

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 3rd June, 2014

The House met at 2.30 p.m.

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

PRAYERS

An hon. Member: No quorum! No quorum!

Hon. Speaker: Order! Order! Hon. Members, it is not your responsibility to ascertain as to whether or not we quorate. This is just to remind you about the provisions of the Standing Orders. It is not your business; it is the business of the Chair. As soon as we say the prayers, it is the responsibility of the Chair to ascertain that there is the requisite quorum. I have, therefore, been informed by the Clerks-at-the-Table that we quorate.

So, let us proceed.

COMMUNICATION FROM THE CHAIR

TRIBUTE TO THE LATE HON. JOSEPH NGUGI NYUMU

Hon. Speaker: Hon. Members, as most of you are aware, during the May recess, we lost the hon. Joseph Ngugi Nyumu, MP. Our late colleague and friend passed on after what the doctors have described as “cardiac arrest” in the morning of 21st May, 2014. He was laid to rest on Friday, 30th May, 2014. Our departed colleague was, until his death, the Member for Gatundu South Constituency, having made his debut in Parliament in March, 2013 on a TNA ticket. The late hon. Joseph Ngugi was an active Member of the Departmental Committee on Education, Research and Technology, and the Constitutional Implementation Oversight Committee.

Hon. Members, our late colleague had presented a petition regarding the eviction of persons from Muthang’a Farm in Gatundu South Constituency. The Report of the said petition was tabled by the Chairperson of the Departmental Committee on Lands just before the May recess. In accordance with Standing Order No.226, in honour of our fallen colleague, I will allow 30 minutes during the afternoon sitting of tomorrow, Wednesday, 4th June, 2014 under the Order “Petitions” for Members to make comments on the Report of the Committee on the Petition. This will also present an opportunity for hon. Members to send sympathy messages to his family, relatives and constituents.

Hon. Members, the finality that death comes with is a constant reminder that even as leaders we are just but ordinary mortals. Such a sad occurrence reminds us as leaders to do good and virtuous deeds at all times for the benefit of those who have bestowed on us the responsibility of representing them here. We will surely miss the intellect and

humility of our late colleague and his demonstrated zeal to do what is good. I take this chance to sincerely appreciate the Members of Parliament and staff who were part of the funeral planning committee for ensuring that our late colleague and friend was accorded a dignified send-off. May the Almighty God grant comfort to his wife, children, relatives, friends and constituents and give them strength to bear the profound loss!

In tribute to our departed colleague, I request that we all stand to observe a minute of silence.

(Hon. Members observed a minute's silence in honour of the late hon. Ngugi Nyumu)

MESSAGES

PRESIDENTIAL MEMORANDUM ON NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL

Hon. Speaker: Hon. Members, this is a Message from the President. It is a referral by His Excellency the President of the National Flag, Emblems and Names (Amendment) Bill, 2013.

Hon. Members, you may recall that during the month of March, 2014, the National Assembly passed the National Flag, Emblems and Names (Amendment) Bill, 2013. Thereafter, I presented the Bill for assent to His Excellency the President in accordance with the provisions of the Constitution and our Standing Orders. However, on 12th May, 2014, His Excellency the President, by way of a Memorandum, referred the Bill back to the National Assembly for reconsideration, pursuant to the provisions of Article 115(1)(b) of the Constitution.

Hon. Members, I have on previous two occasions spoken on the manner of re-considering a Bill which has been referred back to the National Assembly by the President. In this regard, I will not revisit the procedure, save to indicate that any amendment to the President's recommendations or indeed a total refusal of the recommendations must be supported by at least two-thirds of all Members of the Assembly. In addition, our own Standing Order No.154 requires the House to consider the President's recommendations on a Bill within 21 days when the House next meets. In this regard, I direct the Clerk to circulate copies of the Memorandum from His Excellency the President to all Members. In the meantime, the Memorandum by the President is referred to the Departmental Committee on Justice and Legal Affairs, which should present its recommendations in good time to enable the House to prioritise the re-consideration of the Bill in accordance with the requirements of Standing Order No.154.

Thank you.

REFERRAL OF DIVISION OF REVENUE BILL

Hon. Speaker: Hon. Members, secondly, I have a message from the Senate on Bill No.4 of 2014.

Hon. Members, Standing Order No. 41(5) relating to messages from the Senate provides as follows:-

“41(5) If a message is received from the Senate, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.”

In this regard, I wish to report that I received a message from the Senate on 21st May, 2014, conveying the decision of the Senate on the Division of Revenue Bill, 2014, which we referred to the Senate after its passage by this House just before proceeding for the May recess. The message states:-

“The Division of Revenue Bill (National Assembly Bill No.15 of 2014), which was published in the *Kenya Gazette* Supplement No.36 of 26th March, 2014, as a Bill originating in the National Assembly and passed by the National Assembly on 23rd April 2014, was passed by the Senate with amendments on Thursday, 15th May, 2014.”

Hon. Members, the Message continues that the Senate seeks the concurrence of the National Assembly to the amendments made by the Senate to the said Bill. I am aware that the Clerk has since circulated these amendments to all Members and the relevant Committee, in accordance with Standing Order No.145. As a matter of procedure, I wish to guide the House that what will be considered by the National Assembly is not the entire Bill, but the Senate’s amendments on the Bill, which I am guided that are on Clause 4 of the Schedule.

So that this process is done in a neat manner, I now formally refer the said amendments to the Budget and Appropriations Committee of this House. Due to urgency of the passage of the Bill, the Committee is expected to submit a Report to the House on or before 10th June, 2014 – which is Tuesday next week. I will guide you further on the procedure to be followed during the debate and actual consideration of the said amendments in the House.

Thank you.

PETITIONS

CONSULTATIONS ON PHARMACY AND POISONS (AMENDMENT) BILL

Hon. Speaker: Hon. Members, our Standing Order No.225 (2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I therefore, wish to convey to the House that my Office has received a petition regarding amendments to the Pharmacy and Poisons (Amendment) Bill, 2014. The petition is signed by Mr. Abdulatif Ali, Registrar of the Kenya Medical Laboratory Technicians and Technologists Board, on behalf of the Board.

Amongst other prayers, the petitioners are praying that Parliament refrains from passing into law the Pharmacy and Poisons (Amendment) Bill, 2014 until adequate consultations are made with key stakeholders in the pharmaceutical and medical professions.

Hon. Members, as you are aware, public participation in the legislative process is now a requirement of our Constitution under Article 118(1) (b). Indeed, the said Bill was

read the First Time on 12th March, 2014 and referred to the Departmental Committee on Health. Among other requirements, the Committee is expected to facilitate public participation, including involving all relevant stakeholders before the Bill is committed for Second Reading.

This petition shall, therefore, stand committed to the Departmental Committee on Health for consideration. The Committee is requested to consider the petition alongside the Bill and report its findings to the House in accordance with Standing Order No.127(3). I, therefore, direct that the Committee must undertake to hear the petitioners with a view to taking into account their views on the said Bill.

Thank you.

REMOVAL OF CHAIRPERSON AND
MEMBERS OF IEBC FROM OFFICE

Hon. Speaker: Hon. Members, the second petition regards the removal of Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC).

Hon. Members, Standing Order No.225 requires the Speaker to report to the House any petition other than those presented through a Member. Therefore, I wish to convey to the House that my Office has received a petition regarding the removal of the Chairperson and eight members of the IEBC. The petition is signed by one Robert Buke Wafula, stating that the Chairperson and eight members of the IEBC are in serious violation of the Constitution, and that they have shown gross misconduct in performance of their functions and duties as commissioners. The petitioner also contends that the nine commissioners are incompetent in the management of elections. In this regard, the petitioner prays that:-

(i) this House resolves that this petition discloses ground for removal of the named commissioners under Article 251, paragraphs (a), (b) and (d) of the Constitution; and,

(ii) the National Assembly recommends to His Excellency the President to appoint a tribunal to investigate the named commissioners in accordance with the provisions of Article 251(4) of the Constitution.

Hon. Members, in accordance with Paragraph (3) of Standing Order No.230, this petition shall stand committed to the Departmental Committee on Justice and Legal Affairs for consideration. The work of the Committee is to guide the House by way of a report on whether the petition satisfies the grounds for removal of a member of the constitutional commission as set out in Paragraphs (1) and (2) of Article 251 of the Constitution.

The Committee has 14 days within which to submit a report to the House as required, under Paragraph (4) of Standing Order No.230. For avoidance of doubt, once the Committee tables its report, the House will have 10 days to decide whether or not the petition contains valid grounds for removal of the members of the commission.

Thank you.

Hon. Ng'ongo: On a point of order, hon. Speaker. I am actually rising on Standing Order No. 226 with regard to comments on petitions. I just want to give a short

comment on the second petition by Mr. Wafula Buke who has a petition on the removal of not only the Chairman of IEBC, but also the entire Commission due to gross incompetence among other reasons.

I was looking at the general principles for the electoral system. Article 81(e) of the Constitution requires that “The electoral system shall comply with the following principles—

- (e) free and fair elections, which are –
 - (i) by secret ballot;
 - (ii) free from violence, intimidation, improper influence or corruption;
 - (iii) conducted by an independent body;
 - (iv) transparent; and
 - (v) administered in an impartial, neutral, efficient, accurate and accountable manner.”

Hon. Speaker, I want to go to Article 86 of the Constitution which talks about voting. In that Article, it requires that at every election, the Independent Electoral and Boundaries Commission shall ensure that the results from the polling stations are openly and accurately collated and promptly announced by the returning officer. I also want us to look at part “b” which says that the votes cast must be counted, tabulated and the results announced promptly. The one that catches my attention and where I find that IEBC was grossly incompetent is where it says that whatever voting method is used, the system must be simple, accurate, verifiable, secure, accountable and transparent. I have been asking myself, can IEBC face Kenyans and say that the system was verifiable, accurate, independent and accountable in the face of admission that electronic voter identification devices failed? From that principle alone the IEBC failed the test. I, therefore, urge the Committee as it considers this petition to allow as many Kenyans as possible to demonstrate the failure of this Commission in running elections of this country.

As I sit down, I know so many of us have spoken and have said that if you are an hon. Member of Parliament and you are questioning the integrity and competence of IEBC, then you should resign. I want to remind those who may not know that I am actually in this House having won with a high percentage; 94 per cent in the last election. Even if President Kenyatta who was the candidate of Jubilee was the one running the electoral process, I would still be in this House because it was impossible to rig me out. When I hear some of our colleagues who probably had a very thin margin congratulating IEBC, they should be worried especially hon. Duale who had a margin of less than 1,000 votes. The IEBC should be worried of such hon. Members praising their work---

Hon. Speaker: Wind up because I am sure you will prosecute that matter properly.

Hon. Ng’ongo: Thank you, hon. Speaker. I urge the Committee to be objective in this matter and look into the details because election is not something to play around with. I support this petition fully and I hope once we transact it, we will have the IEBC as it is constituted today reconstituted so that this country can again have faith in electoral process. Thank you.

Hon. Speaker: Hon. Duale

Hon. A.B. Duale: Hon. Speaker, first, I want to thank my colleagues and tell them that we are back to session. As I support this petition, I want to confirm to my friend that I beat the CORD candidate squarely by more than 4,000 votes and I have the certificate. I am sure that where hon. Mbadi comes from, you win elections during party nominations. I know he was rigged in at the party nominations, so at the general election there was no election.

Hon. Speaker: Let him make his point then I will get back to you.

Hon. A.B. Duale: Today I am a happy man because in the 2007 post-election violence, the blame game was at the late Samuel Kivuitu and the ECK bungled elections.

Our country went through a serious constitutional dispensation. We formed independent commissions. Remind hon. Millie Odhiambo that the Floor is mine and we are in the august House. We have left our markets, shops and constituencies. A renowned lawyer and election expert called Kriegler was brought to Kenya. With the help of other Kenyans, they established the IEBC and many other independent offices we are proud of today. The Constitution provides for the independent offices of Auditor General, Controller of Budget and the office of Director of Public Prosecutions. Over one year ago, there was a lot of talk of disbandment of IEBC in funerals, political rallies, hotels and bedrooms of key leaders of our country when we knew under the new Constitution, a road map was created. It begins with a petition that will go through a Committee of this House and the evidence and facts adduced then are brought to the plenary and a decision is taken.

I want to confirm today that the national dialogue initiative, in my opinion, is about the President having a cup of tea with some other people and not discussing the IEBC. On IEBC the roadmap is in the Constitution. If you want to have dialogue with President Kenyatta and Deputy President hon. Ruto, I can tell you for free from the august House here that, one of your agenda should not be the IEBC. President Kenyatta and his Government have a chance of appointing a tribunal if this House agrees.

I am a serious football fan. The last one year, I have gone through a very serious torment because my club has been doing very badly. I am a member of the Manchester United and I support the team. The team used to do very well, but during the last one year they have done very badly because of the coach and not because of the referee. They did very badly because of the players and not because of the referee. In 2007, the same political caucus blamed the referee. The same caucus is blaming the referee again. I was shocked when I saw a leader of a political party saying our elections should be conducted by foreigners. That is serious! That is treason!

In my community, which I am proud of, it is your mandate to make sure your cows come home after grazing. Whether you use your son or the father follows his cows, that is up to you. Today, what I have been telling my colleagues in talk shows and on the Floor of the House - halleluia! they have seen the light – is that the 2010 Constitution does not require a national dialogue to disband the IEBC. It has given a road map. If you are a presidential candidate and you are aggrieved, you go to the Supreme Court. You face seven wise men and women and they will decide what to do. If you are aggrieved as a Parliamentarian, as a Governor, as a Senator or an MCA you start with a lower court; you go to the court of Appeal. I am sure my good friend, the Member for Nyando, hon. Outa is in the Supreme Court and I wish him well. We create institutions not for

individuals, regions or tribes. Today, I want to challenge the Committee led by hon. Chepkong'a that the data they are going to collect should not come from funerals. The evidence that they are going to receive must come from men and women of high integrity. The information they are going to receive must be analyzed by a Committee of Parliament that is beyond reproach. This country needs credible institutions. This country will not entertain the creation of institutions every morning and every evening, you want to disband them because your son, daughter, friend, grandfather or father did not win the elections.

Finally, *baba* while you were away the Opposition failed. *Baba*, while you were away---

Hon. Members: Ah! Ah!

Hon. A.B. Duale: I did not coin that word. *Baba* while you were away, a petition was brought to Parliament to disband the IEBC. *Baba* when you came, you did not bring anything. We want to tell you the story, but we are hungry. You came empty handed. I support the petition.

Hon. Ng'ongo: On a point of order, hon. Speaker. I felt that there is misrepresentation of facts from the Leader of Majority that should not be allowed to remain on record. I want to remind hon. Duale, because he is not aware, that I went through two elections in 2013. On 17th January, I had 63 per cent at the ODM nomination. As a matter of fact, I had 12,119 votes and the number two had 4,198 votes. I want to remind him that after defeating my opponents, they never crossed to any political party. Therefore, I was left with joy riders from his party, whom I made minced meat of, and had my 94 per cent win. Hon. Duale only defeated the young man because he was fresh from university. If he got someone with resources, I am sure he would not be with us here today.

I want to conclude my point of order by telling hon. Duale that the way he is jealously and with zeal defending the IEBC today, some of the people whom Kivuitu rigged out in 2007, and I will tell you for a fact, defended Kivuitu with all their might. You never know what is coming tomorrow. Hon. Duale will be the victim tomorrow. I know he is celebrating today because he was rigged in against that young man, but tomorrow when he will be rigged out, he will see the sense in what we are saying. We need credible systems.

Hon. Speaker: Hon. Members, I do not think we need to get more points of order. We are merely engaging in arguments and I think there is a valid petition which has been presented. Those of you who have information that you may wish to share with the Committee, you are at liberty, as Members of Parliament, to go before the Committee and present the information. So, we move to the next Order.

