MOTIONS

Date: 2nd December 2009
Motion: Adoption of Sessional Paper No. 3 of 2009 on National Land Policy
Member of Parliament: Hon. Racheal Shabesh

- In support of the motion she outlined the main gainers of the policy to be women, the disabled and the youth of this country.
- She added that the main reason why post election violence occurred was because of inequitable distribution of land resource especially in the Rift Valley. The land question is one that needs to be solved before 2012 general election.

Date: 2nd December 2009
Motion: Adoption of Sessional Paper No. 3 of 2009 on National Land Policy
Member of Parliament: Hon. Prof. Margaret Kamar

- In supporting the adoption of the motion she noted that for the first time in the country there would be a minimum holding size as well as a maximum which are very important.
- However she felt that a few amendments are necessary in regard to devolved governments as far as land and the National Land Commission are concerned, with the view to addressing the issue of harmony in the roles, duties and functions of the National Land Commission, as contained in the Harmonized Draft Constitution.

Date: 3rd December 2009
Motion: Adoption of Sessional paper No. 3 National Land Policy 2009
Member of Parliament: Hon. Esther Mathenge

- In supporting the motion she expressed her pleasure at the recognition of the Matrimonial Properties Act in the policy.
- However she wanted the Minister to look at the security of tenure. Although the Sessional Paper had specified the security tenure, the rights of people could easily be disposed off especially during political upheavals. She wanted a guarantee of ownership of land had properly been taken care of.
Date: 3rd December 2009  
Motion: Adoption of Sessional paper No. 3 National Land Policy 2009  
Member of Parliament: Hon. Millie Odhiambo

- In supporting the motion she stated that the policy had looked into the issues of environmental conservation, child rights, women and gender issues as well as HIV/AIDS issues. However for there to be any change it was upon the leaders. Technical capacity building was not necessary but rather people just need to perform their jobs.
- Other than this there is a need for the policy to recognize the intellectual property rights in other resources such as plant genetic resources whose benefits will be passed from generation to generation.

Date: 3rd December 2009  
Motion: Adoption of Sessional paper No. 3 National Land Policy 2009  
Member of Parliament: Hon. Dr. Naomi Shaban

- She raised several concerns in regard to trust/community land which had not been protected in the current constitution. She explained that this is a major issue in the Coast Province.
- The Minister for Lands should be given a free hand to correct mistakes perpetrated in the past where unscrupulous people have enriched themselves by taking trust land and converting it unlawfully to private land.

Date: 3rd December 2009  
Motion: Adoption of Sessional paper No. 3 National Land Policy 2009  
Member of Parliament: Hon. Martha Karua

- She stated that the policy should not be included in the Constitution but the policy in the constitution on how land should be dealt with. This is to ensure checks and balances by involving more than one institution.
- In supporting the motion she stated that it was revolutionary and should be adopted.
Date: 9th December 2009  
Motion: Formulation of policy and Legislative framework on Herbal Medicine  
Member of Parliament: Hon. Millie Odhiambo  
- She stated that it was important that herbal medicine be recognized and safeguarded as a means of creation of medicines that will be important in healing diseases.  
- However this needs to be distinguished from witchcraft which is a crime and must be outlawed.

Date: 10th December 2009  
Motion: Approval of sessional paper No. 4 of 2009 on Nairobi urban toll road concession project  
Member of Parliament: Hon. Millie Odhiambo  
- She raised a point of order under Standing Order No. 36 wanting the debate on the sessional paper to be adjourned so as to give Members enough time to go through it.  
- She also stated that it had the potential of being another Anglo-Leasing scam hence the need for full understanding of the paper.  
- She also raised a concern based on costs that are to be shouldered by the Kenyan people keeping in mind that more than half of the population is living below the poverty line.

Date: 10th December 2009  
Motion: Approval of sessional paper No. 4 of 2009 on Nairobi urban toll road concession project  
Member of Parliament: Hon. Sophia Abdi Noor  
- She stated that half a day was not adequate time to read and adopt the paper. More time was needed to critically look at the document.

