserve. This should be done immediately. I hope the Ministry concerned and the Treasury will provide funds to purchase powder milk from the New KCC. I also hope that the New KCC will get the necessary support to implement these measures. The New KCC should be supported to acquire the necessary machinery within their plants to dry the excess milk and sell it to the strategic food reserve. This is because it is one thing saying and another implementing it. I hope that the Ministries and the New KCC will implement this directive since it came from the President.

We had a very severe drought last year which really affected the whole country. It affected farmers and those who are preparing to plant do not have enough financial resources to do so. The rains appear to have started a bit early but farmers have not prepared their fields. This is because most of them do not have the resources to enable them do this. They require support in the form of credit. They need funds to enable them to prepare land and purchase inputs such as fertilizer, planting seeds and other essentials. I hope the Ministry concerned will support the farmers through the provision of credit through the Agricultural Finance Corporation (AFC). This Corporation has supported farmers but it does not have sufficient funds. I urge the Treasury and the Ministry concerned to ensure that the AFC is allocated funds to support farmers. Many farmers

have loans which they were unable to pay last year because they did not harvest anything. Many areas had 100 per cent crop failure.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about the National Cereals and Produce Board (NCPB) which has not been able to buy maize from farmers. Leave alone the maize in areas like Bura which was planted through the Economic Stimulus Programme (ESP). The Government gave out money to revive the irrigation scheme, the farmers have harvested the maize and it is reported that the NCPB cannot buy the maize because it does not have money. There is also a bumper harvest in Ukambani in Eastern Province. The NCPB should take this opportunity to purchase the surplus maize to attain the required grain reserve. I fail to understand why when it comes to importing food, the Government is ready to look for money to import it but when it comes to buying food from the farmers, it is difficult to allocate the NCPB money to buy the food. I urge the Government to look into this issue because this is one way of alleviating poverty and empowering the farmers. If the NCPB is empowered to buy surplus maize from the farmers, it will create employment and this will stimulate the economy. All of us know that agriculture is still the mainstay of our economy.

The drought also affected the power generation, it affected the dams, there was not enough water and there was shortage of power generated from the hydro power stations, which made power generation very expensive. I hope the Government is going to plan to diversify, so that we do not over-rely on hydro power stations. Now, Kenya is selling power very expensively and many industries are suffering from the high cost of electricity. In fact, many have been contemplating moving their factories to other countries if the Government cannot assist to bring down the cost of power. The practice of generating power using diesel is very expensive and this cost is passed to the consumers and it is not sustainable.

I would like to commend the President; he mentioned about the Lamu Port. This should be speeded up, so that the economy is stimulated. The opening up of the free port at Dongo Kundu should also be done. We have been talking about a free port for a long time; it is high time this is implemented so that we do not keep on talking about it year in, year out. On the question of Vision 2030, we have been hearing this for quite sometime now, and we have not seen the effects. The body concerned should move, so that some of the issues can be implemented and we see the effects. The year 2030 is not far; we are now in 2010; we only have 20 more years.

I would like to talk about corruption. I would like to commend the President because he was very specific when he said that we should not politicise the issues of corruption. When it comes to corruption, every case should be treated on its own merit, and it should be investigated by the appropriate body, the Kenya Anti-Corruption Commission (KACC); if it is the Committee of Parliament, it should investigate and table its report and we debate it as we have been doing. If somebody is found to have committed an offence, then action is taken. There is the case of the maize which PriceWaterHouseCoopers was given to investigate. That report has not been tabled in this House; we do not know about it. I remember last year, we had a report from the Departmental Committee on Agriculture which was tabled here and it was passed. I do not know how this can be revisited through PriceWaterHouseCoopers. I think it is not very clear how this issue of maize can be handled. I think it is not fair to revisit the issue through other means which are not very fair.

I want to talk about Truth Justice and Reconciliation Commission (TJRC), the question of Bethwel Kiplagat; people have been opposing him. I think Mr. Kiplagat was selected through a process and that process was established to ensure that people are scrutinized, interrogated and he went through all that. I am wondering where people who are opposing him now were at that time when he was nominated and his name was approved. I support the appointment of Mr. Kiplagat and I think there should be nobody to oppose it.

Thank you very much.

**Mr. James Maina Kamau:** Thank you Mr. Temporary Deputy Speaker, Sir. I commend the President for giving such a good speech during the opening of this Session. I would only like to talk about a few issues, especially on corruption but I would first want to talk on the Constitution of this country.

You will agree with me that everywhere you go, the talk is always about a new constitution, be it in matatus, in buses, in churches or even in schools; wherever you go, the talk is about a new constitution. We shall do this country a lot of disservice if we do not deliver this constitution to the nation at this time. If we are able, as the 10<sup>th</sup> Parliament, to deliver this constitution to our country, I think our people will be very happy, and we shall also go down in history as being the only Parliament that managed to deliver the new constitution to this country. We do not want to say afterwards that we were so close and yet too far. Let these words not come to our minds. I am sure that if we approach this issue with sobriety, I have no doubt in my mind that this Parliament is equal to the task and we shall be able to deliver the constitution that we have been waiting for all this long. I am sure there will be some contentious issues in this constitution, but I would like to assure my colleagues that this constitution is not cast in stone. In some countries, like the US, the constitution has been changed for over 200 times; I do not think here in Kenya that cannot be possible. So I would request that we look at this constitution properly, so that we do not keep people waiting any longer. They have waited and I think it is high time the constitution was delivered in good time.

The other issue that the President talked about is that of corruption. Corruption is like a terminal disease in this country, and I would urge the Government to tackle this issue head on. When I talk of handling it head on, I know if you take a soldier to war and you do not give him enough ammunition and fire power, that soldier will be a sitting duck in the battle field. What I want to mean is that we have KACC, and it is high time we disbanded this institution if we cannot give it power, or teeth to do its job. I know if they are given enough power, we shall be able to do justice to corruption in this country and it will be a thing of the past, otherwise we should not continue using tax payers' money and running this institution if it is not given power to perform its duties.

