JUNE 2011 HANSARD

QUESTIONS

Date: 2nd June 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Shortage of police vehicles in Kirinyaga Central Constituency for Police in Kirinyaga.

- She requested the Assistant Minister for Provincial Administration and Internal Security to provide statistics for the various years to determine if crime has gone down.
- She asked the Assistant Minister if he was going to ensure that the entire county not just Kirinyaga Central gets vehicles because there are no vehicles in the county.

Date: 7th June 2011
Member of Parliament: Hon. Prof. Hellen Sambili
Contribution she made on: Frustration of PHD/Masters students by supervisors/examiners
On behalf of the Ministry of Higher Education, Science and Technology she replied that;

- She was not aware that the number of students pursuing Doctor of Philosophy degrees (PhDs) and Masters Degrees in the University of Nairobi had declined due to frustration by and/or the unavailability of supervisors and examiners.
- She added that she was aware that the University of Nairobi had a steady increase in the number of such students each year.
- She informed the Members that the number of duly registered PhD and Masters degree students whose due dates of graduation had elapsed and had not graduated is 284 from the year 2000 to 2005 and 8,640 from the year 2000 to 2009 for Masters students.
- She added that those problems were due to limited scholarships from the Government, universities and other organizations hence students sometimes are unable to raise adequate funds, students may not be able to complete research studies after completing the taught courses, students who are working get transferred to other areas and may not be able to complete their studies and some of the students who register for postgraduate...
courses are working and demands from work places and families make them unable to complete their studies on time.

- She added that the Ministry of Higher Education, Science and Technology had given research funds to support students and lecturers to do research in the universities. Those funds will enable the students to pursue postgraduate studies.
- She encouraged universities to support students who get First Class Honors by offering them employment in the universities so that there can be enough staff.
- She assured the House and the country that the Ministry was working together with university leaders, chancellors and vice-chancellors to ensure that indeed, students are not frustrated when they register for PhD studies.
- She was happy that there would be double intake so that students do not spend so much time at home after graduating from high school.
- She added that the Ministry was working together with the universities and the Commission of Higher Education to make sure that quality and academic standards were maintained in the country and in the region.
- She requested the private sector works to work together with the Government to expand employment opportunities for graduates.
- She confirmed that the courses offered in universities are generally market driven and hoped that the graduates would get jobs mostly in the private sector.

**Date: 8th June 2011**

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

**Contribution she made on: Allocation of funds to four Districts of Kirinyaga County**

She asked the Minister of State for Provincial Administration and Internal Security:-

(a) How much money the Government had allocated to each of the four districts in Kirinyaga County for the construction of district headquarters and DC’s residence;

(b) Whether the Government had posted OCPDs and DCIOs to serve the said districts and, if so, when they were posted to each of the districts.

(c) Whether the Government had supplied vehicles to the DCs, including administrative vehicles, in each of the district.
Date: 14th June 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: Police vehicles for Kirinyaga County

She asked the Minister of State for Provincial Administration and Internal Security:-

(a) How much money the Government had allocated to each of the four districts in Kirinyaga County for the construction of district headquarters and District Commissioner’s residence;

(b) Whether the Government had posted Officers Commanding Police Departments (OCPDs) and District Criminal Investigation Officers (DCIOs) to serve the said districts and, if so, when they were posted to each of the districts.

(c) Whether the Government had supplied vehicles to the DCs, including administrative vehicles, in each of the districts.

- She was concerned that Kirinyaga East was being discriminated against because it did not get any budgetary allocation to finance infrastructure projects.
- She asked the Assistant Minister on what basis the decision to award monies to various districts and to fail to award any single cent to Kirinyaga was made and the reasons thereof and whether they were pursuing a deliberately discriminative policy even with the motor vehicles.
- She added that the times had changed and Kenyans cannot be threatened with lack of development if they opposed the Government.

Date: 14th June 2011

Member of Parliament: Hon. Prof. Margaret Kamar

Contribution she made on: High Pollution levels in Athi River.

She replied that:

- She was aware of the high levels of pollution of Athi River and her Ministry of Environment and Mineral Resources was coordinating various lead agencies to ensure effectiveness of treatment ponds in the City of Nairobi, Thika and Athi River towns. The ministry was also exploring ways through which their respective sewerage systems could be expanded.
She noted that in addition, the Ministry had been relocating settlement from the riparian areas within Nairobi River Basin whose waters end up in River Athi.

