

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 18th June, 2013

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

PETITION

REVISION OF THE BUDGET OF THE MINISTRY OF EDUCATION

Hon. Speaker: Hon. Irungu Kang'ata.

Hon. Kang'ata: Yes, hon. Speaker, Sir. Before you is a petition dated 11th June, 2013. The petition is seeking that this House does revise the Ministry of Education's budget. I will compel the Ministry of Education to provide funds, in its budget, for the Free School Feeding Programme for all public primary school pupils in Kenya and payment, on behalf of all Standard Eight public primary school pupils of Kenya, the Kenya National Examinations Council (KNEC) final examination registration fees at Kenya Certificate of Primary Education (KCPE) level.

The petition is signed by 20 persons. It is based on these grounds: Kenya's Free Primary Education (FPE) policy was implemented in January 2003. It opened up opportunities for disadvantaged and poor pupils who have never been to school. The Constitution establishes the right to education. Also, the Basic Education Act of 2013 grounded FPE into law but despite elimination of school fees in Kenya many children do not go to school, the reason being we have associated costs. For instance, there are school uniforms, lunches and transportation. So, therefore, Kenya is enjoined by law to implement United Nations Millennium Development Goals (MDGs) within the next two years in 2015. So, therefore, ways must be found to ensure that our education at the primary school level is totally free.

Hon. Speaker, Sir, we are also bound by international obligations towards FPE. I refer this House to the World Conference on Education for All that was held in Thailand in 1990 and also the World Education Forum held in Dakar, Senegal in 2000. The Government attended both conferences. We signed the recommendations of those international conventions. So, therefore, Article 25 of our Constitution binds us to provide universal free education. The FPE policy did not *per se* bar introduction of some form of fees. So, therefore, extra charges have been charged, for instance the school feeding programme. So, therefore, those who are poor are unable to pay for free lunch.

Hon. Speaker, Sir, I refer this House to Section 29(2) of the Basic Education Act of 2013. It says and I quote:

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“Other charges may be imposed at a public school with the approval of the Cabinet Secretary in consultation with the county education board provided that no child shall be refused to attend school because of failure to pay such charges.”

This section is rarely implemented. That is why you will see in several instances children are usually sent home despite Kenya having adopted a universal free education programme. It is on that background that I am asking this House to revise the current budget of the Ministry of Education. We do two things; one, we abolish Standard Eight KCPE charges. Two, I am asking this honourable House to provide in the budget of the Ministry of Education funds where every child attending school in public schools in this country is given free lunch.

Hon. Speaker, Sir, I have done my mathematics---

Hon. Speaker: Please, you know it is not debate time. You are presenting a petition.

Hon. Kang’ata: No. I am presenting a petition. Hon. Speaker, Sir, I have done my mathematics.

Hon. Speaker: Hon. Irungu, you will not be allowed to begin a debate.

Hon. Kang’ata: No, it is not a debate. I am presenting a petition.

Hon. Speaker: There is no room for mathematics.

(Laughter)

Hon. Kang’ata: No. It is important. This is the most important point.

Hon. Speaker: Resume your seat if you have nothing else to say.

Hon. Kang’ata: No, just one final point.

Hon. Speaker: You cannot say no.

Hon. Kang’ata: Hon. Speaker, Sir, I beg---

(Laughter)

Hon. Speaker: Your microphone will be switched off.

Hon. Kang’ata: Hon. Speaker, Sir, I apologise.

Hon. Speaker: Present your petition. Desist from debating.

Hon. Kang’ata: Thank you, hon. Speaker, Sir. We have six million children in our public primary schools. When you assume you are giving one pupil Kshs.100 per day for 270 school days that money comes to only Kshs16.2 billion.

Hon. Members: Kshs16.2 million.

Hon. Kang’ata: When you do this other aspect of examination where they pay only Kshs800, it only comes to a small sum of Kshs500 million. I am asking you to revise only two aspects; you provide Kshs16.2 billion and Kshs500 million then we will--

Hon. Speaker: Hon. Irungu Kang’ata, you may now go and resume your seat.

Hon. Kang’ata: Much obliged.

Hon. Speaker: Your petition is referred to the Departmental Committee on Education, Research and Technology. It is there that you can go and prosecute it with the vengeance, courage and vigour that you want to do at this moment. Otherwise, you have

not been discouraged but I am sure there will be a forum where you and a lot of others will be able to canvass the issue.

Do I see a request? You have heard what Hon. Kang'ata has said. Hon. Simba

Hon. Simba: Thank you, hon. Speaker, Sir. I stand on Standing Order No.84. I want to indulge the House concerning the malicious allegations circulating in the media and social media. Hon. Speaker, Sir, the circulation is a series of attacks on my character.

Hon. Speaker: Hon. Simba, I have some five minutes for Members to express themselves on the petition presented by Hon. Kang'ata before we come to your Personal Statement.

Hon. Simba: Thank you, hon. Speaker, Sir.

Hon. Linturi: Thank you, hon. Speaker, Sir. I want to urge the House to consider the petition brought before it by Hon. Kang'ata, which I really appreciate and want to associate myself with the problems that the poor parents and children from poor families face in this country. We also need to look into a situation whereby, as we try to provide or set aside money for provision of food in schools, we make parents aware that this country can never have everything being given for free. I am saying this because we have a situation where we are creating very irresponsible parents in this country. I am talking as a leader. On Friday, I was attending education day for one of my schools and in one of the schools which is doing very well, parents are making noise that they have to pay an extra Kshs.20 for purposes of their children getting extra couching. You fail to understand why any parent, if they are worth being called a parent, would make noise when they are being asked to chip in something.

The Kibaki era is gone whereby children or parents used to say this is a Kibaki child. So, parents must become responsible. We will do what we can as Parliament, but we also want those that get to sire children to know that costs must come with whatever they do as parents.

Hon. Speaker: Very well, on that petition please.

Hon. Melly: Thank you, hon. Speaker, Sir. I want to contribute and support the petition. In the last 10 years, the Government has introduced free primary education and it is still at the figure it was at that time, yet we have inflation and a lot of effects on that particular amount of money that was given. As a Member of the Education, Research and Technology Committee and a Vice Chairman for that matter, I want to state it here clearly that we in the Committee had asked the Ministry to factor in the need to increase that amount of money for free primary and secondary education. Even as we talk today, and we tend to say that we are giving out free primary and secondary education, the money is not enough; we are cheating ourselves. If the Government is really serious about giving free primary and secondary education, it has to factor in enough money that is in line with the changes in inflation and the cost of living.

So, I am in agreement with the petition of Hon. Kang'ata, and we really need the Government to factor in enough money and make free primary and secondary education a reality. It is not about giving out freebies, the way hon. Members might believe. In this country, most of our citizens are very poor to raise even Kshs.50. Majority of Kenyans live below the poverty line. If we are not alive to this, it is sad. I want this House to know that most people in this country are not even able to raise money to put food on

their table. It is not that they are refusing to pay Kshs.10 or Kshs.20, it is that they do not have it. So, it is good that we really assist our people and increase that amount. Thank you, hon. Speaker, Sir.

Hon. Speaker: The Hon. Midiwo.

Hon. Midiwo: Thank you, hon. Speaker, Sir. This is a well thought out petition by Hon. Kang'ata. It is nice to see him engaging meaningfully when he is not chasing the Senate. This is good use of time by the Member. I want to congratulate him.

This is not a small matter. There is a debate out there on which way to go with our education system. This country is going to have to debate on the money already being given to schools for Free Primary Education and subsidized secondary education. We may have to accept that in the near future supervision of this money given by the national Government be done by the various counties.

I want to say that this country has a responsibility to take care of the future of our children and teachers. Today as we speak, we have strikes looming in the country. This House is confronted with that question, and it must confront it. It must also find out why our teachers are striking every year. We cannot even talk about some free laptops if teachers are only asking for Kshs. 20 billion which they were promised in 1998. As a House, we look bad if we are resisting somebody who is reducing our pay, and we are not talking for teachers. I will be moving an amendment in this budget to reduce some of that laptop money and pay teachers once and for all so that this country cannot have our children in school and there are no teachers to teach as they are unhappy. Policemen and other people are not happy over issues that can be sorted out by this House now, if the new dispensation can help.

About the issue of free primary education, I think the Government is giving enough, but there is too much pilferage because there is no supervision. So, the Committee on Education, Research and Technology must sit as they consider this petition and see where this Parliament can make legislation to help the Government. The Government has good intentions most of the time, except when they want to give toys for laptops.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Very well, enough of that petition. I think a report on it will be brought by the Committee on Education, Research and Technology to the House.

Next Order.

PAPER LAID

The following Paper was laid on the Table:

The Report of the Departmental Committee on Justice and Legal Affairs on the Approval for Appointment of Hon. Justice (Rtd.) Barnabus Albert Samatta, Hon. Lady Justice A.E.N. Mpagi-Mahigeine and Hon. Justice Joseph Asoka Nihal De Silva as foreign Judges, Members of the Judges and Magistrates Vetting Board.

(By Hon. Chepkong 'a)

NOTICE OF MOTION

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REPORT ON APPOINTMENT OF FOREIGN
JUDGES TO VETTING BOARD

Hon. Chepkong'a: Hon. Speaker, Sir, I beg to give notice of the following Motion:

THAT, pursuant to Section 9(13) of the Vetting of Judges and Magistrates Act, No.2 of 2011, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs and approves the appointment of Hon. Justice (Rtd) Barnabus Albert Samatta of Tanzania, Hon. Lady Justice A.E.N. Mpagi-Mahigeine of Uganda and Hon. Justice Joseph Asoka Nihal De Silva of Sri Lanka as foreign Judges, Members of the Judges and Magistrates Vetting Board.

STATEMENTS

TRANSFER OF EMPLOYEES AT OFFICE OF THE DEPUTY PRESIDENT

Hon. A.B. Duale: Hon. Speaker, Sir, I have a Statement to read that was sought by the Member for Migori, Hon. Junet Mohamed on transfers and deployment of staff at the Office of the Deputy President.

Hon. Speaker, Sir, the office of the former Prime Minister was created in 2008 with a broad mandate of coordination and supervision of the execution of the functions and affairs of the Government as per the National Accord and Reconciliation Act of 2008.

Upon establishment of the office a number of officers were drawn both from public and the private sector to help the office fulfill its mandate. Those that were drawn from the Public Service were appointed by the Public Service Commission on local agreement terms to serve during the tenure of the office of the former Prime Minister while those serving officers in the Public Service were deployed from various Ministries.

Hon. Speaker, Sir, from the outset I would like to inform this House that following the inauguration of the new Government on 9th April, 2013 the Office of the Prime Minister ceased to exist as per the Accord. Therefore, the terms of service of some of the officers who were serving on contract pegged on the Prime Minister's tenure expired as per the engagement by the Public Service Commission. A total of 23 officers first exited the service on that date. I have Annex One showing the names of 23 officers.

The first one is Mr. Caroli Amondi who was the Private Secretary. The others are Ceasar Ochieng Asiyo, the Director of Coordination; Irene Achieng Oloo, the Chief Social Secretary; Denis Base Onyango, Assistant Director, Public Communication; Jane Wangui Muringi, Youth Advisor and so on.

I beg to table the list.

Hon. Speaker, Sir, the 23 officers exited even before the Deputy President assumed office of the former Prime Minister on 11th April, 2013. However, some of those whose contracts were ongoing beyond the tenure of the Prime Minister were retained. Those drawn from the Public Service transited to the new administration and have been accommodated into the new structure of the Presidency.

In summary there were four categories of staff in the former office of the former Prime Minister. The first category comprised those whose contracts were tied to the tenure of the former Prime Minister under a local agreement. This comprises the 23 officers I have talked about and their names are in Annex One.

The second category comprises those whose contracts were slightly longer than the tenure of the former Prime Minister and were under local agreement. They are four of them and their names are in Annex two. The four officers are still in office and are serving the Deputy President. They are Silvester Okumu Kasuku, Job Group T; Dr. Rachel Kemunto Gesami, Secretary, Policy Coordination, Job Group T; Mumbi Gitau Kiereni, Private Sector Specialist, Job Group R; and Nanok Tutui, Agricultural Specialist.

The third category comprises those who were on temporary terms of service. They were 40 in number and they are still at the Office of the Deputy President. This is shown in Annex Three.

The fourth and final category comprises of public service employees who are permanent and pensionable. They are 304 of them. The list is attached in Annex Four.

This country has shifted to a presidential system of governance. The presidency is comprised of the Office of the President and the Office of the Deputy President. In restructuring the Government, the President has created the executive office of the President and the executive office of the Deputy President to include and enhance the functions normally done by State House and to take over some of the functions hereto undertaken by the abolished office of the former Prime Minister and Vice-President.

The mandate of the former Prime Minister's Office and that of the former Vice-President were different from that of the presidency. The structure and functions are fundamentally different. This means, therefore, that there is need to recruit officers with relevant skills and competencies to complement the already existing structure. So far three officers have been taken on board to serve in the position of Chief of Staff, Private Secretary and Secretary, and Communications in the Office of the Deputy President. This is shown in Annex 5. The officers are Ms. Marianne Kitany, who is the Chief of Staff; Mr. Reuben Maiyo, who is the Private Secretary and Mr. David Mugonyi, who is the Secretary, Communications. The list is marked "Annex 5".

Hon. Speaker, Sir, when the Deputy President assumed the office of the former Prime Minister, he requested the Public Service Commission (PSC) for extension of contracts of staff members previously serving in that office, but whose terms had expired. The PSC's communication in response to that request on 5th June, 2013 extended the term of the officers to the end of this month. I want to make this matter very clear. Annex 6 is a request made by the Office of the Deputy President. The author of the letter is none other than Dr. Isahakia, the former Permanent Secretary in the Office of the Prime Minister. The Deputy President requested that even those officers whose terms were ending be given an extension of contract, and the Public Service Commission, in their letter---

All the documents are here. They include a letter dated 26th April, 2013, which was written by the Deputy President after taking office on 14th April, 2013. The letter from the PSC of 14th June, 2013 extending the service period of those whose contracts were coming to an end is among the 23 documents. These officers left the office of the former Prime Minister even before the Deputy President assumed his position in that

office. So, as per the record of the Government, the contracts have been extended to 30th June, 2013. If they are listening to me – or the hon. Member can pass the information to them – they should know that they are still on contract up to 30th June, 2013.

Hon. Speaker, Sir, last week, the Office of the Deputy President received a letter from the Permanent Secretary in the Ministry of Information, Communication and Technology, recalling all Information Officers from all Government Ministries and Departments for further briefing before deployment. So, it is a Government policy. However, the Office of the Deputy President has not released any of the officers recalled so far. That letter is marked “Annex 8”, which I would like to table.