There is the issue of education, which is very important for the country but we are asking our children to go to school to read everyday. But when they score good marks, they are not able to pursue the course of their dream due to something they call cut off points. The other day, I was watching television and there was this student who wanted to pursue a degree in electronics engineering, but the student was not able to pursue that course merely because he missed point five of a point in the so called cut off points. It is very unfair and we are being unfair to our children. We have pushed them too far, in that when they score good marks, they are not able to pursue courses of their choice. I do not know what the Government will do to ensure that this policy is changed; if a child scores

a C plus, a B minus, a B plain , a B plus and an A, that child has passed; I think something must be done. Our children are ending up doing useless degree courses and they cannot get jobs. This child who scored an A was enrolled to do a course he was not interested in, that is a Bsc in Forestry. I am sure even if he qualifies, he will not give that job the optimal attention that it is supposed to be given, because that is not what he dreamed of. So, I would urge this Government, if it is the problem of availability of space at the universities, they should be expanded; we should be asked to pass a budget here so that our children can pursue education the way it is done in other countries. We should not be told that the parallel degrees are a solution; that is a preserve of the rich and our children are not even able to pursue education, simply because they cannot afford it. So, it is high time we checked on this issue of cut off points, because it is actually killing the dreams of our children.

The other thing the President talked about is agriculture; we all know that it the mainstay of this country. We had a problem here, especially with our dairy farmers who were not able to deliver their milk because there were no facilities. I believe some people in that troubled ministry did not do their job. In other words, they slept on the job. I believe we have strategists in this Ministry who should have known that every time after a long drought comes heavy rains and with this comes a lot of food. I do not see why they could not foresee that there would be plenty of food for animals and likewise, they would produce a lot of milk. It is very disheartening to our farmers. In other countries, we have situations where the Government takes responsibility for excess food; instead of throwing that food to the dogs, it is bought by the Government. That way, the farmers are cushioned and given encouragement to produce next time. So, that issue should be checked and the Government should wake up and make sure that farmers do not suffer any other time in this country.

Mr. Temporary Deputy Speaker, Sir, we have had a lot of problems in this country. I would like to commend the President for the kind of development we are having in this country, especially on the roads but we are not able to get all we need. In some stations especially in my area, we have a road whose construction was stopped by the Ministry for reasons we do not know. They did not even bother to explain to us whether the funds were finished or not. A contractor started that road but he abandoned it after doing only two kilometers. We have not been told exactly what happened. The Ministry responsible for construction of that road should come and explain to my constituents exactly what happened with regard to this road.

On the issue of water, I know the Government is doing all it can but unfortunately, water is not being supplied countrywide. There are some areas that are being favoured while others go without water. I do not understand why this is the case because we have a Ministry that is supposed to handle this matter. If those issues handled properly, this Government will not have any problem.

Again, Mr. Temporary Deputy Speaker, Sir, there is also the question of food security. We have suffered before and I do not see why our people should suffer when we have people who are trained to ensure that this problem is taken care of. We have areas that are not being used. I would request the Government to make use of the land that is not being used to produce food so that we have enough food for our people rather than keeping idle land.

I support the Motion.

**The Minister of State for National Heritage** (Mr. ole Ntimama): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand here to support the Presidential Address which was made in this House during the State Opening of Parliament. I have got a few things to talk about.

First of all, let me start by talking about corruption. The President mentioned corruption very mildly, indeed. It is unfortunate that we are handling corruption as if it is a normal issue. Definitely, it is not a normal issue for this country. The word “corruption” is a household word in Kenya today. Everybody, child, man and woman know about corruption negatively, of course, and you know that. If we do not watch corruption very carefully; if we do not control it; if we do not fight it properly, this country could easily degenerate into a failed state for many reasons. Definitely, we know that corruption destroys the economy of the country. We know that corruption does not help increase essential services to wananchi, for example, medical, education and many other things like infrastructure. Once corruption has taken place, then all these things disappear.

We know very well that corruption starts from the top to the bottom. There would be no corruption if it was not supported, aided, condoned and if it had no sympathizers at the top. We know that corruption is embedded among the top hierarchy and officials of this country. If you look at the simple example of the policeman; he is arrested, charged and dismissed because he is said to have taken Kshs100 from a driver. A young girl cooking tea in an office takes a little money which was supposed to buy milk for the bosses, probably because she felt hungry. She is arrested and thrown into jail while the big guns who stole billions of shillings have never been touched. I do not know of any who has been touched. They are all free and they even come back to their positions.

It is a crime if you suspend somebody who is suspected of stealing public money. But even somebody who is suspected goes back; there is a little inquiry, he comes back to this House and goes back to his position. The policeman goes out, loses his job and he goes to join the poor lot of this country while the other guy goes to become the boss again. It is unfortunate. If we do not watch corruption, then definitely, I can say without doubt, this country will sink into the deep pit of this world.

Mr. Temporary Deputy Speaker, Sir, some of the corruption matters that are in the public domain today or in the Press actually, touches on very sensitive areas and we don't seem to mind. One of them touches on the primary education of our children. Whether it is true or not, it is a very sensitive area. This is a highly celebrated thing of free primary education. We have been talking about it. It is celebrated. Everybody has brought it up, from the President to the man at the bottom that we have achieved and gone up there. Now, there is a problem. We do not even want to investigate. We want to say: “I did not. I will not!” That is where we are.

The other issue is about food security. Maize is getting lost. We have an argument in this House to say: “No, do not touch that.” If somebody had credibility, then he should just step aside for the investigators to find out what is happening. Nobody wants to do it because they want to protect their own interests. They want to come back and say: “After all, I did it but nobody saw me.”

We have a record of all these things. All those people who have stolen from the public have amassed a lot of money. They have messed up this country on one issue; all of them want to become presidents of this land because they know that the people of

Kenya are poor and they can be bribed. So, this money is used to bribe the good citizens of this country to elect people who are not fit to be leaders.

**Mr. K. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard my good friend, Mr. ole Ntimama, say that all the people who aspire for the position of presidency in this country have amassed a lot of money in a corrupt way. Is he in order to imply that all of them are corrupt because I am one of those who have declared interest in the presidency of this country? Could he substantiate or withdraw those remarks?

**The Minister of State for National Heritage and Culture (Mr. ole Ntimama):** Mr. Temporary Deputy Speaker, Sir, I did not even hear, but whom does the Member want me to mention, for example? If he can tell me one individual that he wants me to mention and give a chronology of how he has made his money, I will do so, but not otherwise.

It is really unfortunate that some of these people want to become Presidents of this land because they have the loot. They know that our people are poor and they can be bribed. That is what is happening, especially as we see it now. If we really do not control corruption, we are doomed. I have said that all the corruption is found in the top hierarchy of this land. We must expose these people no matter who they are. It does not matter what positions they hold in this Government. It does not matter what positions they hold in the society. The public must be given the authority and encouraged to expose some of these people, so that we all know. The public knows. The other day, during the polls, we saw very well that they do not like corruption. About 82 per cent of them condemned corruption. A few people who condone corruption are part of the loot. They are part of the corruption and we know who they are. We should not spare anybody. We must be bold enough to expose whoever he is.

