

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th November, 2009

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Department Committee on Defence and Foreign Relations on the Proposed Harmonized Rules to handle the East African Legislative Assembly Business.

(By Mr. Keynan)

Report of the First Session of the Second Legislature of the Pan African Parliament held from 26th October, to 5th November, 2009, in Midrand, South Africa.

(By Mr. Imanyara)

Report of the Parliamentary Select Committee on the Review of the Constitution on the Nomination of Judges of the Interim Independent Constitutional Dispute Resolution Court.

(By the Assistant Minister for Trade (Mr. Omingo))

NOTICES OF MOTIONS

ADOPTION OF REPORT ON PROPOSED HARMONIZED RULES ON EALA BUSINESS

Mr. Keynan: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the proposed harmonized rules to handle the East African Legislative Assembly Business, laid on the Table of the House on Wednesday, 18th November, 2009.

ADOPTION OF REPORT OF FIRST SESSION OF SECOND LEGISLATURE OF PAP

Mr. Imanyara: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the report of the first Session of the Second Legislature of the Pan African Parliament held on from 26th October, to 5th November, 2009, in Midrand South African, laid on the Table of the House today, Wednesday, 18th November, 2009.

ADOPTION OF REPORT ON NOMINATION
OF IICDRC JUDGES

The Assistant Minister for Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, that this House adopts the Report of the Parliamentary Select Committee on the Review of the Constitution on the Nomination of Judges of the Interim Independent Constitutional Dispute Resolution Court, laid on the Table of the House on Wednesday, 18th November, 2009.

QUESTIONS BY PRIVATE NOTICE

DELAYED PAYMENT OF CENSUS DUES TO
VILLAGE ELDERS/POLICE OFFICERS

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Planning, National Development and Vision 2030 the following Question by Private Notice.

(a) Is the Minister aware that, in spite of his assurance to the public that all the persons who were involved in conducting the recently concluded census exercise would be paid, village elders and police officers are yet to receive their dues?

(b) How much were the elders and police officers supposed to be paid per day respectively, for the exercise?

(c) Could the Minister provide the list of village elders and police officers involved in the exercise indicating against each name whether or not they have been paid?

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Deputy Speaker, Sir, I wish to seek indulgence of the House so that I can comprehensively answer this Question tomorrow. This Question was just brought to our office this morning. It is a very detailed Question. I know that the majority of Members of Parliament have an interest in it and I would like to give a comprehensive response.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question appears on the Order Paper tomorrow in the afternoon.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I wanted to request that it comes on Tuesday next week; I have an engagement in Arusha tomorrow.

Mr. Deputy Speaker: Do you have an engagement tomorrow?

Mr. Wamalwa: Yes, Mr. Deputy Speaker, Sir. Tuesday afternoon will be okay.

Mr. Deputy Speaker: It is a Question by Private Notice. Normally, it is given priority. If you are comfortable with that, it is fair enough. I direct that this Question appears on the Order Paper on Tuesday next week.

Next Question by hon. Benedict Gunda!

APPOINTMENT OF SUBSTANTIVE HIGH
COMMISSIONER TO UNITED KINGDOM

Mr. Gunda: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Could the Minister clarify whether or not Mr. Joseph Muchemi is still the Kenyan envoy to the United Kingdom and, if not, when will the Government appoint the substantive High Commissioner?

(b) What steps is the Minister taking to end the state of confusion at the High Commission?

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ambassador Muchemi is no longer Kenya's High Commissioner in London. Kenya's High Commissioner in London is Ephraim Ngari, who has already presented his papers of credence and has taken up his work from 9th November, 2009.

(b) Mr. Deputy Speaker, Sir, in view of my answer to "a" above, "b" does not arise.

Mr. Gunda: Mr. Deputy Speaker, Sir, from what the Minister has said, it would appear that the issue has been settled. However, the country has wondered why, after the tour of duty of Mr. Muchemi ended, he still reluctantly continued to handle the affairs of the Mission in London. Could the Minister elaborate?

Mr. Wetangula: Mr. Deputy Speaker, Sir, it is not true that Mr. Muchemi has handled any duties pertaining to the Kenya High Commission in London since his tour of duty ended. He was officially recalled on 19th May, 2009.

Mr. Affey: Mr. Deputy Speaker, Sir, that state of confusion is created by inaction on the part of the Government. The United Kingdom is not the only mission that we have a problem. Can the Minister confirm to this House and to the country the number of missions that do not have a substantive head of mission? When they do not have substantive heads of missions, the Government continues to pay ambassadors' official residence in anticipation of Government appointing an envoy. That way, we continue to incur so much loss on behalf of the Government. How many missions, to the knowledge of the Minister, are waiting to receive a representative of the country?

Mr. Wetangula: Mr. Deputy Speaker, Sir, Japan is vacant because the immediate former ambassador, Denis Awori, picked up an international job and resigned. A new ambassador has been nominated and the process of his posting is nearly complete. In Kigali, Rwanda, the ambassador ended his tour and a new proposal for appointment has been made and is underway. In London, there is a new High Commissioner, who has already taken up his duties in place of High Commissioner Muchemi whose tour ended.

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. I thought that the Minister would be faithful to the question. I have asked him how many missions are vacant. Is he, therefore, suggesting that Geneva has been filled and that Libya has a representative? There are quite a number. Is the Minister deliberately avoiding telling the country how many missions he is planning to fill and by when? We have continued to spend money even when it is a deliberate inaction on the part of the Government to fill them.

Mr. Wetangula: Mr. Deputy Speaker, Sir, Geneva has never been vacant. The ambassador who was there as Head of Mission, Prof. Maria Nzomo, ended her tour. We had two other ambassadors, Ambassador Richard Owade and Ambassador Tom Mboya who are both properly accredited. The mission is not vacant. In terms of Libya, the new High Commissioner to London was transferred and appointed to go there last month. So, the process of posting a new ambassador to Libya is ongoing. My good friend, Mr. Affey, has been an ambassador and he knows that you cannot appoint an ambassador and send him or her to the station in a day or two. There is a process to follow. The country to which you are sending the ambassador must accept the ambassador as being a person who is fit to represent a country in that country. Those are the only stations and, as you can see from my answer, there is no inaction on the part the Ministry and the Government.

Mr. Keynan: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Minister, we are duty-bound to tell this august House the truth. Mr. Joseph Muchemi is still, as of now, as we speak, living at the ambassador's residence in London. He was recalled theoretically but refused to move. The issue of medical grounds was just a cover up. Could the Minister be honest to this House and take us through what happened between the time when the tenure of Joseph Muchemi as High Commissioner in London expired and last week when Mr. Ngare was transferred from Libya.

The second issue is that I am aware that Ambassador Awori was forced to resign, because he refused to sanction an illegality that is still going on in our mission in Japan.

(Applause)

That is something that I will be sharing with Parliament very soon. I had an opportunity to go to Japan. I know what happened. Mr. Awori refused to sanction something that is going on. Since we will be making a report very soon, I want to plead with the Minister for Foreign Affairs, who is preparing to be a candidate in 2012 to own up and tell this august House the truth; what he has said is not the truth at all.

Mr. Wetangula: Mr. Deputy Speaker, Sir, my candidature in 2012 has nothing to do with the mission in Japan.

Be that as it may, Ambassador Denis Awori served this country diligently, honestly, and faithfully for six years. Ordinarily, ambassadors serve for four years, at the very most. He picked up a job as the President of Toyota Africa in the expanded Toyota franchise in Africa, moving from the automobile industry to food production and other economic activities. He came to my office and explained to me that he had got a job that he could not resist and that he was regrettably tendering his resignation to go for greener pastures, which he did. Another ambassador has been proposed. The name has been forwarded to Japan and has been approved by the Japanese Government. We are in the

process of posting that ambassador. I am not privy, to or aware of, any scandal in the Kenyan Mission in Japan. As and when the information comes my way, I will deal with it in the course of my duty as the Minister. If there is anybody who will be culpable, the full weight of the law will come down on them as it ought to do in every democratic country.

In terms of Ambassador Muchemi, I was instructed to recall him in May this year. He requested three months to wind up and come back to Kenya. I did not find it unreasonable. After three months, he sent me a report from what looked like an eminent doctor in London, indicating that he was unwell and he needed specialized treatment. I told him that despite the medical report, he had to work out a way quickly to come back to Kenya and that we were posting a new High Commissioner. The new High Commissioner arrived in London only three weeks back. Of course High Commissioner Muchemi occupied the Government house in the intervening period after he had been recalled because there was no cause for him to move out. Now that there is a new High Commissioner, he will definitely give way and give out the ceremonial car which we had instructed him not to use, and which he has not used since we recalled him and the residence to the new Commissioner.

Mr. Imanyara: Mr. Deputy Speaker, Sir, in the good old days, these announcements used to be made public. Part of the reason why this Question is coming to the House is because of the secret nature in which the appointments are made. Could the Minister confirm that in future they will revert to the previous policy, where public announcements are made as soon as these appointments are made or gazetted, so that we do not rely on rumours or have to ask questions on matters of policy? Mr. Ngare is a very fine officer. I met him in Libya. He played a big role in assisting me to get out of that country when I faced a security problem. He is somebody I admire, who is very competent. However, we require a system where public announcements are made publicly either by way of *Kenya Gazette* Notice or a statement from the Ministry of Foreign Affairs, announcing where replacements have been made and from what dates.

Mr. Wetangula: Mr. Deputy Speaker, Sir, indeed, that is what we do. Mr. Ngare's posting to London was made public and was carried by both electronic and print media in this country. As to the other stations that I have mentioned, you could see that I was careful enough not to mention names of the nominees to go to these stations because the formal appointment will be made public in the normal manner that my learned senior is proposing.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I want to ask the Minister whether he is truly truthful when he says that Mr. Dennis Awori sought and obtained another job. Is he aware that before Mr. Dennis Awori left, he was with Toyota Kenya as a Chief Executive Officer (CEO) and was forced to leave but has returned to Toyota Kenya for a different job? He did not need to be recruited for it. He returned to it. That is the first question. I do not know whether I can add another one?

Mr. Deputy Speaker: Proceed!

Mr. Shakeel: Mr. Deputy Speaker, Sir, in this matter the Minister may or may not comment. Is he aware that the High Commissioner's residence in London is in a terrible shape, something equivalent to some of the slum houses in Brickstone? That House is on one of the lanes called Millionaires Road. What is the Minister intending to do about that house in terms of renovation? It is in a terrible situation and I have personally seen it.

Mr. Wetangula: Mr. Deputy Speaker, Sir, the hon. Member is asking me to be truly truthful. Mr. Dennis Awori, I do believe I know him a little more than the hon. Member asking the question. He was, yes---

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. I have known Mr. Dennis Awori since 1966.

Mr. Wetangula: Mr. Deputy Speaker, Sir, I do not think that we are competing as to who knew Dennis Awori first. I said that I think I know him a little better than the hon. Member.

Yes, Mr. Dennis Awori was the Managing Director of Toyota Kenya prior to his appointment to Japan. But now he is not the MD of Toyota Kenya, but he is the President of Toyota Africa, resident in Kenya. That is not the same as being the MD of Toyota Kenya. I can assure that Mr. Dennis Awori left service with, first, an exemplary record, secondly, at his own volition, and thirdly, he informed me before he left.

It is not true that the residence of the High Commissioner in London is in deplorable condition. It is not. I also do know that as a ministry, with allocation of funds and approval from this august House, we have a programme of keeping our mission properties well maintained and well renovated where there is need. When there is need, we will do that in London as well.

Dr. Khalwale: Mr. Deputy Speaker, Sir, before I ask a question, please, allow me to congratulate the Minister because he has just won his petition. It might as well be a happy hour for him.

Mr. Minister, now that you are happy, could you clear the minds of Kenyans because they are given to believe that Ministers in this Grand Coalition Cabinet exchange appointments with each other, to the extent that in respect of your Ministry, relatives of your colleagues are the ones who have been benefiting from appointments?

Mr. Wetangula: Mr. Deputy Speaker, Sir, that is not true. I have never sought to exchange an appointment with any Minister colleague; more importantly, in terms of my Ministry, any ambassador or high commissioner appointed, I am not the appointing authority. So, it would be fallacious for me to enter any pact with anybody to appoint where I cannot appoint. There is only one appointing authority for ambassadors and high commissioners, and that is the President and not the Minister.