She added that other measures being undertaken by the Ministry included a strict enforcement of the relevant provisions of the Environment Management Act (EMCA) of 1999 on illegal discharge into River Athi and relocation of the illegal dumpsites, which contribute to the pollution of the River.

(a) The Ministry had put in place various interventions to ensure that residents of Kitui West, who live along the River access uninterrupted clean water from the river.

She added that the Ministry was currently implementing the Nairobi River Basin Rehabilitation Programme with the aim of ensuring that the water in all rivers within the basin is clean. In addition to this, the Ministry through the area District Environmental Committee was creating awareness amongst the residents of Kitui west on the importance of treating water from River Athi.

She added that the analysis of water was meant to tell how poisonous the water is. Pollution maybe pollution of soil running from the sites of cultivation near river banks, which according to experts, means pollutions and not poisoning.

She added that they had already started looking at the river course and mapping it out to see whether there is any raw sewage that goes through and come up with remedial measures.

She noted that Athi River was once very clean but had been a victim of Nairobi growing very rapidly; Thika Municipality that has not expanded its sewerage systems and Athi River Town and they were addressing all of them.

She added that there was the Nairobi River Initiative to ensure that the dumpsites are completely moved from the riparian area.

She informed the House that the Ministry’s policy was to get the rivers clean and had undertaken rehabilitation of various rivers and the tributaries that feed the rivers are well protected and conserved.

She noted that there is conflict of interest when the Ministry tries to relocate dump sites especially relocating illegal settlements near rivers but does not get enough support from the area MPs.
QUESTIONS BY PRIVATE NOTICE

Date: 2\textsuperscript{nd} June 2011

Member of Parliament: Hon. Millie Odhiambo-Mabona

Contribution she made on: Killing of Kenyan fisherman in Uganda.

- She noted that Kenyan fishermen on Rusinga Island, Mfangano Island, Remba, Ringiti, Migingo and Western Province were being killed daily yet the government had not done enough to protect them.
- She was concerned that Kenyans would form militias to guard themselves if the Government failed to do so.
**BILLS**

Date: 2\textsuperscript{nd} June 2011

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: The Supreme Court Bill (second reading)

- She supported the bill and added that she was looking forward to the Supreme Court addressing issues enumerated in the Articles (12), (13) and (14) hence deliver justice to this country.
- She noted that the courts had never been friendly to people, especially to women and added that historically, women and minorities were marginalized for many years
- She urged the Minister to relook at the issue of having the history and traditions of what we have seen in the justice system of the country as a basis because they have not been fair and it is not a history that we have been necessarily proud of.
- She added that going back in history for learning from the past and then coming up with better things for the future would be useful.
- She added that historically, the courts were unfair in the determination of cases that dealt with issues relating to women such as inheritance disputes during separation in marriages

Date: 2\textsuperscript{nd} June 2011

Member of Parliament: Hon. Millie Odhiambo-Mabona

Contribution she made on: The Supreme Court Bill (second reading)

- She supported the bill, congratulated the Minister for Justice, National Cohesion and Legal Affairs for bringing it and noted that the country has always called for a Supreme Court.
- She added that the Supreme Court would be a last resort hence should be headed by people of integrity with whom Kenyans can have confidence in.
- She was concerned that many of the members of the Judiciary did not have further education and rely on outdated law and suggested that they should be exposed to further education so that they are aware of the emerging trends in the world.
She added that vetting of judicial officers to the Supreme Court should be based on whether their past decisions were gender sensitive, sensitive to persons with disabilities, child rights, human rights, older persons in the society and environmental issues.

She urged the Judicial Service Commission to vet people who are progressive and know not only what is going on in Kenya, but in the world.

She was glad that women were shortlisted for the positions of Supreme Court judges and encouraged women to apply for such positions when advertised.

She was happy that Clause 3(e) of the bill acknowledged that one of the things it seeks to do is to improve access to justice. Clause 31(b) talks about empowering the Registrar in order to promote access to justice, to waive, reduce or postpone the payment of a fee required in connection with a proceeding.

She added that there should be strengthening of Clauses 30 and 31 on representative suits and class action suits because they were not very tight.

She added that Clause 10 should provide for the Chief Registrar to keep with the new technology because it is one of the reasons why there are delays in the courts.

She noted that Clause 20, which provides that appeals to the Supreme Court may, where the court considers it necessary, proceed by way of fresh hearing was noble and wonderful because sometimes when people go by way of an appeal and do not get the opportunity to look at matters afresh, then the court may miss a lot of things, including the demeanor of people who are presenting.