Mr. Temporary Deputy Speaker, Sir, lastly, I want to say one word about the constitution. Personally, I would like to have the draft Constitution passed in this House without any amendments. I would like to see that done because we have been fighting to get a constitution, not even for 20 years, but for 40 years. When people came back from Lancaster House, they had the Majimbo Constitution. Of course, the man who ruled this country then did not like anything majimbo. So, he went out and scuttled the whole constitution in 1964 and sent the regional assemblies home. He dispersed the Senate and became a single ruler. Even today, we have never had anything that we can call the law of the land. We have not had that for 40 years. The other day, we tried in Bomas. But when people started smelling federalism, they said no. Now, we have devolution. We have just changed the name just to make sure that it is acceptable.

With those remarks, I beg to support.

**The Vice-President and Minister for Home Affairs (Mr. Musyoka):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to join my colleagues in thanking His Excellency the President for the Exposition of Public Policy that he enunciated during the inauguration of this Fourth Session of the Tenth Parliament.

I want to agree with the President that this Tenth Parliament has the greatest opportunity of delivering in real terms, the very kind of positive change that Kenyans have been yearning for. Therefore, I want to urge that we seize the moment. The President referred to his long history as Member for Othaya spanning close to half a century. I follow in some respect because, you know we were classmates with you, my learned



friend, but I got to this place many years ahead of you. I have done just about a quarter of a century. I cannot agree---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Vice-President and Minister for Home Affairs! You know he was also a Member for Bahati and not just Othaya.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, that is right. I stand corrected for that information. He started as a Member for Bahati and then Othaya. He has been a Member of Parliament for 47 years. This is nearly half a century. He said that the Tenth Parliament has a singular opportunity of delivering positive change more than all the others. I joined in the Fifth Parliament. Next month, God willing, I will be accomplishing a quarter of a century in this House.

I want to agree that we can put our act together, for once, and deliver in a very solid way, a new Constitution for our people. Our people do not expect anything less. Therefore, I want to urge us to put aside our partisan interests, as did the Members of the Parliamentary Select Committee on Constitutional Review, who did us proud when they went to Naivasha. I have one little concern. As students of constitutional law, you and I, believe that in the concept of separation of powers, as a basic cornerstone of the rule of law, there shall be a supreme Parliament and an Executive that is always held to account as well as an independent Judiciary. If we get this concept of the separation of powers correctly, we will be doing ourselves and the future generations proud.

Therefore, it is obvious to me that there has been a mix up over the years. But even as we celebrate this possibility, I am concerned because in exercise of its mandate, Parliament, particularly after the Serena Talks, has spearheaded the reform process. Parliament has been very focused on Agenda 4 items. This is what we are trying to do. Those Agenda 4 items will find their culmination in the arrival of a new Constitution. Even as that happens, this august House, the supreme Parliament, should generously guard its mandate. Dr. Kosgei made a contribution here yesterday. At one time, she was the Permanent Secretary in the Ministry of Foreign Affairs. Indeed, she was my Permanent Secretary. We had occasion to work with Ambassador Bethuel Kiplagat. I am not saying this to give indication that we are not concerned about the concerns the public is raising, but we have also, as a Parliament to guard our process. I think there is a direct relationship between what is happening there with the civil society and the supremacy of Parliament. The name of Ambassador Bethuel Kiplagat came through a Motion. We approved that name together with the other commissioners to form the all important Commission of Truth, Justice and Reconciliation. Soon after that, it looks like we were either not serious about our mandate, or that we did not give the due process and consideration a chance.

Ambassador Bethuel Kiplagat having been approved by this House, it behooves all of us to stand up and say that in exercise of our mandate, we think we need to be given concrete reasons why the House should think otherwise. In any event, he cannot be fired in the streets of Nairobi. It has to take the due process. As members of the National Council of Churches of Kenya (NCCCK) pointed out, we have to guard against mob justice. Everybody has to enjoy equality and protection of the law. Therefore, I am not necessarily defending Bethuel Kiplagat, but I am defending the supremacy of this House. Therefore, I thought that, that is a matter that I needed to mention.

Mr. Temporary Deputy Speaker, Sir, the Parliamentary Select Committee on Constitutional Review meeting in Naivasha, came up with a consensus. Here I know that I am trending on some murky waters---

**The Temporary Deputy Speaker** (Mr. Imanyara): You do not want to be seen to be anticipating debate?

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I do not want to be seen to be anticipating debate because the document has since been laid on the Floor of the House.

But it is also important that we recognize that a Committee of this Parliament is actually Parliament itself. When we were passing the Constitutional Review Act, I do not know how we could subject the work of this Parliament to other Committees. We need to look into these issues, so that we do not erode the very mandate that is given to us by the people of this country.

I will always stand for the supremacy of this House. Therefore, I want again to thank the President for clearly coming out on the war against corruption. I think we are all committed to this. As hon. ole Ntimama has just said, we cannot allow Kenya to be a failed state. Therefore, we need to be able to stand up. When hon. K. Kilonzo announced his candidature for Presidency, I think he will follow my example. When I was running for the presidency, I said that in accordance with what is expected of a serious presidential candidate, we should all declare our wealth. In the last general elections, I was the only presidential candidate who did that. I think this is where the rubber meets the road. I think these are some of the places where we cannot say where the weather started beating us, because we give lip service to the fight against corruption. Therefore, whether we are Members of Parliament, top civil servants or whoever, we have to walk our talk. I know that His Excellency the President is absolutely committed to this fight, of course, with that rider that we should not politicize the war against corruption. I think this is important.

Mr. Temporary Deputy Speaker, Sir, at this particular time, I have seen our friends from ODM announcing that we should wholly support the Draft Constitution as tabled. I think we have to give room for negotiation, so that we carry everybody with us. I am sure that when you have a whole cardinal – and we have only one cardinal in this country – His Eminence Cardinal Njue, threatening action against what we are going to come up with, because at the end of the day, we have to go to the people of this Republic for a referendum. Let us help them through the process. There are issues that I think we have to accept at this particular time. There are issues that need to be ironed out. When a Committee of this House comes up with a political consensus which then gets eroded by the Committee of Experts, I get concerned.

Mr. Temporary Deputy Speaker, Sir, I want to stop there in order to give a chance to my colleagues who want to speak.