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House, today, Tuesday, 3rd June, 2014:-

The National Land Commission Progress Report, March, 2013 to January, 2014.

The Economic Survey, 2014 from the Kenya National Bureau of Statistics.

The Quarterly Economic and Budgetary Review, third quarter, 2013/2014 from the National Treasury.

The Draft Environmental Management and Coordination (Waste Tyre Management) Regulations 2014 from the Ministry of Environment, Water and Natural Resources.

The 2013 Annual Reports and Financial Statements for the Kenya Re-insurance Corporation Limited.

The Report of the Auditor-General on the Financial Statements of the National Environment Trust Fund for the year ended 30th June, 2013 and the certificate therein.

NOTICE OF MOTION FOR ADJOURNMENT UNDER S.O.33

SECURITY SITUATION IN WAJIR

Hon. Mule: Hon. Speaker, pursuant to Standing Order No.33(1), I wish to seek leave to move the Motion for Adjournment of the House for the purpose of discussing the ongoing killings in Wajir. These fresh conflicts have led to the killing of over 20 people, displacements of over 6,000 people and destruction of more than 20 houses. In addition, 14 primary schools have been shut down due to the ongoing security breakdown.

I, therefore, wish to request the Government to urgently take mitigation measures to arrest the deteriorating security situation in Wajir County and in the country at large before any more damage is done. This should be by deploying increased number of security officers, providing humanitarian support, facilitating security agencies with the necessary logistics and requirements and resolving the underlying problems in the area.

(Several hon. Members stood up in their places)

Hon. Speaker: Okay. I can see with the exception of a few, who perhaps may not have been following, you have the requisite numbers. It is only hon. Omulele and hon. Gideon Mungaro who may not have been following. Very well, you may resume your seats.

(Hon. Members resumed their seats)

Those hon. Members who are making their entries, please take your seats. The hon. Chepkong'a, please you could say hello to hon. Patrick Musimba later.

Hon. Members, it is obvious that hon. Stephen Mule has the requisite numbers to support his Motion for Adjournment of the House to debate a matter of grave national importance. I also wish to confirm that the hon. Mule---

Hon. Members: Raise your voice.

Hon. Speaker: I am sure it has nothing to do with the level of decibels emanating from me. If it has a problem, it has to be traced from the gadgets.

The hon. Mule approached me earlier and in good time as required by the Standing Orders and he has the numbers and the matter indeed is grave, serious and of

national importance. I, therefore, direct that the House shall adjourn at 5.30 p.m. this evening to discuss the said issue of the killings, displacements and other atrocities happening in Wajir County. Thank you.

(Applause)

Next Order. Hon. Ahmed Abass, is yours a request for a statement?

Hon. Abass: Yes, hon. Speaker.

Hon. Speaker: Okay. Let us get it. Let us start with hon. Ahmed Abass.

REQUESTS FOR STATEMENTS

ARREST AND DETENTION OF ABDIFATAH ODOWA ADAN

Hon. Abass: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the arrest and detention of a prominent Nairobi businessman.

Hon. Speaker, this gentleman, Abdifatah Odowa Adan, the owner of the Luxury Coach was arrested by the police on the evening of 20th May outside Kilimanjaro Restaurant in Eastleigh. The police have never charged him with any offence in any court of law despite the court order issued for this on 26th May. In addition, his family remains in the dark regarding his whereabouts. Article 49(1)(f) of the Constitution stipulates the right that should be accorded to an arrested person. This appears to have been ignored in Mr. Adan's case.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on the following:-

- (i) the specific whereabouts of Mr. Adan;
- (ii) the exact charges he is being held on, if any;
- (iii) when he will be arraigned in court as per the Constitution and;
- (iv) when his family can gain access to him to ascertain his well-being.

I thank you.

Hon. Speaker: Sorry, hon. Abass. Your request for the statement is to which Committee?

Hon. Abass: It is for the Chairperson of the Departmental Committee on Administration and National Security.

Hon. Speaker: The hon. Asman Kamama? Who is his Vice-Chair? It is hon. Lentoimaga? Both of them are absent not knowing that Parliament was resuming today apparently or not desiring to be present. Hon. Abass.

Hon. Abass: Hon. Speaker, I think in the absence of the two, the Leader of Majority Party is in the House and he can issue the statement. I think this is a very serious matter where a Kenyan is missing. Nobody knows his whereabouts. His family has been in pain and agony for the last three weeks. So, I think in their absence the Leader of Majority Party can take the undertaking possibly to report to this House tomorrow.

Hon. Speaker: I allowed this request because of the gravity of the issues that you raised but there is also expectation that the Chairs of Committees be present and especially after surviving a serious coup.

Hon. Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, yes he survived a serious coup as the Chair of the Committee. There was an internal coup but I can confirm now that he is safe and sound and he is the Chair. However, because I come from the same county as hon. Abass, that is a very serious matter. I have just come from my constituency. I will ask the Chair that we bring an answer next week on Thursday. This is about somebody who has disappeared in the hands of police officers. So, next week on Thursday I will ask the Chair to bring an answer.

Hon. Speaker: Hon. Abass, I can see you are shaking in disagreement.

Hon. Abass: Thank you, hon. Speaker. I think the Leader of Majority Party meant this coming Thursday and not next week considering the gravity of this matter and the fact that somebody is missing since 20th of May this year. You know the issue here is simple. Where are his whereabouts? If the police have killed him then they should release his body to his family so that he can be given a decent burial. Surely, they cannot wait until the other Thursday.

Hon. Speaker, my thinking was that the Leader of Majority Party can walk out of the Chamber now, place a call and come back to report to this House about his whereabouts.

Hon. Speaker: Yes, hon. Duale.

Hon. A.B. Duale: Hon. Speaker, that is not how the Jubilee Government works. The Jubilee Government does not walk out, make a call and come back. We are a very serious Government. We want to get facts.

So, hon. Speaker, what I will ask the Chair---

Hon. Members: But Sonko made a call to the President.

Hon. A.B. Duale: Hon. Speaker, Sonko lives in the Senate. I do not want to speak about him. He is a very great Senator from Nairobi County and after the President and the CORD leader, he is number three in terms of the votes that he got.

Hon. Speaker, let me see whether I can talk to the Chair and we bring an answer on Thursday this week.

Hon. Speaker: Yes. Communicate to the Chairperson because I think it is a serious matter that the House should be informed of. The hon. James Gakuya.

BENEFITS OF GLOBAL FUND TO KENYA

Hon. Gakuya: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Health regarding the recent Global Fund conference held late 2013.

Hon. Speaker, the aim of the conference was to raise US\$15 million to drive the implementation of the strategy to save 10 million lives. Further, the conference also sought to institute measures to prevent between 140 and 180 new AIDS, tuberculosis and malaria infections in several parts of the world including Kenya.

Hon. Speaker, in the statement the Chairperson should inquire into and report on the submission made by the Government of Kenya in the conference and the extent to which Kenya will benefit from the Global Fund from 2013 moving forward.

Thank you, hon. Speaker.

Hon. Speaker: It is whispered that you sit in that Committee and of course you represent a constituency. Therefore, it is perfectly in order at this hour of exhibition to be seen to ask that kind of question. Where is the Chairperson of the Departmental Committee on Health? If the Chairperson is not here, how about the Vice-Chair? Where is hon. (Dr.) Pukose?

Leader of Majority Party, what is happening to the Chairs of Committees? Is there a go-slow?

Hon. A.B. Duale: Hon. Speaker, I remember we had a serious business with our leaders and that is the President, not the Opposition Leader; about an hour ago. I am sure they are on their way here. With your indulgence, Parliament comes first. Therefore, they should have even left their lunch and other engagement with the President and come to the House.

Hon. Speaker, once one is a leader or a chair, his or her responsibility is to come when the House rises. I will also pass that message to the Chairperson of the Departmental Committee on Health and the answer will be delivered in two weeks. I want to encourage hon. Members not to read the entire lengthy statement. They should go to the crux of the matter.

ALTERATION OF ADMINISTRATIVE UNITS IN KALOLENI

Hon. Chea: Thank you, hon. Speaker. Pursuant to Standing Order No. 44(2)(c) I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the alteration of administrative units and national identification card entries in Kaloleni Constituency.

Hon. Speaker, indeed, for so many years and further pursuant to the National Government Coordination Act 2013, two administrative units; Jibana and Chanagande locations have been within Kaloleni Ward, Kaloleni Constituency. However, in the Kenya National Bureau of Statistics computer list, 2013 for Coast, Jibana and Chanagande locations have been placed within Mwanamwinga Division and the national identification cards recently issued in respect of those areas have reflected Jibana and Chanagande locations as being within Mwanamwinga Division.

In the statement, the Chairperson of the Committee should inquire into and report on:-

(i) the circumstances that resulted to the changes in the administrative units and why the national identification cards issued to the residents of Jibana and Chanagande locations---

(Loud consultations)

Hon. Speaker: Order! Order, hon. Members! Consultations must be in lower tones. We cannot hear hon. Chea.

Hon. Chea: Thank you, hon. Speaker. I was saying that the Chairperson of the Committee should inquire into and report on:-

(i) the circumstances that resulted to the changes in the administrative units and why the national identification cards issued to the residents of Jibana and Chanagande locations reflect details of a different division; and

(ii) the steps the Ministry has taken so far to ensure that the errors relating to the computer list are rectified and state when this will be done.

Thank you.

Hon. Speaker: The Chairperson of the Departmental Committee on Administration and National Security or the Vice Chair? Are they the ones alleged to be feeding?

Leader of Majority Party, what do you have to say?

Hon. A.B. Duale: Hon. Speaker, I will pass the message to the Chair of the Departmental Committee on Administration and National Security and ask him to bring an answer to the House in two weeks from today.

Hon. Speaker: Very well. Hon. Chea?

Hon. Chea: Thank you, hon. Speaker. I have no problem with that.

STATE OF AFFAIRS AT KENYATTA UNIVERSITY

Hon. Kaluma: Thank you, hon. Speaker. My request for a statement is directed to the Chairperson of the Departmental Committee on Education, Research and Technology, regarding the goings-on at Kenyatta University.

In the last quarter of last year, a student who was said to be in third year was shot and killed in the university by personnel said to be police officers within the university. The university has also been involved in mega construction works which is a good thing, but the sources of those funds are not known. There is also disquiet within a section of staff regarding terms and conditions of employment in the university as well as several cases of students' unrest. Virtually, every year we have a riot---

(Loud consultations)

Hon. Speaker: Order, hon. Members! You must allow hon. Kaluma to make his statement!

Hon. Kaluma: Most importantly, in fact, there have been reported cases of alteration of examination results to favour students from particular communities in the university.

Hon. Speaker, I request that the Chairperson inquiries into and reports to the House on the following specific issues:-

(i) the number, details and mandate of the police officers seconded to the university;

(ii) resources and terms of conditions for funding of projects that the university has undertaken in the first five years and the extent of indebtedness of the university;

(iii) measures being taken to ensure that the office of the Vice-Chancellor of the university is occupied by a duly appointed person;

(iv) action taken by the university on the alleged alteration of examination results; a matter capable of shattering the integrity of academic certificates and credentials from the university;

(v) reasons other than discrimination, as to why some persons who are holding Doctor of Philosophy degrees and distinctions in their various fields of study remain engaged as assistant lecturers, contrary to the university tradition; and

(vi) measures put in place by the university to avert habitual students' unrest at the institution.

Hon. Speaker, I require a very detailed report on the matter. I would request I be allowed to appear before the Committee when these matters are dealt with because I have documents which could be useful in the interrogation on matters concerning this public institution.

Thank you, hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Education, Research and Technology, you cannot be coming forever! It is now 3.30 p.m. Honestly, it is fair that hon. Members, particularly those chairs of committees, know that Parliament starts at 2.30 p.m. on Tuesdays, Wednesdays and Thursdays and at 9.00 a.m. on Wednesday morning. This is because it is very frustrating not just to the House, but even to hon. Members who are seeking statements.

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker. I apologize, I had to attend to a matter of national interest and that is why I am late. It was not intentional. I ask the hon. Member to give us three weeks.

Thank you.

Hon. Speaker: But still, when you think you are likely to be engaged elsewhere, it is fair that you assign your deputy the chance to stand in for you.

Hon. Kaluma: Hon. Speaker, my requests are many and they require detailed investigation. I was with my sister out of the country. I know she is a serious person. I would accept three weeks for a proper report.

Hon. Speaker: Very well. Hon. David Gikaria.

FAILURE TO REGISTER BETH NDUTA KARANI FOR KCPE

Hon. Gikaria: Thank you, hon. Speaker. Pursuant to Standing Order No. 44(2)(c) I wish to request for a statement from the Chairperson of the Departmental Committee on Education, Research and Technology---

(Loud consultations)

Hon. Speaker: Hon. Members, there must be order in the House.

(Laughter)

Even those engaging in that hot laughter, try to control it. Hon. (Ms.) Nyasuna, please, even when there is a reason for you to be excited when hon. James Rege is seated next to you, please, try to control it.

Hon. Gikaria: Thank you, hon. Speaker. Pursuant to Standing Order No. 44(2)(c) I wish to request for a statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding failure by the management of Victonel Academy, Pangani in Nakuru, to register Beth Nduta Karani for the Kenya Certificate of Primary Education (KCPE) for the year 2014.

Hon. Speaker, Beth Nduta Karani was due for KCPE in the year 2013 but the head teacher of the said school did not register her and instead proposed that she repeats Class Eight. Before then the teacher indicated that the pupil was a slow learner and needed to take special lessons which she did.

(i) why the pupil was expelled and not registered for the Kenya Certificate of Primary Education (KCPE) in 2014; and

(ii) the action taken by the County Director of Education since the matter was reported to him.

*(Hon. Kipyegon and hon. (Ms.) R.K. Nyamai
walked into the Chamber)*

Hon. Speaker: Hon. Kipyegon and hon. (Ms.) R.K. Nyamai, you have come late but you cannot allow others to hear what the hon. Member is asking.

Hon. (Ms.) Chege, can you make a response? Would you like to hear her make a response?

Hon. (Eng.) Gumbo: Hon. Speaker, while I sincerely sympathize with the plight of the student, I am struggling from where I sit if this matter could not have been handled better and faster at the local level. I do not seem to understand how it is a national issue and whether the hon. Member ought not to have liaised with the MCA of the area to handle it with the County Education office. This is because a matter like this, other than the fact that it is urgent, I would believe that if it was handled at the Nakuru County Education Office, it would be faster than bringing it here. Is it really not setting a bad precedent when we are bringing matters which are local to the National Assembly?

Hon. Speaker: Well, hon. (Eng.) Gumbo, a very able Member has completely forgotten that Article 95(1) of the Constitution of the Republic of Kenya, 2010, says as follows: "The National Assembly represents the people in the constituencies and other special interests in the National Assembly." So, the matter being raised is one such that the hon. Member is raising issues about the people he represents. Since it is the National Assembly that is vested with the power to discuss matters of that nature, the hon. Member is right. But perhaps, should somebody feel that there are other local ways of dealing with it, particularly dealing with counties, they are at liberty to do so. However, that does not preclude the hon. Member from raising it in the House since it is here that you represent the people.

Hon. (Ms.) S.W. Chege: Hon. Speaker, because this matter affects a student who is already in school and not registered, I would ask the hon. Member to give us two weeks. That will be enough for us to speak to the Ministry and the KNEC and then report back to this House.

Hon. Gikaria: Hon. Speaker, I totally agree with the Chairperson. I can wait for two weeks but that notwithstanding, I want to thank you for coming to my rescue from

hon. (Eng.) Gumbo. If he heard me right, the girl was supposed to sit her exams in 2013. We took that route and the director at the county level did nothing. I will wait for two weeks.