Mr. Deputy Speaker: Last one, Mr. Gunda!

Mr. Gunda: Mr. Deputy Speaker, Sir, the Minister has said that the residence of the Kenyan High Commissioner in London is not in a deplorable condition. Is that why Ambassador Muchemi has refused to vacate it?

Mr. Wetangula: Mr. Deputy Speaker, Sir, if my very good friend, the Chairman of the Coast Parliamentary Group or the Governor of Coast Province, listened to me very well--- He is my very good friend and I have visited his constituency several times. I said that after his recall he asked for three months. We got a medical report that he needed medical attention. He has no capacity to refuse to leave the residence, station or disobey a legitimate order for him to leave his job. So, the question of refusal does not arise.

Mr. Deputy Speaker: Next Question, Mr. Olago!

DELAYED PAYMENT OF CENSUS DUES TO VILLAGE
ELDERS/POLICE OFFICERS

Mr. Olago: Mr. Deputy Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Why is it that in spite of the operationalization of the Public Procurement and Disposal Act nearly two and a half years ago, the post of Director-General of the Public Procurement and Oversight Authority remains vacant?

(b) How has the failure to appoint a substantive Director-General impacted on the Authority's national and international operation?

(c) When will the appointment be made?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Following the enactment of the Public Procurement and Disposal Act, 2005 the Public Procurement Oversight Authority---

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I would like to remind you of the ruling that you gave this morning.

Mr. Deputy Speaker: Thank you! Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance, in conformity to the new Standing Orders, Ministry of Finance had a Question this morning; it is an offence for the Minister not to answer and the Questioner not to ask the Question. You did not answer a Question this morning and you did not communicate with the Chair to give a valid and an acceptable reason why you were not present in the House. Under the circumstances, we cannot transact any business in this House until such a time that you do that. So, we move to the next Question. This Question is going to appear on the Order Paper after the ruling given this morning is vacated.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Under these circumstances, may I humbly ask the Chair to suspend that ruling until the Question is answered and then the suspense can continue.

(Laughter)

Mr. Deputy Speaker: Order! You are out of order, Mr. Olago!
Next Question by Mr. Ochieng!

ORAL ANSWERS TO QUESTIONS

Question No.042

TERMINATION OF ANGLO-LEASING INVESTIGATIONS IN UK

Mr. Ochieng asked the Attorney-General:-

(a) whether he could confirm that investigations into the Anglo-Leasing related contracts by the Serious Fraud Office (SFO) in the United Kingdom (UK) have been terminated due to lack of co-operation by the Kenya Government; and,

(b) what steps the Government is taking to ensure the scam is conclusively investigated and money and property stashed abroad is recovered to assist in meeting the growing needs of the country.

Mr. Deputy Speaker: I understand that the Attorney-General did communicate with the Chair that he would not be around today to answer this Question. As you know, the Attorney-General does not have an assistant to answer on his behalf when he is not around. So, the Question is going to appear on the Order Paper at the time when he will be in a position to answer. So, it is deferred to such time.

(Question deferred)

Next Question is by Mr. Ethuro and I understand that he is out of the country on parliamentary business related to the Bunge FC. So, the Question will be deferred to a time when the Questioner will be around.

Question No. 373

TABLING OF PROTOCOL ON CATTLE
RUSTLING IN EAST AFRICA

(Question deferred)

Question No. 400

LIST OF PROJECTS NOT IMPLEMENTED
IN 2008/2009

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it appears that this Question is to the Ministry of Finance.

Mr. Deputy Speaker: Yes, the Ministry of Finance is still under sanctions. It can only be answered when the direction by the Chair is vacated.

Next Question, Mr. Mbai!

(Question deferred)

Question No.421

LIST OF PROJECTS INITIATED BY
KENGEN IN MASINGA

Mr. Mbai asked the Minister for Energy:-

(a) whether he could provide a list of projects initiated by KenGen in Masinga Constituency since its inception;

(b) why KenGen has not been able to supply clean drinking water to Kivaa Market, which lies only four kilometres from Kamburu Hydro Dam; and,

(c) the number of skilled and unskilled workers that the company has employed from Masinga Constituency since its inception.

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

(a) KenGen came into existence in 1977 and has since undertaken the following projects:-

- (i) Kikumi Primary School, one classroom at the cost of Kshs150,000;
- (ii) Mutuma Water Project, Kshs500,000;
- (iii) Kivaa Secondary School, a dormitory, Kshs40,000;
- (iv) Two sunk dams at Kunguu and Kithoni.

(b) KenGen is ready to partner with the Ministry of Water and Irrigation to supply water to Kivaa Market. However, the recurrent cost of water treatment and other statutory costs will be met by the Ministry of Water and Irrigation and the local community.

(c) KenGen has employed a total of 23 skilled people from Masinga Constituency since inception. In addition, KenGen employs casual workers from time to time to undertake specific tasks such as bush clearing and minor repairs. Between 80 and 90 per cent of such employees come from Masinga Constituency.

Mr. Mbai: Mr. Deputy Speaker, Sir, the table of the project as shown by the Assistant Minister is not the position on the ground. We have no projects sponsored by KenGen in Kikumi Primary School as he says. However, the issue of water in Kivaa Market and surrounding areas is very demanding. Could he direct KenGen to undertake corporate social responsibilities by providing them with water?

Eng. M.M. Mahamud: Mr. Deputy Speaker, Sir, with regard to Kikumi Primary School, we will discuss with the hon. Member and see which primary school KenGen can build classrooms. As for the water project, I said that we will partner with the local community and the Ministry of Water and Irrigation to see if she will supply water there. We can still discuss this matter.

Mr. Mbai: On a point of order, Mr. Deputy Speaker, Sir. We provided Kshs2.5 million through the CDF, so that we can partner with KenGen, but they refused to take that money. What will I do? Could the Assistant Minister advise this Parliament?

Eng. M.M. Mahamud: Mr. Deputy Speaker, Sir, that is news to me. In fact, I congratulate the hon. Member for availing that money. We will discuss between us, KenGen and him to see how we can proceed on that project.

Mr. Deputy Speaker: Hon. Mbai, are you satisfied?

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

Mr. Deputy Speaker: Next Question, Mr. Outa!

Question No.443

UTILIZATION OF FAO GRANTS IN WEST KANO/AHERO IRRIGATION SCHEMES

Mr. Olago: Mr. Deputy Speaker, Sir, hon. Outa is in Arusha on official parliamentary assignment. He asked the Chair to defer this Question to next week.

Mr. Deputy Speaker: Yes, indeed. I so direct that this Question appears on the Order Paper when hon. Outa is in the country.

Next Question, Mr. Clement Waibara!

Question No.473

RESETTLEMENT OF IDPs
IN KYENI FOREST

Mr. Deputy Speaker: Is hon. Waibara also out of the country on official parliamentary business? Indeed, I am made to understand that he has been around. The Question is dropped.

(Question dropped)

MINISTERIAL STATEMENT

REGISTRATION OF KENYAN NATIONALS LIVING
IN NORTH EASTERN PROVINCE

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, this morning hon. Affey raised a matter requiring me to give a Ministerial State on the registration of Kenya nationals living in North Eastern Province; registration for purposes of the issuance of national identity cards.

Mr. Deputy Speaker, Sir, I have enquired and there was a statement that was given by the Provincial Commissioner of North Eastern Province to the effect that registration of persons in North Eastern Province will be frozen until such time that certain security concerns are addressed. The security concerns are the following: There is a huge influx of foreigners from Somalia or should I call it the former Somalia. In fact, we are getting 300 to 500 people entering our territory every day from Somalia. This has gone on for the last three or so years. When we register them as refugees, some of them leave the camp and come into the cities. Sometimes, they leave the city and proceed to the southern part of the continent through our neighbouring countries. So, Kenya has had a problem and we have been accused internationally of being a corridor or a conduit for the Somali nationals who pass through our territory. But some of them actually apply for and obtain our national identity cards unlawfully and use them to even obtain our passports also unlawfully and then proceed to foreign countries purporting to be Kenyans when they are not. So, this has been a problem which we have been seeking to address.

Recently, the Provincial Commissioner realised that one of our committees that does verification of who is a Kenyan, unlawfully and knowingly allowed foreigners to be registered purporting to be Kenyans. He has since caused the arrest of an Assistant Chief and some members of that committee. But I think the announcement that citizens of Kenya living in North Eastern Province should not be registered was a statement that was not proper within the law. The law requires that every Kenyan must be registered. Actually, it is an offence not to register people. You must be registered at the age of 18. Of course, if you do not register at the age of 18, you must explain why you did not register at the age of 18. So we cannot be the ones charged with the responsibility of making sure that people register on time and be the same people to stop registering people from a whole region because certain problems of the nature which I have already

explained have taken place. However, I want the hon. Member and many other Members from that region to understand the complex problem we are dealing with. It might require that we put much more surveillance and we check the authenticity of some of these applicants in a little more detailed manner and with much more scrutiny than ordinary because of the problem I have just mentioned.

Definitely, we will, in co-operation with all the other agencies, including the Provincial Administration and security forces, continue with the registration exercise. My officers have said that they are ready to continue with the work. It is our primary responsibility; the Provincial Administration and the elders only assist to the extent of indentifying these people. But the primary responsibility of registration is ours and we intend to continue with it.

Mr. Affey: Mr. Deputy Speaker, Sir, the Minister has tried to explain a matter that is so grave. Over the last few months, registration of Kenyans in North Eastern Province has been suspended ostensibly because the Government has no capacity to know who is a Kenyan and who is a Somali. I am not talking about citizens from another country. I am talking about those Kenyans, some of who have just finished school; who have no possibility to acquire a national identity card; who are supposed to participate in the registration exercise to be organised by the Interim Independent Electoral Commission (IIEC) in order to prepare the country for a referendum in March.

I want the Minister to tell us the steps his Ministry will take in order to clear the backlog of many Kenyans who have not been registered and who are now frustrated. Is the Minister's Statement an admission of failure by the Government to identify who is a citizen and who is not?

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, even if it was a complex problem as it is, it would be a terrible thing for the Government to say that we are not going to register Kenyans because we cannot identify them. It would be a terrible admission of failure. I think I am giving this Statement in good faith; that we will continue with the work that we must do. We will do it carefully by registering Kenyans and not Somalis. If we find that there is anybody who purports to be a Kenyan and is not one, we will deal with him according to the law.

Mr. Keynan: Mr. Deputy Speaker, Sir, under the Constitution of Kenya, criminal responsibility is individual and the Minister of State for Immigration and Registration of Persons is one of the senior counsel. Before he became a Minister, he was one of the human rights activists and a long serving Back-bencher of the National Assembly of Kenya. He has admitted that the announcement that was made by the Provincial Administration was not made with his concurrence. We know the issuance of identity cards (IDs) is the sole responsibility of the Ministry of State for Immigration and Registration of persons. We know the history of northern Kenya. We have suffered because of three contentious Acts; the emergency laws and Indemnity Act which we are trying to repeal. Now that we have a reformist Minister as the head of that Ministry, is it fair because of the failures of individuals who are required by law to manage the issuance of IDs, to deny legitimate Kenyans a chance to get them?

Mr. Deputy Speaker, Sir, secondly, northern Kenya or North Eastern Province for that matter is not the only region that shares borders with other nations. If you go to the Turkana side, we have the Toposa. If you go to the Lake Victoria side, we have the

Lang'os, Dinkas and others. If you go to the Namanga side, we have the Maasais and other groups. What is so special about the Somalis that when one individual commits an offence, a whole community is punished? When are we going to do away with this culture of collective punishment? When is the Minister going to take charge of the issuance of IDs because we know it is not an issue of the Provincial Administration?

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, the Member of Parliament has put it very well and I do not think I have anything useful to add. However, strictly speaking, criminal responsibility is individual as we have said. It would be seen as if it is discriminatory to suggest that because some Luo from Uganda registered in Kisumu, the whole of Nyanza people would not now register. It will be something extraordinary. So, I think that a mistake was made and I want to accept that. I think that we will continue with the registration exercise. As I have said earlier, there is that big problem that we have.