I concur and support.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I would like to support His Excellency the President's very informed Statement. I say "statement" because it was a statement of facts.

Nevertheless, it had some inherent problems. Looking at the entire Speech, we missed on the youth. As long as we do not consider the youth of this country, we will always have problems. I have looked at the document again and again and in as much as

we would like to imagine that things will work out fine, as long as we do not consider the fact that over 75 per cent of our population now almost falls in that category, then the entire approach is not good. I would have expected that His Excellency the President comes up with very candid measures so that he can support the youth. This youth are all over and are maturing very fast. I want to point one particular problem which is now very apparent, particularly in Central Kenya. This problem is alcohol. The youth in Central Province cannot produce any more, particular the men. It is a fact. About 95 per cent to 98 per cent of them have impotence of one kind or another because of alcohol. What is more shocking is that this alcohol originates from a factory which is somewhere in Nyanza and is repackaged somewhere in Naivasha, which is my constituency. Thinking about the youth and looking into the fact that we are going further and destroying their reproductive capability, then His Excellency the President should have come out very clearly on that particular aspect.

Mr. Temporary Deputy Speaker, Sir, while talking about the youth, we cannot forget about their mothers. This is because it is a fact that 66 per cent of the labour force in this Republic of Kenya is made up of women, no matter which way you look at it. But when you look at how much land they own, observing all respect for all the cultures, you will find that they own less than 1 per cent of land and control less than 10 per cent of the national resources in terms of money and everything else. Again, in a globe that now does not have any boundaries and is very transparent and where every human being is equal before the law, constitution and God, it would be fair to bring in measures like the Women Enterprise Development Fund. Under the current dispensation, the Women Enterprise Development Fund cannot work. It is not useful and that money could have been disbursed properly through the SACCO system and those SACCOs established at the constituency level, so that they are able to use the womenfolk who are already very disciplined and transparent in their own way and have a structure. I know one small group of about 200 women in my constituency at a place called Kinungi. All they contribute is a melamine cup. Since they have a structure, all we need to do is get those women now and then put them into real economy. Kenya has become a net consumer and the Deputy Prime Minister and Minister for Finance will remember that no matter how hard he tries, as long as we are all dependent on the little money got from the taxes, we are not producing. We are net consumers and importing everything, including toothpicks, butter and limousines. It is not that we cannot produce but our people do not have that capability. They should be enabled to do as much. Women will always be with us and should be considered greatly in this dispensation.

Mr. Temporary Deputy Speaker, Sir, nobody would like to see corruption. But corruption, to my thinking and common thinking, is that position in which you as an individual uses your position for gain. You influence for gain and in that way, you are able to get some proceeds. Those proceeds are what hon. ole Ntimama was trying to refer to. I agree with hon. ole Ntimama because as long as we have presidents who think that they can buy leadership, they will continue doing the maize scams running into billions of shillings because that is what the budget tells them. That is what I feel. I support what hon. ole Ntimama has said. I think we should look at it more seriously. All those people who are mentioned, including hon. John Mututho, if you really want to be the President of the Republic of Kenya and you have been mentioned in those mega scams, then who is going to trust you with the Central Bank of Kenya? You are going to loot everything.

You are going to be like the late Mobutu Sese Seko Kuku wa Zabanga. The man died with Zaire. You are going to be like all the other dictators. That is the first indicator. We have very many good men and women here in this Republic who can stand very poor, just like President Obama did, carry the brains and become President of the Republic of Kenya, including my good friend, hon. K. Kilonzo. The billions are not important than the power to lead the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, talking about corruption again, I must persuade this House very genuinely; that when we stand and say that all the judges are corrupt, then what we have done is destroyed our very foundation in due process. What we should be doing really is pinpoint who are these corrupt judges by name and then deal with them like that. But when we demonize these judges and then expect to have sound judgement, then it is expecting too much. That is why they will not be able to conclude the corruption cases. This is because they are people who can be sacked in the streets. That has happened in the past. You will remember the radical surgery. One day the Minister for Constitutional Affairs perhaps, with due respect to Christians and everybody else, maybe, from divine advice came on and said that so many judges were wrong, corrupt and should be sacked. Those are people who were in the Court of Appeal and were respected because they had done very good judgements. That is wrong. We should have decency. The other day, I was driving along Uhuru Highway and I was the last person in the queue before coming to the roundabout. A Minister was passing by in a car with a flag. The man behind me was hooting and I was applying the brakes because decency and decorum dictates that you respect a Cabinet Minister. That is why he is flying a flag. He is not just a nobody. In the same breath, we should be able to afford respect for the judges. As long as they sit there, let us not come here and demonise them. This issue of sacking them enmass is not good. Let us pick individuals who have done mistakes and let them face their own music. Let those people be tried on their own.

Mr. Temporary Deputy Speaker, Sir, the Constitution is long overdue. It will not come here. The best constitution is the one that delivered the children of Israel from Egypt to Canaan. That is the Ten Commandments. With due respect to the Muslim community, that which tells us do not steal, do not admire somebody else's property, do not do this and that. That is the best constitution. Nothing will make us function as a country if we do not respect the fundamental rights of our neighbours, friends, or love ourselves as we love our neighbours.

With those few remarks, I beg to support.

**The Minister for Tourism** (Mr. Balala): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support the Presidential Speech.

Mr. Temporary Deputy Speaker, Sir, last week, I keenly listened to the President's Speech. That is the time I realised that we really have an intelligent President; a President who is committed. This is the time I realized---

**The Temporary Deputy Speaker** (Mr. Manyara): Did you say that is when you "realized"?

**The Minister for Tourism** (Mr. Balala): No! No! I knew that we had all this time an intelligent President. This is the time we realized that he is leading from the front without even blinking on the vision.

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I have no intention of interrupting the hon. Minister, but he has been with the President from the last Parliament to this Parliament. Is he in order---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! I pointed out and he did correct it. So, you are out of order!