RIISING CASES OF ROAD CARNAGE

Hon. (Ms.) Sunjeev: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I would like to request for a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding rising cases of road carnage in the country.

In the recent past, many Kenyans have lost their lives in grisly road accidents across the country. For instance, on 29th August, 2013, 42 people perished on the Ntulele-Narok Road. On 30th October, 2013, 12 people died after a Dandora bound train hit a minibus at a railway crossing in Nairobi. In November 2013, 15 school children lost their lives and on 11th November, 2013, five people died at the Salgaa black spot. On 12th March, 2014, 15 people died in Chemilili on the Eldoret-Kisii route. It is imperative for the Government to investigate and interrogate the root cause of this menace. It has been observed that most of those accidents that have hit the headlines usually involve public service vehicles. In this statement, the Chairperson should inquire into and report on:-

(a) whether the Kenya Bureau of Standards (KEBS) and the National Transport Safety Authority (NTA) have domesticated the international manufacturing standards of the Public Service Vehicles;

(b) if there are regulations in place to guide the designing and assembly of body parts of Public Service Vehicles safety requirements; and

(c) whether the Public Service Vehicle manufacturing companies are adhering to the standards set and the identity of any rogue vehicle manufacturers who are flouting the regulations.

Hon. (Eng.) Mahamud: Hon. Speaker, this is a very important question and I will answer it in two weeks' time.

Hon. (Ms.) Sunjeev: That is okay.

MEASURES TO SOLVE THE SQUATTER PROBLEM

Hon. Bedzimba: Kulingana na mujibu wa Kanuni za Bunge, Kifungu 44(2)(c), ningependa kuuliza taarifa kutoka kwa Mwenyekiti wa Kamati ya Ardhi kuhusu tatizo la ardhi na utozi wa makazi kwa maskwata nchini, hususan maeneo ya Pwani.

Tatizo la ardhi na maskwata ni tatizo sugu nchini. Idadi ya maskwata katika maeneo ya Pwani inaongezeka kila uchao na Serikali ya Kitaifa haijapanga mikakati ya kutatua tatizo hili. Ningependa kuomba kwamba Mwenyekiti wa hii Kamati afanye uchunguzi abainishe na kisha aripoti yafuatayo:-

(i) sababu zinazofanya Serikali kuchukua muda mrefu kutafuta suluhisho la kudumu kwa tatizo hili la maskwata;

(ii) ni lini maskwata watatambuliwa na kupewa hati za kumiliki mashamba wanayomiliki; na

(iii) ni mikakati gani imewekwa na Serikali kuzuia kufukuzwa kwa maskwata hao mpaka kupatikane suluhisho la kudumu.

Hon. Speaker: Mwenyekiti ama naibu wake?

(Hon. ole Sakuda stood up in his place)

Wewe ndiye naibu?

Hon. ole Sakuda: Mhe. Spika, mimi ndiye naibu na sijui kwa nini umenisahau. Tunaomba wiki kama mbili hivi tuweze kujadiliana.

Hon. Bedzimba: Wiki mbili ni sawa lakini bora taarifa iwe sahihi kwa sababu Wakenya wanaendelea kuwa waombaji wakivunjiwa majumba kila wakati.

Hon. Speaker: Inatosha!

Now Clerk, I do not see the request by hon. Mwaura here. Hon. Mwaura.

DELAYED PAYMENT FOR LAND ACQUIRED
FOR LAPSET PROJECT

Hon. Mwaura: Thank you hon. Speaker. I was actually number one on the list but I am the last now. Pursuant to Standing Order No.44(2)(c), I wish to request for a statement from the Leader of Majority Party concerning the compensation to individuals whose land has been compulsorily acquired by the Government for the establishment of the Lamu Port-South Sudan- Ethiopia Transport Project. The Lamu Port-South Sudan-Ethiopia Transport (LAPSET) Project is a key pillar of Kenya's Vision 2030. It is aimed at opening up not only our economy, but those of the neighboring countries such as Uganda, South Sudan and Ethiopia, among others.

However, the land upon which the development is supposed to take place is in jeopardy. There are over 500 farmers who had released their land to the project but are yet to be compensated. They have, therefore, opted to stay on their land. This has caused difficulties to some contractors who are unable to access the land to continue with their work. Further, this has led to delays in the implementation of the project, which may end up costing more than earlier anticipated. This situation also persists despite the Government having allocated Kshs2 billion per year for the past three years for the exercise.

In his statement, the Leader of Majority Party should inquire into and report on:-

- (i) the cause of the delay in paying the land owners;
- (ii) the measures that the Government is taking to correct this situation especially the plight of land owners; and
- (iii) the expected completion date of this multi-ministerial project.

I also wish to table supporting documents.

Hon. Speaker: Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, I need your guidance on this matter because this is a matter that can be well executed. I need your guidance because this is a heavy matter that can be dealt with very ably by the Committee on Lands, in conjunction with the Committee on Transport, Public Works and Housing. They can look at the land earmarked for the railway, pipeline and the port infrastructure and then link that to the

Committee on Lands to find out who are the beneficiaries and how much is their payment. This is something that the two committees can handle. I urge you, hon. Speaker, to give direction that this matter goes to the committees.

Hon. Mwaura: Hon. Speaker---

Hon. Speaker: Before you engage in any debate, let me see what it is that you are tabling. That is because you just came with some documents

Hon. Mwaura: Okay.

(Hon. Mwaura handed the documents to hon. Speaker)

Hon. Speaker: They may be very useful or they may be just papers. Hon. Mwaura, I think your request should go to the Departmental Committee. It is directed that the statement be re-directed to Departmental Committee on Transport, Public Works and Housing, which should give an indication as to how long it will take to bring the response you require. Hon. Kamanda, how long would it take you to bring the report? The Statement sought by hon. Mwaura is about the LAPSSET Project. I think your Deputy was listening.

Hon. Huka: Yes, hon. Speaker, we will be able to answer that in three weeks' time.

Hon. Speaker: Three weeks' time, hon. Mwaura?

Hon. Mwaura: Thank you, hon. Speaker. But, although you may have ruled that it goes to the Departmental Committee, LAPSSET is actually a multi-inter-ministerial project. But they can consult with other relevant authorities.

Hon. Speaker: Hon. Mwaura, do not just engage in unnecessary discourse. It may be multi-faceted and multi-sectoral but, when it comes to the House, it must be handled by a specific committee.

Hon. Mwaura: Three weeks will suffice with the input of the Leader of Majority Party. Thank you.

Hon. Speaker: Next Order. Order, Members! It is important because if you do not listen to the Bills which are being read for the First Time, you may go to discuss issues out there in other fora only to discover that matters escaped your attention. Why do you not spare some little time and listen to what is being read out for the First Time. That is the Bill by hon. George Kaluma. It is the Children (Amendment) Bill, National Assembly Bill No.18 of 2014. Next!

BILLS

First Readings

THE CHILDREN (AMENDMENT) BILL

THE DIABETES MANAGEMENT BILL

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

THE SECURITIES AND INVESTMENTS ANALYSTS BILL

THE TRADITIONAL HEALTH PRACTITIONERS BILL

THE MENTAL HEALTH BILL

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

Second Reading

THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL

Hon. Speaker: The Chairperson, Departmental Committee on Justice and Legal Affairs.

Hon. Chepkong'a: Thank you, hon. Speaker. This particular Bill is still pending before the Committee. We are still carrying out consultations with the stakeholders. We are meeting on Thursday so that we can bring the Report on Tuesday next week. So, I am requesting that in accordance with Standing Order No.44, that this particular Bill be removed from the Order Paper of today.

Hon. Speaker: You have not yet consulted with the stakeholders.

Hon. Chepkong'a: No! We have not finalized. We are still in the process of doing so. In fact, we were meeting some of them last week.

Hon. Speaker: Very well. Then it is taken out of the Order Paper. Next Order, please.

(Bill deferred)

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read a Second Time.

Hon. Speaker, before I go into this Bill, I seek your direction because there are a number of Bills that were read the First Time. The Standing Orders are very clear that those Bills are supposed to go to committees. I would like to ask your office and that of the Clerk to write to those respective Committees that they have limited time to interrogate those Bills and do a report to the House for us to slot them for Second Reading. That is because I have a Bill that has been in this House with a Committee for the last nine months. I am talking about the Kenya Qualifications Framework Bill and it is with the Departmental Committee on Education, Research and Technology. I would like to ask my colleagues to make sure that the Bills are fast-tracked.

As I move this Statute Law (Miscellaneous Amendments) Bill, I would like to state that this is a Bill that we share with the Senate. What is discussed in this Bill cuts

across the two Houses. So, once we are through with this Bill, it will find its way to the Senate. This is a Bill that concerns counties.

Secondly, with regard to the Statute Law (Miscellaneous Amendments) Bill, it is a practice in this House that a number of minor amendments that do not merit the publication of a separate Bill are proposed. How do we do it? We consolidate them into one Bill and we call that Bill the Statute Law (Miscellaneous Amendments) Bill. So, there are two Bills. There is one that concerns the National Assembly only which we will introduce. However, this one concerns both Houses.

This Bill proposes amendments to the following existing principal Acts. The first one is the Land Adjudication Act, Cap.284 of the Laws of Kenya. This Bill is seeking to amend the Land Adjudication Act in order to introduce the element of community land and also a specific position or role for the Cabinet Secretary for Lands.

Also, the Bill seeks to amend the Urban Areas and Cities Act of 2011. All it seeks to do is to adjust the population criteria for the conferment of status of a city, municipality or town. How do you confer an area as a town, city, or municipality?

In the same breath, it empowers the county governor to confer the status of a special municipality. This law, therefore, seeks to give powers to the governors. It also empowers urban areas and cities to impose rates and charges until a new law is enacted.

There is an amendment to the Transition to Devolved Government Act, 2011, No.1 of 2012. The Bill seeks to amend the transition to devolved government. It is trying to create a criterion to be applied by the Transition Authority in terms of transfer of functions and also in terms of areas where we feel that a specific aspect is missing in the County Government Act. This Bill, coming from the Attorney-General, under Clause 37(1), for very mischievous reasons, wants to abolish the Transition Authority (TA) and replace it with something called “Intergovernmental Relations Committee” under the Intergovernmental Relations Act. My honest opinion is that, that is not the right way to go. We should not abolish TA. What are the reasons? We know TA is one of the institutions that were created in the last Parliament under the County Government Act. So, we want an independent body. We do not want an intergovernmental authority. I would like to tell my colleagues that if the Committee does not do justice to us, I will bring an amendment to remove this. That is because I believe that TA has reasons and functions and nobody has brought a report to this House to say that TA has failed in its duties.

There is the County Governments Act, No.17 of 2012. This Bill seeks to amend that Act in order to reduce the number of votes required by a county for the purpose of the first general election under the Constitution from 15 to 10. The matter I am talking about is very serious. If the Chairman of the Budget and Appropriations Committee could listen to me, I would appreciate. Under the County Governments Act, 2012, there is a proposal to reduce the number of votes required for counties for the purpose of the first general election under the Constitution from 15 to 10. That touches on the frame and structure of governance in our country. We need to look at this issue and debate it. Do we stay with the 15 wards per county, or do we reduce them to 10? It also proposes the establishment of a consultative forum for the heads of department and the recognition of professionals in the county.

There is an amendment in this Bill touching on the Agriculture, Fisheries and Food Authority Act also known as the AFFA Act, No.13 of 2013. I am sure the Departmental Committee on Agriculture, Livestock and Co-operatives will need to look at it. This Bill seeks to amend that Act in order to remove fisheries from the purview of this Act. I am not seeing the Member for Suba, *mheshimiwa* Mbadi here. During the Tenth Parliament, when this law was before this House, those of us from the pastoral communities refused the inclusion of livestock in this Act. So, we removed livestock. Now, somebody somewhere wants to remove fisheries. So, the people who come from areas near the ocean, the lakes and artificial fish ponds which I saw in Othaya--- I want to congratulate the Supreme Court for upholding the election of *mama* Mary Wambui, a great leader. I want to thank the Supreme Court for allowing our mother to be in the House.

Finally, there is the Kenya Agricultural and Livestock Research Act, 2013, No.17, which the Bill proposes to amend to remove livestock and fisheries from the purview of the Act and make other minor amendments. So, this is a small Bill. But it has small pieces of amendments to a number of principal Acts that this House and previous Houses have passed and enacted into law.

I urge my colleagues that we deliberate on this Bill, take it to Third Reading, finish with it and it goes to the Senate. I hope that this is not as controversial as the Division of Revenue Bill and will not necessitate a mediation committee. The two Houses should agree on it. I ask the Chair of the Committee on Justice and Legal Affairs, now that he could not move his Bill, to second the Statute Law (Miscellaneous Amendments) Bill, No.33 of 2013.

Hon. Speaker: Did you move?

Hon. A.B. Duale: Thank you, hon. Speaker. The recess was too long and I had the privilege to be with the great people of Garissa Town.

I beg to move.

Hon. Chepkong'a: Hon. Speaker, I rise to second this Bill, which in my view is a very important one that touches on the counties. As we support this Bill as the National Assembly, this goes a long way in making the doomsayers who think that we are not in support of devolution, to know today for certainty and clarity that the National Assembly supports devolution.

A number of statutes that are being amended touch directly on the counties. Secondly, this is in accordance with Article 110(2) and (3). Many people have been saying that the Speaker ought to consult with the Speaker of the Senate with regard to this particular Bill. This is obvious and you do not need to consult on this because the Constitution is very clear, particularly Article 110 as read together with the Fourth Schedule of the Constitution. If you look at the Fourth Schedule of the Constitution, issues of land adjudication are matters that touch on the counties and urban areas. This is giving power to the county governments to declare or give the status to any special municipality and appoint a particular town to be the headquarters of that county. We are empowering the governors. There is nobody who is taking away the powers of the governors. In fact, it is to the contrary. We are giving them sufficient powers so that they can perform their duties in accordance with the law.

Thirdly, these are purely cosmetic amendments. Nothing substantial is being amended. The amendments are purely to correct areas that have been found to be wanting in these particular Acts. Fourthly, this is again, as a consequence of the coming into force of the new Constitution to ensure that the laws are aligned to the Constitution. A number of them were in contradiction to the requirements of the new Constitution. So, these Bills are very important to the counties. As we pass them, they will be transmitted to the Senate in accordance with the Constitution. As I second this Bill, the National Assembly is making it abundantly clear to anyone who has doubted in the past as to whether we support devolution. Now they know that we support devolution.

One other thing that the National Assembly needs to make abundantly clear to the governors is the question of overlaps. If you go to the counties, you will find that right now, governors are struggling to finance secondary schools, primary schools and others that the national Government is mandated to finance. This is a matter that we should make abundantly clear. The governors do not need to finance activities that are properly situated within the national Government. The passage of these laws will give them ample opportunity to finance those activities now. They do not need to run to those roads which have been financed under KERRA and the Constituency Roads Committees. There is so much work that they are supposed to do, and which they have not been doing.

As the Leader of Majority has stated, if they can improve fisheries along the lakes and rivers, we will have sufficient food. That way, we will not run into problems of famine in this country. As you know, we have little rains, particularly in Uasin Gishu County, where I come from. If we can invest in irrigation, we would go a long way in ensuring that there is food security in our counties and in this country. When we talk about devolution, many people claim that the national Government is not doing anything. No one has made any reference to the county governments. They have been allocated Kshs226 billion. In this current financial year which is ending at the end of this month, they were allocated Kshs210 billion. But when you gauge the amount of work that they have done, you will find that what CDF and the Constituency Roads Committees are doing is much more than the county governments. They are involved in much talk as opposed to doing the work. I hope that when we pass this Bill and it goes to the Senate, they will walk the talk and not talk and talk.