She was happy with Clause 21(3) which stated that the Supreme Court may make an order necessary for determining the real question in issuing the appeal, and may amend any defect on the record of appeal.

Date: 2nd June 2011

Member of Parliament: Hon. Dr. Naomi Shaban

Contribution she made on: The Supreme Court Bill (second reading)

She supported the bill and noted that it was a landmark legislation that would give the country a Supreme Court.

She added that many Kenyans had lost their land because of many debts and that the previous laws protected only the rich.
She encouraged women to apply to work for the Supreme Court and should understand that the Court has the huge responsibility of upholding the rights of all Kenyans.

She added that the Government had lost a lot of revenues from corrupt deals hence the Supreme Court will increase revenue collected for the economic growth of the country.

Date: 14th June 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: The Insolvency Bill (second reading)

- She supported the bill and noted that it was timely because the receivership in the country had become a goldmine to unscrupulous receiver managers who instead of gathering the assets so that the liabilities are paid, they accumulate wealth for themselves.

- She suggested an improvement of the bill to ensure that there is an annual renewable license for insolvency practitioners where at the end of each year, an insolvency practitioner will list the matters under their care and give reports on those matters so as to convince the board that is granting the licenses that they are fit and proper to continue with the work of insolvency managers.

- She added that the license would enable the country to have a monitoring mechanism on how receiver managers are performing so that if one has not competently handled the matters under their care, or they are overburdened by having too many incomplete matters, then such a receiver manager may have difficulties in having the license renewed or in getting any additional brief.

- She added that there should be guidelines for the fees charged by the receiver managers or the insolvency practitioners as a way of measuring the transparency and accountability of the receiver manager because where the fees are unregulated, then the receiver manager, or the insolvency manager, can very well claim the bulk of the property as their fees.

- She added that the offences for mismanage of property should be more than provided in the bill by looking at the various jurisdictions notably the US, UK and many others, and find how to specify the offences that are likely to be committed by a receiver manager and to give them standards by which they must live.
She noted that there are individuals who may opt to file for bankruptcy to avoid paying debts and suggested that the area should also be tightened so that after going through bankruptcy proceedings, action is taken against anyone found to not have been truthful about what they own and those who would otherwise have benefitted should have recourse.

She noted that the provisions in the Insolvency Bill together with those in the Companies Bill should complement each other to make sure that people do not deliberately commit actions that end up assisting them to disappear with public money.

She noted that in many instances receiver managers take over estates and become owners of those estates hence accountability is left to the goodwill of each individual manager.

She added that there should be stringent laws will protect the firms and individuals who have filed for bankruptcy, as well as the public which they owe.

**Date: 15th June 2011**

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

**Contribution she made on: The Independent Offices (Appointment) Bill (second reading)**

She supported the bill and noted that it should be widened to cover all independent offices.

She noted that it should be clearly provided in the Bill that all independent office holders will be interviewed publicly.

She added that the Bill was timely because many independent office holders, including Commissioners for the Independent Electoral and Boundaries Review Commission would be appointed.

She suggested that the bill should state that the report on how the interviews were conducted and the scores of all the interviewers must be in the public domain, so as to prevent manipulation.

**Date: 16th June 2011**

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

**Contribution she made on: The Independent Offices (Appointment) Bill (Committee of the whole house).**

- She proposed further amendment to Clause 5(4) (ii) to strengthen the clause. She moved that:
Clause 5(4) (ii) be further amended by deleting the full stop after the word “public”, at the end of the provision and inserting the following words; “and submit to Parliament a report of the interviews, which should include *inter alia*, scores of each candidate interviewed by individual members of the interviewing panel together with the criteria used in selecting the names forwarded.

She urged the Minister for Justice, National Cohesion and Legal Affairs to table a comprehensive Bill that must include the protection of whistle blowers. Until an investigation is done and allegations are verified not to be true, a person should never be castigated or maligned for standing up.
MOTIONS

Date: 8th June 2011
Member of Parliament: Hon. Bishop. Margaret Wanjiru
Contribution she made on: Ban on indigenous languages in public offices.

The Assistant Minister for Housing

- She supported the Motion and added that language plays a major role in our daily lives. The way we communicate and relate to each other depends on the language that we use.
- She noted that once passed, the motion would help the country to slowly curb and phase out the problem of tribalism.
- She noted that the post-election violence in 2007 was mainly fueled by vernacular FM radio stations. This has now gone to the offices and people speak and even instruct each other in their vernaculars.
- She noted that the problem of tribalism is not with the younger generation but with the older and the middle generations who fuel tribalism in the country.
- She added that since the working class is mainly the middle aged, adopting the Motion and banning the use of indigenous languages in the offices, daily functions and operations hence reduce tribalism.