In conclusion, the Office of the former Prime Minister had a total of 294 officers from the Public Service, who were serving on permanent and pensionable terms in various cadres. Out of these, only five, as captured in Annex 9 have been transferred or redeployed upon requests by the administrators of their schemes of service. This was done after the release of the new Government structure via Executive Order Nos.1 and 2 of 2013. The hon. Member has asked for specific names. The only five officers who were re-deployed or transferred are one Kipkemei Siongei, who was a Principal Driver. He was transferred to the Ministry of Devolution and Planning on request by the Cabinet Secretary. Rosemary Outa, a Senior Executive Secretary, who was Personal Secretary to the former Prime Minister was transferred on personal request following deployment of Personal Secretaries to the Deputy President. Ms. Emily Ngeny, Senior Personal Secretary, who was Personal Secretary to the former Prime Minister, was also transferred in circumstances similar to those of Rosemary. The Deputy President had his own Personal Secretaries. The fourth officer is Violet Namodi, who was also Personal Secretary to the former Prime Minister. On request by the Ministry of State for Public Service, she was posted to the National Police Service Commission. Lastly, Miss Ann Mburu, who is Deputy Director, Human Resources Management, was posted to the Ministry of Works as the new Executive Officer of the Deputy President would have fewer staff members. As of now, she is undergoing training, paid for by the PSC.

Therefore, it is not true that the Office of the Deputy Prime Minister effected massive transfers of officers who were serving in the Office of the former Prime Minister. On the contrary, it is obvious that the Deputy President had requested the PSC to extend the contracts of those officers. So, contrary to the allegation, nobody has been transferred. Even for those who vacated their offices before the Deputy President assumed office, he asked that their contracts be extended. So, the allegations are baseless. They are based on mischief. Therefore, in our opinion, they are neither here nor there. For purposes of emphasis, no staff member who was serving in the Office of the former Prime Minister has been sacked. If there is anyone who has, indeed, been sacked evidence should be produced. Anyone is free to check the list.

Hon. Speaker, Sir, transfers are effected within the Civil Service in order to enhance service delivery, especially during re-organisation of the Government. The decision to transfer officers from one office to another is based on required skills and competences. The Code of Regulations for Civil Servants provides for transfer of officers from one Ministry or Department to another. I have here with me the Code of Regulations for Civil Servants, marked “Annex 10”. It gives the Ministry of State for Public Service and the PSC powers to transfer and re-deploy officers. Further, the PSC

wrote to the Office of the Deputy President on the transfers and deployment of these civil servants. This was done within the law. Again, the letter is marked “Annex 11”. Therefore, nobody has been transferred unfairly or sacked. Nobody has been intimidated or harassed. To the contrary, about three more officers have been employed. Others have their contracts extended until 30th June, 2013. I believe that the Member for Migori also did the same when he changed his Constituencies Development Fund (CDF) officials from those of the 10th Parliament.

Hon. Speaker, Sir, I beg to table the documents.

(Hon. A.B. Duale laid the documents on the Table)

Hon. Speaker: Hon. Junet, you have a right to the first chance to seek clarification.

Hon. Nuh: Hon. Speaker, Sir, I think the Leader of the Majority Party did not even look at the request that I made because he has given information on matters I did not even request for. I did not request him to tell me how many employees the former Prime Minister had in his office and such details. I asked him to give me the job groups of the affected officers and the reasons for their transfer, on which he did very little. I mentioned the names of the officers who were transferred from the Office of the Deputy President. I mentioned the name of a Mr. Nyacheo, who reported to Vihiga last week as the County Procurement Officer. He was transferred after the “hustlers’ jet saga. I also asked him about Abdul Mwasera. We know very well that the Leader of the Majority Party is the *de facto* spokesman of the URP but we are discussing matters of governance here. We are not discussing politics.

Hon. A.B. Duale: Hon. Speaker, Sir, this hon. Member is new but we cannot allow him to mislead this House. As we speak, the said Procurement Officer is behind his desk in the Office of the Deputy President serving the Government. It is very shameful for the Member for Migori to mislead the nation. We should not allow people to use the Floor of this House to mislead the public and get away with it. If the hon. Member does not withdraw the remarks, we will name him. He should withdraw the remarks or provide evidence to the effect that the said officer has been transferred to Vihiga. There are documents showing that he is among the public officers who are still working at the Office of the Deputy President. We should not use the Floor of this House for cheap politics. We have funeral gatherings, political rallies and other venues where we can do cheap politics, but not on the Floor of the House.

Hon. Speaker: Hon. Nuh, did you make reference to a specific officer whom you said is in Vihiga?

(Loud consultations)

Just a minute hon. Members, the hon. Leader of the Majority Party has indicated that the same person is comfortably sitting behind his desk in the Office of the Deputy President and Hon. Nuh holds a contrary view. Can I make the easiest way with attendant risks?

(Laughter)

Hon. Members, you are held responsible for the accuracy of the statements or utterances that you make on the Floor of the House. Can we direct that it be verified whether the officer is in office or not? Hon. Nuh, just say what you have to say.

Hon. Nuh: Hon. Speaker, Sir, it is a week since I requested for the Statement. By then, I had requested to be informed whether that man had been transferred. Hon. Speaker, Sir, you know how mischievous those people can be.

Hon. Members: Shame!

Hon. Speaker: Hon. Nuh, the Leader of the Majority Party has brought his Statement and the officer whom you raised your issue, according to him, is still in the Office of the Deputy President. Are you satisfied that, that is the correct position or you still doubt?

Hon. Nuh: Hon. Speaker, Sir, if the Leader of the Majority Party confirms that, that officer is in that office, then I congratulate him for retaining him in that office. I thank him very much.

(Laughter)

However, the Statement I requested had many aspects because it was not only about the officer that the Leader of the Majority Party has confirmed to be in the Office of the Deputy President.

Secondly, there is the Office of the Private Secretary which was---

Hon. Shill: On a point of order, hon. Speaker, Sir. We must take this House very seriously because we are being watched by the country. A serious allegation has been made by a Member of Parliament. I would like to say that this is not a *miraa* session!

Hon. Linturi: On a point of order, hon. Speaker, Sir.

Hon. Shill: Hon. Speaker, Sir, I am on a point of order and the hon. Member cannot rise on a point of order while I am on my feet. We are talking about somebody else's life because it has been said here that he has been sacked. You are putting his family into agony. If the officer is working in that office, why should this Member of Parliament mislead the House?

Hon. Chepkong'a: On a point of order, hon. Speaker, Sir. I rise under Standing Order No.83 read together with Standing order No.107. In particular, I rise on a point of order with regard to Standing Order No.107(1)(d) in which the hon. Member has made persistent serious allegations without making adequate substantiation.

Secondly, the hon. Member has abused his privilege in this House. We would like to thank God for giving us two ears and two eyes. When Hon. Nuh stood in this House, he clearly spoke in well understood or unmistakable English that the person, Mr. Nyacheo – or whatever name he may have called him - has been transferred and is now a resident in Vihiga. The HANSARD can be checked.

Hon. Speaker, Sir, when you asked Hon. Nuh whether that was true or not, he retracted. That is, again, misleading this House under the Standing Orders. Would I be in order to request that this hon. Member be named?

Hon. Speaker: I will give this chance to Hon. Nuh! This matter is about the accuracy of your statement.

Hon. Nuh: Hon. Speaker, Sir---

Hon. Speaker: Just a minute. Do not engage in arguments with anybody. You are now dealing with your own Standing Orders. You said that the named person is in Vihiga. Let nobody else assist you because you are responsible for the accuracy of that statement. If you now believe, from what you have been told and accept what the Leader of the Majority Party has said, the best route for you to travel is to withdraw and apologise and not say that you are now happy.

Hon. Nuh: Hon. Speaker, Sir, I mentioned the name of the officer who had been transferred in the Statement that I requested. One was Mr. Nyacheo and the other one was Anne Mburu. The Leader of the Majority Party has confirmed in this House that Anne Mburu has been transferred to the Ministry of Transport and Infrastructure. If Mr. Nyacheo has not been transferred, that is why I sought the Statement. He has confirmed that Mr. Nyacheo is in office; which I agree. However, Anne Mburu, who was the Human Resource Manager, has gone.

Hon. Speaker: You said that Mr. Nyacheo is in Vihiga.

Hon. Nuh: Hon. Speaker, Sir, I retract that statement. If he is in office, I agree and withdraw that statement. But Anne Mburu has been transferred.

Hon. Speaker: What clarification are you seeking?

Hon. Nuh: Hon. Speaker, Sir, I had requested to be told what job groups the new officers, like the Chief of Staff, have been given. I had requested for that clarification, but he did not respond to it. So, I am requesting him to give us the Job Group of the new Chief of Staff.

Hon. Speaker: I will give further guidance, please, because those are Statements. Where there is lack of clarity, seek clarification. This thing about question and answer, question and answer, I know it is very exciting. Those of you who were not in the Tenth, Ninth, Eighth, Seventh or Sixth Parliaments, obviously, must be having some fond memories about the drama that used to go with it, but it is gone. Question-answer is gone. It might have been very exciting watching on television out there, but it is gone. The Leader of the Majority Party has heard the clarification you are seeking, Hon. Junet. So, I believe he will respond.

Hon. S.S. Ahmed: On a point of order, hon. Speaker, Sir. I seek your guidance. The Member for Magarini, Hon. Kombe, is wearing a dress and I would like your guidance as to whether it is an acceptable code of dressing in Parliament. He is wearing a type of a Kaunda suit and I am wondering whether it is suitable for Parliament.

Hon. Speaker: He looks fairly differently dressed. Hon. Angwenyi, are you seeking a clarification? You had indicated that you are seeking a clarification. Just sit down because once I accept you, you do not touch it again. I know that this is complicated for such elderly people. Hon. Angwenyi, now you can sit down.

Hon. Angwenyi: Hon. Speaker, Sir, now I am okay. I want to seek a clarification from the Leader of the Majority Party. Could he make a Statement here beseeching this Parliament to give the President and the Deputy President space to settle down and perform for this country?

Hon. Speaker: Obviously, that is not a clarification. Washington Jakoyo Midiwo, proceed.

Hon. Midiwo: Hon. Speaker, Sir, I prefer to be Jakoyo Midiwo, but protect me from Hon. Amina. I want to seek a clarification. I want to agree that even though it may be out of order for Hon. Angwenyi to say what he has said, he is right. I thought the Leader of the Majority Party was going to pronounce to this House and the country that in this system of government, the administration that comes in has the right to come with its new staff. I thought that would have been the clarification made by Hon. A.B. Duale, but he did not.

Having said that, that is a constitutional office that is supposed to protect all Kenyans. In many occasions, it is the duty of the President and his deputy to go out of their way because they are everybody's leaders.

Hon. (Ms.) Shebesh: On a point of order, hon. Speaker, Sir. Is it in order for the Deputy Leader of the Minority Party to question an answer brought by the Leader of the Majority Party, when we know that in the new system, there is leadership in this House and he is part of it? Was it even relevant? Is he in order to question the relevance of a request that was sought by one of his Members?

Hon. Speaker: Maybe, Hon. Washington Jakoyo Midiwo did not see the request for Statement when it was filed.

Hon. Midiwo: Thank you, hon. Speaker, Sir, for protecting me. I thought Hon. Shebesh is an old Member. However, I was enriching the Statement by the Leader of the Majority Party. I wanted to seek clarification from the Leader of the Majority Party and I was saying that regardless of who sits in that office, standards must be set. I thought the Leader of the Majority Party was being mischievous when he said that the list was too long and then he went ahead and read the name of some three or four Luos, who were around the Prime Minister. He then hid the names of almost 300 people. I thought that was mischievous and unfair to the said individuals.

What is the Government doing in terms of the retirement of the former Prime Minister and Vice-President? How many staff will they be given and what will be their levels? All retired, whether they are John Major or Berlusconi, they have an office of the State somewhere. So, the retirement will not always be in the name of Raila and Kalonzo, but for the future and for posterity. What is the Government doing to establish---

(Loud consultations)

You know, this is not a shouting--- You still do not heckle, please! Those are futurists!

Hon. (Ms.) Abdalla: On a point of order, hon. Speaker, Sir. My neighbour here was trying to help me. I was not on a point of order, but I wanted to seek a clarification after Hon. Midiwo has finished. But since I am on the Floor, I could probably proceed to execute my point of order. Before I do so, I would like to urge Hon. Midiwo not to mislead the House because the terms and conditions of the retirement of the Prime Minister and the Vice President are matters that require to be brought here for us to legislate. So, I do not think it would be fair for him to use the Floor to bring a matter that we have the powers to legislate on.

Mr. Kibunja of the National Cohesion and Integration Commission did a study on the ethnic composition in the different Ministries. Now that Hon. Midiwo has raised the fact that the Leader of the Majority Party only mentioned names from one community, I want to seek a clarification from him on what is being done so that this new regime rectifies the problems that were identified by Mr. Kibunja.

(Hon. Lessonet stood up in his place)

Hon. Speaker: This Member here, you are not in a public rally. Hon. Lessonet, surely, you are an experienced Member. All you needed to do is just press the button and I would recognize you. Just resume your seat. Please, Hon. Lessonet, do not repeat that because the new Members will think that, that is the way to go about it. But now that you have caught my eye, go ahead.

Hon. Lessonet: On a point of order, hon. Speaker, Sir. Hon. Midiwo is misleading the House by telling us that the former Prime Minister and the Vice President have retired. They have not retired. They just lost the elections and while they are waiting to contest again, there is no way we can allow them to enjoy benefits, unless they retire completely.

Hon. Speaker: You see, Hon. Midiwo is at liberty to make a statement about other persons. Hon. Midiwo, you can conclude your request for clarification, please.

Hon. Midiwo: Hon. Speaker, Sir, thank you for protecting me. But the gist and the crux of the joke is what Hon. Lessonet has raised. He has said: "We shall never let them". The object of the accord was that Raila Odinga was a co-president, whether you want to accept it or not. So, in his retirement---

(Loud consultations)

You may not want to accept but read the accord because most people here are literate. I say most and so, the hecklers may not be.

Hon. Ichung'wah: On a point of order, hon. Speaker, Sir. Is Hon. Jakoyo Midiwo in order to mislead this House and the country, knowing very well that we have students in the Public Gallery? There has never at any time in the history of this country been two presidents or a co-president. You know very well that the retired former Prime Minister was just a Prime Minister and a simple supervisor of Government Ministries and nothing more than that.

Hon. Speaker: Maybe, Hon. Midiwo, as you respond you can also conclude your clarification.

Hon. Midiwo: Hon. Speaker, let me just conclude because all I am seeking – I do not think that, that point of order requires my intellect. I think it is below standard. The accord was a straightforward document for this country and anybody who does not accept it-- It shows that a section of this country is bent on frustrating another section of the country. We are talking about somebody who had been voted into office. In fact, his votes were stolen twice and that is how we ended up having him as a co-president. So, all I am asking the Leader of Majority Party is: What is the Government doing to make sure

that our leaders--- Even Members of Parliament attempted in this House to give themselves State burials. What about our retired leaders and others?

Thank you.

Hon ole Sakuda: On a point of order, hon. Speaker, Sir. I am just requesting for a clarification on the issue of whether the former Prime Minister has retired. The retired President, Mwai Kibaki's instruments of power were actually transferred to President Uhuru Kenyatta. Did Raila Odinga transfer any instruments of power to any other person to warrant this House to pay him retirement benefits? If that is the case, can he come out in public and declare that he has retired, then we can give him his retirement benefits?