With those few remarks, I second.

(Question proposed)

Hon. Speaker: Hon. Eseli.

Hon. (Dr.) Simiyu: Thank you, hon. Speaker for giving me this chance to contribute to this Statute Law (Miscellaneous Amendments) Bill. It has become a rather dangerous habit recently that we try to amend very fundamental and serious laws of this country through a miscellaneous amendment and yet, some of those laws are so crucial. Before we try to amend or repeal them in an underhand way, they need more debate.

Hon. Speaker, I am particularly zeroing in on a very interesting inclusion in this Statute Law (Miscellaneous Amendments) Bill. They want - in a roundabout way - to do away with the Transition Authority (TA). That is very dangerous. The Act that set up the Transition Authority - and there was a reason for setting it up - envisaged a situation

whereby devolution would have been carried out in stages. Counties would get functions as they are able to manage them. However, due to a presidential decree, devolution was done in a precipitated manner so that functions were devolved in one swirl swoop in one evening and all the counties had the functions devolved to them. The Transition Authority was, therefore, caught unawares before it had finished the work that it was supposed to do.

Hon. Speaker, we have now reached a very crucial stage of devolution which nobody is mentioning. Now we have reached the point where sharing of assets has to be carried out. That means there are assets in the counties which someone has to decide where they belong. There is need to decide which ones belong to the national Government and which ones belong to the county governments. That, to me, is a very critical stage in devolution and, at this stage, the only body that is taxed with that activity is the Transition Authority. So, if we allow the Transition Authority to die at the moment, then we will be getting into trouble because all the activities of devolution will be vested in the Ministry of Devolution and Planning, which is part of the Executive. How will the Executive be able to apportion the sharing of assets with the counties? How will they be able to do that without any problem? The national Government will want to hold on to their assets which are still in the counties, even if those assets rightfully belong to those counties.

So, hon. Speaker, in the stage that we have reached, we need to be very careful. We might get an innocent looking Bill like this one, yet it is going to have such severe ramifications on the devolution process in this country. So, I would suggest that before we pass this Statute Law (Miscellaneous Amendments) Bill, we propose some amendments. If nobody does it, then I will do it. I will move an amendment to strike out that particular intention of killing Transition Authority. I would like to urge many Members, especially those out there and in the Senate, to look at it very critically. That is because while we have argued that Transition Authority has failed, when you really look at it, the failings of Transition Authority have been our own creation, in the sense that devolution happened precipitately. They were caught up before they could finish their work. But right now, let them be allowed to do the work that they are supposed to do. The assets should be shared equitably between the national Government and the county governments.

Hon. Speaker, I believe this is a very critical thing. We should not allow this innocent looking Bill to do such a serious damage to devolution in this country. If that happened in this House, we will be blamed for being part and parcel of those people who are fighting devolution and yet we are not, just as the Chair of the Justice and Legal Affairs Departmental Committee has just stated. By doing away with Transition Authority, we will not just appear to be fighting devolution but, indeed, we will be fighting devolution.

Hon. Speaker, with those few remarks, I beg to support. Thank you.

Hon. Speaker: Hon. Francis Nyenze.

Hon. Nyenze: Thank you, hon. Speaker for granting me this opportunity.

Hon. Speaker: Of course, the Leader of Majority Party and the Leader of Minority Party take precedence.

Hon. Nyenze: Hon. Speaker, actually, I have improved. I am the “leader of the majority government”.

(Laughter)

Hon. Speaker, Jubilee has 24 county governments and CORD has 23 or 24 county governments. So, as a leader of the majority government, we may have to change the title. But that is not the point.

(Applause)

Hon. Speaker, I just want to say that the Statute Law (Miscellaneous Amendments) Bill is sugar-coated and, as my colleague here Dr. Eseli has said, it is very likely that if we pass these amendments the way they are proposed in this Order Paper, which I oppose very strongly, we will be fighting devolution. I have scrutinised these amendments very closely and just wanted to highlight just a few things on the Transition to Devolved Government Act.

Hon. Speaker, this Bill seeks to delete Section 24(1) which states that:-

“Any other variable as may be prescribed after consultations between the Authority, the county governments and the Commission for Implementation of the Constitution and the Commission on Revenue Allocation as one of the criteria for transfer of functions.”

This deletion is suspect because Transition Authority will now be a sole determinant of criteria for transfer of functions between the national Government and county governments. The Transition Authority is to be dissolved, latest 4th March 2016. The proposal to dissolve it immediately and have it taken over by the Intergovernmental Relations Committee, which is in place, will lead to disruption of transfer of functions. The Transition Authority has the capacity and institutional memory. If we terminate its functions early, there is a danger. I am not accusing the Jubilee Government, but the national Government will mess up with devolution.

Hon. Speaker, if you look at these amendments very carefully they appear not to be very bad, but they remove the control of the National Assembly from its oversight role. Some seek to strengthen but it does not make sense. I would say that if you look at the Urban Areas and Cities Act, the small insertions and change of sections--- If you look at the new Section 61 which is added immediately after Section 60, it allows cities and urban areas to continue imposing rates and charges under the law. Where I come from, traders have been rioting because of the rates that are being charged by the County Government of Kitui. This country has become very poor because Kenyans are taxed more than any other people on the planet and yet, they have very little income.

If we pass these amendments and let these cities impose taxes on the poor Kenyans who cannot put food on the table; who cannot take their children to decent schools and who are so insecure that when they get out of their homesteads, they do not know whether they will come back safely, it will be very punitive.

Hon. Speaker, I can see in these amendments an attempt by the national Government to control the county governments and not allow them to inherit what is

rightfully theirs. That has to do with the sharing of the resources that are found within those counties.

Hon. Speaker, if you look at some other amendment to this law, and I will quote it, you will see that it is sugar-coated. On the surface, it looks very good but, if you go deeper, it becomes a bitter pill to swallow.

Hon. Speaker, on Madaraka Day, and that has been confirmed, you saw the President arriving in an armoured vehicle unlike the old Land Rover that all the former presidents have used. That has confirmed that there is a lot of insecurity in this country.

(Hon. Ichung'wah interjected)

Hon. Speaker, protect me from the Member of Parliament for Kikuyu, Kimani Ichung'wah. That is because the President is my friend. I am only saying that insecurity has reached high levels.

Hon. Ichung'wah: Thank you, hon. Speaker. I want your guidance on whether really hon. Nyenze was given this chance to speak on the Motion on the Statute Law (Miscellaneous Amendments) Bill, which has nothing to do with the irrelevances that he is talking about. All Kenyans know that the President did not ride in any armored vehicle on Madaraka Day. I beg that the Chair guides hon. Nyenze accordingly to dwell on the substance of the Motion before the House and not these other irrelevances that they are used to.

Hon. Speaker: Leader of Minority Party, just talk on the Bill.

Hon. Nyenze: Thank you hon. Speaker. Okay, I will stick to the Bill. You have given us a chance to discuss the issue of insecurity in this country and the House will be discussing it. It is good for the first time Member of Parliament from Kikuyu to defend the President. You know that he is our President; he is not a Jubilee President.

As I talk about these amendments, it is good to acknowledge that the President sees the importance of security. He knows that there is insecurity and that is why he was well protected. I am bringing that issue to show that some of these amendments – I am not trying to belittle our President. He is our President and we respect him. But there is insecurity in this country and that is why we should not complain when tribal issues---

Hon. Speaker: Hon. Nyenze, I have looked at the seven laws proposed to be amended by this Statute Law (Miscellaneous Amendments) Bill, and none of them touches on the subject that you appear to be enjoying---

Hon. Nyenze: Hon. Speaker, let me just talk about what I have stood to speak about; the Transition to Devolved Governments Act, so that I do not take a lot of time. I want to say that I oppose most of these amendments because this is a trick. They have sugar-coated the amendments to give the national Government an upper hand when it comes to sharing of resources. The Bill on the Transition to Devolved Government Act seeks the deletion of paragraphs (d), (e) and (f) of Section 24 (1). This deals with criteria of transfer of functions. Some of those criteria were cumbersome and I know the deletion makes the process easier. But if you go further, you will see that the Bill seeks the deletion of Section 24 and this is a trick.

On paragraph (h), on whether the county government has an approved plan in relation to the functions, and its substitution with a new paragraph (h) that specifies the

existence of an approved county budget or in its absence, an approved plan in relation to a particular function, the most recently planned development by the national Government of the county governments shall not apply until the county governments have approved plans.

Hon. Speaker, I can see a trick in that. The county government and the national Government are equal. They can mutually consult. One should not override the other or be superior to the other. But in this one, the national Government wants to bring in plans by deleting Section 24 (1) so that it can control the county governments. That is why there is this accusation that the national Government does not support devolution.

Hon. Speaker, if you look at another section, the Bill proposes the deletion of Section 37 (1) which states the following:-

“The Authority shall stand dissolved three years after the first general election under the Constitution and upon full transition to county government, whichever comes first---”

Hon. Gichigi: Thank you, hon. Speaker. I will support certain clauses in this Bill, but with the rest, I have serious difficulties. When I first joined Parliament last year, a Member of Parliament who had been there before me told me that the most dangerous creature to be introduced into Parliament is the Statute Law (Miscellaneous Amendments) Bill and the reason why hon. Members of Parliament serving the first term do not enjoy a pension is because they passed a law brought by this sort of composite Bill that ended up harming them a lot.

When I look at the law that is with us today, as the Leader of Minority Party has indicated, the initial suggestions or proposals are on just changing the name from “minister” to “cabinet secretary,” “trust land” to “community land” and “county council” to “county government.” I do not have a problem with that. But if you move ahead a little bit, when it comes to the amendment of the Land Adjudication Act, a decision is gazetted by the Committee.

Previously, a person who was aggrieved was given 60 days to appeal. That has been shortened to 21 days. Then you ask yourself how many Kenyans are able to access the *Kenya Gazette* when you give them 21 days. That becomes a bit difficult.

The next issue is the proposal to base status of urban centres and municipalities on population. If you do that, you will subject people who have been residing outside municipalities to payment of higher rates. Therefore, that is the clause I have difficulties with.

Hon. Speaker, on the Transition to Devolved Government Act and the attempt to remove the Transition Authority (TA), I will begin by saying that the Transition Authority has not done a very good job so far and they should have been the people to advise the President not to devolve all the functions that are contemplated in the Constitution at a time before the county governments are ready. To me, they need to up their game even if we are going to give them the remaining one and a half years to complete the anticipated period in the current law. Therefore, that is a law I have difficulties in supporting.

The other issue is the attempt to introduce another organ that is being called a consultative forum for the co-ordination of development. Currently, the law provides for such a committee where members of the Constituencies Development Fund, County

Representatives, Members of Parliament and the Governor are able to meet and talk about development. When we keep on introducing new bodies that will consume more money and whose role appears to be ambiguous in the proposed law, we need to be a bit more careful.

Hon. Speaker, I support the proposed amendment where the county governments can use the previous law to keep on collecting rates and licence fees as they await enacting their own law.

There is one amendment that I seriously oppose. It is the proposed amendment to the Agriculture, Fisheries and Food Authority Act. I do not understand and I really want to be told why the Government should restrict the marketing and sale of cashew nuts, pyrethrum and macadamia nuts. I really do not understand why this needs to be done.

We need to liberalize our economy if these sectors are going to grow. I come from an area where we were brought up from the produce of pyrethrum. What has happened is that because of the restrictions, we have had a rogue Pyrethrum Board that has kept out all the other marketers and investors. The crop has completely died in our area and the neighboring areas. So, I am very hesitant. I will be opposing any attempt to keep on restricting the marketing and sale of pyrethrum.

Hon. Speaker, on the proposed amendments to the Crops Act, I do not know why the Executive keeps on raiding the authority of Parliament. Whenever there is a requirement that Parliament approves, for example, the Director-General of this Authority, the proposed amendment seeks to remove the power of Parliament and vest it in the Cabinet Secretary. Why should we permit that? Are you saying that the Parliament that passed that law made a mistake? I tell my colleagues that we can change the commas and full stops; we can change the grammatical errors or correct them but when it comes to the substantive proposals, please, be very careful so that we remove the offending proposals at the Committee level. I support the Bill to move those amendments.

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, I want to thank you for giving me this opportunity. I want to, at the outset, say that I support, but with proposed amendments. I am very happy that the hon. Member who has just spoken ahead of me--- We share a lot in terms of thoughts. I will speak very briefly on the issue of miscellaneous amendments. I hope your office will be guiding us even as we move forward. I am glad that this Statute Law (Miscellaneous Amendments) is even smaller. Last year, we had two Bills; this one and another one! They were very heavy. They were bringing very comprehensive amendments to Bills. The essence of a Statute Law (Miscellaneous Amendments) is to bring miscellaneous amendments and not substantive amendments. The reason I am saying that is because, sometimes, we end up making very grievous mistakes and Parliament has been blamed. If we are going to look at seven pieces of legislation from this--- Even for us to contextualize the amendments, we have to read almost the entire Bill. So, I would like to urge the Leader of Majority Party that when he is bringing such Bills, we should be limited in terms of the laws that we are seeking to amend.

Having said that, I agree with what the hon. Member who has spoken before me has said with regard to urban areas and cities. This is one of the areas that we need to think through very carefully. We need to understand the import of the amendments. Again, because of the voluminous nature of this - and I am yet to look at it - I think the

import, *prima facie*, of these amendments even on our counties and the resources may be very grave. So, until I am very sure of the import, I will be very reluctant to support that. I know that we have spoken about some provisions of these Bills in the Departmental Committee on Agriculture, Livestock and Co-operatives and I want to speak specifically to the issue of fisheries. I know that in our Committee, we agreed that we could support some of these amendments on condition that we are bringing the Bill on fishing. I am glad that the same day they brought the Fisheries Management Bill. But for legislative coherence, what should have happened is that through the Fisheries Management Bill, we should have deleted some of the provisions herein instead of bringing a Statute Law (Miscellaneous Amendments) Bill where you have a substantive Bill dealing with the same issue. So, our Legal Department also needs to give proper advice on how we are moving on legislation.

What I would like to say is that I would vehemently oppose some of the provisions relating to fisheries. I personally moved some of the amendments in the last Parliament. One, there was the issue of the size of fishing nets and, two, there was the issue of closing the fishing season for fishermen and also the management of hyacinth in the lakes. I have seen that by this Bill, we are deleting those provisions. All we would have been required to do was to give a six months notice to remove the obnoxious weed. It would be an obligation of the national Government to remove it. Now, we are removing that by this amendment. The provisions obligating the Government to look at the needs of fisher folks when it is closing the season--- The Government has a tendency or a policy to close the lake for four months each year. The communities where we come from, if you close the fishing season for four months, then you are punishing people because there are communities that rely solely on fishing and nothing else.

The Government also developed a very poor aquaculture policy where aquaculture was concentrated on non-fishing communities instead of starting with the traditional fishing communities. So, when the lake is closed, the traditional fishing communities suffer. We had provided by law that when that happens, the Government must give food subsidies to those communities. By this amendment, that is being removed. I will support it in the interim only because the Fisheries Management Bill is coming so that, at the correct time, I will move those amendments.