Date: 10th December 2009  
Motion: Adjournment of the House to a day other than the next normal sitting  
Member of Parliament: Hon. Millie Odhiambo  
- She thanked the present members for the contributions made to the amendments which have been true to the one-third directive.
She further stated that a lot more still needed to be done to equalize opportunities, especially for those who are marginalized, persons living with HIV/AIDS, older persons and persons with disabilities.

She suggested that 30 days would be sufficient for members to engage with their constituents.

Date: 2nd December 2009  
Legislation: Constitution of Kenya (Amendment) Bill  
Members of Parliament: Hon. Martha Karua

- In support of the bill she reminded the House that violence was used as a tool to acquire political power in 2007. However the perpetrators have never been punished.
- Failure to deal with issues of violence and impunity are strong indicators that Kenya is a failed state. Kenya needs help since as a people we have failed to deal with them by ourselves. Failure to do so would only lead to regret and failure. The time to act is now by passing this bill which is a step in the right direction.

Date: 9th December 2009  
Legislation: National Youth Council Bill  
Member of Parliament: Hon. Sophia Abdi Noor

- She suggested the following amendments to the Bill:
- That clause 2 be amended in the definition youth by deleting the words fifteen and thirty and substituting therefore the words eighteen and thirty five respectively.
- She also suggested that the following clauses be amended: 4, 5 (1), 5 (2), 6 (1) and 16 of the 1st schedule.
Date: 9th December 2009  
Legislation: National Youth Council Bill  
Member of Parliament: Hon. Millie Odhiambo  
- She suggested that Clause 5 (2) of the Bill be amended by inserting a new sub clause to ensure that the chairman is a youth and no one else.
- She also suggested that a new proviso be inserted immediately after Clause 16 (d) (ix) to safeguard gender equality.
- In the second schedule she moved that paragraph 1 be amended by inserting the words “in the same manner as provided for under this Act for the first appointments” immediately after the words “but shall be eligible for reappointment”.

Date: 9th December 2009  
Legislation: National Youth Council Bill  
Member of Parliament: Hon. Prof. Sambili  
- She moved that the committee reports to the House its considerations of the National Youth Council Bill and its approval thereof with amendments.

Date: 9th December 2009  
Legislation: The Offices of Minister Bill  
Member of Parliament: Hon. Millie Odhiambo  
- She stated her support of the Clause 3 which had to do with the inclusion of children. Children need to be acknowledged as such and gender concerns to take care of women issues.
QUESTIONS

Date: 1st December 2009

Question by Private Notice: Sofapaka/ AFC Leopards facing financial constraints

Member of Parliament: Prof Helen Sambili

- She stated that she was not the person that the media had painted her to be. On the contrary she supports the youth of the country and believes them to be the future of the nation.

- She also stated that in regard to the groups she is working to try and form a reconciliatory body that would be preferably managed by the youth themselves. In regard to the financial constraints, the ministry is trying to strike a deal wit private corporations such as Coca-Cola to try and form a private-public merger which will benefit the football society.

- She also suggested that an account be opened in which Members can donate some money to the football cause to try and support the youth of the country.

Date: 1st December 2009

Question: Criteria for selection of KMTC director

Member of Parliament: Hon. Martha Karua

- She stated that the Minister for Medical Services had no statutory authority to appoint a director for the KMTC without consultations with the board. The governing Act clearly stipulates in Section 5 that the Minister would appoint a principal to the College but on the advice of the Board.

- If he chose to ignore the board’s advice the same should have been communicated to the board for further consultations.
Date: 1st December 2009

Question: construction of the road leading up to masalani-hola bridge

Member of Parliament: Hon. Sophia Abdi Noor

- She asked the following questions to the Minister of Roads:
- Why has the road leading to the Masalani- Hola Bridge from Hola side not been constructed despite the ridge having been completed and officially inaugurated in 2007?
- What plans does the Ministry have to make Masalani- Hola Bridge accessible from both sides, particularly from the Hola side?
- She requested that the Assistant Minister go and see the project for himself. There was poor workmanship employed on the project and it appears that he had been given the wrong information.