Thank you.

Hon. Speaker: Hon. Members, rather than seeking clarification on what the hon. Leader of Majority Party had stated, you want to debate matters which are outside the Chamber. But, I am sure you are very well placed. Come, we can discuss some of them, wherever and whenever during weekends.

I, therefore, call upon the Leader of Majority Party to make responses to the few questions that he thought really needed clarification.

Hon. A.B. Duale: Hon. Speaker, from the outset, I am very happy that Hon. Junet has withdrawn and apologized. He is a very good friend of mine and there is a section of Standing Orders that states clearly that if you are named, it has serious consequences. I want him to read that part of the Standing Orders because it is very serious.

Secondly, hon. Speaker, I really understand Hon. Jimmy. I am sure the President and his deputy are in charge of the Executive; they have their space and in Parliament their space is held brief by the Jubilee Coalition that I lead. I think we will protect that space and the President and his deputy will protect theirs at the Executive.

I would like to thank Hon. Jakoyo Midiwo for raising a fundamental question before it degenerated into issues that are not part of my Statement.

Hon. Speaker, I think there was a Bill in this House during the 10th Parliament about the retirement package for the former Prime Minister, Vice President, Speaker and Deputy Speaker and Members of Parliament. I want to confirm that there was nowhere in that Bill that hon. Members wanted State funerals. That was a creation of other people. That Bill was again not assented to for reasons known by us hon. Members who were in the 10th Parliament. That again took away what the former Prime Minister and the former Vice President were not entitled to. If it is the wisdom of this House that the former leadership of this country is entitled to a retirement package – and this is my opinion – all of us as a House should agree on that principle. When that Bill comes before the House, then the issues of whether they should retire from politics or not, those are individual amendments to that Bill. This House will agree on what they are entitled to.

Secondly, on whether there were two presidents or two prime ministers, I think that is a debate that can go on outside this House and I do not want to get involved.

Hon. (Ms.) Abdalla raised a very fundamental issue. A comprehensive report was done on ethnic profiling in terms of jobs in this country. It was submitted to the Committee of Equal Opportunity and very glaring facts were shown. Yes, I agree. I am sure the Committee on Equal Opportunity of the last Parliament brought it to the House and adopted it. The current Committee on Implementation of the Constitution should look at it. From the composition of Principal Secretaries, State House staff and staff from

the Deputy President's Office, all indications are very clear that we want to serve Kenyans of all shades of life. There are people who respect the ethnic diversity of our people.

Hon. Lessonet, I think yours was more of a point of order. Hon. Jakoyo Midiwo, my good friend said that I segregated. If you give me chance, I will read all the 23 names. Do I read all the 23 names? Let me read them---

Hon. Angwenyi: Is the hon. Leader of Majority Party in order to say that, from the appointments being made, including the Principal Secretaries, it has taken care of the ethnic composition of this country when, in fact, there is no single member from the Kisii community who has been appointed to be a Principal Secretary?

(Loud consultations)

Hon. Speaker: Surely, that is not a point of order. It is a point of argument. Continue Hon. A.B. Duale.

Hon. A.B. Duale: Hon. Speaker, there was no single Teso in the list of the Cabinet Secretaries. There was one Fred Matiang'i from Kisii. In the Principal Secretaries category, we have one Teso nominated after the short listing. So, I want to urge my colleague, Hon. Jimmy Angwenyi, do not take it all. If you have taken the Cabinet Secretary, give the Principal Secretary to another community.

I want to read the list, to clear my name. One, Mr. Caroli Omondi who was the Private Secretary, Mr. Caesar Ochieng Asiyo who was the Director of Coordination, Ms. Irene Achieng Oloo who was the Chief Secretary, Mr. Dennis Onyango who was the Assistant Director, Public Communications, Ms. Jane Wangui Murigi who was Youth Affairs Advisor, Mr. Patrick Owade Lumumba who was the Chief Security Officer, Mr. Abdirahman Idris Mohammed - from my constituency - and who was a Personal Assistant. Mr. George Owuor Okongo, Chief Security Officer, Mrs. Bessie Mutuku, a Senior Finance Officer, Ms. Catherine Akinyi Amolo, Chief Hospitality Officer, Mr. Silas John Ouko Jakakimba, Diary Assistant, Mr. Maurice Otieno Ogeta, Senior Security Officer, Mr. George Oduor Nyangira, Senior Security Officer, Ms. Susan C. Boit, Personal Assistant, Mr. Washington Opondi Ondigo, Senior Hospitality Officer, Mr. Martin Onyango Rege, Principal Driver, Mr. Eric Mbundwe Ominde, Principal Driver, Mr. Ibrahim Nyagoya Auma, Senior Clerical Officer, Ms. Josephine Osundwa Etemesi, Personal Secretary, Mr. Robert Otieno Otumba, Charge Hand Electrical, Mr. James Apindi Maramba, Senior Driver, Ms. Millicent Dorothy Kajimba, Senior Clerical Officer and Ms. Mary Awuor Okong'o, Receptionist Assistant.

Hon. Speaker, those are competent Kenyans who got their jobs despite their ethnic backgrounds. If I am asked by the House to get hold of the document Hon. Amina Abdulla has referred to - the one that was done by the Commission on National Cohesion and Integration - you will see more glaring ethnic imbalances in our Civil Service.

Thank you.

Hon. Aluoch: On a point of order, hon. Speaker, Sir. In seeking this clarification, I do so with a lot of dismay, dismay at the level of frivolity that we can get to when discussing serious issues. Last week, the House went into an uproar when this Statement was sought by Hon. Junet. The Leader of the Majority Party shot up and said off the cuff

on the Floor of the House that we are in a presidential system and His Excellency the President and the Deputy President will come with their staff. That threw the House into an uproar but today, what he has said is different. Today, he has said that the staff are there. Those who have been deployed have been deployed for good reasons. So, could the Leader of the Majority Party now clarify that in future, he will not make careless statements on the Floor without seeking proper information first?

Hon. Speaker: Hon. Dennitah, the Member for Migori County.

Hon. (Ms.) Ghati: Thank you, hon. Speaker, Sir. I am rising on a point of clarification. I am consistently noticing that the Leader of the Majority Party is referring to Hon. Junet as the Member for Migori. I expect the Leader of the Majority Party to know people. I am the Member of Parliament for Migori. Hon. Junet is the Member of Parliament for Suna East.

Thank you, hon. Speaker, Sir.

(Laughter)

Hon. Speaker: Well, thank you for that clarification Hon Dennitah Ghati. You are actually the Member of Parliament for Migori. That is correct. Maybe, Hon. Junet kept quiet because he thought that his jurisdiction was being expanded.

He did not complain. Hon. Eric arap Keter.

Hon. Eric Keter: Thank you, hon. Speaker, Sir. I stand to seek clarification. When I heard the names which were read by the Leader of the Majority Party, it gave me some sensation because the majority of the names belong to one ethnic background. I border them and I know their names very well. I wonder whether this is the trend that is happening in all departments in this country.

Hon. Nyenze: On a point of order, hon. Speaker, Sir. Is the hon. Member in order to insinuate improper motives on that list of the appointees of those members, when we know that “Osuna” and “Okulu” are names that are shared by Kisiis, Luos and Luhyas? There has never been a more democrat like Raila Odinga. The former Prime Minister is very democratic. Is he in order to assume that Otuoma is a Kisii and Obama is a Luo? Is he in order?

Hon. Speaker: Hon. Nyenze, the Leader of the Minority Party, has also included somebody who is American, I believe.

(Laughter)

Hon. (Ms.) Nyasuna: Hon. Speaker, Sir, that particular one is from Alego. I rise on a point of order to indicate to this House that the list of 26 names - and we must note - are people whose contracts have actually ended, out of the over 300 staff. So, we cannot take them as people who are actually employed. We might actually even say that those are the people who have been selected for their contracts to actually end. So, it can be looked at from the other perspective as well. Thank you.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Speaker, Sir.

Hon. Speaker: I want to warn Hon. Millie Grace Akoth Odhiambo that once you have made a request, you do not have to shout. In fact, you should be here to see that the arrow is actually pointing at your name. You do not have to shout.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker, Sir, for your guidance. I will not shout. Is hon. E.A Keter in order to mislead this House? I can tell you, as a matter of fact, that I know at least five people named there with names that begin with “O” and they are Subas. They are not Luos. Suba is a Bantu tribe. Luo is a Nilotic tribe. I am half Suba and half Luo. I was brought up mainly with Luos. I do not understand Suba. When Suba people speak, I do not understand. Kisiis will understand Suba. Luhyas will understand Suba. I have been with Hon. Cecily Mbarire and when she goes with me to Suba, she does not need interpretation. But I do because I speak better Luo than I speak Suba. Caroli Omondi is a Suba 100 per cent. Dennis Onyango is a Suba 100 per cent, *Donge?*

(Laughter)

Hon. Speaker, Sir, Silas Ouko Jakakimba is a Suba 100 per cent from Kakimba Mfangano Island. Is he in order to mislead this House, *Donge?*

Hon. Speaker: Hon. Millie Odhiambo, surely you know the language of the House. It is either Swahili or English. You have used a mother language. Was it Suba?

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, Sir, there are words which have now been accepted internationally. Since Obama - who is a Luo - got into the White House, “*donge*” became an international language and I am *geza geza*.

(Laughter)

Hon. Speaker: Hon. E.A. Keter, can you finish your clarification? Please, let us give Hon. E.A. Keter a chance to finish his clarification. I will ask Hon. Jimmy Nuru Ondieki Angwenyi to allow Hon. E.A. Keter to finish. Do not be worried about the “O”, Hon. Jimmy Ondiek Angwenyi. Please, finish.

Hon. Eric Keter: Thank you, hon. Speaker, Sir. I will put everything I said in a nutshell. This is a very touchy issue and we should not play with it. Those names can be tabulated and analysed and we know where they come from. I say that I have resided with those people for many years. Even if you say he is a Suba or whatever, they are very few. Look at the number. I wish I could be given that list.

Hon. Speaker: Seek your clarification, Hon. E.A. Keter.

Hon. Eric Keter: So, I want a clarification from the Leader of the Majority Party. Is it true that almost 90 per cent of the names there come from one ethnic group? Secondly, if it is true, what is the leadership of this country doing about it? Can we have that list and, probably, analyse it?

Thank you, hon. Speaker, Sir.

Hon. Wandayi: Hon. Speaker, Sir, I also want to thank the Leader of the Majority Party for the clarifications that he has given us. However, I want him to further clarify the insinuation we have that for those who have remained in the current Office of the Deputy President--- Most of them are not being given assignments ostensibly to

prevent them from becoming privy to issues happening in the Office of the Deputy President. Could the Leader of the Majority Party clarify that the reason why we have this haggling and pushing around in that office is because of people who have come into that office to moonlight. People have come to that office to seek jobs even when they have got jobs elsewhere; they include a Senator. Could he clarify the fact that this jostling is caused by the people who are torn between serving their constituents in the Senate and power broking in the Office of the Deputy President?

Hon. Kaluma: Hon. Speaker, Sir, the intention of this Motion was to see how Kenyans are treated---

An hon. Member: It is a Statement and not a Motion!

Hon. Kaluma: Sorry; I am a lawyer. I may know better than you. It is a slip of the tongue.

(Laughter)

The intention of seeking this clarification was to know how we treat Kenyans in the public service when the person heading the office leaves. The benefit we have here is that whatever we are doing here is being watched from outside there. I have, in fact, just received information which I need to alert the House about. I have information on my phone that Mr. Evans Nyacheo, who has been confirmed to be working at the Office of the Deputy President, is actually on transfer. The message is seeking directions as to whether we can research better. May we not gloss over this---

Hon. Speaker: Hon. Kaluma, the House does not transact business that way. Certainly, the House will not transact business through text messages. This is because we are not able to authenticate the source---

Hon. Kaluma: Hon. Speaker, Sir, the point I am raising is that we need clear information from the Leader of the Majority Party that the Statement he is giving to the House is actually authentic. Otherwise we will be revisiting this issue, and this will be a waste of the House's time.

Hon. Speaker: The best way to go about some of these issues is really to go through Committees. This is because a committee will bring to the House a detailed report which will address other issues, among them policy. I am sure that is what you, Hon. James Wandayi and others are seeking. The source of a Statement might not really give us something that is conclusive. Nevertheless, let us give the Leader of the Majority Party a chance to respond.

Hon. A.B. Duale: Hon. Speaker, Sir, today I am happy because this Statement has elicited a lot of reactions and humour in the House. With regard to what Hon. Aluoch said, I said it very clearly under the sub-title "The Presidency". I have also shown how the structure has changed. It is in the Constitution and other laws. Hon. Aluoch is one of the architects of our new Constitution. There are no more dealings with the State House. There is an office called the "Executive Office of the President". There is another one called the "Executive Office of the Deputy President". These offices merge roles of the State and other roles that were being undertaken by the Office of the Prime Minister. I have shown in summary the shift towards the presidential system.

I want to thank the hon. Member representing Migori County. The Hon. Junet represents Suna East, Thank you.

Hon. Keter has raised a good issue. A committee of Parliament, more so the Committee on Equal Opportunity, can look at the document that I have tabled and do the ethnic arithmetic not only concerning the 23 names I have mentioned, but also every community in this country. They could then tell us whether we are doing well as per the new Constitution.

Hon. Millicent gave a fundamental difference between the Suba and the---

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, Sir, that is not my name!

Hon. A.B. Duale: Okay, the hon. Member from Mbita, Hon. Akoth.

(Laughter)

Hon. Speaker, Sir, she has given a very good clarification; all along I have known Mr. Caroli Omondi, the Member for Mbita, and my good friend, Hon. John Ng'ongo, to be members of the Luo Community. Today a clarification has been given. I hope the country and hon. Members will know that the Member for Mbita is not from the same community as the President of the United States of America, Mr. Barrack Obama. They do not share any ethnic affiliation.

Hon. Wandayi talked about assignments. Civil servants should not transact business of the Executive through SMSs. This gentleman, Mr. Mwakio, you are not helping him. In fact, you are creating an indiscipline situation for him in Government.

(Loud consultations)

The Civil Service Code of Conduct 2006, in Section E provides for transfer of officers from one department or Ministry to another. I want to confirm that my driver is seconded to me from another Ministry. There is nothing special and peculiar if civil servants working in any Government Ministry, including the Office of the President, the Office of the Deputy President and so on--- There are transfers even between the Senate and the National Assembly. So, this should not be politicized. We have a very dynamic Civil Service. We want Kenyans to do their work within the limits of their code of ethics and code of conduct. We do not want anybody to be victimized. My good friend, Hon. Kaluma, should know that for a document to be admissible in Parliament--- A text message is not one of them. That must be very clear and the Standing Orders are very clear on that.