Mr. Deputy Speaker, Sir, the truth is that our brothers who are coming from Somalia and who seek and get these identity cards are not ordinary people. They are businessmen. They want to use Kenyan identity cards and passports to travel abroad because Kenya still seems to have a good name abroad. So, they have the capacity to even influence our registration officials in a very negative way. That is our problem. That should not, therefore, mean that with all those problems, we should not continue to register. So, I want to admit that a mistake has been made but rectification will be made.

Mr. Deputy Speaker: Next is the Prime Minister's Time. I will call upon him to make his statements this afternoon.

PRIME MINISTER'S TIME

PROPOSED SAIDIA JAMII FOOD SUBSIDY PROGRAMME

The Prime Minister (Mr. Raila): Mr. Deputy Speaker, Sir, I am going to begin with Question No.2 and then I will deal with Question No.1 thereafter.

Mr. Deputy Speaker, Sir, a Question had been raised by the hon. Member for Mutito, hon. Kiema Kilonzo, seeking clarification on the criteria used in determining the amount of assistance in the proposed subsidy programme. I would like to take this opportunity to brief Parliament on the interim report of the task force on a comprehensive targeted food subsidy scheme in Kenya, which I received last week. This report will be presented to the Cabinet shortly for approval and adoption. My statement therefore is preliminary. I will address this House on the matter more comprehensively once this matter has been discussed and approved by the Cabinet.

Mr. Deputy Speaker, Sir, I established a task force in February this year with a mandate to recommend to the Government a comprehensive well targeted subsidy scheme that is efficient, accountable and minimises opportunity for abuse. The task force draws membership from relevant Government ministries, selected development partners and Non-Government Organizations (NGOs) representatives, including the World Bank, Oxfam, Department for International Development (DFID) and World Food Programme (WFP). The task force has undertaken a detailed review of existing food subsidy programmes in the country and drawn lessons from the experiences of these programmes and also from the international best practices. On the basis of this review, the task force

recommends that a vulnerable people's programme dubbed *Saidia Jamii* Programme be implemented to protect the most vulnerable and poorest citizens from the negative impacts of food insecurity in both our urban and rural areas.

Mr. Deputy Speaker, Sir, the task force recommends that a pilot study be undertaken for seven to eight months to test various aspects of the proposed programme. A comprehensive scheme will then be rolled out covering both urban and rural areas drawing lessons from this pilot study. The key features of the pilot study are as follows: First, the pilot study will extend assistance to the poorest and most vulnerable households that will not have family members who can work. For example, households with small children where parents are disabled will be covered. Eligible households will be selected on the basis of objective mean tests and will be vetted by the community. Second, the pilot study will target urban areas. This is because the Government already has extensive food subsidy programmes for Arid and Semi-Arid Lands (ASALs) and other rural areas. Emergency famine relief programmes and school feeding programmes are prime examples. In contrast, the Government does not have a social protection programme serving urban areas. Third, the pilot study will initially cover 100,000 people in Nairobi's low income informal settlements of Mathare, Korogocho, Mukuru and Kibera. These locations were selected because the infrastructure is essential for effective implementation of the food subsidy already existing in those areas. For example, the development partners with whom we are jointly implementing this pilot project have well established mechanisms in those areas.

Mr. Deputy Speaker, Sir, thereafter, the pilot will be extended to Mombasa and Kisumu, covering another 100,000 people. Fourth, it is proposed that the assistance will be provided in cash to be delivered by M-Pesa or smartcard. Once this programme has been tested and it is proven to be working, it will then be extended to other major urban areas of our country. The choice of cash subsidy was based on both local and global evidence which indicates that cash transfers are used almost exclusively for basic items, in particular food. For example, an evaluation of the orphan and vulnerable children programme shows that about 98 per cent of the beneficiaries use cash for household welfare, mostly for food. Furthermore, where food is available, cash transfers are less costly and more efficient, if well targeted. This is because the administrative costs involved in delivering assistance in kind tend to be greater than possible linkages in cash transfers such as the use of cash for non-essential goods.

Mr. Deputy Speaker, Sir, we looked at the possibility of food distribution against cash and, definitely, the recommendation was in favor of cash transfers. Direct delivery of food is necessary for assistance in locations where food is not available or cost much more than in urban areas. Fifth, we proposed that the eligible households will each receive Kshs1,500 per month. The figure of Kshs1,500 is guided by the Kenya Integrated Household Budget Survey of 2005/2006 that estimates Kshs1,474 as the food poverty line per household in urban areas. The figure for rural areas is Kshs988 per household. In addition, Kshs1,500 is the amount of assistance in most of other Government programmes. Furthermore, evaluation of the pilot project will assist in determining the adequacy of the Kshs1,500 in the current situation.

Finally, Mr. Deputy Speaker, Sir, the Government will implement the pilot project in partnership with Oxfam, the World Bank and the World Food Programme. The partners have structures at community level which will be utilized to fast track the pilot

project. The capacity of the Ministry of Gender, Children and Social Development will be developed rapidly with a view to taking over the administration of the programme.

Mr. Deputy Speaker, Sir, these recommendations will be presented to the Cabinet shortly.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I want to thank the Prime Minister because for the first time, we are seeing an attempt to address a very serious problem of urban poverty. But this is not the first time that the Government has taken on social programmes. It is not the first time that the Government has had these good intentions. The question that Kenyans want to know is that, in the past, we have had the School Feeding Programme and the Nyayo Milk Programme, the Nyayo Wards and so many others which failed also. How sustainable is this programme and where is the Prime Minister intending to raise this money from and how much is it?

(Applause)

Are we going to just take Kenyans for a one year thing and then after that, they go back? How much is it going to cost us and how sustainable is it? If it is donor-funded, how long have they committed themselves, because we do not want a programme that will play around with the minds of Kenyans?

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kutuny: Thank you, Mr. Deputy Speaker, Sir. As much as we want to support the Government's initiative to reduce poverty in this country and to ensure that people have food, I would like to seek one clarification from the Prime Minister. Rural-urban migration is one of the things that are discouraged in most countries. This programme, perhaps, is going to be one of the ways to encourage people to migrate from rural to urban areas. In this process, infrastructure and most facilities are going to be hampered in terms of facilitating proper services to the people of this nation. So, could the Prime Minister tell us the measures that are going to be put in place to ensure that the issue of people migrating, because of this programme from the rural to the urban areas is going to be addressed? Again, what is the projection of the population in another three years, by 2012 in urban areas?

Mr. Imanyara: Mr. Deputy Speaker, Sir, I wish to commend the Prime Minister also for, firstly, setting up this task force that gave rise to what he says is a preliminary report that is subject to Cabinet approval. Indeed, my question arises directly out of that. If it is subject to Cabinet approval, what happens should the Cabinet refuse to approve it as it did the Special Tribunal Bill when his colleague, the Minister, also did a similar thing? Would this project fail? What would be the consequences of such a failure?

Mr. Ngugi: Mr. Deputy Speaker, Sir, I always sympathize with the poor Kenyans who cannot feed themselves. But, at the same time, I am against programmes that will make these poor so dependent on handouts and subsidies which will make them not to move out of this cycle of poverty. I would want to know from the Rt. Hon. Prime Minister what programmes or policies the Government has to go hand-in-hand with this feeding programme in order to get these poor Kenyans out of this dependency situation.

Thank you, Mr. Deputy Speaker, Sir.

The Prime Minister (Mr. Raila): Mr. Deputy Speaker, Sir, hon. Mungatana asked about the sustainability of this programme. He is skeptic by drawing examples from the past. I want to say that we are not responsible for the past which were the School Feeding Programme, the Nyayo Milk for Schools Programme, the Nyayo Wards, the Nyayo Pioneer Car and all those other ones. Those are the things that we have since taken to the museum.

Mr. Deputy Speaker, Sir, this programme is intended to be sustainable and that is why we are going about it systematically. We are beginning, first, with the experimental case to test if it is going to work and also to determine the levels of funding that will be adequate to deal with the vulnerable people. Ultimately, we want to introduce a proper social protection programme for our people. We are doing this programme with donors who have, themselves, offered to actually travel with us along this route. The World Bank has got a fund for the poor, so does the DFID and the World Food Programme. So, this programme is already operating at some of the rural areas.

It is a combination of both cash and food distribution. For example, we are already operating in some ASAL areas of our country. So, I want to assure the hon. Member that this programme will be sustainable. It will be sustainable because the Government will be setting aside a certain amount of money for it from the Exchequer on an annual basis.

Mr. Deputy Speaker, Sir, Mr. Kutuny was worried about rural-urban migration and how to stem the tide. Last week, I said here that rural-urban migration is a universal phenomenon that cannot be stemmed. The mistake that was made in the early part of our Independence was to assume that by telling people, "*Rudini mashambani*", they would go back. No proper planning was made to receive the influx of the population from the rural to urban areas which continued. It is for that reason that we have the problem today. Had measures been taken to deal with it in advance, we would not be having slums in all our major urban areas. Low cost houses would have been constructed just like the colonialists had started to do in our cities. Roads would have been constructed and water and sewerage systems would have been set up.

Mr. Deputy Speaker, Sir, through the Vision 2030, we have made provisions for rural-urban migration. There is nothing negative about it. In fact, there are more opportunities available to the population in urban areas. Secondly, people will free the land which is now not being economically utilized. In some of our high potential rural areas, the population has grown such that there is too much pressure on land. We now have what we call rural slums where the land is not being utilized properly. We need to do planning and consolidation so that those very high potential lands can be more economically and productively used.

Mr. Imanyara asked what would happen if the Cabinet rejects this. Of course, that is a possibility. The reason I actually made this Statement is that a Question was asked by Mr. K. Kilonzo. That is why I said that I will address the House comprehensively on this matter, once this programme is approved by the Cabinet. If the Cabinet rejects it, of course, that is period and we will not proceed with it. We cannot bring it to Parliament, unless it has been approved by the Cabinet.

Mr. Ngugi wanted to know how we will move out of this dependency on handouts. There is no other way of dealing with poverty other than creating wealth. That is the only way we can deal with poverty. This economy must expand as fast as possible

so that more jobs can be created and we move people away from unemployment or low-paying jobs to better-paying jobs. That is contained in the Vision 2030 and that is why we are targeting a growth rate of 10 per cent plus. If that happens, then we will be able to absorb more people. Sometimes, when our politicians go to the rural areas, you will hear them from the platform saying: “There are no jobs. The boys are unemployed.

The Government is not giving our boys jobs.” The public sector can only absorb so much. Jobs can only be created in the private sector. Our private sector must grow at a much faster rate to be able to create more employment. The Government can only create employment by investing, as we are doing now, in the infrastructure development. I am talking about construction of roads and dams, provision of energy and so on. Some of our people must understand that the Government cannot just stand there and say, “Today, we want to employ half-a-million people.” Where will the Government get the money to employ that number of people? It is not possible. We want to walk together in this. Indeed, we are trying to encourage local as well as foreign investment in this country. That is what is going to help us deal with this issue of handouts. But even in the most developed countries like the USA, Britain and others in Europe, there are social protection programmes. In the UK, there is what they call the DOL.

Mr. Deputy Speaker, Sir, some of the people on the DOL, once they get employment, they move out of it. When they lose their jobs, they go back to the DOL. There are, of course, those irresponsible people who are comfortable with what they are getting through the DOL and so they do not want to look for jobs. So, they are always permanently there. We are going to try to create more jobs for our people, but we must cushion some of our most vulnerable population against hunger.

Thank you.

Mr. Deputy Speaker: We have another issue to be addressed by the Right Honorable Prime Minister. Please, go ahead.

The Prime Minister (Mr. Raila): Mr. Deputy Speaker, Sir, the hon. Member for Ikolomani asked for a Statement regarding the talks that were held on 6th November, 2009 in Nairobi between the Government of Kenya officials and Mr. Luis Moreno-Ocampo, the prosecutor of the International Criminal Court. In particular, he wanted to know the following:-

- (i) What did the two principals tell Mr. Ocampo and what did he tell them?
- (ii) What were the concrete resolutions that were reached at these talks?
- (iii) When indicted, will high ranking Government officials immediately forfeit their positions of influence, power and authority?