Date: 1st December 2009

Question 473: resettlement of IDPS in kyeni forest

Member of Parliament: Hon. Dr. Naomi Shaban

- She stated that they had gone through their database to check whether the list of 1,195 households that the Hon. Imanyara laid on the Table comprised of the IDPs. Out of 1195 households, 149 were found to be IDPs but were registered elsewhere. Those IDPs were not registered in Gatundu because they had not been given a list for there. 13 households however have already received funds for resettlement.
- The reason why other IDPs displaced for other reasons other than the post election violence persons is because the Ministry has only received funding for those. Others displaced due to famine and El- Nino will have to wait until the Ministry gets funding.
- She stated that it would be better to deal with IDPs in the country in phases.
In partnership with the Ministry of Justice, National Cohesion and Constitutional Affairs and UN agencies the government is in the process of developing a policy for IDPs.

Those IDPs living in the Nyayo Tea zones are to be resettled by the Ministry of Lands and not the Ministry of Special Programs.

1st December 2009

Question 473: Resettlement of IDPs in Kyeni Forest

Member of Parliament: Hon. Martha Karua

- She wanted to know what the Minister for State of Special Programs had done to identify those displaced in the 1992 post election violence.
- She also wanted to know what the government had done to ensure that those people who had been resettled had recovered their farms, some of which had title deeds and generally, provided for the squatters.

Date: 1st December 2009

Question 473: Resettlement of IDPs in Kyeni Forest

Member of Parliament: Hon. Millie Odhiambo

- When is government intending on developing a comprehensive policy and legislation dealing with IDPs?
Date: 2nd December 2009

Question No.381: action against nakuru town clerk/council *askaris* for disruption of mayoral elections

**Member of Parliament: Hon. Martha Karua**

She asked the Deputy Prime Minister and Minister for Local Government the following:-

- What action he has taken against the Nakuru Town Clerk and council *askaris* for the violence meted out on the outgoing Mayor, Councillor Gikari, during the mayoral elections on 24th July, 2009; and,
- Whether he is satisfied that the said elections were properly carried out as provided for in the Local Government Act as well as the constitutional requirements of democracy.
- She reminded the Minister that Section 1A of the Constitution – the one that brought multiparty democracy – clearly states that the Republic of Kenya shall be a multiparty democracy.
- Democracy presupposes free and fair elections.

Date: 2nd December 2009

Question No.535: cholera outbreak due to water shortage

**Member of Parliament: Charity Ngilu:**

She stated the following:

- My Ministry cannot confirm that 194 Kenyans have died between January and November, 2009 from cholera or diarrhoea caused by acute water shortage. This is because we have no competence to determine causes of death. In addition, cases of cholera cannot be attributed to water alone.
- My Ministry has ensured that all water consumed is properly disinfected by the use of chlorine and that it does not pose any danger to consumers. In this regard, we are working with other Government agencies and we have purchased and distributed
over 400,000 tablets of Aqua tabs in those affected areas. During the drought period this year, my Ministry drilled over 500 boreholes and is currently involved in water tankering and has purchased and distributed that number of water tankers to help people cope with this situation.

- The ministry has also contracted water vendors and has ensured that the vendors are getting water from clean sources and their tanks are clean.
- The ministry is going to take more water tanks to Turkana and collect most of the water bowers that are not in use right now so that we can bring water closer to the people. There are some now in areas where we have gotten enough rains but since our aquifers have been recharged and boreholes are producing water, we can get all those water bowers to Turkana.

**Date: 2\textsuperscript{nd} December 2009**

**Question No.535: cholera outbreak due to water shortage**

**Member of Parliament: Hon. Racheal Shebesh**

- It is also an issue that is affecting many children. I would like the Minister to clarify to us, because this issue cuts across the Ministries of Health Medical Services and also the Ministry of 
- Local Government what it is that he can do in conjunction with those other Ministries to ensure that they stop the death of children because of the spread of diseases through unhygienic conditions caused by water-related conditions.