**The Minister for Tourism** (Mr. Balala): Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me.

As I said, it was a Speech of vision and hope. This is what will bring economic growth and political stability to the nation. I want to thank him and congratulate him for guiding this nation. He created a new hope for this nation. We saw the commitment from him, not only in the issue of economy, but also in the issue of constitution and the fight against corruption. He also recognised that the economy is doing well. One of the reasons that the economy is doing well is because of agriculture and tourism. Since I came in two years ago as a Minister for Tourism, we have recovered almost 95 per cent. Our best year was 2007. We now have clocked the target of one million foreign tourists. We have contributed to the growth of our economy. It is now at 4.5 per cent. I believe if we handle the issues of tourism properly like other countries, we will be able to expand our economy, GDP and create wealth and employment for our people. However, it is a pity that we put minimum investment in the Ministry of Tourism in comparison to our competitors like South Africa and Egypt who invest heavily to market their countries. For example, South Africa puts over \$70 million to market its tourism. Egypt is putting \$100 million to market Egypt. In 2008, Kenya was at only seven million dollars. In 2009, it was only \$10 million. If you milk the cow and you do not feed it, then it will be unfortunate that cow will eventually die.

Mr. Temporary Deputy Speaker, Sir, my point here is that we need to fund the Ministry of Tourism, particularly the marketing arm heavily. That is where the image of this country is all about. This is what will bring more tourists and revenue for the country. I have written to the Deputy Prime Minister and Minister for Finance. I have given him details of the challenges. I believe if they invest Kshs2 billion annually, uninterrupted for three years, our marketing strategies will be effective and even win from our competitors. I want also thank him for reducing the visa fees of visitors coming to this country from \$50 to \$25. That brought an immediate turn around of visitors to Kenya. Our competitors like South Africa; they hardly charge a single penny to foreign and source market that we are competing with. Egypt charges \$20 and the Caribbean's charge \$20. So, \$25 is appropriate rather than our people lobbying for it to be increased.

Mr. Temporary Deputy Speaker, Sir, I want to comment on the issue of Constitution. It is now over 20 years since people started fighting for it. I have been a member of the Parliamentary Select Committee on Constitutional Review and all parties and interested individuals have been incorporated in that PSC on behalf of the political elite. We have reached a compromise and that is a good spirit for the future. It might not be a perfect Constitution, but it is the beginning for better things to work. Let us not hoodwink the nation. Let us approve what we have and improve it later. These are things that will take Kenya forward. But to come here and start now inciting other people to oppose it, I want to assure you that this is a diversion. This is scheme to be able to change the good gains. There is a clear separation of power between the Executive, Judiciary and Legislature. Let us support it and get this thing forward to get a new Constitution.

I have seen a lot of people commenting about the Kadhis court as if they are something new to this nation. The Kadhis court has always been there. People who are opposing it want to create chaos in this country. The same way we are going to remove the Kadhis court is the same way we do not want to get a new Constitution. If the creation of Kadhis court is contentious, there is a clause put in the Constitution in 1963 that because of the Kadhis court---

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to equate divergent views from the other faiths to wanting to cause chaos? Could he substantiate that or withdraw because when Christians stand up and say that they feel the Kadhis court should not be in the Constitution, that does not mean they are out to cause chaos.

**The Temporary Deputy Speaker (Mr. Imanyara):** Mr. Minister, you are actually anticipating debate. So, you are out of order. Do not anticipate debate that is coming to the House, probably, next Thursday.

**The Minister for Tourism (Mr. Balala):** Mr. Speaker, Sir, I want to say that the same way Christians have argued against the inclusion of Kadhis Court in the constitution is the same way it will be on the other side, that we will oppose the Constitution because a clause on Kadhis court is not there. This is the chaos I want to protect the nation from. I believe time will come when we will argue and rectify that.

Mr. Temporary Deputy Speaker, Sir, it is important also to realize that of late, we have been investing a lot on the infrastructure. I want to congratulate the President on issues of infrastructure. A lot of things have been done on the issue of roads and yes we are proud that things are working well. I want to thank the President for announcing that we will have a free port in Mombasa. I believe there are efforts also to make the Mombasa Port efficient, so that we can generate money for the economy. I also believe that it is a high time we should create a level playing field in the Port of Mombasa. We should discourage the effort of monopolising services and goods in the Port. It is important that we allow the private sector to flourish. The Government should regulate and give every one equal chance to compete like the other. No sacred cows and no sacred businessmen will be allowed to just enrich themselves and not uplift the economy of this country.

I support the plan to have in place the Port of Lamu. But also I want to raise concern on the issues of heritage and conservation. I think it is the high time we balanced the two and then we will be able to move forward. Establishing a port in Lamu is not good enough, we need to plan and work faster on the issues of railways, roads and water. Particularly in the Coast, water is a challenge. We have been talking for the last 25 years about a second Mzima spring pipeline, but to date, it is has been just a dream. There are no plans by the Ministry of Water and Irrigation to design any Mzima pipeline to the Coast Province.

Mr. Temporary Deputy Speaker, Sir, airports are very important. It is high time, not only for building airports, but also for creating an aviation strategy to bring more airlines into the country. Physical buildings alone are not enough. We need to have strategies to attract airlines and to give them incentives so that they can be coming to our country.

Finally, Mr. Temporary Deputy Speaker, Sir, it is important that we start removing activism and populism from the Government. We are the Government; we are

the Legislature and we need to uphold the human rights of individuals and the human rights of the nation. We are the ones who have appointed Mr. Bethwel Kiplagat. We should defend him because we are the ones who have vetted him to that level. I do not want to go into details, but mob justice and the culture of mob justice and hearsay--- There is particularly an organization that calls itself “the Kenya National Commission on Human Rights” that has become loose tongued. It is terrible that they can stand and start attacking everything, including the appointment of a CEO of an airport! They want to comment on every issue, but they have no capacity to verify, neither to say what is right and what is wrong. We need healing and cohesion in this country.

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

**Mr. K. Kilonzo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to comment on the Presidential Address. From the outset, I want to thank the President for the visionary statement he gave and, particularly the caution he gave to politicians when he said that our utterances as politicians, and as hon. Members, must be weighed so that they do not affect the economy of this country. Many a times we, politicians and leaders, do make statements which scare away investors and people who want to come and do business in this country. That was very wise counsel from a Statesman, from a President who has been an hon. Member of Parliament for close to 47 years.

However, Mr. Temporary Deputy Speaker, Sir, as I continued listening to the President’s Address very keenly, I was a bit perturbed by the resolve of the President and the Government to fight corruption. Why am I saying this? It is because the President did very well say that we should not politicize and personalize the fight against corruption. But many of the Government officials have been implicated in cases which involve corruption. What baffles Kenyans and the international community is that investigations are done when those same Government officers are sitting in offices. You would agree with me that it is, indeed, very difficult--- It is a daunting task for any person who has been involved in corruption to allow himself to be investigated when he is still in office. We are human beings and people are bound to start covering their mistakes. So, I want to urge the President and the other principal that any time officers in Government are implicated in corruption, it is good manners, it is good practice and it is democratic to step aside to allow the due process to take place and to let investigations to be done. If people are clean, they can go back to their offices. But the idea that you have to step aside when you are found guilty is going to negate that very essence of the Government’s resolve to fight corruption.