There was a clarification sought by Hon. Angatia, who is also the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives, on instruments of power and how they are transferred. The only instruments of power were transferred on 9th April, 2013 from Mwai Kibaki to Uhuru Kenyatta. If there is anybody with instruments of power then he or she is committing treason.

(Laughter)

Hon. (Eng.) Gumbo: On a point of order, hon. Speaker, Sir. As a Member of the Energy, Communication and Information Committee the Leader of the Majority Party, being an old Member of this House ought to know. Is he really in order to mislead the House that electronic forms of communication are not allowed when we amended the Communications Act in 2009 and expressly allowed for electronic forms of communication?

Hon. Speaker: Hon. Gumbo, what you are saying is completely different from what Hon. Kaluma is purporting to do. Hon. Kaluma is trying to suggest that he has something on his phone. Why it was sent to him, and from where, is only known to him. So, that is not the way to clarify.

Hon. (Eng.) Gumbo: Hon. Speaker, Sir, it is important that we put the record straight.

Hon. Speaker: Hon. Gumbo, this is disorderly conduct. Hon. Kaluma talked about a short text message that is in his phone; I do not know whether it is in his pocket, in his office or in his car. He will need to present that evidence to a Committee, which will then bring a report to the House.

Hon. Kaluma, I notice that you, as well as Hon. Junet, are fairly agitated. So, in order for us to have this matter canvassed properly, it is important that it is taken to the relevant committee of the House, so that we can get a report from it. In fact, in the committee, you will be able to produce those text messages, e-mails and anything else that may be available to you. That is the way we should go, so that we can put this matter to rest.

An hon. Member: On a point of order, hon. Speaker, Sir.

Hon. Speaker: Hon. Members, there shall be no more interventions on this matter. We must proceed to other business.

Hon. Members, there is a message from the President on nomination of the Solicitor-General.

MESSAGE

NOMINATION OF SOLICITOR-GENERAL

Hon. Speaker: Hon. Members, Standing Order No.42(1), relating to Messages from the President provides that the Speaker shall read to the House any Message from the President delivered to the Speaker for communication to the House. In this regard, therefore, I wish to convey the Message from His Excellency the President, received by my office today, 18th June, 2013. That in exercise of powers conferred upon him by Section 9 of the Office of the Attorney-General Act, he has nominated Mr. J. Muturi to be vetted by the National Assembly for appointment to the Office of the Solicitor-General. Section 9 of the Office of the Attorney-General's Act provides as follows:

“9. There shall be a Solicitor-General, who shall be appointed by the President with the approval of the National Assembly.”

Section 3 of the Public Appointments (Parliamentary Approval) Act, 2011, provides that in exercise of the powers of appointment under the Constitution, the Public Appointments (Parliamentary Approval) Act, and Part 11 of the Standing Orders, the

National Assembly is required to conclude the process of approval or rejection of the nominee within 14 days from the date of notification. In this regard, I wish to guide the House as follows:

(i). The Departmental Committee on Justice and Legal Affairs should notify the nominee and the general public of the time and place for holding of the approval hearings at least seven days prior to the hearings. Owing to the strict statutory deadlines, I direct that the notification be made on Thursday, 20th June, 2013 since the time for sending notifications to media houses has passed.

(ii). The Committee may, therefore, commence the hearings on 26th June, 2013. The hearings shall be open to the public.

(iii). The Committee is hereby directed to, thereafter, table its report before this House on or before Tuesday, 2nd July, 2013 for consideration.

Hon. Members, pursuant to the provisions of paragraph 3 of Standing Order No.42, I now refer the Message from His Excellency the President containing the name of the nominee, together with his curriculum vitae, to the Departmental Committee on Justice and Legal Affairs, for it to conduct the approval hearings.

Thank you.

Hon. Members, last week, before I communicated to the House the way Statements would be processed there were several requests for Statements. To be fair to the hon. Members who had made their requests, and whom I believe were seven, I will allow them to make the requests, knowing that thereafter, they will be processed in the manner I directed.

Yes, Hon. Wambugu.

REQUEST FOR STATEMENT

DETENTION OF CHARTERED PLANE IN NIGERIA

Hon. Wambugu: Hon. Speaker, Sir, notwithstanding your direction last week, let me appreciate your intervention in this matter because the Statement I am requesting is of a very urgent matter of national importance.

Pursuant to Standing Order No.44(2)(c), I would like to request a Statement from the Leader of the Majority Party regarding the decision by the Nigerian authorities to detain a chartered plane carrying seven Government officials and five airline crew members at Murtala Muhammed Airport. The aeroplane was hired by the Government of Kenya to deport 10 foreigners, including five Nigerians. The State officials and the crew that accompanied the deportees are still stuck in Nigeria. Therefore, I would like the Leader of the Majority Party to inquire into the following:

(i) under what law and/or conditions the Kenya Government officials and crew of the chartered Kenyan registered aircraft are being detailed in Lagos;

(ii) what type of measures the Government officials and the aircraft crew took on 3rd June, 2013; and,

(iii) what immediate action the Government is taking to secure the release of the officials, crew and aircraft in order for them to be returned to Kenya immediately.

Hon. Speaker: Leader of the Majority Party, you can give an indication as to when you think you will be ready with the reply.

Hon. A.B. Duale: Hon. Speaker, Sir, I will bring a response on Tuesday, next week.

Hon. Speaker: Is Tuesday next week okay with you, Hon. Wambugu?

Hon. Wambugu: Yes, hon. Speaker, Sir.

Hon. Speaker: Hon. Members, before I go to other hon. Members who had indicated intentions to make requests for Statements, I will allow Hon. Paul Arati Simba to make a Personal Statement. Please, note that Personal Statements are not open to debate.

PERSONAL STATEMENT

MISREPORTING BY MEDIA

Hon. Simba: Hon. Speaker, Sir, my concern is over the malicious allegations circulating in the *Daily Nation* newspaper, as well as in the social media, that I have grabbed or I am intending to grab Jacaranda Special School land.

I want to put the record straight. I confirm that on 30th May, I was invited by the management of the school to oversee a smooth handing over of the workshop of that institution. I want to confirm to this House today that I know the existence of the school. The school happens to be handling special needs for mentally retarded kids. You can imagine that in that school, those kids are stimulated by special teachers who have been seconded by the Government to teach them in preparation for special hearing devices, which are sold in the---

Hon. Speaker: You are supposed to make a Personal Statement.

Hon. Simba: Hon. Speaker, Sir, I want to state that the media, particularly *Daily Nation* newspaper has depicted clearly that I am a merchant of corruption in my constituency.

On page nine of the *Daily Nation*, they have shown clearly under what circumstances I managed to get into the school and demand that the workshop be returned to the school. I believe, and I want to say that the *Daily Nation* at Parliament has now narrowed down to individuals. We saw them in the saga of Members of Parliament's salaries. Indeed, they even went ahead and said that I had received Kshs851,000, yet I have not even received a cent to date. I have been getting disturbing messages, or abuses, all over the social media. I believe that the *Daily Nation* media has a bone to pick with me in this business.

I would like to say that the media has a professional responsibility to give accurate reports not only on Hon. Simba but also on any other person in this country. I want to reiterate that I am a Member of the Departmental Committee on Education, Research and Technology. As long as that school remains in my constituency I will make sure that it reverts the workshop to the mentally disabled kids. It is hard to realize that one individual, who is not even a Kenyan, happens to be running the workshop.

Hon. Speaker: Hon. Simba, you are now treating the House to some things that--
- Maybe, you can present that kind of stuff to the Departmental Committee on Education,

Research and Technology, which you serve on. You claim to be making a Personal Statement but you have now gone on to talk about many things. What is personal about what you have said? I had sympathy when you began saying that they are saying that you are a land grabber. You need to address that by saying that you are not a land grabber.

Hon. Simba: Hon. Speaker, Sir, I want to point out that given the fact that I have 68 years and around four months to turn 100 years of age, if Jesus Christ does not come back, I have never grabbed even a pencil during my school days. Therefore, when the *Daily Nation's Bulls Eye* clip depicts me in my orange T-shirt, and makes it appear as if I have worn a red T-shirt of Jubilee and says that no wonder that is why I am a mono who does not understand the running of the party affairs--- I would like the media, particularly the *Daily Nation* to employ professionalism.

Thank you, Hon. Speaker, Sir.

Hon. Speaker: I think what Hon. Simba should have done was, maybe, write to the Nation Media Group, of course, and express his annoyance and displeasure and seek an appropriate apology. Here he is making a Personal Statement. Hon. Simba, you rose under Standing Order No.84 and, therefore, there is no debate.

Yes, Hon. Dukicha!

REQUESTS FOR STATEMENTS

GAZETTEMENT OF WAYU AS FOREST LAND

Hon. Dukicha: Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the gazettement of the entire Wayu area in Galole Constituency, Tana River, as forest land.

The above said area is mainly occupied by pastoralists with a population of over 30,000 people and over 200,000 livestock/animals. There are also permanent schools and hospitals which serve the people in that area.

The Chairperson should inquire into and report to the House why the above said area was gazetted as forest land despite the large number of people living in it. The Chairperson should also tell us whether the Government held consultative meetings with the stakeholders and all leaders in the region before gazettement of the said land. If so, she should provide evidence of such consultative meetings. She should also indicate whether there are alternative areas where over 30,000 affected people will be resettled.

What is the state of the hospitals and the schools located in the same area?

Thank you, Hon. Speaker, Sir.

Hon. Speaker: Hon. Wario, are you a Member of that Committee?

Hon. Wario: I am not, hon. Speaker, Sir. I want to further request the Chair of that Committee to say whether the gazettement of the said forest land includes Bura Constituency. If the answer is "Yes", which area is affected? How many other national projects, including irrigation schemes, national parks and national ranches, are in Tana River County? Can she show any evidence or proof of people's participation?

Thank you, Hon. Speaker, Sir.

Hon. Speaker: The Chair of that Departmental Committee is Hon. Amina Abdalla, who has since withdrawn from the Chamber. Is there any Member of that Committee who can give an indication as to when the Statement could be given?

Yes, Hon. (Maj.) Muluvi!

Hon. Muluvi: Thank you, Hon. Speaker, Sir. On behalf of our Chairman, I request that we be given one month to respond.

Hon. Speaker: You see this is a report. It is important that you appreciate that you are asking your colleagues. Actually both of you, Hon. Dukicha and Hon. Ali Wario, I will encourage you to appear before that Committee alongside the Cabinet Secretary and any other officer from that Ministry, so that you can canvass that matter properly, and so that if the report that will come to the House is adopted, then there will be proper follow up by the Committee on Implementation. Hon. Okoth, I understand that you also want a Statement.

RECOGNITION OF THE RIGHTS OF NUBIAN COMMUNITY

Hon. Okoth: Hon. Speaker, Sir, I rise with great respect to this House and I thank you for allowing us to get our questions today; we were supposed to get them last week.

Hon. Speaker: Not questions!

Hon. Okoth: Hon. Speaker, Sir, they are requests for Statements.

I represent the great constituency of Kibra here in Nairobi, which is also homeland to more than 20,000 people of Nubian origin, who are Kenyan citizens. They are a minority and they do not just live in Kibra, but also in places as far as Eldama Ravine, Kisii, Kibigori, Voi and many other places. So, this is an urgent matter on behalf of my constituents.

Pursuant to Standing Order No.40(4), I wish to request a Statement from the Chairperson of the Committee on Lands regarding urgent matters concerning the Nubian people in Kenya, who are officially our tribe No.43. I notice that many Members of this House and even people outside the House think that there are only 42 recognized tribes in Kenya. We have 43 tribes as a matter of record. These people reside mostly in Kibra Constituency.

The Chairperson should state the efforts the Government will make to address the rights of the Nubians on the 4,000 acres of land originally granted to them by the British colonial government, although that has been denied to date. Less than 630 acres remain inhabited by the Nubians of Kenya in Kibra. The Statement should also cover the measures the Government will take to make all the descendants of the Nubian soldiers, who were settled in Kenya as stateless citizens, fully recognized citizens with rights for registration and access to jobs. Today, we have had a long discussion about ethnic profiling of the Ogieks, Obamas and Okots. We have a Jubilee Government which cannot say which Cabinet Secretaries are of Nubian origin; it cannot mention Principal Secretaries. At least, the---

Hon. Speaker: You want that to be addressed by the Chairman of the Lands Committee?

Hon. Okoth: No, hon. Speaker, Sir. That is just to show hon. Members that there are some Kenyans who get less than others.

Thank you for your indulgence.

Hon. Speaker: Do not get carried away.

Hon. Okoth: Hon. Speaker, Sir, the Committee on Lands should help us to address the problem affecting the 4,400 acres of land that was legally granted by the British colonial government. Today, the land has been encroached. Other people live there and only less than 630 acres is inhabited by these people.

On the question of citizenship and registration rights, for many years these people were considered stateless citizens, yet they are Kenyans. So, I would like that to be addressed.

Hon. Speaker: Is that to be done also by the Committee on Lands?

Hon. Okoth: Hon. Speaker, Sir, I believe that will go to the Committee on Justice and Legal Affairs or the Committee on Administration and National Security.

Hon. Speaker: Then you should direct it there.

Hon. Okoth: Hon. Speaker, Sir, this is for the Chairperson of the Committee on Justice and Legal Affairs. It is hard to make the request when the leaders of these Committees are not here, but the Committee on Justice and Legal Affairs should address this.

Hon. A.B. Duale: Hon. Speaker, Sir, ideally, that Statement was to go to the Committee on Lands, but if the HANSARD will bear me witness, there are issues like the status of the identity of the Nubian Community. I do not know which committee will deal with this. Legal issues are found here. So, I will communicate to the Committees and a number of Cabinet Secretaries.

There was the issue of the Cabinet appointments. These are records and they must be set straight. Which Committee will be seized of the matter? You need to make a ruling on the matter, because unless the Member is talking to the Nubian Community from the Floor of the House--- The relevant provision is found in the Standing Orders. This cannot be dealt with through statements.

Hon. Okoth: Hon. Speaker, Sir, I wish to make a clarification.

Hon. Speaker: No, no. Hon. Okoth, you cannot now rise in your place and claim that you want to add something to his Statement. No, no. the Statement which goes to the Committee on Lands is about land issues. Indeed, that is the indication that Hon. Okoth has given me. Therefore, those other issues, I will assume that they were just meant to colour his presentation. They have no consequence. The Committee on Lands deals with issues of land. Those others were meant to either excite him or others; they were not meant for here.

Yes, Hon. Mwiru.

Hon. Mwiru: Hon. Speaker, Sir, I am happy about your direction and the direction of the Leader of the Majority Party, that I cannot handle the issue about registration as the Chairman of the Committee on Lands. I may also not be able to deal with the historical injustices that he has talked about. However, I want to commit myself as the Chairperson of the Committee that I can deal with the issue of the 4,400 acres of land which were given to the Nubians in Kibra. I urge the hon. Member, who is my friend, that because we are to table a report and not just a Statement, and we have to get to the very details of the matter--- As you can see, it is quite historical and it covers quite a number of years. Therefore, he should give me three months to present the report.