**Date: 2\textsuperscript{nd} December 2009**

**Question No.535: cholera outbreak due to water shortage**

**Member of Parliament: Hon. Martha Karua:**

- Since water bowers have been cited as the cause for the first outbreak of cholera in Mukuru slums, what is the Minister doing to ascertain that those licensed to hawk
water with water bowers are using clean tanks that are not used as exhausters, and that they also prove that they have clean source of water?

Date: 2\textsuperscript{nd} December 2009

Question No.535: cholera outbreak due to water shortage

Member of Parliament: Hon. Sophia Abdi Noor:

- Could the Chair refer this matter to the Committee on Health so that they can investigate the matter thoroughly and they can bring a report to this House because the issue needs co-ordination and because the Prime Minister is the supervisor and coordinator of the Government Business, we need a co-ordination committee to address this particular issue?

Date: 2\textsuperscript{nd} December 2009

Question by private notice: Identification of land for resettlement of 2007 post election violence IDPS

Member of Parliament: Hon. Martha Karua

- On a point of order she wanted to know if the Chair was satisfied that the Minister is in order to claim that he is not aware of the re-settlement program in Rongai.

Date: 3\textsuperscript{rd} December 2009

Question 042: Termination of Anglo Leasing Investigations in UK

Member of Parliament: Hon. Millie Odhiambo

- She sought clarification from the Chair if the Attorney General was in order to evade the issue. As the AG of Kenya he is to answer the question brought forth and not forward it to Hon. Imanyara.
Date: 8th December 2009

Question 455: Development Projects Initiated by Water Ministry in Kuresoi Constituency 2008/2009

Member of Parliament: Hon. Charity Ngilu

She stated the following projects had been carried out:

- Rehabilitation of Olonguruone Water Supply at a cost of Kshs. 2 million. The ministry had drilled, equipped and did a replacement of a borehole in Keringet Town at a cost of Kshs. 2 million.
- Rehabilitation of Keringet Dam with a storage capacity of 27,000 cubic metres, under Kazi Kwa Vijana Program at a cost of Kshs. 1,815,016 and construction of Ngenda Tank with a storage capacity of 10,000 cubic metres, under the Kazi Kwa Vijana Program at a cost of Kshs. 1,887,006.
- Rift Valley would in the financial year commission a consultant to design and prepare a cost estimate for an urban water supply and sewerage system for Keringet Town, and for the headquarters for the newly created Kuresoi District and thereafter, implement the project. However as a short-term measure, the Ministry has allocated Kshs. 4,000,000 to Kuresoi District. Out of this allocation Kshs. 3.6 million will be spent on the implementation of Keringet Water Supply with stores from Kopkorest Dam, while the balance will be utilized on operation and maintenance costs in the district.

Date: 8th December 2009

Question 091: Construction of Cultural Centre in Marakwet District

Member of Parliament: Hon. Millie Odhiambo

- She wanted to know if the Ministry for National Heritage and Culture had developed a system for coding cultures that are either extinct, near extinction or those which had been assimilated.

8th December 2009

Question 312: Implementation of UN Convention rights of Persons with Disabilities

Member of Parliament: Hon. Esther Mathenge

- The first step taken by Kenya in implementing the convention was its ratification on 19th May 2008. Since then the Ministry has developed a National Disability Policy. In addition the Ministry has developed a draft person with Disability (Amendment)
Bill which will bring the present Act of 2003 Disabilities Act in line with the UN Convention.