Date: 8th June 2011
Member of Parliament: Hon. Wavinya Ndeti
Contribution she made on: Ban on indigenous languages in public offices.

The Assistant Minister for Housing

The Assistant Minister for Youth Affairs and Sports

- She supported the motion and noted that if Articles 53 and 55 of the constitution are implemented properly, then some of the problems on tribal issues will end.
- She noted that in the General Elections, people spoke in their mother tongues in Government offices in support of their own persons hence brought out the tribalism in the Kenyan people.
- She added Government offices should have mixed tribes to ensure that not only one tribe is represented.
Date: 9th June 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Referral of Financial Statement and other documents to Budget Committee.

She noted that Article 221(4) states that: “Before the National Assembly considers the Estimates of Revenue and Expenditure, a Committee of the Assembly shall discuss and review the Estimates and make recommendations to the Assembly”.

She noted that the Motion proposed by the Deputy Prime Minister and Minister for Finance, clearly stated that the Financial Statement and all other documents tabled on Wednesday 8th June, for the Fiscal Year 2011/2011 be referred to the Budget Committee hence lead to a discussion of the Financial Estimates before they have been referred to the Committee.

She added that the Motion was proposing that the House disobeys the Constitution therefore it was unconstitutional.

She added that at that stage the motion should be stopped and the Estimates stand by the operation of the Constitution, committed to the Budget Committee. It is after the report of the Committee and after public participation that the House can then discuss those Estimates.

She added that in this new order, the Cabinet Secretary and, in this case, the Minister, will be appearing before the Budget Committee where he will make explanations of how he arrived at the financial estimates.

She noted that despite having a trillion budget, there are Kenyan’s dying of hunger.

She reminded the Members that at the beginning of the year they passed the Supplementary Estimates which had money to alleviate the suffering of the people in the dry areas where there is famine but people were still dying.

She noted that there is disconnect between the statements of policy and implementation and urged the Government to realize that services were not reaching the people. When food reaches those areas, it reaches there once a month and is sometimes not properly distributed.
She urged the Budget Committee, as they scrutinize the Estimates to check what the plans are and interrogate the Government on what the plans on implementation are.

She noted that the youth do not only need menial jobs provided by the *Kazi Kwa Vijana* (KKV) Programme. The youth are educated as well and the policy should be reviewed to ensure that all the skilled jobs, where the skills are found locally, are necessarily given to our people, and in turn they will create employment.

She added that there should be more emphasis on governance but there cannot be good governance unless the reforms of the Judiciary and the entire criminal justice system are speeded up.

She added there should be more support of the reform process and should start with the Executive displaying mastery of the new constitutional order and not to be waiting for Members of Parliament to point out where they are failing.

She suggested that the amounts provided to the various sectors can be shifted to the areas where the money is needed most.

She urged the Members to show their mastery as Members of Parliament by relying on the professional staff that they have and if they felt that they needed more expertise, they can request the Parliamentary Service Commission through the Speaker to hire experts to enable them analyze the Budget and reorganize it in a manner that is suitable to Kenyans.

She noted that it was an opportunity for Parliament to interrogate on what basis and the criteria used to allocate the Kshs3.7 billion to finalize the Constituencies Development Fund (CDF) projects.

She urged the members to ensure that there are budgetary allocations to the Security docket to beef up security especially along the border points.

She noted that large sums had been provided for irrigation and urged the Members to interrogate how the money is going to be spent by the Ministry of Water and Irrigation.

She added that the greatest challenges are health, hunger and education and noted that although it is the Budget Committee to which the Constitution commits the Estimates, each one of them is entitled to sit with the Budget Committee and make their contributions to ensure that the Budget is forward-looking and will end up being of great effect to Kenyans.
She noted that fuel crisis cannot be blamed merely to rising international prices but also corruption in the sector, insider trading and cartels that operate with full knowledge of the authorities, and which some members of the Executive may be part of.

She reiterated that governance and more good governance is what the country must invest in because bad governance had contributed to the suffering of the people and the money not to meet the intended purpose.

Date: 15th June 2011

Member of Parliament: Hon. Prof. Margaret Kamar

Contribution she made on: Abolition of Kenya Certificate of Primary Education.