Hon. Speaker: Hon. Okoth, remember you have to appear before the Committee. This is the route that we are going to take, if you remember my ruling last week. You will have to appear and if you have some of the people affected, because the Committee hearings are open, you can bring as many of them as possible, so that they can make adequate representations before the Committee, and so that when the Committee comes up with its recommendations, we will be dealing with something that will be well founded. What is your reaction, Hon. Okoth?

Hon. Okoth: Hon. Speaker, Sir, this is a very serious matter of historical nature and that affects many people. Land is the basis for economic rights and wellbeing. In the interest of getting a thorough report--- In view of the history and some of the Questions that have been raised in this House on the same issue and the research that has been done to give all the stakeholders a chance to participate, it is understandable that three months will be good enough time to do the job. It is not a trivial matter and we will not rush it. I thank you for giving me the opportunity to request for the Statement.

I apologize if owing to my inexperience and youthfulness my request did not clarify issues properly.

There is a second issue that is very clear and distinct. It is not an issue that I was raising because I am excited. The Nubian people, as a fact, have been considered stateless citizens. This became an issue and their rights were fully granted when the new Constitution was enacted in 2010. Due to their previous status, there has been a history of discrimination in other issues, including access to identity cards, registration, Government jobs and related matters. So, the Chairman should, please, appreciate my weaknesses and poor performance as a person representing these people. But let him stick to the point and give these people a chance for their interests to be addressed in relation to the issues concerning registration as citizens, getting identity cards and a feeling that they are real Kenyans. That could be addressed by the Committee on Justice and Legal Affairs. That is what I said before.

Hon. Speaker: There were three other Members last week on Thursday, whose requests for Statements were adjourned.

COMPENSATION OF MAU MAU WAR VETERANS BY BRITISH GOVERNMENT

Hon. Kanini Kega: Thank you hon. Speaker; this is a request for a Statement. Pursuant to Standing Order 44(2)(c) I wish to request a Statement from the Leader of the Majority Party regarding the Kshs2.6 billion compensation for 5,228 Mau Mau War veterans awarded by the British Government, of course through an out of court settlement.

Hon. Speaker, I want the Leader of Majority Party to inquire and clarify to the House who the 5,228 individuals are. Secondly, let him state the criteria for distribution of the awarded compensation and also the timeline. Thirdly, let him give tabulation on who gets what, including the legal fees for the team of lawyers. Fourthly, let him say whether the apology offered by the Secretary of State, William Hague, meant accepting liability for the atrocities committed. Finally, let him state the Government's stand on the compensation issue.

Hon. A.B. Duale: Thank you, hon. Speaker. This is a private matter but that information, of course, is vital to the nation. I will give it next week on Wednesday.

Hon. Speaker: Very well. It looks like the hon. Member is comfortable. Let us have Benson Makali Mulu seeking a statement.

TARMACKING OF KIBWEZI-KITUI-MWINGI ROAD

Hon. Mulu: Thank you, hon. Speaker. Pursuant to Standing Order 44(2)(c), I wish to request a statement from the Chairperson of the Committee on Transport, Public Works and Housing regarding the tarmacking of Kibwezi-Kitui-Mwingi Road. The Kibwezi-Kitui-Mwingi Road is one of the highways holding the key to unlocking the economic potential of the South Eastern region, yet it is among the Class B roads not yet tarmacked. This particular road has been ignored by successive governments despite the promises to tarmack it. This has been even after a number of feasibility studies were carried out on the road.

I wish to bring to the attention of this House that the road is heavily depended on by the community; they attach a high economic value to it. For that reason, I would like, in the Statement by the Chairperson the Departmental Committee on Transport Public Works and Housing to provide the following information:

- (i) time bound plans that the Government has for tarmacking the road;
- (ii) indicate how much money will be required to tarmack the road depending on the number of kilometers;
- (iii) account for any amount of funding that could be loans or grants allocated or received by the successive governments from international institutions or governments for tarmacking the said road.

Thank you.

Hon. Speaker: Who is the Chairperson of the Committee on Transport, Public Works and Housing?

Hon. Member: He is Hon. Maina Kamanda.

Hon. Speaker: I am informed it is Hon. Maina Kamanda. I think the matter will be referred to the Committee, but I will also encourage Hon. Mulu to look through the Budget Estimates so that he, perhaps, appears before that Committee as well as the Budget and Appropriations Committee to see that he gets help. This is because some of the issues he is raising are most likely addressed there, if there are any budgetary provisions or allocations. If there are none in the coming financial year then, perhaps, he can seek to find out whether there are any plans in the near future for tarmacking the road. But the matter will be referred to the Committee on Transport, Public Works and Housing.

There was another hon. Member whose Statement was deferred. He was the hon. Member for which constituency?

Hon. Member: He was the hon. Member for Mwatate Constituency.

Hon. Speaker: Hon. Mwadime. Are you Andrew Mwadime?

DESTRUCTION OF CROPS BY ELEPHANTS IN MWATATE CONSTITUENCY

Hon. Mwadime: Yes. Thank you, hon. Speaker, Sir.

Pursuant to Standing Order 44(2)(c) , I wish to request a Statement from the Chairperson of the Committee on Environment and Natural Resources regarding the destruction of crops by elephants in Kwamengo, Godoma, Mwashuma and Mwachabo areas of Mwatate Constituency. This area has experienced three years without rainfall and now, as the farmers are just about to harvest their crops, the elephants are invading their farms and destroying crops.

In the Statement the Chairperson should report on what measures the Kenya Wildlife Service (KWS) has taken so far to control the situation. The Chairperson should inform the House how many households have been affected by this situation, not only in Mwatate but also in all parts of the country.

Thank you.

Hon. Speaker: The Chairperson is Hon. Amina Abdalla. Perhaps, the request for the statement should be referred to the Departmental Committee on Environment and Natural Resources. Hon. Mwadime, you are also encouraged to appear before that Committee.

Let us have Hon. Maj. Mutua Munuve.

SECURITY SITUATION IN KITUI COUNTY

Hon. Mati: Thank you, hon. Speaker, Sir. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of Departmental Committee on Administration and National Security regarding the current security situation in the eastern region of Kitui County, covering Kitui East Constituency; specifically Malalani, Endau and Voo locations that border Tana River County. The area has experienced sporadic and continuous incidents of insecurity that have resulted in:

- (a) more than 10 deaths of local residents from January 2012 to date;
- (b) closure of schools in Malalani and Endau locations between July and November last year. To date, Engamba Primary School has not opened.
- (c) displacement of families from their homes and farms, who are currently living in fear of being displaced again.

In the Statement the Chairperson should explain to the House:

(i) why the Government has ignored pleas from local residents to post an Officer Commanding Police Division (OCPD) to Mutito District Headquarters to cover the vast areas comprising of Nzambani District, Mutito District and Voo Location of Mutomo District;

(ii) what measures the Government has put in place to eradicate this menace; and

(iii) what interventions the Government will put in place to eliminate the sufferings of the people who continue being displaced by the bandits?

Hon. Speaker: The Chairperson of that Committee is Hon. Kamama Abongotum; I do not see him in the House. The request is referred to his Committee.

Of course, the report to the House should address the very fundamental issue you have raised about the need to provide permanent security personnel in the areas mentioned. But the matter will be referred to that Committee and then you can also

appear before that Committee to try and assist it to come up with a good and proper report.

Next Order!

MOTIONS

SUPPLEMENTARY ESTIMATES II, 2012/2013

Hon. Musyimi: Hon. Speaker, Sir, I beg that I be allowed to table the Report on Supplementary Estimates tomorrow, Wednesday, 19th June at 2.30 p.m. You may recall that I consulted you on this matter.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Well, the Budget and Appropriations Committee is still sitting and deliberating on the matter. The Chairman of the Budget and Appropriations Committee had consulted the Chair. It is, therefore, directed that the Report be presented, or tabled in the House tomorrow, Wednesday, 19th June at 2.30 p.m.

(Motion deferred)

Next Order!

UPGRADING OF ROADS IN CONSTITUENCIES TO BITUMEN STANDARD

THAT, aware that the road network in the country currently stands at approximately 160,886 Km, out of which only approximately 11,189 Km are paved; noting that the extent of the unclassified rural and urban roads remains unknown with most of such roads being in bad condition; aware that good infrastructure facilitates trade, economic development and improvement in the quality of life, this House urges the Government, through the Kenya Rural Roads Authority (KeRRA), the Kenya National Highways Authority (KeNHA) and the Kenya Urban Roads Authority (KURA), to upgrade a minimum of twenty (20) and a maximum of thirty (30) kilometers of roads to bitumen standard in every constituency across the country in every financial year to enhance the road network in the country, and subsequently enhance agricultural productivity and job creation.

(Hon. K.K. Kinyanjui on 6.6.2013)

(Resumption of Debate interrupted on 13.6.2013)

Hon. Speaker: Who was on the Floor? Hon. Otucho, had you concluded? Hon. Members, if in contributing to the Motion you feel that there are certain amendments you may wish to move, feel free to propose them. These are amendments to a Motion. You can move them and then get them seconded. Then I will propose the Question. So, hon. Otucho, you have seven more minutes.

Hon. (Ms.) Otucho: Thank you, hon. Speaker, Sir. I rise to propose an amendment to the Motion by the hon. Member of Parliament for Kinangop, Hon. K.K Kinyanjui. I want to propose that the Motion be amended by deleting the words “and a maximum of thirty (30)” appearing immediately after the words “minimum of twenty (20)”.

Hon. Speaker, Sir, as I had said in my earlier contribution, limiting the kilometers of roads to be upgraded to a maximum of 30 would be a disadvantage to some counties and constituencies that have little developed roads or none at all, like my constituency, Teso South, which has no single tarmac road. Therefore, I am proposing this amendment, so that we do not have a limit of the maximum. By so doing, we will give room for certain constituencies that need to be given more upgrading in terms of the kilometers.

Hon. Speaker, Sir, road development is key to economic development of this nation.

Hon. Speaker: If we may wish to understand you, how will the Motion read as amended? Read the whole Motion as amended.

Hon. (Ms.) Otucho: Hon. Speaker, Sir, it reads as follows:

THAT, aware that the road network in the country currently stands at approximately 160,886 Km, out of which only approximately 11,189 Km are paved; noting that the extent of the unclassified rural and urban roads remains unknown with most of such roads being in bad condition; aware that good infrastructure facilitates trade, economic development and improvement in the quality of life, this House urges the Government, through the Kenya Rural Roads Authority (KeRRA), the Kenya National Highways Authority (KeNHA) and the Kenya Urban Roads Authority (KURA) to upgrade a minimum of twenty (20) kilometers of roads to bitumen standard in every constituency across the country in every financial year to enhance the road network in the country and subsequently enhance agricultural productivity and job creation.

That is how it should read after the amendment.

Hon. Speaker: That is by deleting the words “and a maximum of thirty (30)”?

Hon. (Ms.) Otucho: Yes. I want us to delete the words “and a maximum of thirty (30)”.

Hon. Speaker: I think then we should just speak to the amendment. Do you have somebody seconding you?

Hon. (Ms.) Otucho: Yes, hon. Speaker, Sir. I want to call upon Hon. Opiyo Wandayi to second the amendment. Thank you.

Hon. Wandayi: Thank you, hon. Speaker, Sir. I rise to second the amendment to the Motion. In doing so, I must reiterate that for sure the reason why that amendment is critical is because of the historical injustices and imbalances that we have had to live with in this country, where certain areas of this country have had very good infrastructural development at the expense of others. I happen to have worked in the constituency of Hon. Otucho as a manager, and I sympathise with her. In her constituency there are very key roads especially the one linking Malaba and Busia – very key towns in this country – that has remained untarmacked for years.

Hon. Speaker, Sir, the situation obtaining in Teso South Constituency is exactly a replica of what obtains in my constituency of Ugunja, where very key road networks

have been left unattended since Independence. The importance of infrastructure in economic development cannot be gainsaid. Even those countries that have developed in the recent past – most of the Asian Tigers and even the Brics countries – have developed on the basis of sound infrastructure, particularly the road infrastructure.

Therefore, as I second this amendment I want to also reaffirm the fact that most of the road networks in our constituencies actually fall under the Kenya Rural Roads Authority (KeRRA). Even though the Kenya National Highways Authority (KeNHA) is mentioned in this Motion, most of our roads are actually under the ambit of the former. I also note that there are plans to merge these road authorities.

Hon. Speaker, Sir, without really pre-empting what the Government is thinking, I think that would be the most unfortunate thing to happen to this country. Any attempt to merge these authorities will not be in the best interests of Kenyans. In my view it would be akin to centralising corruption again. One of the biggest drawbacks to the development of infrastructure in this country has been the menace of corruption.

Hon. Speaker: Please, address the amendment. There will be a chance to debate the main Motion.

Hon. Wandayi: I am well advised, Hon. Speaker, Sir. Therefore, without further ado, I wish to second this proposed amendment. Thank you.

(Question of the first part of the amendment that the words to be left out be left out, proposed)

Hon. Speaker: Now, before we refer to the Motion as amended, I want to call on Hon. Ogalo, the Member of Parliament for Rangwe, to move his further amendment to the Motion. Please, move your amendment, so that we can then resume debate on the Motion.

Hon. Ogalo: Thank you, hon. Speaker, Sir. In light of further consultations, I wish to withdraw the amendment. Thank you.

Hon. Speaker: Very well, Hon. Ogalo. That is very good. So, now the proposed amendment which had just been brought to my attention by Hon. Ogalo stands withdrawn.

(Proposed amendment by Hon. Ogalo withdrawn)

Therefore, we will go back to the Motion which should read as follows:

THAT, aware that the road network in the country currently stands at approximately 160,886 Km, out of which only approximately 11,189 Km are paved; noting that the extent of the unclassified rural and urban roads remains unknown with most of such roads being in bad condition; aware that good infrastructure facilitates trade, economic development and improvement in the quality of life, this House urges the Government, through the Kenya Rural Roads Authority (KERRA), the Kenya National Highways Authority (KENHA) and the Kenya Urban Roads Authority (KURA) to upgrade a minimum of twenty (20) kilometers of roads to bitumen standard in every constituency across the country

in every financial year to enhance the road network in the country and subsequently enhance agricultural productivity and job creation.

That is the Motion now as amended.

(Question of the first part of the amendment that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Hon. Speaker: Hon. Wandayi, you are now at liberty to contribute to the Motion as amended.

Hon. Wandayi: Hon. Speaker, Sir, I want to support the Motion as amended. Road infrastructure is very critical. It is so critical that we cannot imagine a situation where we revert to the old system when the construction of roads and their maintenance was a matter left to the whims of the Executive. It is important that we have a minimum level of tarmac roads set out in law. If you go to the offices of KeRRA or KeNHA you will find a queue of Members of Parliament waiting to lobby for the roads in their constituencies to be allocated money for construction. Really, Members of Parliament can be engaged in better things than queuing to lobby at KeNHA or KeRRA. If this minimum level is set in law, our role will just be to do proper budgetary allocation, and every constituency will get its rightful share of road network every single year.