Mr. Temporary Deputy Speaker, Sir, I want to turn to the issue of the Constitution. I want to enjoin myself to the contributions of all hon. Members who have spoken before me. All of them have stressed the importance of this country to have a new constitution. But listening today to the Government side when they were even showing their resolve and commitment on how they want to push for this Constitution, clearly it came out that we had a divided Government, which is talking about pushing this document. We heard no other than my friend, the Vice-President himself saying that, surely, whatever this Parliament, or the Parliamentary Select Committee, passed should not have been watered down, or in any way been interfered with by the Committee of Experts (CoE).

Mr. Temporary Deputy Speaker, Sir, yes, we are representatives of the people, but we also have other Kenyans who have equal interest to see that this country gets a new constitution which is for all of us and not for hon. Members. So, I just want to urge my colleagues, and more so, the Government side that they should be reading from the same script. Clearly, when part of the Government urges Kenyans and other colleagues to pass the document without even changing a comma, and other senior Government officials say that--- We have even heard the faiths saying that we need to open up this document; the Government itself is going to make the process of finalizing the constitution-making a problem.

Mr. Temporary Deputy Speaker, Sir, I want to accept that making a constitution is about locking in interests. Various parties and groups would want to know that their interests have been captured in the constitution. But I also want my colleagues and Kenyans to appreciate that everything cannot be put in the constitution. This document can pass the way it is; it can be amended later. Where issues which are of national importance have been brought to the fore, then we, as hon. Members, any time we are deliberating on amendments that have been brought to the Floor of the House, the interests of the nation must take precedence as opposed to sectarian or political interests.

Mr. Temporary Deputy Speaker, Sir, I echo the words of the President in his Address when he said that we have a unique opportunity, as Parliamentarians, of going to the annals of history as the Parliament which was able to deliver a new constitution. This, indeed, is a unique chance; it does not come every other time. Therefore, I want to ask my colleagues that we rise to the occasion. This Tenth Parliament should be the Parliament which is able to deliver a new constitution to the country. Let us see what brings us together and avoid very much what divides us.

Mr. Temporary Deputy Speaker, Sir, as the President addressed the nation and this House on that 23<sup>rd</sup> day of February, 2010 I was waiting to hear what tangible measures the Government is going to take, having given farmers incentives to make sure that they are able to capture the gains, or provide markets for the produce which farmers in this country have been able to get because of the good rains.

Mr. Temporary Deputy Speaker, Sir, I have seen farmers' crops go to waste in Mutito Constituency which I represent in the last three days. The rains are here, but the farmers do not have stores to store their produce. I have seen middlemen and middlewomen come and buy the produce at very low prices. This is demoralizing to the farmers. If you tell the farmers that they can get better prices for their produce, they will ask you who will buy it. The Government should establish a kitty which should be used to buy the farmers' produce.

It is just the other day we saw milk being spilt in milk producing areas. Some of us who come from Ukambani where milk is rare to find were very upset. Farmers have done their bit. Kenyans are hardworking people. Can the Government come up with tangible measures to ensure there is economic growth and wealth creation? The Government should ensure that there is value to the farmers' produce be they dairy farmers, coffee farmers, tea farmers, sugar farmers or the farmers from my area who also grow crops. Let the Government establish a special kitty so that it can create the market for farmers' produce. It is only after markets are created that farmers will work very hard.

Mr. Temporary Deputy Speaker, Sir, we are here as the Tenth Parliament and I think we will rise to the occasion of giving this country a new Constitution.



**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Speech. I support the exposition of public policy carried therein.

It is not always easy to collectively appreciate the achievements an individual makes. For those who have been in this House longer, for example, His Excellency the President, hon. ole Ntimama and others; we do, as young Members of Parliament, have some lessons that we can learn from them. Therefore, the President's comment that we have the singular opportunity to make a mark to this country, the region and the continent, given what we have gone through in the last nearly half a century is very important. It actually imbues an obligation of what we need to do to reduce grand standing, minimize demarcation in and outside of this House, and in the spirit of what the PSC on the Review of the Constitution did in Naivasha, carry forward the agenda of constitutional reforms and complete this process once and for all.

Mr. Temporary Deputy Speaker, Sir, many years have passed. I appreciate the fact that, even as you sit on the Chair, you are part of those garland sons and daughters who have put their lives and fortune – economic, political and family – at stake. Many of our colleagues have even left in pursuit of good governance under a new Constitution. Therefore, this is a matter that should not be taken lightly in the context of ethnic groups, regions and emerging or subdued political alliances. This is an issue about this country and posterity more than it is for the incumbent Members of Parliament or the Grand Coalition Government.

In that Draft Constitution that we will discuss, many of the issues that we expect, without anticipating debate, are Bill of rights; devolution of resources and power. However, the new Constitution only comes to recognise the rights that are inherent. This Constitution cannot be perpetual. It cannot be forever. It cannot be a Constitution that will belong to this generation in terms of making and responsibility. A new generation can impart new clauses or chapters that can enrich it. Therefore, the call by many Members of Parliament and other sectors that we give consensus, a middle ground and moderation a chance so that we can midwife in this century a new Constitution that has eluded this country for so many years, is very important.

As an Assistant Minister of this Government, I will never wish to serve in such a Grand Coalition Government that is full of conflicts and confusion. Many things delay being implemented because of the Grand Coalition Government's many centres of power, loyalties, opportunism and the existence of puppets both within and outside the political activities who want to harvest from this confusion. This should be the last opportunity for this country to get a new Constitution. It should also be the last experience with a Grand Coalition Government. Therefore, the new Constitution must bind the power-wielders and download and downgrade them. That way, the devolution that we shall experience will empower the population. We should not be threatened. The financial markets, the tourism sector and the optimism of young people have been threatened because of grandstanding and competitions that are not good. Therefore, the opportunity for a new Constitution is an obligation.

Many issues have been mentioned. This includes corruption, impunity, matters to do with the education sector and the National Youth Council (NYC). All these issues will be subsidiary if we do not conclude the Constitutional Reform Process in time.

On impunity and corruption, I want to quote the third President of the USA, Mr. Thomas Jefferson. He said:-

“A nation that will trade a little liberty for a little order will lose both because it deserves neither.”