Mr. Deputy Speaker, Sir, before I proceed to address myself to the specific issues raised by the hon. Member for Ikolomani, I would first like to cover the twin issues of impunity and the need to hold perpetrators of the post-election violence accountable. The Government is committed to ending impunity in its various forms. Those hon. Members who attended the launch of the new Constitution at the KICC must have seen the video that was shown there on the brutality that took place in our country last year.

Mr. Deputy Speaker, Sir, the question whether impunity prevails or offenders are held accountable attracts much divided opinions within and outside this august House. There is unanimity that peace and reconciliation are essential to national cohesion. Truth telling and accountability are key ingredients in peace and reconciliation efforts.

Mr. Deputy Speaker, Sir, on 31st July, 2009, the Cabinet considered various options of dealing with perpetrators of post-election violence. That was after the Bill to establish an independent tribunal to try the perpetrators of the post-election violence had been rejected by this House. These measures included:-

- (i) Setting up of a special tribunal, in other words, coming back to the House.
- (ii) Referring the cases to the ICC.
- (iii) Withdrawing from the Rome Statute and repealing the International Crimes Act.
- (iv) Using the High Court to try the perpetrators of the post-election violence.
- (v) Establishing a special High Court division to deal with the matter.

The Cabinet resolved to do the following:-

- (i) stand up against impunity in pursuit of justice;
- (ii) vigorously pursue national healing and reconciliation;
- (iii) re-affirm its commitment to co-operate with, and fulfill its obligation to, the ICC under the Rome Statute; and.
- (iv) undertake Judicial and Police reforms.

Mr. Deputy Speaker, Sir, on 27th October, 2009, Mr. Moreno-Ocampo informed the Government that from the preliminary examination of the crimes committed in the context of the post-election violence in Kenya, he was satisfied that:-

- (i) acts constituting crimes against humanity may have been committed;
- (ii) the crimes met the gravity threshold of the Rome Statute;
- (iii) in accordance with information provided by the Kenyan authorities, there are no judicial inquiries into the cases; and,
- (iv) there is no reason, based on the interest of justice, not to open an investigation.

Mr. Deputy Speaker, Sir, Mr. Moreno-Ocampo explained that it is his duty, as prosecutor, to use his power to initiate investigations, on the basis of the information he has, on crimes within the jurisdiction of the ICC in circumstances where there is no referral by a state, party or the Security Council of the United Nations, to the ICC.

It is in this context that the following agenda items were discussed at the meeting on 5th November, 2009:-

- (i) whether or not Kenya would refer the situation to the ICC, in terms of Article 14 of the Rome Statute, to which the Government's position was in the negative;
- (ii) whether or not the Government would discharge its obligations to co-operate with the ICC if the prosecutor submitted to the Pre-Trial Chamber a request for authorisation of investigations in the subsequent processes and proceedings, to which the Government's position was in the affirmative; and,
- (iii) the fact that the ICC proceedings could be held within Kenya, at The Hague or in any other contracting state party.

Mr. Moreno-Ocampo informed the Government that since Kenya was unwilling to refer the situation to the ICC, he would submit his request for authorisation to open investigations. It is now in the public domain that the request will be heard and determined by the Pre-Trial Chamber of the ICC in December, 2009.

Mr. Deputy Speaker, Sir, let me point out that the ICC is now part of Kenya's law and order system by virtue of Kenya being a signatory to the Rome Statute, and having enacted the International Crimes Act, 2008. All the arms of the Government are obligated to assist and co-operate with the ICC in the manner prescribed in both the Rome Statute and the International Crimes Act, 2008.

By virtue of the Public Officer Ethics Act, 2003 and, indeed, the Rome Statute, and the International Crimes Act, 2008, any person inducted by the ICC, and who holds public office, should automatically vacate it by operation of the law.

Thank you, Mr. Deputy Speaker, Sir.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I raised four questions but the Prime Minister has responded to three. So, there is one question remaining.

Mr. Prime Minister, can you give us your response on the fourth question, which is whether the Government is willing and ready to hand over the suspects when Mr. Moreno-Ocampo asks for them?

Secondly, having told Mr. Ocampo that you are going to co-operate, naturally, your co-operation does not necessarily start at the time when Mr. Ocampo will have completed his investigations. Could you tell the Republic whether, indeed, your co-operation includes starting now, whereby you would ask Mr. Ocampo to tell you the names contained in the Waki List? If he told you, could you tell Kenyans the people whose names are in the envelope?

Mr. Deputy Speaker: Mr. Isaac Ruto!

Mr. Ruto: Mr. Deputy Speaker, Sir, I would like the Prime Minister to clarify whether it is normal practice for the Prosecutor of the ICC to have meetings with possible suspects.

(Laughter)

The Prime Minister may also wish to tell us whether the same prosecutor has had a meeting with President Al Bashir of Sudan. Did he, during the discussion, disclose whether he intends to investigate everybody, including them?

Mr. Deputy Speaker: Mr. Kioni!

Mr. Kioni: Mr. Deputy Speaker, Sir, the Prime Minister has indicated that with the coming of Mr. Ocampo, the Public Officer Ethics Act will be operationalised. We already have some Members of Parliament serving in the Cabinet, who already have cases in court. What reasons do we have to believe that this will be done?

Secondly, do we have to wait for Mr. Ocampo to act for these people to leave the Cabinet?

Mr. Deputy Speaker: Mr. Kioni, could you repeat your questions?

Mr. Kioni: Mr. Deputy Speaker, Sir, the Prime Minister indicated that, with the intervention of Mr. Ocampo in this matter, those who will fall within his list will be required to vacate office. We already have heads of parastatals, and Members of Parliament serving in the Cabinet, who have cases pending in court. Are we going to wait for Mr. Ocampo to act for these people to move out of the Cabinet? Why have we not been able to operationalise the provisions of the Public Officer Ethics Act?

Mr. Deputy Speaker: Mr. Affey!

Mr. Affey: Mr. Deputy Speaker, Sir, the Prime Minister referred to a video clip that was shown yesterday by the Committee of Experts on Constitutional Review. I want to know whether the Government requires Mr. Ocampo or a special tribunal to try the perpetrators of such crime, or whether the Government can use the laws that we currently have.

Mr. Deputy Speaker: Hon. Members, I will take one more clarification from Mr. Mungatana and then the Right Honourable Prime Minister can respond.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I thank the Prime Minister for his Statement.

There is a genuine fear amongst Kenyans that, by refusing to formally refer this matter to the ICC, the Government is, in fact, protecting certain Members of the Cabinet, who might be in the list of those who are supposed to face the ICC. Could he tell Parliament openly what informed the decision by the Government not to refer this matter to the ICC?

Secondly, the Prime Minister has talked about reconciliation as a strategy that the Government is using, which we support, but could he tell us what has happened to the Truth, Justice and Reconciliation Commission (TJRC) that is headed by Amb. Kiplagat? The man disappeared from the scene immediately he and his Commissioners were sworn-in. We have never heard of them again. What is happening? Are public funds being spent without any tangible results being realised? What cohesion has the TJRC brought to this country, if that is a strategy of Government?

Mr. Deputy Speaker: Right hon. Prime Minister, would you be willing to take one more question or you want to dispose of these ones first?

The Prime Minister (Mr. Raila): That is fine, Mr. Deputy Speaker, Sir.

Mr. Imanyara: Mr. Deputy Speaker, Sir, the Prime Minister acknowledges that the International Criminal Court (ICC) is part of our Kenyan law. Given so, what steps has he taken to ensure that witnesses who will be required to give evidence both at the ICC and before the other mechanisms he is talking about are protected? Can we get an assurance that none of these witnesses has been subjected to disappearance and that they are all safe and well?

The Prime Minister (Mr. Raila): Mr. Deputy Speaker, Sir, Dr. Khalwale asked a question which was partly asked by Mr. Mungatana; the issue of referral. Dr. Khalwale said that it is a fourth question which I did not answer. I did answer it.

The question was raised whether as a Government, we agree under Article 14 of the Rome Statute, to do direct referral to the ICC. We said no, we will not. The reasons for this are that, for the Government to agree to refer its citizens to another jurisdiction will be abdication of its responsibilities. That will, in fact, mean that you are ceding your sovereignty to another authority. That is the reason why we said, "No, we will not". The Cabinet instead decided that it would fast-track the reform in the police and Judiciary to be able to carry out these trials locally.

Mr. Deputy Speaker, Sir, hon. Members remember that the Government wanted to do the trials locally as recommended in the Waki Report. That is why a Bill was drafted, approved by the Cabinet and brought before this House. Unfortunately, this Bill was rejected by this House. The Government, was therefore, not able to proceed. The reason Waki and his team recommended setting up of a special tribunal was, according to the Report, that Kenyans had no confidence in the local Judiciary. That is the reason there was need to have a special tribunal that would be independent of the current Judiciary. That required a constitutional amendment. That is why we came with a Constitution amendment Bill which was shot down by this House.

An attempt to try to bring the Bill back to the House was shot down before it even reached here. Hon. Members kept on saying that it would be a waste of time. "Bring it

back; we will shoot it down again!” They said: “We want the Hague, we want the Hague”. So we said: “Fine, let us not be vague, let us have the Hague”.

Mr. Deputy Speaker, Sir, Mr. Ruto asked whether it was normal for Mr. Moreno-Ocampo to hold meetings with potential suspects. To my knowledge, the list that was prepared by Mr. Waki’s team has not been made public. In that case, virtually everybody is a suspect, including Mr. Isaac Ruto!

(Laughter)

Be that as it may, you can be a suspect. A suspect is not a convict! You are just a “suspect”. The mere fact that somebody mentioned Mr. Jirongo’s or Dr. Khalwale’s name does not make them culpable. That is the reason Mr. Moreno-Ocampo is asking for leave to carry out investigations. So many names may be in that list; even my name. If my name is there and they carry out investigations and I am found to have been culpable, I say, “I am ready to face the trial”. I do not see why people should be panicking. Even if you are charged, that does not mean you are guilty. I was once charged with treason in this country. I spent six months at the Kamiti Maximum Prison; condemned cells. I was not worried because I knew I was innocent. Eventually, I was found to be innocent and that is why they entered a *nolle prosequere* and then took me to detention. Why is this thing causing too much tension and fear!

Mr. Deputy Speaker, Sir, I want hon. Members who know in their consciousness that they are innocent not to worry about Mr. Moreno-Ocampo! Let him come and do his investigations.

(Laughter)

Mr. Kioni asked a question and I have already answered that Members would be required to vacate their positions. There have been cases and appeals which have been made. I fully understand what Mr. Kioni means. If a hon. Member is charged in a court of law, that Member if in the Government, is required to step aside.

Mr. Affey referred to a video that was shown yesterday. There is something that is not known to many people that so many of the people who committed some of those crimes have been tried. The small fish down there have been tried. Hon. Members will remember that sometime last year, there was hue and cry that police cells were full of suspects. There was cry that those people be tried or acquitted. The Attorney-General prepared a comprehensive list of those who were in custody, those who had been charged and those who were still under investigation. The Cabinet directed that speedy trials be done to those who were charged and those being held without charges be released. This is what actually happened. Many people are already serving sentences in prisons. There are others who have been tried and found to be innocent. So, it is not as if nothing has been done. Many people who committed offences here and there; burnt kiosks, stoned vehicles and so on, have already been tried. We are talking about crimes against humanity.

Mr. Deputy Speaker, Sir, Mr. Mungatana is saying that our refusal to refer these people is to protect some Ministers. I am not aware that there is a name of any Cabinet Minister in the list of Mr. Moreno-Ocampo. If somebody has that information, he can provide it. However, Mr. Moreno-Ocampo himself told us that at this stage, he is not

willing to share that information with us. Although we were just the three of us, in camera, he was not willing to tell us. Therefore, if there is an hon. Member who knows, he or she must be a genius.

He also asked about what happened to the Truth, Justice and Reconciliation Commission (TJRC). To my knowledge, that Commission has already started its work. A Commission does not have to operate above ground all the time. There is a lot of preparatory work that needs to be done by a Commission. Let us not pre-judge that Commission. Let us give them time and then ask for their progress report when time is due.