It is important that we do not put an upper limit. When we leave it open we are giving the Government room to carry out affirmative action, so to speak, so that areas that have been lagging behind are developed. I am talking about areas like Teso and Unguja.

[The Speaker (Hon. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) took the Chair]*

Hon. Temporary Deputy Speaker, Sir, there are plans to amalgamate these authorities that manage the road network in this country into one. That is basically reverting to the old system. My view is that for us to see meaningful development in terms of road infrastructure in this country these authorities should be left intact as autonomous entities, and each one of them should carry out its mandate, as it were.

We know that the biggest obstacle to development of infrastructure in this country has been corruption. So perverse has been this menace that even roads that have been started take ages to complete. It is not because of lack of money, but because of corrupt practices involving contractors and Government officers. When the Government came up with the idea of creating these autonomous bodies, we started seeing some meaningful progress in terms of road infrastructure development. Therefore, to attempt to revert to the old system is to kill the progress that we have made. I urge this House that we stay alert and say no to such attempts.

I beg to support the Motion.

Hon. Gikaria: Hon. Temporary Deputy Speaker, I stand to support the Motion as amended. I come from a constituency which is slightly urban. However, the statistics which have been given by my brother, Hon. K.K Kinyanjui, are just a replica of what is happening in my constituency. It is only a small percentage of the road network that has been paved.

In my constituency we have so many *boda boda* operators. Most of the accidents which happen are as a result of very poor road network within the town. I want to support this Motion because it is not only going to improve movement within the constituency, but will also reduce accidents that occur on a daily basis. When we have poor road network rain water find way into people's homes and causes havoc there. If we pass this Motion, I believe it will go a long way in improving the livelihoods of people.

As we look at ways of improving our roads, we would like to encourage--- I would like to support the hon. Member who has spoken before me about the merging of the three authorities. It is not right for us to do that. The three authorities have really improved road network because of decentralized corruption. At the same time the three authorities need to be very careful. The contractors who are given jobs must be credible, so that they do good works, and so that our roads can last for the stipulated period. Recently, in my area, a road was done and it did not last even for two years. The relevant Ministry needs to advocate for the right contractors, so that road are able to serve the purposes for which they are constructed. When giving work to the road contractors, the Ministry should give it to competent companies.

There has been a problem because whenever some contractors are given work to do, they do not adhere to the work programme that has been agreed upon by both the contractor and the Ministry. You find a road which is supposed to have been built to completion within two years taking up to six years. As a result of that delay, you find that by the time the contractor completes the work, the section of the road that was done first has started to need some repair and maintenance work. I am saying this having in mind the road from Nakuru Town to Nyahururu where construction work started a long time ago but is yet to be completed. Almost a quarter of the section that had been done is already in very bad shape. In fact, the contractor is being requested to start doing repair work, even before the completion of the project. Therefore, what is proposed in this Motion will go a long way in assisting my constituents, especially motorbike and bicycle riders, to do their business effectively.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, Hon. Katemi Makenga.

Hon. Makenga: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion as amended.

This Motion is very timely; I am from a constituency which has been marginalised for a very long time. It is hard to believe that we can have a tarmac road in my constituency. For the last 40 years, my constituency has never had a tarmac road. There is only a section of a road traversing Kilome, which was extended by only 2.5 kilometres into my constituency. That is the only tarmac road that we have had in my constituency. Therefore, the proposal to have at least 20 kilometres of tarmac road in every constituency is very ideal. There should be no limit as to the maximum number of kilometers to be tarmacked. It is high time my people of Kaiti Constituency got some tarmac road.

Hon. Temporary Deputy Speaker, I want to comment on a road which traverses part of my constituency, namely the Katumani-Ukia-Wote Road. The road was tarmacked in 2002, and only 10 years have lapsed since then. However, its condition is deplorable. The road has developed potholes which are never repaired. I wonder what kind of contractor can build a road which is in such a deplorable condition only five years thereafter. I am told that the potholes currently on that road number about 1,200. This is unimaginable. We have people in Government responsible for oversight of road matters, who must have seen those potholes, but are not doing anything. Therefore, I urge the Government to move in quickly and fill up those potholes, because to some extent they contribute to accidents. A section of that road has blind corners. Those sections have very many potholes. Accidents can happen in such sections of the road. If a contractor builds a road and then it starts developing potholes within a certain period of time, he should be compelled to repair the affected sections without any charge to the Government.

The gravelled roads in my constituency are very few. Therefore, I urge the Government to ensure that, through KeRRA, the sections of the roads that are gravelled are maintained, so that my constituents can enjoy some smooth ride. The deplorable condition of roads in my constituency has contributed to the mortality rate in my area. During the rainy season, roads become impassable. During such times, when one falls sick, it becomes very difficult to transport him to hospital to access medical care. So, bad roads contribute to mortality. Out of 439 kilometres of roads in my constituency, only 2.5 kilometres are tarmacked. Therefore, I urge the Government to ensure that roads in my constituency are done.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, Hon. Joyce Emanikor.

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion as amended.

Hon. Temporary Deputy Speaker, this country is comprised of two different worlds when it comes to roads. There is a part of this country which sees roads as infrastructure that facilitates trade, economic development and improvement of the quality of the life of the people. However, there is another part of this country which is not aware of such functions of a road. This other part of the country needs roads to enable the people to just meet their basic needs. It needs roads for security purposes. It needs

roads to facilitate the Government and other agencies to provide basic social services such as education, health and security, among others. Turkana County is one such area.

Hon. Temporary Deputy Speaker, I am talking about Turkana as one of these areas. A whole vast land measuring 77,000 square kilometers has only one small stretch of road between Lodwar and Lokichoggio which is already dilapidated and we cannot call it a tarmac road.

The road from Kitale to Lodwar is only 300 kilometres. I drove on that road yesterday and a journey that should take three hours took me 12 hours. This is not acceptable in the current Kenya where we are talking about economic growth of two digits. The Kitale-Lodwar Road has contributed to loss of lives. Every month and every year we lose lives on that road. It has contributed to denial of rights because people are not given the required services because the road does not facilitate that. It has also contributed to inadequate exploitation of the natural resources.

We all know that there is oil in Turkana now. However, I do not think that the multinational companies and every stakeholder who wants to participate in that venture is comfortable with the road. As a matter of fact, Tullow Oil Company and other multinational companies that have come to Turkana are now using aeroplanes that land on the airstrips to get to the sites. This is to facilitate them but the communities still use the poor road.

The poor state of road has also contributed to increased cost of life or inflation. The price of commodities in Turkana is high. If you want to buy *sukuma wiki*, you will find that you are sold one leaf at Kshs.10. The same price applies to a tomato. The traders will attribute this to the poor road because the cost of transport is hiked.

Hon. Temporary Deputy Speaker, Sir, this Motion is quite timely and should not have any limit as amended. There are vast districts which need hundreds of kilometres to be paved or tarmacked.

The other day, we talked about youth economic empowerment through the use of *boda boda* but they can hardly move because of the many potholes. The Governor and County Commissioner's offices are half a kilometre from town but it will take you 30 minutes to get to those offices from town.

Hon. Temporary Deputy Speaker, I beg to support this Motion as amended.

Hon. Mule: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion as amended on the basis that such Motions are the ones which benefit the entire country. I believe that this is a Motion which is well timed. We are looking at a scenario of devolved government.

If you look at this Motion, you will find that it is true that a number of Members in this House are pressed by the need to make sure that their constituents have a well structured road network.

I come from a constituency where it is only the main road from Nairobi to Kangundo which is tarmacked. We have a link road between Kilimambogo, Tala, Kangundo and Mwala to join the entire highway from Machakos to Kitui. We also have the Tala-Kinyui-Miseleni Road which I believe with such a Motion, will be able within five years, even if we look at the minimum of 20 kilometres, to be upgraded to a level of tarmac road. Within five years, we can be assured, as a constituency, that we have 100 kilometres of tarmac road.

The deplorable situation of roads within our country has been the main cause of insecurity because most of the people are either carjacked, robbed or murdered when they traverse within the country in a road network which is not worth. In order to enhance security, we must devolve roads in every constituency in the country. We should not have a situation where it is only a few Kenyans, after 40 years of Independence, who enjoy good road network.

We salute Hon. K.K, our good friend for the noble idea. I believe that the Constituencies Development Fund (CDF) came to this country through a Motion like this. As hon. Members, let us deliver good road network to our people by supporting this Motion and encouraging that the Motion should be fast-tracked to a Bill and we pass it before the end of this year. Come the next financial year, as we prepare for our Budget, every hon. Member in this House will be assured that he or she has a road that has been done to bitumen standard in his or her constituency. This is the only way to enhance development in this country.

Hon. Temporary Deputy Speaker, I know every hon. Member in the House is eager to contribute to this Motion. Let us limit ourselves to the shortest time and support this Motion. I will support Hon. K.K. Mburu to make sure that this Bill becomes a reality and we upgrade our road network.

I beg to support this amended Motion.

Hon. Midiwo: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion as amended for very obvious reasons. For those of us who come from rural constituencies, roads are a real challenge. This House needs to come up with a comprehensive law to compel the Government to do these roads.

We get allocation from the fuel levy fund every year and it is so insignificant that after every rainy season 90 per cent of this country is impassable. You cannot drive or ride a bicycle or a motorbike in most parts of Kenya after a rainy season.

Hon. Temporary Deputy Speaker, it is a shame that 50 years after Independence we are talking about allocation of monies to do 20 kilometres of a tarmac road in a constituency even though our population has increased almost five fold.

I, therefore, want to support this Motion and urge its sponsor to move ahead and do a Bill which we should pass into law, to compel the Government to use a certain criterion to allocate roads money. It is because of this that you see that there is this serious debate on the monies that this House, in its wisdom, thought that the devolved system did not need.

Hon. Temporary Deputy Speaker, let me give an example to the House. For 10 years, we have been getting just under Kshs10 million per constituency. The money was so little but in my constituency the governor, in his Budget, has given each of the six wards Kshs10 million for roads. That is why this House must reconsider its attitude towards the Division of Revenue Bill because it is giving money to the rural constituencies. That is why regardless of what the differences may be between this House and the Senate, the ultimate benefit to the constituency is the money. We need roads, hospitals and schools and we need the money to do them. The money that is being talked about is a colossal sum of Kshs48 billion. What is about to happen is that Kshs1 billion for my county is now going to go to some Ministry called the Ministry of Devolution and Planning, which is not constitutional in my view. If the Governor of Siaya County can

give each ward Kshs10 million, if you give him another Kshs1 billion, he will give us Kshs30 million, so that we can cure this problem once and for all.

This House needs to find a solution on how to deal with the mandarins at the Department of Roads and the amount of corruption that is happening there. Just a year ago, the Government in its wisdom decided to initiate a youth programme called Economic Stimulus Programme. Some of the money was supposed to go to rural roads and many youths participated. Until today, they have not been paid and the money went into the pockets of a few. Because the system is so corrupt, nobody dared to follow up any of the views. The only way to do it is for us to find a way and work together with the counties. This means that we must work together in harmony with the Senate in a way that there is accountability at the county level, so that we can do our roads. All these other arguments are meant to keep us where we are today in terms of poverty.

In the law that I am proposing that will be brought up, we must say that if you do a road, as a contractor, there must be a minimum of 15 years guarantee. Half of the roads that were done by the previous administration have been washed away and billions of shillings were spent to construct them. It is interesting that a couple of years ago, I tried to amend the Roads Act through the Finance Bill and I got a lot of opposition. I wanted to say that if you do a road to bitumen standard, you must guarantee it for 10 or 15 years, so that it is not the same road that the Government keeps allocating money for. We have a challenge and much is being said about the Chinese contractors, but for lack of a better local person, they are doing a better and faster job. Somebody went and dug the whole of Upper Hill in the name of trying to do roads and disappeared. There is no equipment on site. The local engineers, who cannot access the Chinese contractors, are up in arms against the Chinese and they are saying that they are closing the avenues of corruption. It is these people who are benefiting in this system.

In conclusion, we know that the Ministry in charge of infrastructure is trying to re-classify roads. It is saying that KURA and KeRRA are supposed to go. It would be a travesty for this House to let rural roads come back to the control of the national Ministry. Those must be the functions of this House and the Members must form the Roads Committee with the ward representatives together with the governors. Nobody sitting in the Department of Roads knows the road between Kodiaga and Siaya. They do not know. It is me, the Member of Parliament for Gem, who the people keep calling. The road has been impassable for the last 50 years. We put a little bit of the CDF there and part of the fuel levy fund, but this is not enough. So, if you tell us that you want to control so that there is enough in the pot to steal, Members of Parliament, if you make a mistake, I am sure you will not sit here after five years because the people shall judge you harshly. We are in the process of devolving functions. We cannot help the Ministry of Roads recall the already devolved functions.

I beg to support.

Hon. Chanzu: Hon. Temporary Deputy Speaker, I also rise to support this Motion as amended. This is a very important Motion considering the stage of development that we are at in this country. We need to open up this country. We need to open up the rural areas where we can get farm produce, whether it is large of small scale, to the market.

This Motion is very important. I want to commend the initiative by the Eighth, Ninth and the Tenth parliaments. They came up with the CDF. We tied the CDF with LATF, which did not come out very well and which was being managed by the councillors, now the county representatives. This is now part of the county funds. This made a lot of significant importance and showed that we had a lot of money that used to go to waste. If you consider the CDF, which is 2.5 per cent of the Government revenue, with the remaining 97.5 per cent, there is a difference. The CDF has done quite a lot in all the constituencies in the country. That is where we started with the issues of wanting to devolve some of the services.

The other one that has done remarkably well is the Constituency Roads Committees through the constituency roads funds. This was also initiated by this Parliament, but it was not tailored like this Motion. This Motion is now specific. We spend a lot of money every year doing rural roads, but when it rains, all this is washed away especially in areas where we have rains, which is in most parts of this country. Areas which do not have a lot of rain are wide and vast and so, the money is also not enough to do the roads. The money that we spend annually, even if we did only one kilometer, should be something that can last longer than what we do and then it is washed away.

Hon. Temporary Deputy Speaker, what this entails is that the Government must look for ways of getting funds that can make Vision 2030 to be realized. When we talk about Vision 2030, we are talking about modernizing this country. There is no way we are going to modernize this country without proper road network. So, it is very important that we find a way of getting these funds. Like it has been said, things should be put in a way that can commit the Government to look for funds to be able to create, at least, some road network in the country through the constituencies.

As we talk about this issue, we also talk about what we have gone through. The timing of the release of funds is very important. This is why we need to have these roads tarmacked. Sometimes, the timing is important for some of the areas like where I come from, in Vihiga or the western part of the country. We have rains most of the time and when money is being released by the Government, it is when there is a lot of rain. So, roads are washed away a lot. So, if we tarmack the roads, it will be a permanent solution. We will only be dealing with the issue of maintenance. Of course, what has been addressed and needs to be addressed also as we go along is the issue of standards. Some of the roads that have been done, sometimes you wonder whether they are tarmac or murram roads because of the corruption involved and failure to comply with the standards.