- The government has also included disability mainstreaming in the 2009/2010 performance contract. This means that every government institution including ministries, state corporations and councils are now required to set up disability committee and formulate a disability mainstreaming strategy.
- Other measures that are currently being undertaken include development of guidelines for mainstreaming disability in all government programs and projects, and the continuous sensitization and awareness creation by the National Council, in collaboration with partners on the plight and rights of persons with disabilities.
- Also, in addition to the above, public transportation will be modified to accommodated persons with disabilities.
MINISTERIAL STATEMENT

Date: 1st December 2009

Statement: Plight of voluntary evacuees from mau complex

Member of Parliament: Hon. Dr. Naomi Shaban

- Reclamation of the Mau forest is a national operation and is not headed by the Ministry of Special programs. The Ministry of Special programs simply offer assistance to those who have been evicted from the forest but the actual evictions are spearheaded by the Interim Coordinating Committee under the Prime Minister’s office.
- The Ministry of special programs was simply to provide relief food and non-relief items to the evacuees for a period of one month at designated points.
- However the actual food distribution is being managed by the District Commissioners from the area.
- Further to this the Ministry will be ensuring that the evacuees are resettled so that they can continue contributing towards the development of this country.
- The Ministry had provided food worth Kshs. 7 million and was only to assist those who had left the forest and not other member of the public who were looking to take advantage. In this regard Forestry Officers had gone into the Mau and done a profile exercise to assist the Ministry to distribute the food. However when the Ministry began the distribution exercise the number over-exceeded those that had been provided. We went to verify and counter-check and it was found that not all that had camped in the designation points were evictees of the forest which explains the media’s report that there were some who were left out in the distribution exercise.
Date: 1st December 2009
Statement: Contribution towards Ministerial Statement on the plight of voluntary evacuees from Mau complex
Member of Parliament: Hon. Racheal Shebesh
  ➢ She sought clarification from the Hon. Minister on the details that were presented in regard to the Task Force that was heading the evacuation and the DCs in charge of the food distribution. She wanted the Minister to confirm if the issue in question had been politicized or pertinent.

Date: 1st December 2009
Statement: Contribution towards Ministerial Statement on the plight of voluntary evacuees from Mau complex
Member of Parliament: Hon. Millie Odhiambo
  ➢ She sought clarification of the delay of food distribution that was supposed to be delivered to the evictees.

2nd December 2009
Statement: writing off loans advanced to pastoralists\ranchers
Member of Parliament: Hon. Martha Karua
  ➢ She praised the government for the steps taken to bail out farmers but wanted to know if the Minister and the government were taking into account that AFC has been unable to pay its debts due to the many write offs in the past and currently its assets are under auction, is the Minister going to provide support to AFC to safeguard it and its property?
Date: 2nd December 2009
Ministerial statement: Writing Off Loans Advanced To Pastoralists\Ranchers
Member of Parliament: Hon. Prof. Margaret Kamar
➢ Considering the fact that farmers had harvested very little in the year due to lack of rain, it is commendable for the government to try and bail them out. However she wanted the minister to clarify what means he would be using to convince the AFC to write off the debts incurred.

Date: 2nd December 2009
Prime Minister’s statement: Keeping momentum of reforms: agenda no. 4
Member of Parliament: Hon. Racheal Shebesh
➢ She sought clarification from the Prime Minister on the issue of lack of employment for the youth and wanted confirmation as to the accuracy of a statement previously made as to the cessation of the Kazi Kwa Vijana program due to lack of leadership and teamwork at the Ministry of Youth Affairs and Sports.

Date: 2nd December 2009
Prime Minister’s statement: Keeping momentum of reforms: agenda no. 4
Member of Parliament: Hon. Amina Abdalla
➢ She wanted the Prime Minister to explain what measures he had taken in addressing the issue of imbalances perpetuated by the Ministers during appointments of people from their constituencies or areas that support their political parties.

Date: 9th December 2009
Ministerial statement: Amendments to the Traffic Regulations
Member of Parliament: Hon. Millie Odhiambo
➢ She raised a point of order stating that it was wrong for the Minister of Transport in treating children as adults.
➢ Children must always be treated as separate entities.
Date: 9th December 2009  
Statement: Measures to contain cattle rustling in Buuri District  
Member of Parliament: Hon. Maison Leshomo  
- She wanted clarification what weapons the people were being asked to surrender and why such an operation was being carried out only in some communities and not others.