- She opposed the motion and noted it was a very good idea whose time had not come.
- She added that it would be impossible to implement because the largest population of Kenyans is now in pre-unit.
- She noted that last year, 760,000 candidates did the Kenya Certificate of Primary Education ( KCPE) while the Form IV candidates were only 250,000 while the universities can only admit 60,000 students hence the system cannot be able to admit the 750,000 students in the space to be occupied by 250,000 students.
- She proposed that the government should ensure that primary and secondary school education is free in reality for transition from primary to secondary schools because many parents cannot afford secondary school education.
- She added that the Government should go ahead and increase the youth polytechnics as an exit point for the 500,000 who did not get space in secondary schools.
- She added that the youth polytechnics must have their own standards and must be able to capture the products of the education system in a manner that can be standardized and measured. To be able to do that, there must be an examination in Standard VIII so that whoever exits at that point and cannot join a secondary school because of poverty or for whatever reason can have an exit point.
- She added that the bright students who join polytechnics should be able to leave the Diploma programmes and join universities programmes in the shortest time possible and with payment from Government.
- She was concerned that the “Mature Entry” programme was scrapped by all the universities yet it was a very important programme for students who evaded the
universities basically because of fee payment or avoided joining polytechnics because of lack of fees. Those students went to the youth polytechnics and then the universities.

- She added that the mature students are very important because they go through the system out of difficult times or the challenges that they get during their youth and are unable to go directly to secondary school and then to universities.

- She added that the challenges the education system is facing were as a result of issues which cannot be under the control of the parents and must ensure that there is free education in primary schools and secondary schools.

**Date: 15th June 2011**

**Member of Parliament: Hon. Bishop. Margaret Wanjiru**

**Contribution she made on: Abolition of Kenya Certificate of Primary Education**

- She supported the motion and noted that taking care of the future generations must start with the implementation of proper governance in the rightful Government institutions now.

- She added that education system was not able to bring out or forth the potential in and is instead suppressing the inborn potential of children.

- She noted that education is also the learning process by which people are equipped with specific knowledge, skills or abilities that can be applied immediately upon completion.

- She added that globally, under the Education for all Programmes driven by UNESCO, most countries have committed to achieving universal enrolment by the year 2015 and Kenya must comply.

- She noted that parents have to go through a lot of problems to get their children into secondary schools because the system is discriminative.

- She added that girls coming from Standard Eight and ending up being wives is not acceptable and enrollment in secondary schools would help minimize early marriages and idleness hence eliminate prostitution and recruitment into militia groups.

- She added that the Motion would also minimize school dropouts and therefore, by the time the child finishes Form Four he or she is better equipped with skills, abilities and knowledge that can help then make them better people out of their lives.
She acknowledged that the free primary education had not worked very well but was not a basis for destroying the future and instead there should be another Motion to perfect the free primary education.

She noted that the 8-4-4 is cumbersome as is evidenced by children still doing homework late in the evening after spending the whole day in school. They are still running around with books over the weekend hence stressing them.

Date: 15th June 2011

Member of Parliament: Hon. Peris Chepchumba

Contribution she made on: Abolition of Kenya Certificate of Primary Education

She noted that examinations should not be viewed as punishment because there are many pupils in Standard Eight who sit for exams but they never transit to the next level and this leads to wastage.

She suggested that those who do exams should be allowed to get to the next level without scrapping away K.C.P.E exams.

She noted that examinations usually categorize high achievers and average students but the average students should not be viewed as wasted. If they could be allowed to proceed they could become good in other careers not necessarily as academicians.

Date: 15th June 2011

Member of Parliament: Hon. Millie Odhiambo-Mabona

Contribution she made on: Adoption of CIOC report on judicial nominees.

She seconded the Motion and noted that it was fortunate for her especially for her efforts in fighting for women rights for many years.

She was happy that the vetting process was transparent, open to the public and everybody was able to see and judge it.

She reiterated that the Constitution allows public participation hence there is need for a law that would spell out a very clear system to guide when and how the public can give information.
Date: 15\textsuperscript{th} June 2011

Member of Parliament: Hon. Martha Karua

**Contribution she made on:** Adoption of CIOC report on judicial nominees.

- She supported the Motion and noted the House passed the three nominees as set out by the Chair but in respect to the DPP, recommended investigations to ensure that he enters office without baggage.
- She noted that once allegations are made and are left hanging, it is bad even for the candidate because some Kenyans believe that there is something that was done.
- She added that the DPP was appointed for the whole country; not for a community or for a group of friends hence unfounded allegations should not stop somebody from assuming office.