Mr. Imanyara asked about witness protection. This is a very important subject. This House, in its wisdom, actually passed Witness Protection Act. We have been told from international circles that, that law may not be very water tight. There are several loopholes and weaknesses in it. We have requested recommendations to tighten that law from the international community. The office of the Minister for Justice and Constitutional Affairs is working very closely with the legal experts in this matter. Very shortly, he will bring some amendments to the law to tighten it. It is worrying because there have been suspicions that some of the extra judicial killings that have taken place may be connected with this matter. I have no evidence at all that, that is the case. I would like to ensure that all those who have got information that could lead to proper prosecution of those who were involved in this matter are protected, so that they are able to provide that evidence to the trial when it starts.

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

Mr. Deputy Speaker: What is your point of Order Dr. Khalwale?

Dr. Khalwale: Mr. Deputy Speaker, Sir, if the Prime Minister is not misleading the House by saying that his Government is fighting impunity, why did the same Government go against the resolution of this House? We adopted the Waki recommendation in toto. The recommendations were failure to set up a local process would immediately render the whole matter being referred to the Hague. He has told us that they have refused to refer the matter to the ICC. Why is he misleading the House?

Mr. Deputy Speaker: Order! Hon. Members, with all due respect to our own rules, when it is a point of Order, you say what is not in order. It is not fair to say the Prime Minister was misleading the House without saying what in his statement was misleading, and consequently, out of order.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. I invite you to find that he was misleading the House because in his opening remarks, he told us that he was committed to fighting impunity. If fighting impunity means that going against the resolutions of this House, then that was obviously misleading the House. In his second answer, he has told us that the Government has categorically told Ocampo that they will not refer the matter to the ICC.

Mr. Deputy Speaker: I thought that was based on the issue of sovereignty. The hon. Prime Minister will answer it. But I thought he said it was an issue of sovereignty. Maybe, if you tackle that, we will be able to get somewhere in terms of law and the rest of it.

Let us get another point of Order before you reply. What is your point of Order?

Mr. Kioni: Mr. Deputy Speaker, Sir, the Prime Minister either did not get my Question because he did not answer it. The Question was; we already have officers in

public offices, including some Cabinet Ministers who have ongoing court cases, contrary to the provisions of the Public Officer Ethics Act. What guarantee do we have that when Ocampo comes around next year, those who are in his list will vacate offices? Why is it that we still have these officers in offices?

Mr. Deputy Speaker: Yes Prime Minister! Much as you said being a suspect is not being a convict. But proceed and ---

The Prime Minister (Mr. Raila): Mr. Deputy Speaker, Sir, you rightly pointed out what I said. The Waki report said that if the Government or Parliament failed to establish a Special Tribunal by a particular date, then the matter will stand referred to the ICC. That is what the report says, it did not say that the Government must then refer it to ICC. Once the Government was unable to set up a Special Tribunal, Dr. Koffi Annan who had been given the envelope handed it over directly to the ICC. The ICC has got several ways of dealing with the matter. There are so many ways of skinning a cat; one is direct referral by the Government to the ICC. In other cases, where there are failed states, there is complete breakdown of law and order like was the case in Sierra Leone or Liberia. Kenya does not fall in this category. Kenya has got functioning judicial system. We, therefore, said we do not want to put ourselves in that category. We have a system that is working. However, there is Article 15 which allows the ICC of its own motion, to give leave to the prosecutor to begin investigations. The third one is Article 16 which refers to the Security Council. The Security Council can pass a resolution that will enable the ICC to proceed. So, we are not exercising responsibility under Article 14 because we are not afraid of Hague, but we will co-operate if ICC decides to proceed. We have not refused to move on. We are ready to co-operate, provide evidence and make those who are suspects available for investigations.

With regard to what Mr. Kioni has raised, I am not aware of any Cabinet Minister who is charged in a court of law.

Mr. Deputy Speaker: Hon. Members, you know that the Prime Minister's time is not more than 45 minutes. However, we have gone a little bit beyond that.

Mr. Jamleck Kamau: Mr. Deputy Speaker, Sir, I would like to seek a clarification from the Prime Minister.

Mr. Deputy Speaker: Can we have it as the last one.

Mr. Jamleck Kamau: Thank you, Mr. Deputy Speaker, Sir. We all know that when Moreno-Ocampo came here, he said he will only try two to three suspects. These suspects fall under two categories; those who bear the greatest criminal responsibility, who he said he will deal with. The others are the ones who bear the greatest political responsibility. I would like to know from the Prime Minister who will deal with those suspects who bear the greatest political responsibility.

The Prime Minister (Mr. Raila): Mr. Deputy Speaker, Sir, I do not know where the Member gets the number of two to three suspects. At least, in the meeting we held, he never told us the numbers he has. But it does not matter whether you are holding criminal responsibility or political responsibility. They are both crimes. If there is somebody who bears political responsibility, whether it is the President or the Prime Minister, the ICC is in a position to proceed. Even the protection that they talk about, immunity is provided to the head of state; head of the Government does not come when it comes to ICC. In Sudan, the laws are still there which say President Bashir is immune to prosecution while he is in the office. But that did not stop ICC from indicting him. I want it to be taken clear

that the President has nothing to fear, if he is named. Neither does the Prime Minister. If the Prime Minister is named, he will go to the Hague voluntarily, so that he can clear his name. In fact, Mr. Ocampo told us that in Darfur, there was a senior politician they had indicted. He voluntarily went to the court and told him; look, I am a senior politician, I am trying to vie for political position in my country, I want to clear my name. I want you to fast-track this process, so that my name can be cleared.

He was given bail and the process is going on. So, you can even volunteer yourself to the International Criminal Court (ICC). I do not understand why people think that once you are indicted, that is the end of you. That is not the end of the road for anybody.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Hon. Members, we have got our own Standing Orders which we are all duty-bound to respect. We are talking about respect for the law and the Constitution and that is why we talk about impunity. But we have a responsibility to respect our own Standing Orders, which say that the Prime Minister's Time shall be 45 minutes. We have already gone ten minutes over and above that. But because of the sensitivity of the matter, what is your point of order, hon. Imanyara?

Mr. Imanyara: Mr. Deputy Speaker, Sir, my point of order arises out of what was said by hon. Kioni. He made a very serious allegation, that there are Cabinet Ministers and parastatal chiefs who are facing criminal cases which are pending in court. Could he be asked to substantiate?

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Rt. Hon. Prime Minister to continue misleading the House that the ICC will proceed with investigations, yet he is on record exonerating himself and the other Principal publicly, and saying that they were actually acquitted or they had acquitted themselves when they met Ocampo? The truth of the matter is that they bear the greatest responsibility of preventing chaos in this country, and they are the first prime suspects. Is it in order for him to mislead the House?

Eng. Maina: On a point of order, Mr. Deputy Speaker, Sir. This subject is of such national importance that this country will never move forward until this matter is sorted out. Today, in this country, there are some victims who have not been able to go back to where they came from---

Mr. Deputy Speaker: Are you on a point of order?

Eng. Maina: Mr. Deputy Speaker, Sir, I am seeking your indulgence that this House proceeds with this debate.

(Laughter)

Mr. Deputy Speaker: Order! Order! Hon. Kioni, you made a very sweeping statement; that Members of this House and, indeed, the Cabinet, are suspects and continue to sit in the Cabinet. As of the members of parastatals and other bodies, they are not Members of this House. Indeed, that can always be brought in a different manner, but it is not fair to impute an improper motive against your own colleagues. The Chair has a

responsibility to either ask you to substantiate your statement or in the event that you are not able to do so, you withdraw it.

Dr. Eseli: On a point of order, Mr. Deputy Speaker, Sir. That list was previously tabled in this House by hon. Karua, when she was the Minister for Justice, National Cohesion and Constitutional Affairs.

(Applause)

Mr. Deputy Speaker: Is that a list of convicts or what are they?

Dr. Eseli: Mr. Deputy Speaker, Sir, they are people facing court cases.

Mr. Deputy Speaker: The hon. Prime Minister has made it very categorical that anybody can face a court. As a matter of fact, if we be fair and honest to ourselves, almost everybody in any position of responsibility can face one civil matter or the other. It is not fair to drag in such issues, unless somebody is a convict. We have no authority, powers or mandate to convict Kenyans, whether they are in or outside the House. So, I think that was in bad taste.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. My statement said, “ongoing court cases.” That list has been tabled in this House many times. If I need to table it again, the Standing Orders allow me to do so in 24 hours. I can re-table the same documents that are the property of this House.

(Mr. Deputy Speaker consulted with the Clerk)

Mr. Deputy Speaker: Order! Order, hon. Members! We have a responsibility and duty to protect the dignity of this House. Indeed, Standing Order No.79(4) says:

“No Member shall impute improper motive to any other member except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Member.”

I think it would not be fair for us to start a precedent now, in which hon. Members can even generate cases against their own colleagues; just to come and say that there is an ongoing case against such and such a Member. I think a sword cuts in many ways. It is, therefore, important that we protect the dignity of the House from such sweeping statements until or unless we conform to the provisions of the Standing Order itself.

So, hon. Kioni, under those circumstances, even with what you assume, you are still out of order, in the sense that should you wish to table a list and discuss the conduct of other Members, you will have to bring a substantive Motion. Standing Order No.79(4) says:

“No Member shall impute improper motive to any other member except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Member.”

I think that is out of order. In future, if we have to discuss the conduct of our own colleagues, let us conform to the provisions of the Standing Orders!

Next Order!

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

Mr. Deputy Speaker: Order, hon. Olago! You will have to seek your Ministerial Statement tomorrow afternoon. The Chair is aware of that.

Mr. Deputy Speaker: I have not given you authority to rise on a point of order! You are out of order! I have called for the next order.

Mr. Nyamweya: On point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Is it on what I have already ruled on?

Mr. Nyamweya: How can you know if you have not heard me?

Mr. Deputy Speaker: Okay, Proceed, hon. Nyamweya!

Mr. Nyamweya: Mr. Deputy Speaker, Sir, you have just given a ruling which I do not wish to challenge. But it arises from the Prime Minister's Statement that, if a Minister, Member of Parliament or anybody else is under investigation and, Mr. Moreno-Ocampo finds it so, they will be required to vacate office under the Public Officer Ethics Act. That is what he said. If that Act is still valid, what will happen to those with cases which are ongoing? We are not imputing any motive against any other Member. It is arising from the Prime Minister's Statement. Unless we wish---

Mr. Deputy Speaker: Order! I have heard you, hon. Nyamweya. Indeed, the issue of whether a Minister should step aside or should be retained in the Cabinet or any position of responsibility is not a business for the Chair to rule on. That is a matter for the Government itself. The Chair has absolutely no business on that. The Chair has a responsibility to enforce the provisions of the Standing Orders. Hon. Kioni said that he is prepared to table the list of the Members of Parliament including those in the Cabinet. I said if it is for the parastatals or any other organization other than Parliament itself, he is at will to do that. But if you have to present the name of an hon. Member of Parliament, you have to conform to the provisions of the Standing Order, which says that you cannot do it without bringing a substantive Motion and give, at least, three days notice. That is the position of the Chair. Should you wish to change that, it is upon the House to change the Standing Orders and not the Chair.

Mr. Mungatana: On a point of Order, Mr. Deputy Speaker, Sir. I am not challenging the Chair. I have a lot of respect for the Chair. But if you read Standing Order No. 82(2), it says:

"If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require such a Member to substantiate the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 97 (Disorderly Conduct), unless the Member withdraws the allegations and gives suitable apology, if the Speaker so requires."

Mr. Deputy Speaker, Sir, we are fencing in with the hon. Kioni, if the Chair could allow him, because he is just supposed to come back within 24 hours, just to say something about it. I beg the indulgence of the Chair.

Mr. Deputy Speaker: The dilemma of the Chair is that for other Members outside the House, it is perfectly in order for the hon. Member to come and bring a list and then discuss their conduct, whether in court or any other conduct. But, for a sitting Member of Parliament, everybody is the Member for Parliament; we cannot discuss that hon. Member's conduct in the House without the provisions of the Standing Order 79 being conformed to. So, that is the position of the Chair.

Standing Order 79 (4) says:

“No Member shall impute improper motive to any other Member except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Member.”

You were on a point of order to clarify that.

Proceed, hon. Imanyara!

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am the one who stood on a point of order to seek substantiation. I did not seek substantiation under the Standing Order that you are quoting. I sought substantiation under Standing Order 82, which is very clear and in unambiguous language. Hon. Kioni has undertaken to substantiate the allegation he made with respect to a Cabinet Minister! It is only fair that you allow what the Standing Orders permit you to do and give him 24 hours to give you the name of the Cabinet Minister that he is talking about. Is that not what the Standing Orders say?