Otherwise, I do not want to repeat what my colleagues have spoken about concerning the Transition Authority. I agree with them. I would like to say that we need to be careful about how we are managing devolution. That is because everybody wants to manage the governors. I do not have any interest of being a governor, especially because of the way the position is currently structured. The way they are being sent home is like a party. So, I would not be interested in being a governor on that basis alone. But while the MCAs are throwing them out like it is popcorn and a party, we are also busy here trying to create different bodies of managing governors further. If we are committed to devolution, let us look at means of effectively over-sighting governors. At the same time, let us give them a leeway to perform their work. We cannot be the ones who want to tell them to form whatever committee. I know that there is another Bill before this House that went to the Senate where we put a mediation committee that talks of the same things. That is why I am saying that our Legal Department needs to advise us. We were just talking with one hon. Member here that this Parliament - and I hope you are taking me

seriously because you are our boss here - will churn a lot of legislation, which is a good thing, but we must be very careful about the quality of the legislation. There is a reason why the issue of participation was put. As much as it was taking a little longer, there are certain authorities and practices that had been put in place, including giving an opportunity to the Office of the Attorney-General and the Committee on Constitution to just give their views. Even for us who are private Members, we are willing to do that. My two Bills which I brought during the last Parliament went through that process. There is public participation that enriches our Bills. It does not mean that people will take it away from us. But the rush with which we are dealing with these Bills---

Even the Protection Against Domestic Violence Bill leaves a lot to be desired for those of us who are lawyers in terms of even the legislative style. The substance may be correct but for the legislative style, something needs to be done.

With those few remarks, I beg to support with amendments.

Hon. Ichung'wah: Thank you, hon. Speaker. I rise, as others have said, to support certain provisions of these amendments and also be very cautious on others. I wish to, particularly, draw the attention of Members to what is called Urban Areas and Cities Act and the amendments that have been proposed. From the outset, it really looks harmless in terms of allowing governors to confer status of special municipality to their county headquarters. I am sure when I speak about county headquarters, the people from the county where I hail from, will understand why we would be very keen on conferring certain status to a few towns at the expense of others. Those amendments may seem harmless. However, a provision that has been proposed in that amendment is that it would empower urban areas and cities to impose rates and charges under the national law. It is supposed to be in force for the time being until a new law is enacted in that regard. It also enables such cities and urban areas to collect revenue in the interim period before their own county legislation is enacted. For me, I find this particularly dangerous especially to the people that we represent and, more so, for areas where trade and industry is what drives the economies of those countries. I know, as a Member of Parliament from Kiambu County, we have had issues with enacting the Finance Bill in our county. The Finance Bill was actually thrown out by the High Court in this country. If by any chance we allowed such local authorities to impose rates and such charges on the people and the business community in those areas without actual legislation where the people have been given an opportunity to participate in the legislation, it would be very dangerous for this country. Businesses will be run down in the counties.

There is also the Transition to Devolved Government Act which I also want us to be very cautious about and, more so, bearing in mind that we have been accused - as a National Assembly and national Government - of being anti-devolution. It is high time we stood firmly for devolution and not get involved in the cat fights between Cabinet Secretaries and the Transition Authority. Probably - and we have seen that - there are a few of those people who power has started getting into their heads. It is the fights with the Transition Authority that we should be cautious, as a House, not to be drawn into. We should stand for the posterity of this nation. Let us allow the Transition Authority to fulfill its mandate under the new Constitution.

On the Agriculture, Fisheries and Food Authority (AFFA) Act as the hon. Member for Mbita, hon. Odhiambo-Mabona has mentioned, together with a member of

that Committee, it is true that with the Fisheries Management Bill, it was important that we de-link fisheries from the other areas. That is because fisheries is a very specialized area in agriculture and very important to the people whose fishing is the mainstream of their economies. There is also the question of allowing stakeholders to be represented in the board and it was difficult to determine actually which stakeholders in the agricultural sector would elect their representatives to the board. It would be very difficult. As you know, there are coffee farmers, tea farmers, livestock and fishermen in this country. It would be very difficult to determine who the actual stakeholders are. Indeed, if you ask farmers to sit down and elect people to sit in this board – all the stakeholders from the farming community - this being an agricultural nation, it would be like asking the country to go to another general election to elect people to sit in a board. It was, therefore, important to have this clearly put out in this amendment. It also allows the Cabinet Secretary to have powers to appoint an interim secretariat to serve in the authority pending the appointment of the substantive secretariat. Since this House allowed the commencement of this Bill, it has become imperative that we allow the Cabinet Secretary those powers to be able to appoint an interim team that will run this board and fund the AFFA board before we appoint a substantive secretariat. I will support and when the time comes, I will also be seeking to move amendments to protect the ordinary *mwananchi* that we represent against the dictatorship that we have seen in some of our counties by not allowing those county governments in the cities and municipalities to impose any rates and charges where people have not participated in the enactment of substantive legislation that allows those county governments to levy charges on our people. That would be a dangerous route if we were to take it. I, therefore, beg to support and be cautious of the areas that I have mentioned and move the necessary amendments when the time comes.

Thank you, hon. Speaker.

Hon. Speaker: Then hon. Kajwang’.

Hon. Kajwang’: Thank you hon. Speaker for allowing me the opportunity to put my voice into this; speaking after many eloquent speakers before me. I am reminded to be very brief and unto the point. A lot has been said about the merits of the legislation that is before us. But allow me to express myself on something that has been bothering me on the constitutionality of the Statute Law (Miscellaneous Amendments) Bill and the constitutional procedure that seems to be gaining currency in this House. If you listened to the Leader of Majority Party propose the Bill, notwithstanding the fact that he signed the Bill and, therefore, becoming the Member who has actually proposed it before the Assembly, he also said that the legislative proposals actually came from the State Law Department.

Two, he ended up therefore, opposing some parts of the Bill that he felt were offensive or unpalatable. It can only mean, therefore, that this Bill was proposed by the Attorney-General and given to the Leader of Majority Party to present before the Assembly. Now that we are in a Presidential System, it worries me. What worries me is how the Attorney General wants to relate with the National Assembly, in how he proposes legislation knowing very well that Article 156 has removed the entire constitutional mandate that the Attorney General hitherto had, of proposing legislation. It has only given him the mandate of advising the Executive. To that extent, therefore,

Legislative Department at the State Law Office cannot wind up because, perhaps, it is doing some advisory role. Legislation must now come through the Kenya Law Review Commission, in consultation with the Leader of Majority Party or any other Member for that matter who wishes to propose legislation. This is why we come up with this kind of hydra-legislation. You can see that the Leader of Majority Party is struggling with some portions of this Bill. It can only mean that he was not fully consulted on the content of this Bill and, therefore, we may have legislation which is championing the interests of some people in the Government or bureaucratic people outside there in those offices. But when proper pieces of legislation come before us, I think, perhaps, it may need the direction of the Speaker because we are learning the Presidential System. When we receive legislation like it happens in the United States, let that legislation be brought but be owned by Members sponsoring the Bill like the Leader of Majority Party. But with full consultation from that Member, so that you do not have a Member having problems with the Bill that he himself is proposing before the Assembly. So, I beg, perhaps at a later time, you may want to give directions and educate us really and those offices up there that are involved in legislative making, that it would be preferable if legislation came from the Law Review Commission with consultation of the Member responsible and, thereafter, the parliamentary legislative office. That way, we are able to own our legislation.

But I want to join my colleagues and support what they have said before on specific issues, in the Statute Law (Miscellaneous Amendments) Bill, particularly on the fact that this legislation proposes so many things but, at the end of it, creates one clause which repeals legislation. That has never been known in a legislative practice, where you can repeal a whole legislation just by a deletion in a statute law.

I thank you so much and I oppose the Bill.

Hon. M’uthari: Thank you, hon. Speaker. I rise to contribute to this Bill. There are certain clauses in this Bill which are dangerous which this House should amend. This Bill touches on the issue of crops and so we will have the opportunity to introduce something about *miraa* so that it is considered as a cash crop. *Miraa* needs to be viewed as a crop which is scheduled in this Republic given the issues surrounding it.

[Hon. Speaker left the Chair]

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

There are certain parts of this Bill which are worth considering, for example, the issue of land adjudication. It is important to bring out clarity with regard to the terms used. This will bring sanity and also a clear understanding.

With regard to the amendment on the Urban Areas and Cities Act, this Bill seeks to amend this particular Act and specifically to give certain mandates that may be useful as far as administration and delineation of towns and municipalities are concerned. For that reason, it is helpful.

With regard to the Transition Authority, when people are given position of authority sometimes they abuse it. In the process we may come up with legislation that is

not helpful. The lumping together of these statutes provides an opportunity for ambiguity. It also brings in elements that are not helpful. For example, why the hurry to disband the Transition Authority given the role it is playing of seeing that we have a proper transition from the old system of governance to the new one where we have devolved governments? We, therefore, need to look at this Bill properly so that we do not allow the passage of laws that may eventually create confusion as far as the whole idea of devolution is concerned.

We need to look at devolution in a broad way. Many times when we are discussing devolution we look at it as if somebody is against devolution and others are for it. I believe it is high time we relooked the whole thing. It is just one year since we started this system of governance and there is time to establish the structures required. However, at times touching on people holding certain offices does not mean that somebody is against devolution. It is a matter of asking people to take responsibility for what they have been asked to do. The counties should be centers that provide services and at the same time they should facilitate development and generation of resources which will eventually stimulate growth. However, in many places what is common is a lot of bickering at the expense of what is important.

When defining land and distinguishing between trust land and community land, this calls for involvement in those areas where land issues have not been settled, for example, Igembe and some parts of Nyambene. The communities need to be involved as far as utilization of land is concerned. In Igembe, we have a conflict where there is a contest to convert some land into a conservancy. People have not been involved. They have not been allowed to participate. So, if it is community land then communities must be involved in the utilization of their own natural resources.

We need to look seriously at the issue of crops by coming up with a specific authority that deals with food and fisheries. At the end of the day we need to have a coordinated approach towards the development of certain segments of our economy. This will bring sanity and also stimulate development and growth of particular industries, for example, fisheries which is coming up. It has been proven that through establishment of ponds, especially those which were established through the Economic Stimulus Programme (ESP), food production has been stimulated and also income generation has improved. If we give an opportunity to these activities, this will help the country improve not only in terms of income generation, but also in terms of food security.

With regard to funding and management of crops, I hope we will have space to introduce an amendment so that *miraa* can be taken as a scheduled crop so that the Government protects the farmers and also takes care of that particular subsector which employs so many people but has been neglected for all these years.

With those remarks, I beg to support the Bill, but with proposed amendments.

Hon. Maanzo: Thank you, Temporary Deputy Speaker, for according me this opportunity. I would like to comment on the AFFA Act which came into law early this year when we were in recess. When it came into law, it changed a lot of Acts related to agriculture to the extent that they were not useful again to the country. You will note that there was a very useful aspect of agriculture especially through the Agricultural Sector Coordination Unit (ASCU) which was threatened. It has now featured in this Bill although it has been given time to wind up its activities. I would be supportive of the

amendments on the AFFA Act and I also look forward to bring further amendments so that it can be useful to country.

There has been an issue with regard to power of Parliament to execute certain matters, especially appointment of CEO and also the chairperson of the Authority. This has been moved to Cabinet Secretary. It is the spirit of the Constitution that Parliament approves matters. You cannot remove power from Parliament and take it to a lower authority. I will, therefore, be seeking to amend this area of the law so that Parliament has authority to monitor and check the Executive sufficiently.

I will be supporting the amendments. Contributions have been made by my colleagues and I wish not to repeat them. I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Oburu Odinga.

Hon. (Dr.) Oginga: Thank you, hon. Temporary Deputy Speaker. I would like to speak very briefly on this Bill.

I am not very happy that very substantial amendments to Bills are brought to Parliament through the Statute Law (Miscellaneous Amendments) Bill. Some of the amendments that have been brought here are so fundamental that they needed to have been brought in through separate amendment Bills. Particularly, talking about the amendments to the Transition Authority Act, they are actually fundamental amendments which affect the Constitution. I thought they should have been brought separately as substantive amendments to the Act, so that hon. members could have an opportunity to thoroughly look at the Act and debate the amendments properly.

I am saying that the proposed amendments to the Transition Authority Act are fundamental, and that they affect the Constitution because this particular Authority was established by the Constitution as well as by the Act. The reason for giving the Transition Authority the powers that it has was to make it independent, so that it could ensure fairness in the division of assets between the counties and the national Government. However, we can see that even before the life of the Authority has expired, we have an amendment recommending its dissolution and replacement by a committee that will be under the national Government through the Ministry of Devolution and Planning.

Hon. Temporary Deputy Speaker, as we speak, I am aware that the Authority is only being given salaries. It is not being given money to enable it effect the mandate that it was given by the Constitution. This is very serious because as we are aware, the division of assets between the national Government and the devolved authorities is fundamental. I can make reference to my county of Siaya where the administration there assumed that they could occupy the Lands Offices since the lands functions had been devolved. When they went there, they were thrown out by the Administration Police officers who were guarding the premises. It is, therefore, important that we allow the Transition Authority to complete its term, so that it can tackle this very fundamental function of dividing the assets between the national Government and the counties.

There is also a violation of the Constitution. The Transition Authority was supposed to draw monies directly from the Consolidated Fund but even before this Act is passed, the Ministry is already allocating to itself powers of giving the Transition Authority money and, therefore, starving them of funds – which it was supposed to source directly from the Consolidated Fund. So, already, the Transition Authority has

been illegally dissolved without the knowledge of this House. The Authority is not being given money. Even in the current Budget, the Transition Authority has only been allocated salaries. The Authority has very serious functions that were allocated to it by the Constitution as well as their enabling Act.

Hon. Temporary Deputy Speaker, the Authority has not completed its functions but already a committee is being established to replace it. That is a committee which does not have any institutional memory or the background of what has been happening. I think this is one way of fighting devolution. Therefore, this particular amendment should be allowed to pass. Although the other amendments are good, because of this particular amendment, I reluctantly support the Bill. I hope that in future, the Government will bring fundamental amendments separately to enable hon. Members to thoroughly debate them by amending the Acts directly and not hiding such amendments in the Statute Law (Miscellaneous Amendments) Bill.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Kiharu.

Hon. Kang'ata: Thank you, hon. Temporary Deputy Speaker.

There is an argument that has been presented to this House to the effect that the Statute Law (Miscellaneous Amendments) Bill should only concern itself with what is called “miscellaneous aspects of the law”. I beg to differ and ask that in the event that the matter is brought to your attention for a ruling, the term “miscellaneous” be interpreted more broadly and in a more liberal manner. This is because the argument that the Statute Law (Miscellaneous Amendments) Bill should not touch on fundamental aspects of the law, to it is splitting hairs.

Whether laws are miscellaneous or fundamental in nature, they are all brought to this House for debate. They are not sneaked into the statute books through another house. Therefore, the contributions that hon. Members make for substantive or miscellaneous aspects of the law are all the same. Therefore, we should look at the law as it is. We should not look at the method through which it is brought to this House.

Hon. Temporary Deputy Speaker, at this juncture, I would like to draw the attention of this House to the proposed amendments to the Urban Areas and Cities Act, 2011 under Clause 9(3). The proposal reads that notwithstanding the provisions of subsection (1), the county governor shall confer the status of a special municipality to the headquarters of the county even where it does not meet the threshold specified under subsection 3(a).

I am of the view that we remove the expression “county governor” and replace therefore with the expression “county assembly”. I am of the view that giving a governor the right to decide the location of a headquarters is something that is very emotive. I have seen in several counties people fighting over the location of the headquarters. For instance, in my county in Murang'a, there has been a major debate as to the location of the headquarters of Murang'a. Of course, personally, I am happy that it is located in Murang'a Town, in my constituency but in the event that there is such kind of an argument or debate, the decision should not be left to the governor. It is something which should be debated by the many hon. Members of an assembly within the county. Therefore, I am of the view that this clause should be amended.

Hon. Temporary Deputy Speaker, I would also like to draw the attention of this House to Clause 24 of the Bill, relating to the Urban Areas and Cities Act, 2011. The Clause provides that where county legislation does not exist regarding a particular function, the corresponding national legislation shall apply with necessary modification until the county assembly enacts the required legislations.