Date: 15\textsuperscript{th} June 2011

Member of Parliament: Hon. Beth Mugo

**Contribution she made on:** Adoption of CIOC report on judicial nominees.

- She congratulated the three nominees because they deserved those positions.
- She clarified that most of the questions which were being asked bordering on the nominees’ sexual orientation were as a result of issues raised by the religious groups hence the Committee had to listen to the views from all Kenyans including representatives of the religious groups.
- She added that the nomination of the Deputy Chief Justice was a big milestone towards achieving gender equity in this country.
- She informed the Members that they received a letter from the Director of KACC, P.L.O Lumumba which cleared the DPP of corruption allegations. It stated that they had nothing that could make them stop his nomination to the position of the DPP.

Date: 15\textsuperscript{th} June 2011

Member of Parliament: Hon. Wavinya Ndeti

**Contribution she made on:** Adoption of CIOC report on judicial nominees.

**The Assistant Minister for Youth Affairs and Sports**

- She supported the motion and added that the nominees were interviewed and vetted hence should be supported.
Date: 15th June 2011
Member of Parliament: Hon. Charity Ngilu.
Contribution she made on: Adoption of CIOC report on judicial nominees.
➢ She supported the Motion as amended and was happy that the process was really participatory.
➢ She commended CIOC for their good work and noted that the country was moving to when the Judiciary is in place.
➢ She noted that it would be wrong if the House did not pass the name of Mr. Tobiko because the two Principals agreed with the names and took them to Parliament.

Date: 15th June 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Adoption of CIOC report on judicial nominees.
➢ She opposed the Motion and added that she abstained from voting because she did not see the reason to vote for or against Tobiko the proposed DPP until some issues were cleared.
➢ She informed the Members that investigations were recommended in order to give the DPP a chance to do his job at the same level as Willy Mutunga and Nancy Baraza.
➢ She noted that the amendments had not helped Mr. Tobiko because they made him make him start working on a basis of a lot of doubt.

Date: 16th June 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Vote on account
➢ She supported the motion and noted that the problems arose from the failure by the Minister of Finance to comply with the Constitution and table the estimates two months before the date when they were presented to Parliament.
➢ She hoped that once the motion was passed, the money would be put to good use and the people who are dying of hunger would be rescued.
➢ She added that water provision should be prioritized in areas where there is shortage.
➢ She noted that the allocation to the National Intelligence Security Service (NSIS), was Kshs6 billion which was not audited yet the Constitution did not exempt any single Ministry from audit.
➢ She noted that there was good allocation to the Ministry of State for Defense and urged the Commander-in-Chief to secure the borders.
Date: 16\textsuperscript{th} June 2011

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: Approval of increase of total contingent liability of government.

- She supported the motion and added that the government should invest in disaster management, disaster preparedness and the green energy, which is the alternative energy
- She urged the Ministry of Finance and especially the Ministry that would be in charge of the loans to be guaranteed by the Members so as not to allow that money to create new cartels.
PROCEDURAL MOTION

Date: 8th June 2011
Member of Parliament: Hon. Linah Jebii Kilimo

Contribution she made on: Extension of period for the select committee on resettlement of IDPs

- She urged the House to support the extension of the term of the Committee, so that they could reach Embobut Forest, where the forgotten Government Displaced Persons (GDPs) of this country are living.
- She added that the displaced persons are the people who decided to partner with the Government in the conservation of the Cherangany Water Tower but had not gone there.
- She noted that in 2009, she spent 120 days in Embobut Forest convincing her constituents to move out of the forest for the conservation of the Cherangany Water Tower.
- She added that they were on ten holding grounds they are not fed, their children do not go to school and they are hungry because they had been forgotten by the Government.
- She tabled a report that she did in 2009 with a task force that was appointed by Hon. Noah Wekesa, so that the Committee could use it to enrich their report.

Date: 8th June 2011
Member of Parliament: Hon. Bishop. Margaret Wanjiru

Contribution she made on: Extension of period for the select committee on resettlement of IDPs

- She supported the Procedural Motion and requested the Committee to come up with a conclusive report with recommendations that would bring to a closure on the subject of IDPs.
- She noted that the IDPs were increasing day by day and every day there is a new group that comes up and joins the list of IDPs from one corner of the country to the other and now there are IDPs all over the country.
Date: 8\textsuperscript{th} June 2011

Member of Parliament: Hon. Maison Leshoomo

Contribution she made on: Extension of period for the select committee on resettlement of IDPs

- She supported the procedural motion and noted that IDPs were in every part of the country
- She added that apart from IDPs displaced due to political unrest, there are others who have been displaced by cattle rustling and urged the committee to consider them.