Mr. Deputy Speaker: Order! Order, hon. Members! The Chair is conscious of the facts and the circumstances leading to the point of order being raised. It all has something to do with who is the suspect and who is not a suspect in the Post-Election Violence (PEV) and other issues, including the conformity to the Public Officer Ethics Act, whereas Standing Order 82(1) states as follows:-

“A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.”

In the event he is not able, he has time to do it later. We also have another provision of the Standing Orders here, which essentially prohibits discussing the conduct of sitting Members of Parliament in the House without going through an elaborate process of putting up a substantive Motion and, at the same time giving a notice. In the event that happens, the Member also has a right to defend himself or herself on the Floor of the House. That is the logic and rationale behind this.

The Chair is going to give direction on this matter on Tuesday afternoon next week.

Next Order!

BILL

Second Reading

THE COMPETITION BILL

(The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu) on 17.11.2009)

(Non-resumption of Debate Due to Sanctions against Finance Minister)

Mr. Deputy Speaker: Order, hon. Members! The Deputy Prime Minister and Minister for Finance is still under sanction and he cannot transact business here. So we go to Order No.9.

Next order!

MOTIONS

ADOPTION OF REPORT ON PERSONS KILLED BY VIGILANTE GROUPS

THAT, this House adopts the Report of the Committee on Administration and National Security on the number of persons killed by Vigilante Groups in the months of April and May, 2009, laid on the Table of the House on 30th July, 2009

(Mr. Kapondi on 27.8.2009)

(Resumption of Debate interrupted on 8.9.2009)

Mr. Deputy Speaker: Hon. Karua was on the Floor. I am made to understand that she is not here to complete her time. Any other hon. Member who wants to contribute can stand and have the Floor. Is there any other hon. Member who wants to contribute to the Motion?

The Minister can now respond to the Motion.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you, Mr. Deputy Speaker, Sir. It is my great pleasure, indeed, to respond to this Motion.

At the very outset, I wish, indeed, to thank the hon. Members of this Committee because they carried out a very thorough investigation of the issue to the extent that they were able to actually question quite a number of the witnesses on the ground. They were able to get evidence from the Provincial Administration and even so, they were able to obtain evidence from officials of my Ministry. To that extent, I consider the views which are presented in this Report fairly objective. But the key thing here is what actually triggered the findings to be collected by the Committee.

It was a question of the numbers. I laid on the Table a certain number. This formed part of the questions. The Committee itself has confirmed the figures that I laid on the Table regarding the deaths in both Mathira and Kirinyaga were right. The key thing is that we should look forward, because looking forward is the key thing in being able to address the menace of criminal organized gangs.

There are some very fundamental recommendations which have been made, I will only mention a few of them. One of them is recommendation No.2, which states that there is an urgent need to enact legislation to deal with illegal organized criminal gangs. I want to thank hon. Members who sat on that Committee, for having realized the fact that there is a legal lacuna in the framework for addressing this problem. I would like to assure this House that, indeed, a Bill is being drafted by the Attorney-General with regard to organized criminal gangs, and should be ready, as a Bill, to be brought to this House fairly soon. I hope that this House will find time to debate the Organised Criminal Gangs Bill before we go on recess.

That is extremely important because this Bill will, first of all, define what a criminal gang is. It will also deal with the proceeds which are being collected by criminal gangs. It will criminalize them and ensure the forfeiture of those resources. Money that is

collected through extortion is the same that goes back to oil the activities of the criminal gangs. That is a very appropriate recommendation that has been made.

Recommendation 3 is also most welcome. It says that the security personnel should undergo intensive specialized training to deal with organized crime; the security apparatus should learn the skills and expertise to effectively deal with the terror gangs. As the Minister of State for Provincial Administration and Internal Security, under whose docket the police fall, I am the first one who should admit their inadequacies.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! The Minister needs to be heard in silence. It is a very important Motion.

Proceed, hon. Minister!

The Minister of State for Provincial Administration and Internal Security
(Prof. Saitoti): Thank you, Mr. Deputy Speaker, Sir.

I would like to say that I am the first one to admit candidly that we have inadequacies in the police force. This is what informed the Government to set up a taskforce to look into the reforms of the police force. Hon. Members know that the taskforce completed its work. About two weeks ago, the taskforce looking into police reforms presented its report to both the President and the Prime Minister. I want to inform this House that I have already prepared a Cabinet Memorandum that will go to the Cabinet seeking the approval of that report, so that we can move as quickly as possible in carrying out fundamental reforms in the police force. However, I want to assure hon. Members that the kind of reforms that we intend to undertake in the police force will not be a gimmick. We want to move on this matter, taking into account the fact that previously there have been reforms, but very little has been done. However, on this matter, I take solace in the fact that currently there is political will to carry out police reforms. I also know that most hon. Members support the need to carry out fundamental police reforms. That also applies to members of the public. So, to that extent, this is a very welcome recommendation, and we are in the process of making sure this happens. Indeed, already, we have carried out a number of the reforms.

There is also another recommendation that I want to highlight, because it is extremely important. This is recommendation No.4 where the Minister of State for Provincial Administration and Internal Security, who is myself, is expected to set up an in-house committee to vet and weed out officers accused of complicity and deemed to be lax in the war against organized crime. Once again, in the same vein of reforms in the police force, we will make sure that this will be carried out so that those who will serve in the police force, which will now become the “police service”, will be those who will be governed by the ideals of protecting the lives and the properties of people. We will make sure that only those who are people-friendly in the police force when it becomes a service are the ones who will be retained.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker (Prof. Kaloki)
took the Chair]*

Mr. Temporary Deputy Speaker, Sir, there is also a very important recommendation that has also been made here and it is important that I refer to it. It is recommendation No.6, which says that the matter of unemployed youth must be placed on the Government's priority agenda to deal with emerging trends of youths turning to crime due to idleness and hopelessness. There is no doubt that if there were adequate opportunities to the young people, the criminal activities that we are seeing in this country would drop a lot. It is important that we do everything possible to make sure that the opportunities for gainful employment for our people are available. The Government is doing whatever it can. However, there is one thing that I want to say here. The issue of unemployment, just as the issue of poverty, requires strong partnership between the Government, its partners, the private sector, the NGOs, Members of Parliament and generally all members of the public.

Unemployment and poverty remain a major problem in this country. It is not a joke, because where we have unemployment or poverty for that matter--- Poverty is almost synonymous with unemployment. When there is a state of unemployment; it means that people are hungry. That means that people can easily engage in crime. That is what has led to this problem. It is important that we take into account the fact that a nation that does not worry about its own young people cannot call itself a proper nation, because the future of any nation is in preparing the youth of today. It is, therefore, important to open up opportunities for the youth of today. That is the only way in which we can be in a position to ensure that all the youths are not in any way tempted to become members of criminal gangs. That is a very important recommendation that has been made by the taskforce on this matter.

This Committee has done a wonderful job. It is improper that I go through all the recommendations. However, there are two of them that I should refer to. Recommendation No. 12 is very important and worth being taken into account by the House. It says that the Government ought to institute a multi-dimensional approach in the war against organized criminal gangs; this approach should include community policing, de-oathing and rehabilitation of sect deserters, tough legislative structures, civic education to victims of extortional gangs to resist temptations to commit crimes. It is so important that this be done. It is important that all of us be involved in this approach.

Mr. Temporary Deputy Speaker, Sir, this approach involves availing job opportunities and education to the youth and the inculcation of the virtues of this country. All of us must do that. The key theme here, which has also been noted here and I think it is also an important theme - leaders, including hon. Members in the affected areas, should take the responsibility of engaging those youths wherever they are, to find out the cause of these problems, and ensure that they do carry out strong advocacy to ensure that those youths abandon the membership of the organized criminal gangs. Unless we do that, I do not think we can go very far. I do not think that we can make any progress in matters of addressing effectively these problems if we are silent about it. We must speak fully and openly about the problem. We must think about what the causes of those problems are. We must think about the various ways which we can follow to ensure that we are able to bring the organized gangs to an end.

As hon. Members, we must work in partnership with all the leaders on the ground, including grassroots leaders, religious leaders, members of the private sector and civil

organizations. We should understand that his country is faced with a very major problem. If we do not do something about these organized gangs, I want to say that, this country will be put into an extremely risky situation. So, all the various measures that we have put into place to try and rebuild his nation, including reviving the economy, will be rendered useless. Right now we are talking about the Constitutional Review to ensure that the country will become politically stable; all these efforts will be rendered useless, because since the inception of criminal and organized gangs, what has been happening from time to time has been the escalation of the gangs. More of them have sprung up and have become more enlightened, more sophisticated and are familiar with how to commit crimes like cyber crimes. They are already involved in transfer of currency, drug trafficking and kidnappings. These are crimes which we never had before.

Therefore, I want to appeal to hon. Members that let us understand that the issue of criminal gangs is extremely important, and is vital and crucial to both political and economic stability of this country. If we do not take this matter very seriously today we are going to find our country in a terrible state of affairs. I must say that I personally do believe that the window of opportunity to address this problem is a very short one. We should address this problem between now and the time of the next general election. If we do not do that, we are going to end up in problems.

I am happy that yesterday the Committee that was charged with drafting the new Constitution of this country unveiled it. We have 30 days to debate on that matter. I would like to urge hon. Members to read that document very carefully, and if we find that the issue of the youth has not been addressed, let us ensure that we make recommendations to the Committee to ensure that the issue of the youth is incorporated. To me, that is very important because if you only look at that Constitution in terms of the coming general election of 2012, and do not address the problem of today, I can assure hon. Members that during the 2012 General Election, not only are we going to face competition we have never faced before, but will also find that the ground will be extremely hostile. Therefore, let us resolve collectively to ensure that the issue of youth, we as hon. Members elected by the people, we will address it.

Mr. Temporary Deputy Speaker, Sir, it is indeed true, and I was the first one to admit here, that we have had cases in the past where the police have been accused of extra-judicial executions. I have assured this House, and I want to assure it again, that we do not condone extra-judicial executions. Any police officer who will be found to have actually committed extra-judicial execution will be dealt with as a murderer or criminal. Let me also inform this House that regarding the deaths which happened recently, I have directed the Commissioner of Police to carry out investigations on the causes of those murders and bring to me a report. I have not received the report as yet, but I have demanded for it because the submission of that report will demonstrate the fact that nothing is hidden, and we are not going to allow that anymore.

With those few remarks, I commend this report and I accept the recommendation made in it in good faith. We shall do the best we can to ensure that we do implement the recommendations.

I support.

The Temporary Deputy Speaker (Prof. Kaloki): I now call upon the Mover to reply.

Mr. Kapondi: Mr. Temporary Deputy Speaker, Sir, foremost, I would like to thank hon. Members who have made contributions to this debate, because the issue of organized crime in this country is a very serious one; if it is not treated with a lot of urgency now, then it means that all the efforts that we have put in place to realize development and programmes that we have in place to put this country forward in terms of economic advancement will be wasted.

Mr. Temporary Deputy Speaker, Sir, Vision 2030, which is supposed to move this country up the economic ladder to a developed country, may not be realized if the issue of organized crime is not addressed seriously. Our Committee, after a very thorough investigation, realized that tactics and measures which have been applied before by the Government were not bearing any fruit in terms of realizing security for Kenyans. Kenyans in many areas were not having it easy in pursuing their day to day activities to realize their economic potential. As a Committee, after a thorough investigation and consultations with all the stakeholders, including the Government, came up with measures which the Minister has referred to. We strongly believe that if these measures are followed to letter, then this country will realize what it has not realized for some time now in dealing effectively with organized criminal gangs.

As you may realize, over time organized criminals have been undergoing metamorphosis. The way they operate has been becoming more sophisticated, and the only way to deal with it is to up the stakes, and ensure that we do it in a modern way. Executions in the past have not realized anything.

We have to come up with a more sober, conscious, pragmatic and objective way of dealing with organized crimes. Given the support the Members of this House have given to this Report, and for the sake of the posterity of this nation, I want to urge the hon. Members present in this House to adopt this Report.

Thank you, I beg to move.