I am of the view that the expression “with necessary modification” should be deleted from this particular Bill because it may be misused to water down the entire Bill in the event that the Bill becomes law. The expression is very amorphous and very general. Therefore, every person will always be citing that expression to probably come up with new legislations that were not originally intended. Therefore, I will ask the Mover of the Bill to change this expression.

Hon. Temporary Deputy Speaker, I would also like to draw hon. Members to Clause 54, relating to the County Government Act. It is being proposed that a consultative forum for the coordination of development activities should be established. This is a very good idea. The problem is the way this Bill has been drafted. It does not indicate who the convenor of the proposed forum will be. If we leave it this way, this clause will never take effect.

Hon. Temporary Deputy Speaker, I draw your attention to the CDF Act. There was an amendment that was done by the last Parliament during its last days that provided that a certain forum was established in the CDF where the governor and the area Members of Parliament are supposed to meet and decide how development programmes are going to be run. To the best of my knowledge, particularly in reference to my county, that forum has never taken off notwithstanding it being provided under the CDF Act. I am sure many Members here will also agree that, indeed, they have never probably utilized that chance that is created by the CDF Act. So, it is my opinion that we should clearly spell out the person who is going to become the convener of this meeting. I would propose that the best person to convene this meeting ought to be probably a Senator or another person outside the system of the county government, for instance, the County Commissioner. That is my opinion.

I also draw your attention to Clause 43 of the Agriculture, Fisheries and Food Authority Act, which proposes that a person shall not export raw cashew nuts, pyrethrum, bixa, macademia or any other agricultural products as may be prescribed except with the written authority of the Cabinet Secretary. Again, this is a very dangerous clause. One, this country needs to boost its exports. We should move towards becoming an export oriented country. When you look at the balance of payment, it is skewed against Kenya. We are importing so much and exporting very little. In such a situation, a country cannot grow. A country grows when you have a favourable balance of payment, namely, the exports are more than the imports. Therefore, it is a bureaucracy that is being introduced where you confer or give a lot of authority to the Cabinet Secretary. In such a situation, the Cabinet Secretary may become a person who is corrupt, who issues these certificates in a selective manner.

Again, look at the expression “any other agricultural product”. This has been left open to a situation where all agricultural products will now be regulated by the Cabinet Secretary. There is no product that is known as “any other agricultural product”. It may include coffee or tea. Therefore, I am of the view that this clause also needs to be

amended. I support those other clauses, but for those ones, I am of the view that they need to be revisited.

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Statute Law (Miscellaneous Amendments) Bill. Overall, I would like to support quite a number of the amendments that have been proposed. However, there are quite a number of amendments that I would wish to see either removed or amended further.

As regards the Land Adjudication Act, I feel that what is proposed here is quite in order. Basically, the amendments are meant to regularize the Bill to conform to the current Constitution. Therefore, on the Land Adjudication Act, I see no serious problem and I support all the proposed amendments. On the Urban Areas and Cities Act, I have some concerns. First, these amendments are seeking to reduce the population threshold in classifying cities, towns and municipalities. Looking at the proposed thresholds, it does not appear that there is certain clear criterion that was used to come up with these thresholds. For example, it is being proposed that under Section 10(2)(a) that we reduce the threshold for a population of a town from 10,000 to 2,000. What criteria were used? My fear here is that we may end up classifying all the villages as towns and this is going to be a disaster. When you classify a village as a town, it has its own implications. So, we need to look at all this and see what criteria have informed this. So, during the Third Reading, we will need to find out what has informed all these proposals.

As regards the Transition to Devolved Governments Act, I want to agree with most of my colleagues in their concern of the proposal to get rid of the Transition Authority. This is established by an Act of Parliament and it is also within the Constitution. Therefore, just to replace it with an inter-governmental committee will be a disaster because one of the key functions of the Transition Authority is to oversee the distribution of assets. This is the most crucial aspect of the Transition Authority, which has never been handled. If we hand over this to an inter-governmental committee, you can be sure that this is going to be a disaster. So, I do not support that. I would like the Transition Authority to continue doing its work and must be given the mandate to execute its work, particularly; it should be given its independent Budget.

On the County Governments Act, I see no problem. These are regular amendments and therefore, I support them. On the Agriculture, Fisheries and Food Authority, I want to support these amendments. In this country, we have tended to overlook certain sectors which have a lot of potential for reviving or turning around the economy of this country. One of them is fisheries. We have overlooked mining for many years and it has always been put under the Ministry of Environment. For a whole century, nobody has cared about mining in this country. Now, we are coming to the realization that mining has the biggest potential in this country. In this regard, I want to congratulate the Jubilee Government for recognizing this and establishing a Ministry of Mining. Mining is going to transform this country. Those of us who are in the technical field know that this country is rich in many minerals, but all these minerals have just been exploited through dubious means and this country has lost billions of shillings.

Let me inform my colleagues here that in the Indian Ocean, we have 200 nautical mile economic zone, which if translated into an area, it is more than a half of Kenya. This is our land, but because we do not care about fisheries, we have left this land to the

Japanese and the Koreans and that is where they are fishing. They are making a kill. So, if we establish a fully fledged fisheries department or organization through a Bill, we shall develop our fisheries industry, which I bet is even going to contribute more to our economy just like the Namibian economy is based on fisheries.

I can assure you that this country can be a major exporter of fish. We have left our fish to the Japanese, the Koreans and the Chinese and we only have fishermen with canoes at the Coast, who fish only two kilometers inside the ocean yet we have 200 nautical mile which translates to 300 kilometres. You can imagine what we can do with that. So, I want to support that.

Lastly, hon. Temporary Deputy Speaker, as regards the Kenya Agricultural and Livestock Research Act, I wish to say that I would not support what is being proposed here because this is a research organisation and any chairman of the board of this type of organisation must be a competent person, well qualified, a person who has been in research and can be able to steer the board very well. The way that it is now being proposed that he or she should not be competitively recruited and should only be appointed by the Cabinet Secretary downgrades this position and research is so crucial for this country. We need very qualified people.

So, hon. Temporary Deputy Speaker, with those comments I want to support this Amendment Bill. Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Thank you. Well, it is your turn hon. Nyamweya but allow me to balance by giving the other gender some say and we have actually only one, hon. Kajuju and then we will come back to you. I am sure you would not mind that.

Hon. (Ms.) Kajuju: Thank you, hon. Temporary Deputy Speaker, for welcoming me back to this House by giving me an opportunity to speak on this Statute Law (Miscellaneous Amendments) Bill. I want to say from the outset that I support the amendments in that Bill and say that the purpose of any amendment to any legislation is to fill in the gaps that might have been created in the course of drafting and enacting legislation.

Hon. Temporary Deputy Speaker, you will find that this Statute Law (Miscellaneous Amendments) Bill seeks to bring a clearer definition of some of the terms that are used within the various Acts. In particular, I would refer to the issue of the community land and the term of the Cabinet Secretary in as far as Cap. 284 of the Land Adjudication Act is concerned. There are various definitions that are applied in the Constitution of Kenya in as far as land is concerned. I believe that this amendment which I support is going to set out a clear guideline in the application of the law, especially if any conflict was to arise and a matter was to end up in court. The court will be guided by the definition that will be passed in this House. It will also remove ambiguities within the legal systems.

Hon. Temporary Deputy Speaker, I also support this Bill because I find that it sets out or rather streamlines various organisations by expressing how various boards or institutions will function. So, it is a proper amendment that should be supported by each and every one of us. You also find that under the Transition Authority Act or the Devolved Governments Act it also seeks to give timelines within which the Transition Authority is supposed to be dissolved. So, this is generally a very good amendment that

will also give certainty to the Transition Authority so that we do not have the push and pull that we have witnessed on so many occasions in as far as that important body is concerned.

However, bringing the point closer home, I also find that there is an intention to have the Crops Act amended. It is good to note that although this Act was enacted, it has not been put into operation. If you may look at my *Miraa* Report which is the next one to be debated, one of the recommendations that the Committee has made is to seek amendment to the Crops Act to have *miraa* as a scheduled crop. To me, this is a golden opportunity that I intend to use to seek the approval of this House to have that amendment carried so that *miraa* can also be considered as one of the cash crops within that definition of the “scheduled crops”. We need to bring *miraa* in so that the Government can come in and take charge of the production, marketing and the consumption of *miraa*.

Otherwise, hon. Temporary Deputy Speaker, I support. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us now have hon. Nyamweya and you will have five minutes now and also five minutes when the debate resumes. So, proceed.

Hon. Nyamweya: Thank you, hon. Temporary Deputy Speaker. From the outset I want to say that I am opposing this Bill. If the Leader of Majority Party of this House has said that he does not have confidence in it and he has put his signature on the same Bill, what business do I have to support it as a member of the Opposition and my role is to watch what the Government is doing? However, having said that, that is not the main reason why I want to oppose this. I want to go to the very fundamentals of the amendments to the Statute Law (Miscellaneous Amendments) Act. If you want to go through all of them, they fundamentally affect how the counties are being managed at the moment. They fundamentally affect the ordinary farmer on how he is doing his business in the rural home.

So, when you look at the Livestock Act that they want to amend, with a stroke of a pen, the Wildlife Research Institute is gone; the Fisheries and Marine Institute is gone and the Kenya Marine and Fisheries Research Institute is gone. How do you get rid of so many organisations without even thinking that there are people who work there? Are we here to take care of the welfare of Kenyans? So, that is why I am saying that when you want to look at this, we should be careful.

Come to agriculture and there is a section that they are saying that the Minister that is responsible for agriculture will not allow exports of cashew nuts or raw materials of cashew nuts, macadamia and he even can ban the export of *miraa*. What exactly are we doing? How do we pass this as the National Assembly of the Republic of Kenya without even giving the price that the farmer is going to earn? How do we give someone arbitrary powers when as I speak today in my area sugarcane has not been taken to the factory because we have got cheap imported sugar? So, it does not really make any sense that this House, as we sit here today, can pass rules and amendments coming in the name of miscellaneous amendments. How can they be miscellaneous when we are going to change how we form urban centres? How can it be a miscellaneous Bill when we say the Transition Authority is going to be abolished? How can it be miscellaneous when these are very fundamental issues which touch on the ordinary Kenyan? I come from Kisii

County; we had the Finance Bill and people rioted. We are losing focus. The main reason why we have got county governments is to give service to the people of the Republic of Kenya. It is not about tax. We should first of all properly utilise the little funds that the national Government has given the county governments.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Nyamweya. I can see you are really now beginning to develop your point very well but unfortunately we are now hitting 5.30 p.m. You will have your five minutes when the debate resumes. Let us now hear the Member for Matungulu who moved under Section 33(1) of the Standing Orders to seek an adjournment on a matter of definite national importance. Hon. Member, you will have ten minutes and the rest of the Members will have five minutes each to contribute to that particular debate. So, you will have your ten minutes starting now.

I must congratulate you because it is good when you see a Member discussing a matter which is not actually within a particular area where he comes from; I think that is being very proactive.

Proceed.

MOTION FOR ADJOURNMENT UNDER S.O.33

SECURITY SITUATION IN WAJIR

Hon. Mule: Thank you, hon. Temporary Deputy Speaker. First and foremost, I want to thank the substantive Speaker for this opportunity for us as House to discuss a very serious matter within the country regarding the security of the entire country and also regarding the security and the scenarios I have personally witnessed in Wajir for the last four days when we did an adventure there with my colleagues.

First and foremost, what I want to draw the attention of this nation to is that what is happening in Wajir is something which is completely unacceptable for a country which is now over 50 years old since the attainment of Independence. That translates that the scenario will deteriorate if anything is not being done in the country and in Wajir County. Definitely, it is going to deteriorate in Mandera, Moyale, Marsabit, Garissa and end up affecting Mwingi and Machakos counties. It will also affect Nairobi. I believe that gives us a very clear picture of how *Al Shabaab* get their way to Nairobi.

Hon. Temporary Deputy Speaker, as Members of the National Assembly, we have a duty to protect this country when we are in this Chamber. It is unfortunate that we witnessed over 20 people being buried within the last four days in Wajir County. We have information about people who are misplaced.

It is also clear that over 6,000 Kenyans are Internally Displaced People (IDPs) within their own county. This is very unfortunate and I believe it is time we stopped this business of looking at ourselves as Jubilee or CORD leaders in this country. As leaders, let us stand with the country at this hour of need and look for a solution to what is happening in the northern part of this country.

Hon. Temporary Deputy Speaker, it is true that 14 primary schools have been closed in Wajir East. Wajir East, which is represented in this House by hon. Mohammed, has quite a number of IDPs who are going without food, shelter, water and security. This is very unfortunate. I would have wished the Leader of Majority Party to be in this House

and I would have told him to his face to become serious and realize that Kenya is not *Nyumba Kumi*. He went on the national television and declared that police officers and the General Service Unit (GSU) personnel had been deployed to that area. Four days ago, when we were at Wajir County; in the thick of what I can call a tribal or civil war, there was no single GSU officer on the ground.

Hon. Temporary Deputy Speaker, if you look at the size of Wajir South sub-county, which borders Garissa and has the biggest stretch against the Republic of Somalia, it is the same size as the Republic of Rwanda. This Sub-county is being manned by less than 55 police officers. If you look at Wajir East, it is the size of Burundi and it has only 52 police officers to man it. Then as a country we sit here and mop up Eastleigh yet we have left our country to be invaded by people because of lack of planning of security in those areas.

Hon. Temporary Deputy Speaker, we are only talking of Wajir County. We have not even moved to Marsabit County which is bigger or even Mandera. It is my humble request that as hon. Members of Parliament we should form an inter-party caucus as soon as possible to offer serious security solutions to this country. We should stop the issue of radicalization and the issue of mopping communities in the name of *Al Shabaab*. We have failed as a country on this issue. We need to look at how to defend this nation. It is unfortunate when this mayhem started police officers on the ground had no logistical support. They watched innocent Kenyans being killed without offering any help. It is unfortunate that as we speak here today, Wajir County is being manned by about eight Officers Commanding Stations (OCSs) and it is completely impossible for those people to work with that number of officers.

Hon. Temporary Deputy Speaker, I want to give a good example of Wajir East. The OCS has only 57 police officers and he has three major road blocks he needs to take care of because of the entrance from Mandera. He also needs to have officers manning the border. Each road block needs to be manned by, at least, seven officers. Seven times three equals to 21, less the 52 officers he has, he is left with only 33 officers. I urge the Jubilee Government which is led by the Jubilee Coalition – I can see hon. Sakaja here – do not get worried, we will put you in a vehicle and take you there. For us as hon. Members we decided not to fly to North Eastern and instead we used our vehicles. I do not want to be involved because you have failed as Government.

Hon. Temporary Deputy Speaker, we used our vehicles from Nairobi to North Eastern. You have not less than 12 hours to get there. It is important as Parliament and as leaders to think squarely. This issue we are discussing today is about Wajir County, but I can tell you that it is affecting the entire country because the security organs in this country have failed. That is why you will find people being ambushed. Hon. Members of Parliament are being attacked and it is high time we provided solutions. As members of the young caucus in this country, we need to provide solutions to this country regarding security.

Hon. Temporary Deputy Speaker, one of the measures we need to take is to deal with the border of Somali. Secondly, we must deal with information to security organs within this country. It is important and I believe leaders should stop chest-thumping!

The Temporary Deputy Speaker (Hon. Cheboi): You have 30 seconds!

Hon. Mule: Hon. Temporary Deputy Speaker, leaders should realize their responsibility as leaders and give a clear sense of what they need to do for this country and its future.

With those few remarks, I want to say that it is important that you give direction on how we need to go forward on this because it is a situation that needs to be arrested and tackled. We should stop bickering about it. I would urge---

The Temporary Deputy Speaker (Hon. Cheboi): Did you say that is hon. Elmi's constituency?