Date: 15\textsuperscript{th} June 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: Reduction of referral period of independent offices (Appointment) Bill.

- She informed the Members that they agreed in the CIOC to push the Executive to publish the Bills on time but flexibility was needed on both sides.
- She noted that since there are many members of independent offices, delaying the Bills would mean putting them in limbo without structured terms of service.
- She pleaded with the CIOC to burn the midnight oil to produce the Report.
- She reminded the House that they had more than 20 or 30 Bills to pass and Kenyans are waiting for those Bills which will guarantee the proper implementation of the Constitution.
MOTION FOR ADJOURNMENT

Date: 16th June 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Adjournment of the House to a day other than the next normal sitting day.

- She seconded the Motion and called on the Government to ensure that there was food and water in Turkana, Samburu, Isiolo and other parts of upper Eastern and North Eastern areas.
- She requested the Executive to expedite and bring the necessary legislation for implementing the Constitution.
- She congratulated those who had been appointed and reminded Kenyans that it is their responsibility to see that proper implementation of the Constitution goes on.

Date: 16th June 2011
Member of Parliament: Hon. Dr. Joyce Laboso

Contribution she made on: Adjournment of the House to a day other than the next normal sitting day.

- She supported the motion and congratulated the Members for the sacrifices that they have made during that session including staying up to late to ensure that they pass all the Bills they had passed.
- She congratulated the Minister in charge of Finance, thanked him for the amount of money he had allocated to the Mau evictees and hoped that the money would be put in the basket it is supposed to go to so that those people are finally settled.
- She noted that education standards would not be met because the country lacks 28,000 teachers in schools.
- She noted that the Kshs6 million per constituency for the purposes of energy in the Rural Electrification Authority (REA) would not be enough.
Date: 16\textsuperscript{th} June 2011

Member of Parliament: Hon. Charity Ngilu

Contribution she made on: Adjournment of the House to a day other than the next normal sitting day.

- She supported the Motion and noted that Hon. Members had really worked hard during the Session and the Bills passed would make a difference in the country.
- She noted that the Ministry of Water and Irrigation should be allocated more resources or funds so that it can deal with the drought situation in the country.
- She noted that the Government imports food into the country every year yet we are capable of irrigating our farms.
- She suggested a move away from rain-fed agriculture and this can only be done with investments in dam construction.
- She noted that Procurement challenges in all Ministries are many and have to get real training and education for procurement officers so that they can know what is expected of them. This would also ensure that whenever there is a problem in procurement in a Ministry, it is not the Minister and the Permanent Secretary who are attacked and told to carry the blame.
MINISTERIAL STATEMENTS

Date: 2nd June 2011
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Assault upon Nigerian High Commissioner’s wife.

- She thanked the Assistant Minister for Foreign Affairs for acknowledging that domestic violence is a crime under the penal code.
- She added that the constitution provides that Kenya citizen should be protected from violence both from private and public sources.
- She urged the Government to declare the Nigerian High Commissioner persona non grata and order him to leave the country within 24 hours.

Date: 2nd June 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Assault upon Nigerian High Commissioner’s wife.

- She thanked the Assistant Minister for Foreign Affairs for treating the issue seriously and noted that domestic violence lacked serious attention from the Government and Parliament.
- She sought to find out what the government was doing to ensure her safety and treatment of the injuries since she was a state guest.

Date: 2nd June 2011
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Cattle rustling in Lobei and Kotaruk villages.

- She noted that another incident like that had happened in which the Government gave indication of the kind of measures it will put in place and sought to find out why it had happened once more under similar circumstances despite the measures put.
Date: 2\textsuperscript{nd} June 2011

Member of Parliament: Hon. Millie Odhiambo-Mabona

Contribution she made on: Misreporting of Hon. Members participation in Parliamentary proceedings.

- She noted that there was information that Hon. Waibara had never raised Questions though he had asked Questions severally in English.
- She added that the House needs to defend a Member when there is misleading information that is going out to the public.

Date: 2\textsuperscript{nd} June 2011

Member of Parliament: Hon. Rachel Shebesh

Contribution she made on: Misreporting of Hon. Members participation in Parliamentary proceedings.