The family of the late J.M. Kariuki, like many other families of the unsung heroes of *Saba Saba* and *Nane Nane*, has been marking the anniversaries of their departed one. Why were these people killed? Why do we have political assassinations? It is because of the equality of impunity of successive regimes. This is where assassination, torture and even economic sabotage including sabotage of businesses and individuals who do not agree with certain politics or political alliances are implemented.

Therefore, by protecting the corrupt and defending people because they come from our so-called villages, communities or political alliances, we are promoting equality of impunity which is very negative to this country. We have done this to the extent that even Members of Parliament and other political leaders have no shame. Even the clergy and the private sector defend people because they come from their community when they are cited on corruption and impunity.

We want to ethnicise even on the questions raised on the Floor of this House about the Truth, Justice and Reconciliation Commission (TJRC). We want to say that we are too important and that we cannot be questioned. When you are quoted in the Ndung'u Commission which was formed by President Kibaki as having been allocated land, you dare say that the allocation was good simply because it came from a Head of State or a President who is an exemplification of a failed system? There was no Constituencies Development Fund (CDF) or devolution regarding roads or free primary education. Every road, stadium and college was named after him.

**Prof. Kamar:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that CDF was not formulated before the former President retired?

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, the good thing about Kabando wa Kabando is that he was not a beneficiary of the Moi regime and, therefore, can never, at any one time, even pretend. When I speak, I do so for the children of Mukurweini and the children of Kenya. They include students who became numbers 100, 37 and 6 nationally in last year's Kenya Certificate of Secondary Education (KCSE) results, who came from Mukurweini.

I speak for those children of God because even now, when Mr. Ocampo has submitted a list of suspects to the International Criminal Court (ICC), it is causing political tremor. That is because the guilty are afraid. Collective responsibility on impunity has given us the strength to go to our villages and stand on top of our local hills to proclaim our indispensability in the political arena, because we are used as graduates that deodorise corruption. We have become merchants of illegal trade and we want to trade our rights, as Kenyans, with political convenience.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I would like to say that the Ocampo move is long overdue. It is a sword of justice, and people should not be afraid. The Bible says: “The guilty are afraid when justice is done, those who are guilty tremor”.

I thank the President for addressing the issues surrounding Kenya Co-operative Creameries (KCC) and other issue that are going to facilitate our farmers better.

With those remarks, I beg to support.

**Mr. Ngugi:** Mr. Temporary Deputy Speaker, Sir, thank you for, finally, noticing me. I stand here to exalt and commend His Excellency the President for giving his Speech during the opening of this Session, and expounding on the policy framework of the Grand Coalition Government.

The President was very clear on various issues that his Government and this Parliament should work on. However, in my view, irrespective of how eloquent he presented his Speech, and how well-intentioned that Speech was, without appropriate actions, the Speech will not produce much. The President did his bit. It is now up to the various Ministries and Government agencies to rise to the challenges that were given by the President in order for us to realise what was given in the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, on the issue of constitutional review process, the President was very clear. We cannot afford to spend even a single day putting roadblocks to the efforts geared towards giving Kenyans a new Constitution that they have waited for, for so long. That is why the President even commended the Parliamentary Select Committee that went to Naivasha. They went there as Kenyans and not as members of political parties. They reasoned together and when they came out of Naivasha, they gave us a draft that set the whole country at peace and there was a sigh of relief.

I want to say that what came out of Naivasha were compromises and settlements. When you have compromises and settlements, it is only the people who were involved in the processes of arriving at those settlements and compromises who understand the background under which they were made. They are the ones who understand the reasoning behind those compromises and settlements. Therefore, there is a lot that is required.

Mr. Temporary Deputy Speaker, Sir, therefore, it is now upon the PSC and those of us who strongly support the search for a new constitution, to sell those compromises and settlements to the doubting Thomases and the rest of Kenyans, so that we can carry them with us. If we do not do that and, instead, resort to grandstanding and say: "If the people of my faith do not get this, we are going to do this", then we are not better off than when we started.

I would, therefore, appeal to hon. Members of this House to sit and reason out together, cultivate a mood of soberness and then negotiate and put our cases together, so that we can get a new Constitution. But if we hold our positions without seeing the others points of view and reasoning with them, we will get nowhere. That is why I appeal to members of the public and hon. Members of this House: Can we be sober, reason out together and see what is good in this proposed draft and run with it? Otherwise, the realisation of a new Constitution will elude us as it has eluded us for the last 20 years.

Mr. Temporary Deputy Speaker, Sir, the President talked about corruption. Sometimes, my heart goes very low when I hear Members of the Government complaining and lamenting about issues like corruption whereas, they are in a position to do something about it. When you hear Cabinet Ministers say that we pay lip service to the fight against corruption, then where is the hope of Kenyans?

Kenyans have brought us to Parliament to make laws to fight corruption. The President appointed his Government to put measures in place to fight corruption. If we have to complain like everybody else, I ask once again: Where is the hope of Kenyans? It

is high time we stopped pretending to Kenyans that we are fighting corruption and, instead, stood up and faced corruption squarely. Whether it is corruption perpetrated by my brothers or sisters or by persons from whatever party, we all reckon that corruption is an evil that we should fight.

Mr. Temporary Deputy Speaker, Sir, the President said that he had instructed all Government agencies to fight that vice very strongly. We are waiting to see whether those agencies will take the President's cue or they will just continue benefitting from it and, therefore, carry on with business as usual.

The President also talked about national cohesion. He said that we already have a law in place with very strict penalties for people who malign others and propagate hate speech. However, since we passed that law and put in place the National Cohesion Commission, we have not seen a single case being prosecuted and yet, at burials, rallies and birthday parties, people preach hatred against other Kenyans.

However, since we passed this law and put in place the National Cohesion and Integration Commission, we have not seen a single case being brought up and yet people in rallies, burials and birthday parties are preaching hate against other Kenyans. It is high time that we walk the talk. We should be sincere with Kenyans. If we make any law here, the necessary arms of the Government like the Executive should enforce those laws. There is no point of making laws, putting commissions in place and using public money to pay them and yet they achieve nothing. We look forward to seeing the National Cohesion Integration Commission doing its work, putting Kenyans together and taking to court those who go against the law.