Hon. Mule: Yes!

The Temporary Deputy Speaker (Hon. Cheboi): Okay; then let us hear from the horse's mouth.

Hon. Elmi: Hon. Temporary Deputy Speaker, thank you. First and foremost, I want to thank the two hon. Members, hon. Oyugi and hon. Mule who visited Wajir by road on completely something different but, when they saw that something was not right, they went and stood in solidarity with us.

We have total failure in the management of security. My constituency, as an example, had 14 schools closed and 6,000 people displaced. Wajir Town has houses burnt down. Mandera has the same problems. I want to urge this House to take a very serious stand on conflict in pastoral areas because if any group of people decided to fight in this town in whatever name, whether it is tribe or religion, it would not take a day to be stopped. Why is it that people go and kill others and yet nothing happens? I am very disturbed at the way things are going. If you Google the words "failed state" one of the easiest definitions given is that when the state allows its constitutional right to violence--- It is only the state that is legally mandated to use violence. When it abdicates that and allows other groups to pick it up, then it is a failed state. At the moment, what is happening in Wajir, Mandera and other parts of northern Kenya is exactly that. People have been left to their own devices. People are being killed; people are being displaced. We are promised security and as the hon. Member has said, many people are involved. Goodwill promises have been made but they do not get realized. So, what am I pleading with the House to do? I am pleading with the House to make the Executive, because we are part of the Government, provide security. Boots should be on the ground. They should also provide relief and resettlement for people who have been displaced in the last few years who are still being displaced because of the new cases of insecurity. They should also pursue criminals. They should bring even one person to court, be it in Wajir and largely my constituency, where over 20 people have died. Similar numbers have died in Mandera but not even one person has been taken to court. How can people say that they have beefed up security or done something and yet, not a single person has been taken to court? This conflict has continued for a number of years. Leaders have come together and the last time we were at Kotulo, we said that there should be no clan wars and we wanted the people to be arrested. We even said that the chiefs from the areas and the elders, whether they were guilty or not, should be the first to be arrested in order for them to say who did it in that area. We gave 100 per cent political support in both counties in the presence of the highest ranking security officials. After that, we have had more than five or six incidences - terrible ones - but nothing has been done. Not a single person has been pursued. Not a single person has been arrested.

So, what are we telling the public? Majority of my constituents, if they sold one camel, it is a day's walk for them to get a gun. Basically, we are telling the people to go and pick guns, kill each other and when you finish with them, come to Nairobi. If people think that those are colonial outposts, nothing will happen and we allow people to kill each other; that insecurity will come here. Those arms are now killing us in Nairobi. That is why we are not able to control terrorism. That is why people do not feel that they are being protected.

The Temporary Deputy Speaker (Hon. Cheboi): You have 30 seconds!

Hon. Elmi: Hon. Temporary Deputy Speaker, so, I urge this House to stand up, ignore party lines and come up with a solution to the security issues, particularly in northern Kenya. We had 40 policemen killed but nothing was done. Not even a single person has been taken to court. So, let nobody tell you about tribes. The responsibility of keeping people alive and their property safe is the Government's. We have cried publicly. We have done everything. What do you want us to do?

Thank you for your support.

Hon. (Eng.) Mahamud: Hon. Temporary Deputy Speaker, let me also thank the hon. Member who has brought this important Motion to the Floor of this House; hon. Mule. I am glad that he went to Wajir and saw the life that we lead in that part of the world.

It is unfortunate that we are discussing the death of our people and the killing of those people here. It is very unfortunate that in the 21st Century, 51 years after Independence, Kenyans are butchering themselves in the presence of the Government. The conflict now in that part of the world, Mandera and Wajir, has been going on for the last 3 years. But, fortunately, around May 2013, we tried as leaders, without the support of the Government, and stopped people from fighting. The last conflict which started about three weeks ago has resulted in 35 deaths today. As my colleague has said, nothing has so far been done by the Government. We have urged the Government to help us to deal with the criminals. In fact, in the last joint meeting we had with hon. Elmi and all Members of Parliament from Wajir, Mandera and also the leaders, we said that they take responsibility as the Government and deal with the criminals who are harassing *wananchi*. What has happened is that the pastoralists in their nature want to retaliate for every killing. But because people know one another, we have asked the Government to deal with the people, elders, chiefs, talk to them and see how we can get those people. But nothing has happened.

Unfortunately, this thing has moved into an urban warfare. What happened the other day in Wajir, where houses were burnt, is unfortunate. It can happen in any other town. It is very serious. It was in the presence of security forces. We have a major air force base there. It happened in the presence of all the security apparatus there. The thugs were running around and torching houses, one after the other. As a result, people have been displaced in my constituency, Mandera West; in Tarbaj, Wajir Town and Wajir East. Today, quite a number of people are not in their homes. As leaders from Wajir and Mandera, we have gone to the Government for security in various places and hotspots. In fact, in one occasion, one night, we went to see the guy in charge of the Administration Police. We told him the place had a problem and requested for security. But the following night, people were killed. As leaders, we are tired now. We are fatigued and we think we

have been telling people not to fight. But now, they may even make us look irrelevant. We would like the Government to take its responsibility; responsibility to safeguard the lives of its people and to deal with criminals so that people can live in peace. We do not want to politicize this thing to make it a Jubilee affair or anything. But it is the Government of Kenya because all of us are in the Government, including Parliament and everybody else. We would like the Government to take its responsibility so that *wananchi* can go about their lives properly. Security must be properly deployed and criminals must be dealt with. People resort to arming themselves and killing one another when they miss the Government. We would like to see the Government's presence in that part of the world and all the 47 districts as called so by the colonialists. Unfortunately, nothing has changed in terms of security since Independence.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): I know we will be hearing some more but now, let me take to the leadership; that is, hon. A.B. Duale, as per the commands of the Standing Orders. I understand your anxiety hon. Keynan, but there are also commands from the Standing Orders and I am following them. So, hon. Leader of Majority Party in that capacity! Hon. Members, you know you have your ten minutes but if you could use five, the better. I have asked him to reduce his contribution and he has kindly accepted.

Hon. A.B. Duale: Thank you, Temporary Deputy Speaker. From the outset, I want to thank the Member for Wajir South for taking some very extraordinary Members of Parliament to his constituency. I never thought hon. Ogalo would be in Habaswein. I never thought that my good friend, the Member for Matungulu, would go and see the people of Habaswein. But that is how Kenya should be built. When we go to Nyanza, our colleagues in Nyanza should go to the north. When we go to Central, our colleagues in Central should go to the Coast. I want to speak, even as the Chair of North Eastern Parliamentary Group. The problem that is taking place in northern Kenya, in Mandera and Wajir is not new to us. Members of Parliament from that area sat for long hours a few months ago under the able leadership of the Senator for Garissa County, hon. Yusuf Haji. We resolved all our differences and we went back to the path of peace. I want to thank all Members of Parliament from the whole of northern Kenya for taking part; our elders, our business community and our religious leaders as well as the Government. We also had another area in Marsabit County under the able leadership of former Speaker, hon. ole Kaparo and hon. Haji. Now, that area is very calm. But as the Leader of Majority Party, I only want to speak to the Inspector-General of Police. I also want to speak to the Cabinet Secretary for Interior and Coordination of National Government, Mr. Joseph ole Lenku and National Intelligence Service Director-General, Michael Gichangi. You cannot, under your leadership, allow Wajir, Mandera and even by extension Garissa County, to have our people butchered by a few elements who want to use ethnic and clan card to kill innocent women and children. We are one community that professes the same language, the same culture, the same religion and the same habitat. It is the responsibility of the Government to deal with the perpetrators of violence. We want those who are killing to be apprehended. We want those who are burning houses to be apprehended as well, even if it is a Member of Parliament. Even if it is hon. A.B. Duale who is causing insecurity in the northern part of Kenya, he must be

held responsible. Nobody is above the law. The kind of violence, hatred and incitement that is going on in our country, if you look at it, you will find that the institutions that have been given the responsibility to deal with maintaining law and order are not there - from the rallies in Baba Dogo and Kibra to the violence in the north. I will talk because I watched the Baba Dogo rally. It was full of hate and incitement. If you go to Wajir and Mandera, there is killing and burning. You cannot have your cake and eat it. My good friend, hon. Mule, the way you brought this issue, you must have also watched the Baba Dogo rally.

Hon. Mule: I did not attend!

Hon. A.B. Duale: No, but you must watch. Your Senator, hon. Johnson Muthama, attended and gave a speech. The Inspector-General must bring law and order to our country. We cannot give him money here---

(Applause)

If it is hon. Duale or hon. Nkaissery who is inciting people, arrest and put him behind bars. As the Chair of North Eastern Parliamentary Group, we cannot allow our people to die. We want devolution to work. We want the Governor of Wajir to deliver. We want the Governor of Mandera to deliver. We want the Governor of Garissa to deliver. We want us, Members of Parliament, to deliver to our people on the platform of devolution. But we cannot go everyday out there to safeguard our people. That is the work of the Government. I am sure the leadership will agree with me that even as of yesterday, we were talking to the Government. If you are the Cabinet Secretary for Interior and Coordination of National Government or the Inspector-General, you have a special duty to safeguard the lives and property of our people. I want to send my condolences to all those who have died. Even in my own constituency, a Sheikh was killed by youngsters. Yesterday morning, the DCIO was telling me that he has not gone to the scene of crime. His Excellency the President will not supervise each and every police officer. The Inspector-General must do his work; Mr. ole Lenku must do his work; Mr. Muhoro must do his work; Mr. Gichangi must do his work and General Karangi must do his work. Otherwise then, they can as well pack up and go.

(Applause)

Sisi ni Serikali ya kusema na kutenda. We are not like the Opposition who are calling for national dialogue. Dialogue on what?

Thank you, hon. Speaker.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Leader of Minority Party. We have agreed five minutes. I know you speak for a big team but---

Hon. Nyenze: Thank you, hon. Temporary Deputy Speaker. Without wasting time, I want to thank those Members---

The Temporary Deputy Speaker (Hon. Cheboi): Sorry! Do we have a point of order from hon. Oyugi?

Hon. Oyugi: Thank you, hon. Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order?

Hon. Oyugi: Would I be in order to request that in line with Standing Order No.33, we extend the sitting of the House up to 7.30 p.m., with the discretion of the Speaker, so that we can sufficiently deal with this issue of insecurity? Would I be in order?

The Temporary Deputy Speaker (Hon. Cheboi): Well, I see the interest is actually dwindling now. I really would not want to extend time without being sure that there is real interest from Members.

Proceed first as I make consultations.

Hon. Nyenze: Thank you, Temporary Deputy Speaker. I just want to thank the following hon. Members; hon. Mule from Matungulu, hon. Oyugi from Ndhiwa, hon. Diriyee, hon. Mohamed Elmi, hon. Keynan, hon. Amina and all those Members who were concerned and went there. But hon. Duale was here in Nairobi! I just want to say that, instead of the Leader of Majority Party blaming the Government institutions, if he was very serious about the security in northern Kenya, he should resign from Jubilee. I just want to say that what has led to insecurity in northern Kenya, first, is economic deprivation since Independence. No Government has ever invested in North Eastern Kenya. People are poor and they are fighting for pasture, water and economic survival. The other reason is instability in Somalia. So many free firearms are moving around. The third reason is clanism. When there is a war or a state of conflict like we have in Wajir, mothers move away from their homes with their children. Those children do not go to school and no economic activity is taking place there. Those people are suffering so much. You only have to experience it to know the amount of suffering that is going on. We have not seen any seriousness, 51 years since Independence, to stamp out insecurity in northern Kenya, the way it was done in Mount Elgon. If they really want to do it, it can be done.

Hon. Temporary Deputy Speaker, the presence of KDF in Somalia has also contributed to instability not only in Wajir, but the whole of Kenya. Let us consider pulling our troops out of Somalia and we will have peace. You cannot defeat terrorism as a small country. The whole world must fight it. There is something that people do not know. The Somali Community has more than 30 million people. They live in Djibouti, Ethiopia, Somalia, Kenya and everywhere. They are more than the Akamba people. The Somalis are so many. They contribute so much to the economic activities of those countries. But when it comes to giving back to the Somalis in the countries where they reside – and they traverse borders apart from Ethiopia – the other governments do not give Somalia the support it deserves. Look at what happened in Eastleigh, we do not know whether we were fighting terrorism.

Hon. Temporary Deputy Speaker, even if we try to bring law and order in northern Kenya, unless we pull our troops from Somalia, and we allocate a lot of Equalisation Fund to northern Kenya, the youth there will be lured to radicalization. That is because they will get employment and those kinds of things. If you give people economic livelihood, they will not resort to criminality. Every community must feel

secured and wanted in Kenya. Somalis are here by right. They were born here. This is their country. They cannot live anywhere else. We want the Jubilee Government to ensure all the appointments have the face of Kenya. Recently, 12 officers were sent home and 42 per cent of them were Kambas. Five out of 12 were Kambas. Why do you think the Akamba are few when five out of 12 were from the Kamba Community? I want to tell the Jubilee Government to be an inclusive one. Let the face of Kenya be seen. Let us also see Somalis in places of power. Let us see other communities share contracts. Let us all be in leadership although we do not want to be included. We do not want *nusu mkate*. All we want is fairness when it comes to appointments, awarding of contracts and so on.

The Temporary Deputy Speaker (Hon. Cheboi): For purposes of clarity, who sent those members of the Akamba Community home?

Hon. Nyenze: The Jubilee Government.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): Where were they?

Hon. Nyenze: They were sent home. They were senior officers. Some of them were commissioners. There are those who were deputizing Kimaiyo. They were from the Police Force.

The Temporary Deputy Speaker (Hon. Cheboi): So, they were from the Police Force under the new vetting process. Proceed.

Hon. Nyenze: Hon. Temporary Deputy Speaker, because of insecurity, there has been travel advisories and 10,000 jobs have been lost at the Coast Province.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of intervention, hon. Savula?

Hon. Angatia: Is he aware that the Deputy Inspector-General is from the Akamba Community? If that is a fact, could he, please, withdraw and apologize to us?

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): I think what the Member is saying is that, probably, that is a process and it might not have tribal issues.

Hon. Nyenze: Hon. Temporary Deputy Speaker, so that my time is not wasted, instead of hon. Washiali fighting for the cane farmers in his place, he is fighting---

The Temporary Deputy Speaker (Hon. Cheboi): That is hon. Savula. Anyway, finalize!

Hon. Nyenze: Since Independence, the Somalis have been part of Kenya and they will remain part of Kenya. They have contributed to this economy. The Kenya shilling is now losing to the dollar because of what is happening in the country. After the Eastleigh debacle, the Somalis have kept back. The economy is, therefore, shrinking. Let this Government know that without the input from Somalis, we will not go anywhere. Let this Government be inclusive. Let the Somalis be accorded security. They are the ones who die most through those terrorist attacks. They are the ones who are displaced most. They are the ones who suffer most. To start implying that the Somalis are causing instability--- They are more affected than other Kenyans. Let this Government treat Somalis with

respect and end that conflict, the way they did in Mount Elgon and Laikipia. We want to see the same effort. We want to see vehicles and more police officers. Those who are not taking their responsibilities seriously should be sent packing so that there is security in northern Kenya. After all, that is where we are finding oil, natural gas, meat and everything. If only we invested in northern Kenya, this country would leap into the Second World.

Thank you, hon. Temporary Deputy Speaker.