(Question put and agreed to)

ADOPTION OF IMPLEMENTATION COMMITTEE REPORT
ON REOPENING OF PAN AFRICAN PAPER MILLS

Mr. Jamleck Kamau: Mr. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Committee on implementation on the undertaking made by an Assistant Minister for Industrialization on 28th May, 2009 on the re-opening of Pan African Paper Mills.

Mr. Temporary Deputy Speaker, Sir, I would like to say that this the first report this Committee is bringing to this Committee. It is a new Committee which was re-established following the adoption of the new Standing Orders by the House on 10th December, 2008. This committee has several mandates which emanate from Standing Order No.196 which states inter-alia that:-

(96)(1) "There shall be a select Committee designated the Committee on Implementation.

96(2) The Committee shall scrutinise the resolutions of the House including adopted Committee reports, petitions and undertakings given by the Government on the Floor of the House and examine whether or not such decisions and undertakings have been implemented, and where implemented, the extent to which they have been implemented---“

Mr. Temporary Deputy Speaker, Sir, part of the mandate of this Committee is to propose where possible and where necessary sanctions to the House on any Minister or Assistant Minister who fails to implement the resolutions of this House.

The Committee of Implementation was constituted on 17th June, 2009 and comprises the following members: Hon. Jamleck Kamau, MP as the Chairperson; hon. Dr. Joyce Laboso, MP, Vice Chair; hon. Isaac Ruto, MP; Hon. Gitobu Imanyara, MP; hon. Charles Onyancha, MP; hon. Benjamin Langat, MP; honourable Abdirahman H. Ali, MP; Hon. Peter Gitau, MP; hon. Alex Mwiru, MP; hon. Daniel Muoki, MP and hon. Elias Mbau, MP.

Mr. Temporary Deputy Speaker, Sir, it was in accordance with the mandates given to this Committee by the Standing Orders that the matter regarding the closure of Pan African Paper Mills in Webuye and the subsequent assurance by the Assistant Minister for Industrialization on its re-opening was referred to the Committee on Implementation. First of all, I would like to thank the Members of my Committee for their commitment during this particular enquiry. I would also like to thank the offices of the Speaker and Clerk of the National Assembly for extending the necessary support to the Committee to enable it further its mandates, particular to undertake the enquiry referred to it by the House.

Mr. Temporary Deputy Speaker, Sir, the subject before this particular Committee relates to a Question by private notice raised in the House by the Member for Webuye, hon. Alfred Sambu, regarding the re-opening of Pan African Paper Mills, Webuye, on 28th May, 2009. The Question by the said Member was answered by the Assistant Minister for Industrialization, hon. Nderitu Muriithi who confirmed that the Government appointed a technical and financial evaluation task force on 2nd April, 2009 to undertake an urgent evaluation of Pan African Paper Mills to establish the viability of the company. The Report by the task force noted that the Company was technically and financially viable, subject to the restructuring of debts owed by the firm.

The Assistant Minister also informed the House that the concerns of the former employees of the company, including those laid off by the receivers would be addressed when the discussions which were going on and are still going on at the time are concluded. He went further and confirmed that the company was initially scheduled to re-open on 1st June, 2009. That was an assurance that he gave this House.

Finally, he later on assured this House that the company would reopen at the end of June, 2009. This is the undertaking we are looking at. I would like to quote what he said at that particular time. He said:

“Secondly, I could commit myself to re-opening the factory on 21st June, 2009. But I know this process has certain issues that may force us not to re-open on that date. I wish the hon. Member could accept the last week of June, as the firm target that we have given the teams that are working there to deliver a working factory at Webuye”

Mr. Temporary Deputy Speaker, Sir, at the end of June, the company had not reopened as promised by the Assistant Minister. The Member for Webuye sought another

Ministerial Statement on 4th August, seeking a firm workplan indicating the exact date of re-opening. Again, the matter was raised after that on 13th August when the Chair directed that a Statement be issued pertaining to that particular issue.

Without wasting a lot of time, I would like to say that my Committee has deliberated on this issue. We held three meetings with the Minister and Assistant Minister for Industrialization. They were accompanied by officials from the Ministry. We also invited the Solicitor General, Permanent Secretary Treasury and Permanent Secretary, Ministry of Forestry and Wildlife. The Ministers and officials provided invaluable information and their insight on the matter in question assisted the Committee in undertaking the history of Pan African Paper Mills, its operations and the circumstances surrounding its closure.

After deliberations, the Committee made the following notes and observations:-

- (a) That the closure of Pan African Paper Mills has adversely affected the economy of the country, particularly that of Webuye Town and its environs.
- (b) The question of Pan African Paper Mills involves many parties, which include majority and minority shareholders, long term and short term lenders, suppliers and employees, which makes the revival effort very complex.

Mr. Temporary Deputy Speaker, Sir, the Government has demonstrated its good intention and further tangible measures aimed at the revival of the company. With regard to the commitment made by the Assistant Minister, my Committee found that the commitment was indeed made in good faith that the Pan African Paper Mills (PAPM) would be reopened by the end of June but Government efforts have been hampered by other parties with a stake in the plant.

At this juncture, I would like to say that my Committee has not closed this file and it will continue to follow up the undertaking made to the House to its logical conclusion. The recommendation by my Committee was that the Government should continue and even enhance its efforts to ensure that PAPM reopens as soon as practically possible to safeguard the national interests.

I move the Motion and request hon. Imanyara to second it.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion and also congratulate the Members of this Committee for performing their task with dispatch as expected by the Standing Orders. Indeed, this is one of the new committees that were created as a result of the reforms within our Standing Orders and it is one of the most important committees of this House in the sense that it follows up on undertakings and assurances given to this House.

Mr. Temporary Deputy Speaker, Sir, having said this, I must also commend the Minister and his Assistant Minister because when they appeared before us, they showed every sign and commitment to giving the people of Webuye, the shareholders of PAPM and the people of Kenya, the opportunity to salvage this important national asset. I dare say that if the Minister and his Assistant Minister received as much commitment from the officers within the Attorney-General's office and particularly the Office of the Solicitor-General, this matter would have been resolved before today and this paper mill would have re-opened.

Having said so, the commitment of the Committee on behalf of this House is that even though we have cleared the Minister and his Assistant Minister and we have not found any fault on their part, we felt that it is essential that the Committee on

Implementation pursue this matter to its logical conclusion to ensure that the PAMP is opened rather than allow the “vultures” out there, some of whom appear to be working in cahoots with people within the Attorney-General’s Office, to be precise, the Office of the Solicitor-General, to deny them the opportunity of sending this factory to the dogs as so many others, with a view to cannibalising it and selling part of it and some of its assets.

Mr. Temporary Deputy Speaker, Sir, one of the recommendations that we made and intend to follow on is that even though we have exonerated the Minister and his officers, this time round, we are committed to ensuring that Webuye PAMP opens. I think we need to send a strong message to the people out there that this House is no longer the House that took civil servants for granted when they came to give assurances to their Ministers and Assistant Ministers, regarding wastage of national assets and issues of corruption. We intend to pursue this matter and at the end of the day, we hope that the Minister and his Assistant Minister - we are certain that they are determined to have this factory open - will get our support to have the Webuye PAMP re-open.

Therefore, I support the recommendation that we made as a Committee which was that the Government should continue and even enhance its efforts to ensure that PAMP reopens as soon as practically possibly to safeguard the national interest. If it means the company being able to source legal advice from offices other than the Solicitor-General, they should feel free to do that, so that the overriding interest of this House to see the paper mill reopen is assured.

With those remarks, I second and support this Motion.

(Question proposed)

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I wish to congratulate hon. Jamleck Kamau, the Chairman of this very important Committee of this House and the entire Membership for marking a new beginning in this House. It is indeed historical that for the first time in the history of this country, we now do have a committee in place that will ensure that all statements, undertakings and promises made by the Government are actually implemented. Anyone who says anything on the Floor of this House on behalf of the Government must know that they will be committing the Government and indeed, there will be a watchdog that will be following every word.

One asked for the definition of a “gentleman” and one said that “a gentleman” is he who says what he means and means what he says. Indeed, it would be the work of this Committee to follow up and know how many gentlemen we have in this Cabinet by following up every word that is said on this Floor to know whether they actually mean it or they actually mean what they say and they say what they mean.

Mr. Temporary Deputy Speaker, Sir, this Report is very important and I wish to congratulate this Committee but also tell the Government that indeed this is not a laughing matter. As we speak, Webuye is dying. PAMP is indeed Webuye and Webuye is PAMP. It is the lifeline of this town, the economy of Western Kenya and the national economy. It is what has been turned into like a show. When you visit the agricultural show, you go there to see things. Indeed, PAMP has been visited many times by the Ministers, President and Prime Minister and indeed there have been promises that this very important industry will be revived. Word was given on this Floor. 1st June was the

date that was given. It came and PAPM is still not open. Even when they promised that it will be opened later in the year, the year is ending and PAPM is still not opened.

Mr. Temporary Deputy Speaker, Sir, when you go to Webuye, the town is becoming a ghost town. Thousands lost employment. Marriages have broken. You find women turning to prostitution. You find the crime rate in Webuye Town going very high because of loss of livelihood by many people. It is something that if this Government really cares for the people of Webuye, western Kenya and the people of this country, they would have kept their word to ensure that PAPM is opened like yesterday.

I wish to support this very important Report.

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I also take this opportunity to support this Motion on the adoption of this Report. I want to agree with hon. Wamalwa that it is only gentlemen who live by their own words and who need to stand and give commitments.

Despite the fact that PAPM is based in Webuye in the western part of Kenya, it is an institution that belongs to Kenyans. It must be understood that by having a successful factory that generates profits and creates jobs for Kenya, it is not only an institution that benefits that one area but the whole country.

I am saying that because jobs will be created. If we are talking about Kenyanization, at the end of the day, you will find people from all corners of this country working there. By employing young men from different parts of this country; the girls that hon. Wamalwa has said have turned to prostitution will not be able to do that because they will find husbands to marry them. At the same time, the same institution will pay taxes which will be remitted to the Central Government. The same money will be used to develop this country because we only generate the resources for the country through taxation.

Mr. Temporary Deputy Speaker, Sir, the problem here which must be dealt with squarely is that this is a private set up or a private company where the Government owns minority shares. There is money that has been set aside to be invested there. These are the problems we have been having at the Public Investments Committee when we look at all the accounts of State parastatals. The Government has set aside over Kshs500 million to revive this industry. If you look at the memorandum of articles of setting up that business that has been drawn, you may find that it does not give the Government the power of voting in the Board of Directors. So, once the money is there, it is going to be managed and the decisions will be taken by the majority shareholders, who are actually private sector players. So, it will be a repeat of the same mistakes that when there is no money, we will push the Minister and ask him to revive Pan African Paper Mills. If we push the Minister, he will react just by releasing the money, but the managers of the money are people from the private sector. So, there will be no proper management. So, if the Government has decided to invest there, it is either the Government takes the majority of the shares so that once the money is put there, the people who will be now placed in leadership positions in that factory will be answerable to the Government. But by giving the money that will be managed by people who are now waiting for money to come from the Government, they will not stop misappropriating the funds.

Otherwise, Mr. Temporary Deputy Speaker, Sir, it is a very great idea. I am happy with the undertaking the Minister has given. He should make sure that this issue is

implemented so that they do not turn out to be people who just give commitments and we do not fulfill them.

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

Dr. Eseli: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion. First of all, there is something going on that is not quite right with the Pan African Paper Mills in Webuye. First of all, the majority shareholders, who have actually absconded from this country, have run this company in such a way that it actually shows that there was some criminal intent. I think it will be very important for the Ministry of Industrialization to ensure that these majority shareholders answer for the criminal acts they have committed at this factory. In the process, it has led to a lot of misery for the people who relied on Pan African Paper Mills for their livelihood.