Mr. Temporary Deputy Speaker, Sir, the President explained that in 2007 the economy grew at 7.1 per cent but then due to the Post Election Violence in 2008 we realised only a growth rate of 1.7 per cent. We recovered to 2.5 per cent growth rate in 2009. That ought to be a very strong lesson to Kenyans that violence will only hurt us. If we cannot live together as one nation with each working hard to provide for him or herself, and result to tribal affiliations--- If we want to climb the political radar we must not use our tribes to fight other tribes because if we do this, it will only hurt the economy of this country and everybody.

Lack of planning by agencies like the New Kenya Co-operative Creameries (KCC), the Ministry of Co-operative Development and Marketing and the Ministry of Livestock Development to buy surplus milk from farmers when they knew that farmers were doing their best to produce more milk is a reflection of what happened in 2007. The Government does not plan but just talks without doing much for the country.

Mr. Temporary Deputy Speaker, Sir, the President also touched on the Judiciary. He said that they will put in place an efficient recruitment mechanism. We are waiting to see this because the Judiciary is very crucial to the development of this country and in building investor confidence. It is also important to the mwananchi who walks on the streets. They want to know that if they are wronged, they can go to court and get justice.

Finally, I would like to touch on Vision 2030. This is a vision we put in place about two years ago. If you go round the country, you will find that not many people know about it. This was the hope of the youth. If we do not do something to actualise Vision 2030 then the youth in this country will have no hope.

With those few remarks, I support this Motion.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Thank you Mr. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Presidential Address.

Although the President congratulated the Parliamentary Select Committee on Constitutional Review, we also need to recognise the contribution of an informal lobby group of Members of Parliament led by Mr. Mungatana and Mr. Olago. They also did a bit of work on the background.

Mr. Temporary Deputy Speaker, Sir, I support the Draft Constitution but we should not be told that we should not talk about amendments when the document is brought before this House. I come from a marginalized area of Kenya. On representation and the geography of the area where we come from, in spite of the few people we have, when talking about equality of vote and so on, community interests should be paramount.

The other issue I want to talk about is infrastructure in our region. Infrastructure in my area is extremely poor. In fact, as of now, my constituency is inaccessible. The roads are worse than they were at Independence. The Government, under the leadership of the current President, must be congratulated for massive improvement on infrastructure, particularly international highways, the roads in cities, urban area and in certain parts of the country. However, if we were to move on as one country, we need some kind of equity.

Mr. Temporary Deputy Speaker, Sir, the tarmac road ended at Rumuruti in 1982. It was supposed to reach Loiyangalani, a tourist centre and a place we have the largest lake in Kenya. That is Lake Turkana which has 700 square kilometers of water compared to Lake Victoria which has 300 square kilometers.

The Minister for Tourism talked about tourism and how well they have done but if infrastructure is improved in that region, Kenya's Gross Domestic Product (GDP) can double.

We keep on talking about Vision 2030. We are aware that the Port of Lamu, the railway line and the pipeline to Sudan will also pass through my constituency, but how will the equipment and the personnel be moved if the roads are not there?

Mr. Temporary Deputy Speaker, Sir, I also want to talk about security. Like Mr. Kabando wa Kabando said, I also pray that this is the last Grand Coalition Government we will ever have in Kenya. This is because if we truly had a Government in charge, some of the things I am talking about now should not happen at all. I am embarrassed to serve as an Assistant Minister in the Office of the President in charge of the Provincial Administration and Internal Security. I am extremely embarrassed before my constituents and Kenyans because there is nothing I can do to save my people. I am speaking here on record. This morning my constituents were raided at 5.00 a.m. Two people were killed and several seriously injured. Many head of livestock were driven across the border to a neighbouring constituency in spite of the fact that my Minister came to my constituency to announce the disarmament exercise. Where do Kenyans get that kind of courage? That level of impunity can only be exercised in a Government which I serve. I appeal to my colleagues who have been traversing my constituency in my absence in the guise of peace caravans to walk the talk. It is pointless coming to talk about peace in my constituency in my absence several times and yet you cannot contain raids from your constituency. Please, walk the talk!

Mr. Temporary Deputy Speaker, Sir, pastoralists in Kenya have undergone extreme hardships due to the loss of their animals, yet this Government does not have provision for relief or compensation unlike in situations where certain sectors in agriculture are challenged and you see the whole Government mobilised and bringing fertilizers which is not even required. This is what I call marginalisation; it is very sad in our culture to see milk being poured down when other people are starving. I was chairman of the Kenya Co-operative Creameries (KCC) for two years, when it was put under a Commission 20 years ago, with Mr. Andrew Ligale as one of my board members; he was then the Permanent Secretary for Co-operatives. The Government put KCC under a Commission and we turned it round; we were collecting 1.1 million litres of milk per day, and that was 20 years ago. What has happened? How sad?

The other issue I want to raise is the question of education. I want to make reference to pastoralist areas, where people lost their source of income and more than a thousand bright kids, some of whom are orphans, cannot access Form One places because they do not have anything, including cattle to sell. The situation is very serious, and I would urge the Government to waive fees, provide grants to clear debts in pastoralist areas, particularly in secondary schools. We cannot afford to waste future talent that will implement Vision 2030.

With those few remarks I beg to support.

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Address by the President. I would like to take this opportunity to commend the President for recognising the efforts of the Parliamentary Select Committee on Constitutional Review; the work they have done was commendable, and I would like to personally also contribute to that by saying it was a job well done. I hope that this House will take the cue from this Committee and ensure that this time round this country gets a new constitution.

For the last 20 years, Kenyans have been craving for a new constitution. As the president rightly put it, there was no better time than now. We have an opportunity as the Tenth Parliament to make history in this country, either a history that goes down well with Kenyans or that will really put us to shame. We have, therefore, an opportunity collectively as Members to ensure that we rise to this occasion.

Mr. Temporary Deputy Speaker, Sir, Kenya is a divergent country with cultures, people, religions and all sorts of differences. I think it is very important that we respect this divergence in our country and allow debate on the Constitution. That should not cloud the final aim that this House should have, that Kenyans this time round must have a Constitution. Therefore, we can bring issues that we feel we need to debate. We should not try to create atmospheres out there that will bring differences in the House. We should wait for the debate in the House, doing what we feel should be discussed at individual level or as parties and come up with consensus just the same way our Committee has done.

### QUORUM

**Mr. M'Mithiaru:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When I look at the House, I do not think we have quorum.

**The Temporary Deputy Speaker** (Mr. Imanyara): Indeed, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, unfortunately, it looks as if we are unable to raise the necessary quorum. The House is, therefore, adjourned until Tuesday, 9<sup>th</sup> March, 2010, at 2.30 p.m.

The House rose at 5.30 p.m.