Hon. Temporary Deputy Speaker, we have spent money on studies. We made a comparative study, but unfortunately we were not listened to. Sometimes, you do not get those who listen. There is a road that was done - the Mbagathi Road - which was supposed to be an experimental road where they were using cement. Some cement companies donated cement and the road was very expensive. This road was done during President Mwai Kibaki's first term in office. Up to today, the road is not completed. But a lot of money was spent on that road. If we were to use that one as a basis to do the roads in the constituencies, then we would have not managed. This is because roads like the Mbagathi Road which is six kilometres; three kilometres one side and three on the

other side, cost the Government about Kshs500 million shillings. If we were to use that approach, we could not have succeeded. But, if we use roads like the ones being done - I looked at the Isiolo-Moyale Road and its costing, it was quite fair. But when we get our people constructing roads in this country, they make them very expensive. If we are going to use that approach, then we shall not manage.

Hon. Temporary Deputy Speaker, there are things that need to be taken into account. We must be ready with our professionals who really want to serve our country and who want to do something that can last and is cost-effective. We have put in place various reforms. There is the National Construction Authority which is supposed to register and regulate contractors in this country and their roles. I am only hoping that it is going to do much better than we have seen in the past because we will have a register. This is going to help us keep a record of our contractors. Once we know the number of contractors who are registered, this will also help us to create employment for our youth all over the country.

Hon. Temporary Deputy Speaker, the issue of equipment is also going to help if we come up with this issue of registration of contractors. It is going to create a lot of employment for our people and even those who want to hire out equipment for this kind of work will be able to get work.

Therefore, to revamp the economy, this Motion is very timely and I support it.

Hon. Eric Keter: Thank you, hon. Temporary Deputy Speaker. I stand to support this Motion. First and foremost, I want to thank Hon. Kinyanjui for bringing this timely Motion to this House.

Hon. Temporary Deputy Speaker, the issue of road network in this country is a priority for the enhancement of our economy. We should realize that this country is not endowed with a lot of natural resources as we do not have a lot of minerals. So, we depend largely on agricultural products like tea, coffee and horticulture. If that is the case and we leave our roads in poor conditions, then we would expect low economic growth. So, I support this Motion. For example, Belgut Constituency where I come from, we have three or four factories but the problem is poor condition of roads; they are very poor.

Hon. Temporary Deputy Speaker, you will find a scenario where there are so many vehicles driven on the roads and tea cannot reach factories on time. The produce is left on the way, hence discouraging farmers leading to low production and slow economic growth of our country. When we look at other districts like in South Nyanza where we have the production of sugarcane, the same applies. In fact, so many tractors use the roads destroying them as they are not tarmacked. So, in actual fact, the rate of economic growth is low and we are growing at a very low rate because of the road network.

I will propose that, although we have said minimum number of kilometres to be 20, to me even if it is five kilometres, it will be fair because in a period of five years, every constituency will get 25 kilometres of tarmacked roads. It will be the best that can be done in this country because what is happening right now is that, over 90 per cent of our constituencies since Independence have no tarmacked roads at all. For example, in my constituency, the only tarmacked road is the one which is passing to South Nyanza. So, within the constituency there are zero tarmacked roads. So, it is not strange to find a situation whereby the production is very low.

The other point is easy access to institutions like hospitals and colleges. In my constituency, for example, we have Kabianga University which has a population of more than 4,000 students. You can imagine Kericho, being a rainy region, seeing a good number of students walking because vehicles cannot reach their colleges simply because the roads are very poor. Students walk for about four to five kilometers. These are many students whom we expect to be future leaders of this country, but they are subjected to poor situations of livelihood.

So, I totally support this Motion hoping that the implementers will take a very active role in this because sometimes we can pass Motions and Bills here, but when it comes to implementation, it becomes a nightmare. So, I am proposing that, whatever decisions we make in this House, let them be implemented. The officers who are supposed to implement should do so, so that we do not pass Bills for the sake of it because we spend a lot of time here; not only time but also money. We have come up with very good Motions and Bills like this of Hon. Kinyanjui and the others; only for them not to be implemented.

So, I beg to support this Motion and I appeal to hon. Members to support it.

Thank you.

Hon. (Ms.) Lay: Asante sana Naibu Spika wa Muda kwa kunipatia nafasi ya kuweza kuchangia huu mjadala na vile vile kumshukuru Mheshimiwa Kinyanjui kwa kuleta Hoja kama hii kwa sababu ni ya maana na ni muhimu sana. Katika kila eneo Bunge unapata ya kwamba barabara ambazo zimepigwa lami ni chache sana haswa nikiongea kuhusu jimbo la Taita Taveta ambalo ninawakilisha. Unapata ya kwamba tumenyanyaswa miaka mingi. Barabara nyingi zinainua uchumi hapa Kenya. Vile vile nikitaja barabara ya Taveta hadi Mwatate, nashukuru Mungu kwa sababu wamesema wametenga fedha za kutengeneza barabara hiyo lakini ukweli ni kwamba imechangia umasikini mkubwa sana katika jimbo letu la Taita Taveta. Taveta ni mahali pa ukulima mkubwa sana. Chakula kingi ambacho kinaweza kulisha Pwani yote kinatoka Taveta na sehemu zingine ambazo ni za Taita.

Nikiacha barabara ya Taveta, kuna uchumi ambao unaingia Kenya kwa sababu tuko na mbuga za wanyama. Tuko na Tsavo Mashariki na Tsavo Magharibi ambapo watalii wakija hiyo inaleta faida kubwa sana Kenya, lakini unapata barabara ambazo zinaenda katika hizi mbuga hazijawahi kupigwa lami tangu hapo mwanzo hadi sasa. Vile vile, nikitaja kwa barabara ambayo inatoka Wundanyi kuenda mahali ambapo panaitwa Vumingu - Ninataja Vumingu kwa sababu mahali hapo niliweza kufanya mradi mkubwa sana na wakulima wa maziwa ambapo umewasaidia kuondoa umasikini. Wanaweza hata kulipa karo za watoto wao. Tumewasaidia wakaweka mashini ya poesha maziwa ya lita 10,000 na maziwa haya yananutuliwa na kampuni ya Brookside kutoka hapa Nairobi. Brookside inatoa gari kila siku kuja kubeba maziwa ya hawa wakulima ambapo katika uchumi inaleta milioni tatu kila mwezi. Sasa unapata kwamba wakati kumenyesha, maziwa haya hayawezi kuletwa hapa Nairobi na hii ni kumaanisha kwamba maziwa yanaharibika na wakulima wanabaki njaa. Wanashindwa kupeleka watoto wao shuleni.

Bw. Naibu Spika wa Muda, kwa hivyo, tukiweza kupitisha Hoja hii utapata kwamba tutaweza kuondoa umasikini mwingi sana katika kila jimbo na katika kila eneo Bunge. Vile vile, nikiguzia barabara ambayo inaenda Kasigau mahali ambapo kuna madini mengi, hali yake ni mbaya sana. Ni muhimu kutambua kwamba madini haya

yameweza kuleta utajiri mkubwa sana hapa Kenya. Serikali iliyoko na hata Serikali ambazo zimepita zimefaidika kupitia kwa hayo madini lakini barabara hiyo imeachwa katika hali ya kusikitisha sana. Kwa hivyo, wakati tunapeana hizi kandarasi za barabara ni lazima tuangalie watu ambao wanapatiwa hizi kazi ni watu ambao wana ujuzi wa kufaa na ni watu ambao watazingatia zile sheria ambazo zimewekwa. Vile vile, si kutengeneza tu barabara peke yake, ni lazima pia tuwe na mfumo ambao ni wa kuweza kuangalia hizi barabara zisije zikaharibika ama ile kwa Kizungu inaitwa *lack of maintenance*. Tukifanya hivyo, inafungua tena ajira kwa vijana ambao hawana kazi. Kila mwezi wanakaa kwenye barabara. Kama ni kuitengeneza wakati mvua imenyeshwa wanapata ajira pale na wanaweza kujisaidia katika maisha yao.

Vile vile kama hizi bodi za KURA na KeRRA ziko na shida, nafikiri ni watu ambao wanaketi katika hizo bodi ndio wako na shida. Kwa sababu tunataka kupeleka huduma mashinani, hatuwezi tukasema kwamba hizi bodi ziweze kuunganishwa. Kama kuna shida labda ni watu wale ambao wako ndani ya hizo bodi. Kama ni ufisadi basi tuangalie. Kama kuna ufisadi, hawa watu wabadilishwe lakini sio kwamba hizi bodi ziunganishwe. Zinasaidia kuleta huduma karibu na wananchi pale kwenye jimbo.

Kwa hivyo, naunga mkono Hoja hii. Asante.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Honourable Kisoi.

Hon. Kisoi: Thank you, hon. Temporary Deputy Speaker. I stand to support this Motion as amended because in this country, since Independence, some of the constituencies we come from have been too marginalised and we only talk of development when we watch it on television. I would like to take this opportunity to thank honourable Mburu for finding it necessary to bring such a Motion and I want to assure him that if he was one of my constituents and come 2017 when he comes to seek votes on the basis of this Motion, he would go in unopposed.

Hon. Temporary Deputy Speaker, the constituency that I come from is one of those that have been totally marginalised when it comes to development. When we talk of the road infrastructure, we are just only about 200 kilometres from Nairobi and yet since Independence we have only about 15 kilometres that is tarmacked. Through this Motion, when we ask for a minimum of 20 kilometres, we are not asking for too much. There before, these resources especially the road infrastructure were given out depending on loyalty, political sycophancy and those who were able to accumulate certain kinds of power within their own regions. As much as we are saying that we are completely unable to do our work, we used to hear that there were some roads where cattle would sleep on them. The roads were tarmacked in some parts of this country while some of the areas that require these roads completely go unattended to.

For instance, the closest we got an opportunity to air our case was when the President attended the funeral of the late Mutula Kilonzo. I had to go out of the norm to seek time within the programme to bring to the attention of the President in that funeral the fact that Mbooni constituents are seriously suffering because of some uncompleted roads. The Tawa-Kikima-Kyambalasi Road has never been built for the last six years and yet there was a contractor who was given that job. Nothing has been done for the last 10 years and time is moving. That demonstrates the level of desperation some of our constituents can be in if we can seek the attention of the President in funerals to tell him that we are suffering. We have the Tawa-Kakuswi-Itangine Road, every regime which

takes power tells us that they will do something on it all the time and yet nothing is ever done. Sometimes we ask ourselves what wrong thing we did to God that we are subjected to these sufferings while in other areas people are getting super highways and we are only just 200 kilometres from Nairobi.

The road infrastructure is not only about trade, economic development and improvement of quality of life. To some of us, it is a basic necessity. When we talk of security in this country some of these areas cannot be accessed when rains fall especially the last rains which poured very heavily. The road infrastructure in Mbooni Constituency completely collapsed. It made life very difficult and forced security officers to use *boda boda* and motorbikes to access certain areas in times of emergencies and yet we still claim that we are a developed nation. When we talk about Vision 2030, it is still not known to us how we will ever achieve it because there is complete imbalance in terms of distribution of these resources. Therefore, when we say that we only need 20 kilometres, this will ensure that even service delivery is effectively administered to our constituencies with ease.

Hon. Temporary Deputy Speaker, we may not be able to overemphasise the need for this infrastructure at this moment but when we talk of these roads which have to be done, sometimes they get done and we end up getting frustrated because in a matter of five to 10 years they get worn out. We are not saying as Members of this House that we should all support this Motion, pass it and ensure this country gets equitable distribution of the national cake, but we should also ensure that when these roads are done, quality is administered. If we take our duties and responsibilities seriously, this country will develop and we will have an impact in our economic agenda in terms of Vision 2030.

Communication is critical. In my area, we cannot connect from one end to the other. The hon. Member for Kaiti has explained this matter. We are completely delinked from other constituencies within the county because the bridge that connects our two constituencies becomes impassable when it rains. It is actually a death trap. Every year, we lose about five people because of the rains interfering with the roads. This is an important Motion because, as we conclude our term in Parliament, we will be in a position to tell our constituents that, that is one of the things that we have done so far.

I want to thank *Mheshimiwa* Mburu. I want to encourage him to look at more ways of developing this Bill. I would also like to urge hon. Members that we pass this Motion and ensure that it is implemented. In the same Bill that will be developed, we need to provide for tough mechanisms and measures to ensure that what we pass in this Parliament is implemented. That is an area that has been causing our country to fall apart.

Without much ado, I support this Motion as amended. The road infrastructure is our lifeline in this country.

Hon. D.A. Mohammed: On a point of order, hon. Temporary Deputy Speaker. My intervention is that we also want to speak and we are running late. I was wondering whether we could reduce the time for each speaker to two or three minutes. I believe most of those issues in this Motion have been ventilated enough and we only need to add a few things.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You can do your 10 minutes. It is not in order to reduce the time to three minutes. However, if you want to

use your three minutes, you can still do so. The time allowable is 10 minutes for each hon. Member who is going to contribute.

Hon. D.A. Mohammed: I am duly guided, hon. Temporary Deputy Speaker. First, I would like to thank the Mover of this Motion, Hon. Kinyanjui, because this is a very important thing. For most of us, only parts of our constituencies have tarmacked roads. Where I come from in North Eastern Province, there are no roads. Immediately you reach Garissa and you start your journey to Mandera, you will realize that there is marginalization in Kenya. You will know that there is neglect in Kenya. You will also get to know how far apart some sections of this country are in terms of development. More than 1,000 kilometres to Wajir and Mandera are un-tarmacked. When my colleagues complain that the interior roads in their constituencies are not being tarmacked, I wonder because in my place we do not have the main trunk road.

If only we can get, say, 20 kilometres or 30 kilometres of tarmac every year, the road from Garissa to Mandera will be tarmacked. It is now 50 years since Independence and the roads in our area are still not tarmacked. I used to work in Somalia. I used to wonder that countries that do not have governments like Somalia have tarmacked roads. A simple calculation of 30 kilometres every year for 50 years would give us a total of 1,500 kilometres. If we start to implement that plan this year, we will have a long stretch of our roads tarmacked.

Lack of good roads in North Eastern Province has led to economic stagnation. We cannot transport livestock. We cannot travel. Our people cannot access hospitals. Each time I have to travel, I must make plans to get a Land Rover and ensure that it is in good condition. Doing my duty as a Member of Parliament in that area is hampered as a result of bad roads.

We need to send an alarm to bodies such as KeNHA, KeRRA and KURA because, even right now as we speak, they are corruption dens. What is lacking in this country is not money to build good roads rather, it is transparency and accountability. You will be amazed to find out how much money is put into use on those roads I have complained about it. It was said here that a contractor had been given Kshs100 million and another Kshs80 million just to grade a road and do clearance. Those contractors give kickbacks to corrupt Ministry officials and also corrupt officers at KeNHA, KeRRA and KURA. The Jubilee Government needs to nip this in the bud so that corruption does not deny our people the good roads they deserve.