Currently, Mr. Temporary Deputy Speaker, Sir, as the Pan African Paper Mills remains idle. It is dilapidating and I am sure the Minister, who is also very well qualified in Chemistry, knows the corrosive effects of what is going on there in the sense that if we take very long to revive this factory, by the time we revive it, it might be so corroded that we might need so much money to be able to rehabilitate the machinery. As the factory stands idle, there is also vandalism and cannibalism going on. This is a fact; whether it is stated clearly or whether somebody has been trying to hide it – but the fact is that there is a lot of vandalism and cannibalism going on! The longer we take to revive this factory, we might require more money than we actually do at the moment. From the report of the Implementation Committee, if the delay is not with the Minister and his officers; if the delay lies elsewhere, then can we move with haste to remove that delay? If it is the Cabinet, then something needs to be done so that we get the Cabinet to approve this very quickly. Otherwise, the Cabinet has always amazed me; it moves in mysterious ways its wonders not to perform! So, I hope this time, the Cabinet will actually perform and get this factory moving. The main issue is to get an official receiver there and not these other funny scavengers there. I call them “scavengers” who came to scavenge for whatever paper was left. Those are scavengers and they can actually end up damaging the machinery. We should get the official receiver there to do the proper job.

Finally, Mr. Temporary Deputy Speaker, Sir, I would wish the Minister to be very awake to the issue that there are some paper merchants in this country in whose interests it would be to ensure that Pan African Paper Mills does not open or it does not open very soon because in the process, they are importing paper and putting on a very high markup and increasing the price of paper in this country and pretending that because Pan African Paper Mills is not functioning, so we increase the price of paper.

So, Mr. Temporary Deputy Speaker, Sir, I would wish that the Minister is very awake to this fact; that they do not succumb to the vested interests of these unfair merchants of poverty who would like to consign Webuye and the whole of Western Province to the worst poverty that it is facing. We are all aware that even when Pan African Paper Mills was working, Western Province still had a very high poverty index. You can imagine what it is now without Pan African Paper Mills! So, I would like to plead with the Ministry that, please, move with haste; the lives and future of very many people depend on this factory.

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

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion that this House adopts the Report of the Committee on Implementation on the undertaking made by the Assistant Minister for Industrialization on 28th May, 2009, on the re-opening of Pan African Paper Mills.

Mr. Temporary Deputy Speaker, Sir, I will start by thanking you very much for referring this matter to the Committee on Implementation. I also want to thank the Committee on Implementation for the work so far done.

They have shown total commitment because they realize what Pan African Paper Mills means not only to the people of Webuye in Western Province, but to the country as a whole. I also want to extend my gratitude to the Ministry of Industrialization led by hon. Kosgey, who is a great friend of mine. Although we have argued here and there, at the end of the day, the Minister knows the problems of Pan Paper African Mills. He has been there several times and so he knows the problems facing us. I am sure that, deep in his heart, he knows that he has a duty to solve the problems of Pan Paper African Mills.

Mr. Temporary Deputy Speaker, Sir, I would like to thank His Excellency the President because he has also been on site. He knows the problems of Pan Paper African Mills and he has given the undertaking that it will be opened.

I would also like to thank the Prime Minister, Mr. Raila, who has also been on site and pronounced that Pan Paper African Mills should be reopened. Given the fact that even the highest authorities in the land are committed to this, one worry to us is the length of time it has taken to reopen Pan Paper African Mills. As you know, the factory was closed on 30th January, 2009. It is nearly one year now since it was closed. So, much as I respect the diligence and commitment made by everyone, I would like to say that the process is rather slow. This is because people are suffering. The town now looks like a ghost and yet we can overcome the problems that have made the factory stall.

I would like the Minister to, perhaps, refer to this matter. This Report was written about three weeks ago when we had a meeting where he gave an undertaking that something was going to happen within another two weeks. Since the two weeks have elapsed, I hope the Minister will give us the latest information on the issue, especially, that we reopen the factory very soon.

Mr. Temporary Deputy Speaker, Sir, there are several other factors that have been enumerated in this Report and I am sure they can be overcome. Much as I would like to support the whole process being undertaken, it is my plea that we move faster.

Lastly, the people who used to work there are also suffering. They have no other way of getting income. Some have children who must go to school. These people have been without an income for quite some time. I hope that when we reopen the factory, which we have all undertaken to do, we will also consider the plight of those who have not been paid their dues for nearly ten months now. With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Prof. Kaloki): May I now call upon the Minister to respond on behalf of the Government.

The Minister for Industrialization (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I rise to respond to this important Motion dealing with the implementation of the revival of Pan African Paper Mills. I would like to commend the efforts of this Committee in following up this very important matter. They have contributed in keeping

the Government on its toes – I would not want to use the word “pressure” – to ensure that this factory is revived.

On 30th January, 2009 when the management and owners of the Pan African Paper Mills left abruptly, the Government realized the problem it had been put in. We knew that the company was ailing. We worked out a revival programme, but before we could implement it, the Orient Paper Mills management, which had a 54 per cent shareholding, left the baby in our hands and those of the people of Webuye. The Government said that the factory is very important and it would not allow it to go down. The Government promised to make every effort to revive it and is still committed to the revival of Pan African Paper Mills.

I regret that it has taken quite a very long time to revive the factory, but, again, the commitment from the Government is still there. The President, the Prime Minister, the Treasury and I have shown commitment. It has been a bit difficult to co-ordinate all these activities. I am not talking from the point of view of the Prime Minister and the President. However, the actors in this case are the Treasury, the Attorney-General, my Ministry, the Ministry of Environment and Mineral Resources, and the Ministry of Forestry. These are the actors who are supposed to come together and implement Government policy which is to revive this factory.

The Pan African Paper Mills is very crucial not only to the people of Webuye, but also to the country as a whole. It has been the major source of paper in the country. The whole paper industry has been affected. Think of those who package flowers, milk and so on. This factory used to be the major supply of paper in the whole country. Now we have to import all that paper. So, you can imagine the problem in the country after the closure of Pan African Paper Mills.

Mr. Temporary Deputy Speaker, Sir, currently, Pan African Paper Mills is insolvent. All we have now are long-term lenders; short-term lenders; and, unsecured creditors. The short-term lenders have appointed a receiver. Actually they are the ones hon. Dr. Eseli referred to as “funny people”. They are actually there, but we have restrained them from selling or cannibalizing the machines. As has been reported, they may be cannibalizing the equipment. I am not very sure though, but I will have to send a team to go and inspect the factory this coming week.

The company is indebted to over Kshs6 billion. Since the last meeting we had with the Implementation Committee, only one significant thing has happened. The PS, Treasury has written to two other long-term lenders, one of them being the Deutsch Bank of Germany, to waive the money they lent this company. I think that will come. In fact, that is what has delayed action by the Treasury. I think the Treasury wants to do much cleaning of the books before we can actually move to the next step.

The Implementation Committee had come up with a way forward through what they were calling “interpleader proceedings”. Hon. Imanyara knows about that. However, when the Solicitor-General appeared before the Committee, he said that this was not the right way to go. We almost agreed that, that may not be the right way to go. We have said that the right way to go is to put this company under receivership and sell it as a going concern on condition that it will be run as a paper factory.

Mr. Temporary Deputy Speaker, Sir, when these people left, we actually set up a task force. They went to the ground and found out that the company was viable. They reported that the company had been mismanaged and that is something we all had known.

In order to revive it, apart from a number of things that ought to be done, we require a sum of Kshs1.6 billion.

The Treasury, through the Printed Estimates, gave us a token figure of Kshs500 million, which is still in our books. It does not mean that Treasury is not willing to put in the remaining amount of money. The fact that Treasury has put in Kshs500 million in the Printed Estimates for this purpose shows willingness on their part; to actually put in more money, so that we can revive the factory.

Mr. Temporary Deputy Speaker, Sir, as I speak, we have written a Cabinet Memo, which is awaiting Treasury approval. Treasury is awaiting further write-offs. They do not want to sign the memo until they have brought the figure to the acceptable minimum, so that we can say that we are selling the company. When we get a buyer, we can start off with our original revival programme, in which we say that we will provide a piece of land to grow biomass to run the factory, and meet all the other commitments we had made, as Government.

This is a very sad story of how a joint venture went in a bad way just because those investors knew very well that the Government would provide guarantees since Government holds 34 per cent of the company's shareholding. This industry could always be classified as strategic in the sense that it was the only one that was manufacturing paper in the country. So, its collapse has really put us in a very awkward position. Those investors looted the company and made it bankrupt.

Mr. Temporary Deputy Speaker, Sir, those people, literally, made the company insolvent by taking away its money through transfers, over-pricing and all other manner of milking it dry, knowing very well that the Government would back them up. When they realised that it was taking too long for the Government to back them up, they quit in a huff. It might as well have been good that they quit because, even if we had continued putting in more money, it would not have made any difference.

So, we are aware of the suffering of, particularly, the people in Webuye but we wish to plead with them, and with the hon. Member of that area, that we are still committed to reviving the factory. It is taking a little longer than it was anticipated, but we hope to achieve something. I do not want to give a time-frame but, before December, we should be able to say whether those other lenders will be coming forward to write-off the loan. We can then proceed with the Cabinet Memo and set a proper date for sale under receivership. So, the matter is in progress. We are waiting for further write-offs.

Mr. Temporary Deputy Speaker, Sir, this Report is good. As I said, I commend the Committee for keeping the Government on its toes.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now time for the Mover to respond.

Mr. Jamlek Kamau: Mr. Temporary Deputy Speaker, Sir, when we came into being, as a Committee, I personally promised Kenyans that this Committee will be impartial. We strive to be as such. We do not know parties. We know commitments made by Government.

My good friend, Mr. Wamalwa, raised the issue of following up with Ministers, on their Statements, to establish whether they mean what they say and say what they mean. We will, definitely, continue doing so but we would want to believe that Ministers in this Government will at all times say what they mean and do what they promise to do.

Mr. Temporary Deputy Speaker, Sir, there are quite a number of issues that have come up from the discussions. I would like to thank my colleagues who have supported this Motion. Of importance is the fact that the factory needs to be re-opened at the earliest opportunity.

The Minister has talked of the Cabinet Paper, and use of the bank and other long-term lenders. That is a move in the right direction. By the same token, we will continue to pursue both the Ministry and the Treasury, which has become an important player in the re-opening of the factory, to ensure that we move with speed to do so. When you hear Mr. Wamalwa, Dr. Eseli and Mr. Sambu speaking so passionately, and “crying” for their people, you should know that those are the cries of their people and the people of this country. We cannot ignore them, under any circumstances.

Mr. Temporary Deputy Speaker, Sir, the Minister talked about sending a team of officials, next week, to inspect the factory. Of course, for the Minister’s information, that is another undertaking he has made to this House, and we expect it to be done. We believe that, next week, that will be done without failure, and that it will go a long way in helping us know exactly how the revival plans of the factory are going on.

I would also like to thank the Minister for the co-operation he has given the Committee in this matter. He has been very punctual at all our meetings. He has always been there with his Assistant Minister, and that is the way to go. I would like other Minister to take note of how this Minister and his Assistant Minister are going about this issue because, very soon, we will be summoning many other Ministers, especially on the issue of undertakings given on the Floor of this House, but which never came to be.

Mr. Temporary Deputy Speaker, Sir, recently, there was the issue of the Budget, and we passed the Appropriation Bill yesterday. There are so many Ministries that do not finish spending their monies at the end of the financial years. You find that certain Ministries sometimes return money to Treasury. Once the Budget is passed in this House, it becomes the property of Parliament. It is a resolution of this House, and any Ministry that will fail to spend its monies will be subject to investigation by this Committee, so that they can tell us why they did not spend the money on the projects that were to be implemented.

I would like to assure Mr. Sambu, who is the Member of Parliament of that area, and all other Members of Parliament, that we will continue to make sure that the undertakings given by the Minister will, at the end of the day, be fulfilled. I can assure you, Mr. Sambu, that you find solace in my Committee at all times. We also believe that the Minister and his team are going to move as fast as possible to rectify this problem.

With those few remarks, I beg to move.

(Question put and agreed to)

The Temporary Deputy Speaker (Prof. Kaloki): Next Order!

ADOPTION OF IMPLEMENTATION
COMMITTEE REPORT ON QUESTION NO.182

THAT, this House adopts the Report of the Committee on Implementation on the undertaking made by an Assistant Minister of State for Provincial Administration and Internal Security on Tabling of Reports of Commission with regard to Question No.182.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, Order No.11 has been deferred to a later date.

(Motion deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, there being no other business, the House, therefore, stands adjourned until tomorrow, Thursday 19th November, 2009 at 2.30 pm.

The House rose at 5.42 p.m.