Hon. Lati: Hon. Temporary Deputy Speaker, I will be very brief. This is a very unfortunate situation to have in our country. My heart bleeds for the people of Wajir because they deserve better in this country after 50 years of Independence. In fact, if you look in this House today, some of the brightest minds in this House come from Wajir County. I am giving the example of hon. Elmi and hon. Keynan. You know them. They give great input in this House. I can imagine that those little boys who are suffering now could have been the Elmis and Keynans of another day. For our country not to protect those people and to provide the necessary security for their lives, education and prosperity, I think there is something that is seriously wrong with our civilization. I think we need to do better.

As I have said before, when I was talking about Baragoi, Wajir is not somewhere in outer space. You cannot tell me that our security forces are so over-stretched that we can have a month-long violence going on in Wajir and yet, we cannot put enough troops on the ground to ensure that every family in Wajir County is protected. Samburu is a hotspot area in terms of security. At times, we have different fires to put out. However, as I talk today, it seems like things have calmed a little bit in Samburu and some parts of the country. Our security personnel should be deployed to Wajir today to make sure that the people of Wajir are safe. I do not think we have any excuse. It is very unfortunate.

I would like to refer to the second amendment of the USA Constitution; the right to bear arms. This is a very important amendment. The essence of this was to have a regulated militia. If the Government has failed – and I am proud of this Government – so that we have killings in Wajir for a week or so, then as a House and a country, we need to put our minds together. We need to think of having something like the second amendment of the USA Constitution. As human beings, we all have a natural right at birth. However, within that natural right, there is an auxiliary right that comes because of self-defence. If the Government cannot protect us, then we need to go the way of bearing arms or having regulated militias within our counties to protect our people.

Finally, I want us to think of Wajir and any other place that gets into this problem in a very bipartisan way. I do not want us to try and get political capital out of this. Let us refrain because people are dying. I do not want this to look like it is a CORD issue. It should not be that since I am in Government, I should not blame the Inspector-General or the security apparatus in our country. In such issues, I honestly call for a bipartisan approach to the failures and successes of the Government.

This is an issue about which I will advocate for a national dialogue, instead of talking about the price of *mkate* and so on. We can accommodate those ones for a day, but we cannot afford to see the Elmis and Keynans of tomorrow being killed. I truly think this is the time to form a national dialogue. We can initiate it from this House as we move forward to make sure that the kind of things happening in Wajir, Baragoi, and Tana River

do not happen again in our country. We are surely a civilized country today. We have been talking here about floating sovereign bonds in international markets when our people are being killed in the villages. I refuse to accept that as a House, we can strive to get political capital at the expense of people who are being killed in Wajir.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Eldas.

Hon. Keynan: Thank you, hon. Temporary Deputy Speaker. From the outset, I would like to thank the three colleagues who went to Wajir. I would like to say, on behalf of the Parliamentary Service Commission, that we ought to have our own outreach programmes to familiarise ourselves with the different parts of the Republic of Kenya. That is because we know a lot about the outside world but we know very little about Kenya. I really want to thank my three colleagues for that very important venture.

It is good that we really faced the hard issues. The other day, over 52 officers were sacked as a result of many Kenyans who lost their lives. Since the formation of the Jubilee Government in March last year, over 100 people have lost their lives in the counties of Wajir and Mandera. I am yet to see any senior officer taking responsibility and resigning or getting sacked by the appointing authorities. Why discriminate against the people of Kenya? I want the people of Wajir and Mandera to hear this: We will not accept the old stereotypes that relegated us to second-class citizens to the extent that anything that happened in the northern Kenya region was taken as an issue that ought to happen every day.

Hon. Temporary Deputy Speaker, addressing the issue of insecurity is the sole responsibility of the national Government. That is why the framers of our Constitution decided not to devolve security. We cannot lament. I want His Excellency President Uhuru Kenyatta to hear this: He has been let down. I expected hon. Duale to be here. On Friday, the entire leadership of Wajir County was on the ground. Had the security officers acted on our advice, some of the things that were shown on television would not have happened. I received a text message from a very senior security officer on that day, who advised us that within the next six hours, there would be General Service Unit (GSU) officers. But I can report that six days down the line, there is no single GSU officer who has reached Wajir. What is the role of such senior officers whom we pay?

What we are seeing right now are the effects of some of our own failed policies. Those who were in the last Parliament appreciate that in 2012, when the Government of Kenya decided to deliberately recruit young Somalis to go and support the then Government in Somalia, we went public and said that the policy was wrong and that it would not help the situation. Today, those boys who are well trained and well armed are back in the northern Kenya region. Those are now the boys in the militias. It is not the Garre or Degodia communities who are fighting; it is criminal elements from both communities. The Government of Kenya has not dealt with those elements, in accordance with our laws.

Hon. Temporary Deputy Speaker, on Friday, none other than the Leader of Majority Party went public and said that he had spoken with the Inspector-General of Police and that a number of GSU officers were on their way to Wajir. Today, I want to challenge him that he has also been let down. To-date, the said GSU officers have not reached Wajir. We must face the reality. Security is paramount. Before we talk about

investments and some of the mega projects that we have in mind, we must ensure that the lives and properties of all Kenyans are secured. Once we achieve that, our foreign friends who are interested in investing in Kenya will have the confidence to do so. How can you invest in a country that is burning? How can you invest in a country where the only news that comes from it is insecurity-related news like detonation of hand grenades?

Let us not cheat ourselves. There will be no investment until we tackle this issue of insecurity. I want to challenge the President. I am not sure whether President Uhuru Kenyatta is aware of what is happening in different parts of the Republic of Kenya. If he was aware, by now, so many individuals would have been shown the door. We have millions of Kenyans who are qualified. What is the need of having individuals who have failed to discharge their functions in big offices? Kenyans are being butchered every day.

Before and recently, I have been a faithful supporter of the presence of our KDF officers in Somalia. That policy has failed and it is high time we re-considered and withdrew our forces from Somalia. They should come and secure the lives and properties of the people of Kenya. When you are secure, you can secure your neighbour's house. We are not secure and our people are being butchered and killed. It is not only in Wajir and Mandera, it is happening in every part of the Republic of Kenya. I want to ask hon. Uhuru to visit Wajir and Mandera and find out for himself the root causes of that conflict.

Finally, and this message should go to the people of ---

The Temporary Deputy Speaker (Hon. Cheboi): You do not have more time, hon. Keynan. Your time is over.

Hon. Keynan: Hon. Temporary Deputy Speaker, I will conclude. I was born in Mandera and all my classmates and desk mates were members of the Garre Clan. Proudly, I come from Mandera and also from Wajir. It is because of this that the evil that is being attributed to the Degodia Community or the Garre Community is not something that we can accept as the leadership of both Mandera and Wajir. I want to ask them, even notwithstanding the challenges the Government of Kenya is facing, please, stop butchering one another. Please, reason and stop killing innocent people.

The Temporary Deputy Speaker (Hon. Cheboi): Sorry, your time is up, hon. Keynan. We will have the Member who has come here many times. We need to hear his wise words. The hon. Member for Mandera North!

Hon. Nooru: Hon. Temporary Deputy Speaker, from the outset, I want to thank hon. Mule for bringing this Motion. It has been overdue, but it is not that we, who come from that region, are not sensitive to this problem. We have agreed, as political leaders, to stop this issue from being publicized through the media. That is because it is going to fuel the bad situation. However, it has come here and the facts have to be said as stated by the speakers before me.

There are issues of tribal clashes. People say that it is normal for Somalis to kill each other and fight over pasture and resources. This is no longer about that issue. It is not an issue of pasture or clan fight. People are dying at the centre of the district and county headquarters in broad daylight and properties are being destroyed. We have the biggest military base in Wajir in that region. What is the purpose of having the military base there if there is no security and our people are not secured? I would like to take this opportunity also to thank the elected leaders from both communities and counties. We have tried our best and have shown goodwill. We have travelled several times either

jointly or separately and tried to talk to the people. But there is no goodwill from Government security agencies. When we, as leaders, stand up in front of the people and ask the Government to take action and not spare us as political leaders and even as Members of Parliament, then I do not know what else we can do. It is three years down the line and hundreds of lives have been lost. No single person has been arrested.

If you look at the KDF issue that has been mentioned here, the KDF is in Kismayu and its purpose originally was to create a buffer zone for the safety of this country.

The *Al Shabaab* are 15 kilometres from Mandera Town and they come every night and attack the town and yet, the KDF is in Kismayu. What business do they have in Kismayu? Whose interests are they protecting there in Kismayu? Are they there to do business or are they there to protect the charcoal business? That is because I hear there is charcoal business in that town. No wonder we do not know really what the priority of this country is.

Hon. Temporary Deputy Speaker, even if the General Service Unit (GSU) were sent to Wajir, they would go to the police camp and stay there doing nothing totally. I have never seen a situation where people die 100 kilometres from security personnel. People are attacked on the main road and die and yet, the security personnel do not respond. Vehicles have been supplied to the police but they cannot move. If Wajir Town is attacked during the day and the police, military and the Administration Police (AP) cannot leave their camps and they are there just watching, then what business do they have being there? Can they be removed? We can do without them.

Hon. Temporary Deputy Speaker, the situation there is really very critical. We have given political direction and goodwill. We have had a security meeting with the regional and county teams from both counties and we have washed our hands and given them the mandate to provide security. It is their responsibility. I think the Government must compensate the loss of properties and lives, including those of Wajir people because they are responsible. It is not an issue that has happened in the bush. People used to fight in *manyattas*; there in the bush, but the war has come to town, to the district headquarters. It happened in Moyale and it is now in Wajir. Next time, it is going to be in Mandera. How long are we going to watch people being butchered and killed by criminals? They do not represent any community. That is the responsibility of the Government and it must take charge.

Hon. Temporary Deputy Speaker, up to now, the Cabinet Secretary responsible for internal security is just here in Harambee House. He has not even gone to either of those counties to see for himself what is really happening. I do not know who he represents. What is he in charge of? We are prepared as leaders to end this. We have talked to our people and we are still talking to them. But the Government must up its game and bring those criminals to book. Unless that is done, there will be no peace in that place.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the hon. Member for Ndhiwa.

Hon. Oyugi: Thank you, hon. Temporary Deputy Speaker. I will make two preliminary remarks before making my substantive comments.

First, I would like to thank hon. Elmi for putting us into a plane from Wajir, after seeing how tired we were. I would like to thank my very good compatriot, hon. Diriye, for hosting us for a couple of days, the Governor aspirant for Wajir who supported our tour, Mohammed Al Musal and also the Medical Superintendent of Wajir District Hospital for doing a commendable job in terms of taking care of the patients and ensuring that they were all sufficiently treated.

Hon. Temporary Deputy Speaker, the cardinal role of any Government is to protect property and the lives of its people. When you see a government that is not interested in protecting the lives and properties of its people, that is a government that is quickly collapsing. I really think that part of the things that need to be done in this country is to organize a free tour for the Cabinet Secretary in charge of internal security and the Inspector-General (IG) of Police. They have no clue about what the boundaries of Wajir County are. They have continuously given contradicting information in terms of deployment.

Hon. Temporary Deputy Speaker, as we speak right now, there has not been any single GSU deployment six days later. This shows you that someone is either clueless, not interested or there is sabotage. I really think that we cannot continuously be discussing the issues of security in the northern part of Kenya as if it is a normal thing. No person wants violence meted upon themselves, and especially so when they have voted in a Government and they have sovereignty. It is deplorable that Wajir County, which has the largest coastline and the border with Somalia, has less than 50 police officers.

Hon. Temporary Deputy Speaker, when my Coalition Party, CORD wants to have national dialogue with the Jubilee Government, it is not to share *nusu mkate*; it is to show them what ought to be done rightly and how the Government needs to be run rightly. I think in terms of security, this Government has its priorities wrong. That is because you cannot be having hundreds of cars in the Central Business District (CBD) while someone who is in charge of a whole county of Wajir has one car. The amount of fuel they are given is Kshs200,000 per quarter. That sort of fuel in terms of logistics is nothing. You can imagine the person in charge of police in the county being given a smart card for Total Petrol Station to fuel his vehicles yet the nearest Total Petrol Station in northern Kenya is in Meru. If you are given Kshs200,000 to go and fuel in Meru, by the time you get back to northern Kenya, the fuel is finished. Therefore, even the Government has got all its priorities wrong.

Hon. Temporary Deputy Speaker, the third thing we need to request is for the Independent Electoral and Boundaries Commission (IEBC) to work properly in terms of boundary demarcations. Part of the conflict which might not be imminent is the boundary conflict between Mandera County and Wajir County. Whereas that might not be the kind of reason or problem, it is part of what triggers that particular conflict. I really think that it is proper and important that IEBC be compelled to do whatever it takes to harmonize various boundaries. It is not only in Wajir County or Mandera County, they have watched problems again in parts of Kisii, Nyamira and Garissa counties. Some of those things, if not taken into consideration, will be propelling the country into levels of violence that are really uncalled for.

The other thing is the violation of the rights of the people in northern Kenya. Right now as we speak, there is already a curfew in Wajir Town and Wajir County. We, hon. Members, were subjected to searches and were asked to produce our identification cards. If we were able to go through unwarranted violation of our constitutional rights - because there is no one who is supposed to search you without a proper warrant---- How much do we let the crooks or criminals coming from Somalia do to our people because our borders are hopelessly manned and then we search in the centre of Nairobi City? All we need to do is to create a buffer in terms of how the boundaries are policed.

Lastly, because my time is running out, the infrastructure and the roads in northern Kenya need to be dealt with. I am wondering what hon. A.B. Duale is doing in command of this Government, when his part of the county is in a terrible state. He ought to be influencing that. At least, sections of that road are supposed to be tarmacked because then it would be easy to have it policed. It will be easy in terms of access and it would be possible to have logistical issues when attacks such as those ones happen. We really think that there is need to immediately deploy GSU and Rapid Response Unit (RRU), so that the clashes in Mandera and Wajir counties are addressed.

The Temporary Deputy Speaker (Hon. Cheboi): Surely, the General must have something to say. Let us have Maj.-Gen. Nkaissery.

Hon. (Maj-Gen.) Nkaissery: Thank you very much, hon. Temporary Deputy Speaker. I think it is very important to give this debate a bit of time so that we can talk about national security.

Hon. Temporary Deputy Speaker, the cardinal responsibility of any government is the safety of its citizens and their property. I want just to challenge my colleagues that it is not possible to condemn a whole system. We must isolate irresponsible people. We have security sub-committees of sub-counties which might be having this information about the situation on the ground. We want to know what the sub-committee on security of Wajir and Wajir County Security Committee are doing; before the Cabinet Secretary responsible and the Inspector-General (I-G) are condemned.

Secondly, it is very shameful and I am very disappointed that 20 Kenyans were massacred and we have not heard of the Inspector-General flying there to see the situation and even the Cabinet Secretary for Interior and Coordination of National Government or President Uhuru himself. Those are citizens of Kenya.

The issue of clanism is there and it is not the Kenya Defence Forces (KDF); it is the GSU who are responsible for the internal strife. The KDF defends Kenya from external threats. The promise by the Inspector-General to send GSU to Wajir has not been fulfilled. Six days are over and yet, they have not arrived in Wajir. It is an issue which we must demand action because somebody is failing in his duties and somebody must take responsibility.

Hon. Temporary Deputy Speaker, when you take an issue of clanism, we must also---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Maj-Gen. Nkaissery, you have 30 seconds left.

Hon. (Maj-Gen.) Nkaissery: Thank you for giving me those seconds.

I want to urge our people; the Degodia, Garre, Borans, Burji, Gabra, Pokot, Turkana and the Samburus to live in peace. They are Kenyans and they must not kill each

other. As leaders, let us not condemn the Government; let us condemn our own people because they are the ones who are killing themselves.

With those few remarks, I oppose this debate.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Members! It is now 6.30 p.m. Therefore, this House stands adjourned until tomorrow, Wednesday, 4th June, 2014, at 9.00 a.m.

The House rose at 6.30 p.m.