Speak to anybody in my constituency and you will be told: "Give us tarmac roads and we will do the rest for ourselves." They actually do not want anything else. If only they could get good roads, they would prosper economically and feel like they are part of Kenya. Those people feel deprived and neglected. When I go back home, my mother asks me: "*Habari ya Kenya?*" She considers the tarmacked and electrified parts of Kenya as Kenya.

Hon. Temporary Deputy Speaker, I support this Motion from the bottom of my heart.

Hon. (Ms.) Sunjeev: Thank you, hon. Temporary Deputy Speaker. I want to congratulate the Mover for bringing to the House a very logical Motion. It is a Motion which makes a lot of sense because, further to what my colleagues have said, good infrastructure always brings about development. Having proper infrastructure is the first

and most important thing for proper development in the country, the regions and constituencies. I was doing some number counting here. When you have a road network of 160,886 kilometres, out of which only 11,189 kilometres is paved, it means that we are left with 149,697 kilometres unpaved. If we have a maximum of 30 kilometres paved in each constituency, it means that approximately 7,485 kilometres of roads will be paved each year. That is why I wholeheartedly support this Motion as amended. I believe that when you do projects, you have to think beforehand what the nature of the whole project is. That is why I call this a logical-thinking Motion.

Hon. Temporary Deputy Speaker, I would also like to reiterate that I have travelled to Isiolo, Garissa, Turkana and Kitui South, where I have seen roads which are absolutely not worth calling roads. Tullow Oil Company might have their management team going to the field in choppers but they have goods which are carried by very big and heavy trucks. The cost of doing their business has become extremely high because the tyres cannot manage those types of roads. I think that is one of the main points that we are all trying to bring out here.

Last but not least, if we undertake construction of roads at a slow rate of 20 kilometres per constituency per year, we will not achieve our Vision 2030 goals. By the year 2030, I will be 75 years old. I do not think I want to live to the year 2030, being 75 years old and not seeing development in our great country.

With those remarks, I wholeheartedly support this Motion as amended.

The Temporary Deputy Speaker (Ms.) Mbalu: Yes, hon. Shidiye.

Hon. Shidiye: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

This Motion, as amended, is very important to us. Where I come from, people believe that tarmac roads are found in Heaven because they do not know what a tarmac road looks like. Fifty years after Independence, the communities in the northern Kenyan region are wondering whether they are part and parcel of this country. The majority of the people in that region are languishing in poverty. Be it infrastructure, be it food security, be it security itself, be it other things, the situation is horrible. I have just driven all the way from my constituency to here. There is hopelessness and despondency among the people of that area. They feel that they are not part and parcel of this country due to a neglect of 50 years. To be very honest, our golden age was the colonial time.

There are now two categories of communities in Kenya – the communities that are highly developed in the so-called “Down Kenya” and the communities that are downtrodden and forgotten. When you travel to that part of Kenya, people in the northern Kenya region normally ask you: “Are you travelling to Kenya?” The feeling that we are not part and parcel of the Kenyan community is open amongst the people of that region. Whenever we demanded for tarmac roads in the past regimes, people in Government would tell us that they are looking for funding from Saudi Arabia, Kuwait and Egypt. Are we really part and parcel of Kenya? We wonder. When you go to Kisumu, the roads are tarmacked. When you go to the Coastal region, the roads are tarmacked. When you go to the Central region, the roads are tarmacked. When you go to the Rift Valley region, the roads are tarmacked. Why are the people in northern Kenya being discriminated? We feel that 50 years was a loss to us.

Hon. Temporary Deputy Speaker, we feel that if we were part and parcel of the Government, we would have gotten tarmac roads. If we had started tarmacking 20 kilometres of road every year, that area would have looked different today. Infrastructure opens up regions and communities. Infrastructure brings development as it increases the level of trade of a region. If we open up the road from Nairobi all the way to Moyale, we have 95 million Ethiopians to whom we can supply manufactured goods right from Nairobi. Our traditional business partners have been Uganda and Tanzania, but that market is already saturated. We have a virgin market in the name of Ethiopia, Djibouti and Somalia, but where are the tarmacked roads that can lead our business people there? You will spend hours and hours on end, trying to reach those countries. When it rains, we are cut-off from the rest of the country for six good months. When it rains, it is a disaster in the northern Kenya region. When it is dry, people die of hunger. It is another disaster. So, are we going to lead a disastrous life throughout our lives?

When such a Motion is brought here, it is important for officials from the Ministry responsible for roads to be here, so that they can, at least, understand where we come from. What has changed this country is the Constituencies Development Fund (CDF). We want this initiative to be like CDF, so that we can, at least, be accessing our constituencies. Communication is vital. It is very instrumental in reaching our villages. We are thinking of other things. I do not know whether the devolved governments will help us. What is killing our institutions in Kenya is corruption. Why is corruption so inherent? The amount of money that was used to construct the road from Nairobi to Thika is colossal and mind boggling. The cost of building that road is about Kshs600 million per kilometre. I wonder whether we got value for our money. I believe that we did not.

Hon. Temporary Deputy Speaker, that is why I say that time has come for us to evaluate ourselves. Corruption must be made official. We should provide for, at least, 10 per cent corruption in our planning for projects. You will find that all the contractors collude with officials of the Ministry responsible for roads, who demand money. About 60 per cent of the money worth of Government projects goes into the pockets of a few people. Time has come for us to officially declare corruption acceptable in our society. We are cheating ourselves that corruption does not exist, when it is entrenched in our systems. If you want to do business with the Government, unless you part with money, you will not get a contract. Government officials are like shareholders of contracts. They will want you to share the profits with them on a fifty-fifty basis or even take 60 per cent of the same. That is the only way you can get a contract. It is official. It is an unwritten rule, but acceptable across the board. All contractors, including Hon. K.K., know this thing because he is a contractor. Unless you part with money hush hush under the table, you will not get Government contracts. Forget it. That is why we have poor workmanship and our roads get depleted every year. That is the case and yet, you will find that there are roads that last 25 years in South Africa. There is also a road that has lasted for 20 years in Botswana. A road will last up to 50 years in China. Why is that the case? It is because corruption has been outlawed in those countries. So, we have to accept that corruption is a way of life or it is a cancerous growth and it must be accepted in this country. Rules must be created to allow corruption like the tip we give in hotels. That is because corruption has become official. We should not hide.

(Applause)

Why do we have to hide and yet, we are giving bribes all the time and we are saying that we are not corrupt? It is better we call a spade a spade and not a big spoon and we move on. If there was no corruption, the road all the way to northern Kenya would have been tarmacked. If there was no corruption, the road all the way to Mandera would have been tarmacked. If there was no corruption, all the roads in Kenya would have been tarmacked today. That is because we only have 160,000 kilometres of road network but, out of that, only 11,000 kilometres are motorable or tarmacked. That means that less than 10 per cent or 5 per cent of the roads in Kenya are tarmacked. Are we in real business 50 years after Independence?

With regard to railways, we had more railway lines during the colonial period than now. That was the golden age for Kenya in terms of railways. However, you will realize that we are losing the tarmac roads which were there. Why are we losing them? That is because every road that has been built has huge potholes and nobody maintains them. I think we are averse to poor maintenance.

Hon. Temporary Deputy Speaker, this Motion has come at the right time and I believe that we must support it wholeheartedly. A Bill must be drawn for this purpose.

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

Hon. Mwangi: Thank you, hon. Temporary Deputy Speaker, for giving me this chance. I will be very brief. From the outset, I thank Hon. K.K. for bringing this Motion to this House. When Members contribute in this House, they seem to think that all the roads in Central Kenya are tarmacked. I come from an area which does not have even a kilometre of tarmac road. That is my constituency which is in Central Kenya.

(Applause)

Others are speaking as if Thika Superhighway was built for Kikuyus. No! That is an opening way for this country. When we are contributing, let us not be tribal. Let us address issues. If you travel on A2 Ruiru Road during the weekends, you will get traffic jam. That is when you will understand that Thika Superhighway had to be built.

Hon. Temporary Deputy Speaker, it is a big shame that 50 years after Independence, we can only enjoy 7 per cent of tarmac roads. It is high time hon. Member supported this Motion and urged hon. K.K---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, you cannot donate your time. I think you are not new.

Yes, Hon. Iringo.

Hon. Iringo Kubai: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to strongly support this Motion. I thank the Mover for bringing this Motion to this Honourable House.

I support the Motion as amended and reiterate that infrastructure or road network in any country is the gateway to development and economic growth. Without a road network and other networks, we cannot talk of any economic growth because roads are a

key factor in economic growth. There will be impediments in other spheres of economic growth if we do not have roads.

Roads are necessary not only to constituencies, but also to the counties and the country as a whole. This is specifically roads which are in areas where we need to have security. I would like to mention a road in my constituency where we have a problem of cattle rustling. Usually, the problem is that the rustlers or the people who steal animals drive them into areas where there are no roads, so that tracking them down becomes a big problem. That is why I really support this Motion. In essence, if there will be development of roads in those areas, there will be enhanced security. That is because security officers will be able to track down cattle rustlers and other criminals.

Hon. Temporary Deputy Speaker, I will not support the idea of disbanding KeRRA and KeNHA and coming up with one body under the Ministry. That is because KURA maintains roads in urban areas while KeRRA maintains roads in rural areas. The highways are maintained by KeNHA. The repairs that are required on those roads are diverse. That is because the roads in urban areas are developed to some extent. Those are roads especially in the former municipal councils and cities. However, if you go to the rural areas and the marginalized areas for that matter, you will find that roads are really in bad state.

If there was a fund or a certain amount of money set aside to maintain roads in a year, most roads would be motorable. There are roads in my constituency - which is Igembe Central - that are almost closed or not motorable. If you produce food in farms in those areas, you will not be able to deliver it to the market. However, if you have to do that, it will be very expensive because you will have to use other means of transport like tractors or donkeys to get to the market. I would like to say that peasant farmers find it very difficult to transport their food.

Hon. Temporary Deputy Speaker, there are other roads which connect other areas. For example, I come from a constituency where we grow *miraa*. It has to be transported from the *shamba* to the collection centre called Muringene before it is taken to the market. That is the mainstay of my constituency. That is where we earn our living. During the rainy season, it is very difficult to transport the crop to the market. If you take it to the market, it becomes expensive or, sometimes, it gets to the market late. I strongly support this Motion.

I would like to say that when we are awarding those contracts, let us award them to credible people to make our roads. We have had cases and they are very many of briefcase contractors. I am sorry to use the words "briefcase contractors". Those contractors are friends to the engineers and the people who award the tenders. Those contractors come, do a shoddy job and wait for another rainy season to come for more money. If we want to put our monies into proper use, let us have credible engineers and contractors. Those contractors should be vetted and should have done a job somewhere. Before the payments are made, I reiterate that the road should be assessed not only by the professional from that area, but also by all the Government machinery to ensure that the job is well done.

Hon. Temporary Deputy Speaker, a contractor who has been doing roads in my constituency does them when the rains are near and the following day, after the rains, he goes to ask for his money saying that it is the rain which destroyed the road. It is only that

he has been timing. Others bring very old dilapidated machinery and equipment to the site, stay there and repair them until the rains come. At the end of the day, they go for the money. The engineers never go to the site to see what has been done. They just sit in offices and sign cheques or issue approvals. Those are the people that we do not want in our society, if we have to achieve Vision 2030. I support the Motion as amended and also emphasise that we should give the job to the right people, so that we can achieve Vision 2030.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member who was disconnected, please, learn how to use your machine. If you disconnect yourself, we want to assume that you are through with your contribution. I can give you one minute. Please, use your machine well.

Hon. Mwangi: Hon. Temporary Deputy Speaker, I was urging this House that this Motion be brought in form of a Bill, so that we can pass it. When I was in the Eighth Parliament, Hon. Senator Karue brought the Motion on CDF. Then it was brought as a Bill, passed and everybody is now enjoying CDF.

After the five-year term, we should leave this House having attained 100 kilometres tarmac per constituency. This Government will not agree to bring this Bill and so it should be brought as a Private Members' Bill and we shall pass it. Through that, we shall achieve what brought us to this House.

I support.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, thank you for giving me this chance. I have been sitting here the whole afternoon hoping that I will have a chance to contribute to this Motion.

I wish to congratulate Hon. Mburu. He has done the best so far. First of all, let me advise my fellow colleagues here that out there in the constituencies, you can take 100 children to school, build health centres and schools but, after five years, you will be judged on whether or not you built a road. Roads are important than any of those things. I want to assure Hon. Mburu that I am in the Implementation Committee and I will make sure that this is implemented as soon as it is passed here. So, get yourself ready to prepare the Bill and we will assist you to implement its provisions.

I am, therefore, very happy because I am sure I will tarmac, at least, 80 kilometres in my constituency. In Trans Nzoia, we have never seen a tarmac road. The only tarmac road was built by the Italians before I was born. To date, we have never seen a tarmac road in Trans Nzoia. This will enable us and our people in Trans Nzoia to deliver farm produce to the market. They will be able to deliver maize to the National Cereals and Produce Board and milk to the market. Once this is done, at least, in the next two years, I will have about 40 kilometres of tarmac in my constituency. This will provide opportunity for the youths out there and the contractors. I agree with Members who have said that some of the contractors who are referred to as "briefcase contractors" should be checked. If this Bill goes through, we should rate the people who are going to construct our roads. Sometimes, a road is constructed and after six or seven months, it is impassable. If this Motion is passed, we will also have a rider to set the standards for those who are going to construct our roads.

I will be happy because I know that I will construct the road from Kitale to Korongolo Trading Centre. That will open up that area. We have good farmers at the Kitale/Korongolo area who are always unable to transport their produce to Kitale. We have very good dairy farmers, but they are also unable to transport their milk to Kitale. I want to assure Hon. Mburu that this is going to be implemented to the letter. Therefore, I will be able to tarmack the road between Kitale and Korongolo down to Chepchoina. That will create other opportunities for our youth. They can diversify from maize farming to fish farming. The people will be able to take their fish to Kitale and we have agreed with the county government to build a cold storage in Kitale. Therefore, farmers who will diversify to fish farming will take their fish to the market in Kitale. Fish is perishable and, therefore, farmers can transport it to the cold facility that is going to be built in Kitale.

I know other Members want to speak and I want to assure Hon. Mburu that he has done a good thing. I am a Member of the Committee on Implementation and I want to assure him that we are going to implement the provisions of this Motion.

I beg to support.

Hon. Kamau: Hon. Temporary Deputy Speaker, looking at the time and owing to the fact that the Mover of the Motion has not replied, I beg to move, under Standing Order No.53(3), that you defer putting the Question to this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, pursuant to Standing Order No.53(3), I defer putting the Question to the Motion to tomorrow morning, Wednesday, 19th June, 2013, at the start of the business. The Mover will have 10 minutes to reply and then the Question will be put.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, it is now 6.30 p.m. This House stands adjourned until tomorrow, Wednesday, 19th June, 2013, at 9.00 a.m.

The House rose at 6.30 p.m.