- She noted that a journalist had intimated that the Member for Khwisero had never given his Maiden Speech in parliament which is a fallacy, because the Member for Khwisero had spoken and even asked Questions.

Date: 2\textsuperscript{nd} June 2011

Member of Parliament: Hon. Millie Odhiambo-Mabona

Contribution she made on: Business for the week commencing 7\textsuperscript{th} June 2011

- She asked the Deputy Leader of Government Business to explain why the Cabinet could not sit until midnight just like the Members of Parliament do.
- She asked why the Cabinet could not cancel their international trips just like the Members had done so that they could implement the Constitution.
- She added that the Constitution was very clear and any nominations should be done openly, transparently and with accountability to the people of Kenya.
- She added that she supported the nominations of Dr. Willy Mutunga, NancyBaraza and Keriako Tobiko but the issues that people have against them should be dealt with publicly.
- She added that Article 10(2) of the Constitution states that “The National Values and Principles of Governance include; patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people.”
Date: 9th June 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Burglary in the offices of the Kenya Alliance of Residents Association.

- She was concerned that the Assistant Minister of state for Provincial Administration and Internal Security was convinced that there are investigations which can show that it was an ordinary crime yet investigations had not led to the arrest of.

Date: 15th June 2011
Member of Parliament: Hon. Prof. Margaret Kamar
Contribution she made on: Mining activities in Bura.

- She answered that on 10th and 11th May, 2011, a delegation from the Ministry, led by her and which included the Permanent Secretary, the Director, Compliance, from NEMA and other officers of the Ministry, visited the site to ascertain the actual status on the ground.
- She added that during the visit it was established that there was environmental degradation associated with failure to rehabilitate exhausted mine pits.
- She added that they visited three sites in Nangini Location and another two sites in Bangali area which were under Amca, Ardhi Stores, Yemata and Wakasha mining companies.
- She added that after consultation with the Minister for Environment and Mineral Resources, he directed that all mining activities be stopped and rehabilitation commenced. Based on that directive, the Director of NEMA issued stop orders to the eight companies which were operating in Bura on 18th May, 2011.
- She added that the stop orders required the companies to meet the following conditions:-
  (a) Carry out environmental impact assessment for the new mining sites and where Environmental Impact Assessment (EIA) license had been obtained the license conditions be strictly adhered to, in accordance with Section 58(1) of the Environmental Management and Co-ordination Act of 1999 and the EIA Regulations of 2003.
  (b) The companies rehabilitate the abandoned excavated sites, in accordance with the Environmental Management and Co-ordination Act, 1999, Part 9, Section 108(2) and the
Mining Safety Regulation 6(1) to the satisfaction of the District Environmental Committee and NEMA.

(c) The companies should also fence off the disused excavations, in accordance with Mining Safety Regulation 4(1), parts (a) and (e); the rehabilitation exercise is meant to safeguard the local communities and their animals from any risk.

(d) The companies should erect beacons bearing the details of the company and all relevant license numbers at the sites, in accordance with Mining Safety Regulations 23, so that when you visit the site, you know which company is holding what license.

(e) Upon accomplishing the aforementioned requirements, the companies should undertake and submit EIA reports, accompanied with comprehensive and implementable Environmental Management Plans.

- She added that the Commissioner of Mines and Geology had suspended the mining licenses in accordance with Section 22 of the Mining Act and the notices were served on the affected companies in the same week.

- She informed the Members that one defaulter, M/s Ajir Birir, who was found disobeying the orders on 29th May, 2011 by ferrying six lorries of gypsum stones was arrested and taken to court on 30th May, 2011 and took a plea of not guilty. The matter was fixed for hearing on 1st May, 2011 where he pleaded guilty to the charges and fined Kshs50,000 or six months imprisonment by the Hola Resident Magistrate’s Court.

- She added that the gypsum material, which was about 135 tonnes, was forfeited to the State and NEMA was asked to dispose of it. It was ordered stored at Hola Police Station, where it was off-loaded.
POINTS OF ORDER

Date: 14th June 2011

Member of Parliament: Hon. Shakila Abdalla

Contribution she made on: Procurement of consultants on Lamu Port project.

➤ She asked the Minister for Transport whether there was a budget for the project because it seemed to take long to award the tender is too high.

➤ She noted that the Government cannot commit itself to a certain project and then withdraw midway.

The House was adjourned until Tuesday, 19th July, 2011, at 2.30 pm