Date: 11th November 2009

Motion: Adoption the report on the 11th session of the Pan- African Parliament

Member of Parliament: Hon. Racheal Shebesh

She moved that the house adopts the Report of the 11th Session of the Pan- African Parliament (PAP) held from 18th - 29th May 2009 in Midrand, South Africa laid on the Table of the House on Thursday, 4th June, 2009 on behalf of the leader of the delegation to the PAP, Mr. Gitobu Imanyara.

She identified the members of the Pan African Parliament from this house as Hon. Abdul Bahari, Hon. Gideon Mung’aro, Hon. Musa Sirma and Hon. Rachel Shabesh.

She further explained that the PAP is established in the protocol of the treaty establishing the African Economic Community (AEC). The Article of the protocol provides member states to establish a PAP whose composition, functions, powers and organizing shall be governed by the present protocol.

The Report of the PAP deals mainly with two issues. It deals with the election of the Bureau of the PAP to being a legislative body.

She also stated that she would begin with the election of the new Bureau of the PAP. A Bureau was elected and the following are members:-

i) President of the PAP, Hon. Dr. Idris Ndelemusa of Chad
ii) First Vice- President, Hon. Bethwel Amadi of Nigeria
iii) Second Vice- President, Hon. Mary Mugenyi of Uganda
iv) Third Vice President, Hon. Larusi Hamy of Algeria
v) Fourth Vice-President, Hon. Jorum McDonald of Zimbabwe

➢ These elections are meant to demonstrate the harmony of the regions that constitute the African continent.

➢ She mentioned the transformation of the Pan- African Parliament into a legislative body was the most fundamental matter. In the spirit of Pan- Africanism, it is important for us to note that Africa is becoming more and more in need of an African voice and position on issues that are critical to its growth. As an organ of the African Union (AU), the Pan- African Parliament (PAP) needs critically to be transformed into an organ that adds value to the African Continent in the matter that our National Assemblies add value to our governments. That is why during that Assembly, there was a suggestion of the review of the protocol and the functions and powers of the PAP. This is because we believe that if the PAP were given legislative authority on some critical issues in Africa, we would
be able to deal with the conflicts that come up, human rights and people’s dignity, promotion of
good governance and rule of law, gender equity and other issues that we feel that, as Africa, we
must speak in one voice. We have just been speaking about the issue of climate change. The issue of
environment for Africa, as we know, acts across the borders.

- In continuation, she stated that the adoption of this Report, the PAP delegation would like to ask for
  support from this House, as the Kenya National Assembly, to the PAP, so that it can be vested with
  legislative powers. These powers will allow us to pass laws that can transcend African states and
  members. This cannot be possible if the Members of the PAP also are not elected in a way that gives
  proper representation of the African People. Again,, we are, therefore, recommending that an
  electoral college, so that they are more committees towards the work of the PAP, rather than
  serving two bodies like we are doing right now, where our National Assembly is represented in the
  PAP. Those were the two key issues that were addressed.
- She stated that the most fundamental was the spirit of Pan- Africanism and the transformation of
  the AU towards us becoming a united states of Africa and the steps that must be taken. Therefore,
  we ask for the support of this Report as members of the PAP, because we believe that it is
  paramount for us, as African Continent, to move towards becoming one Africa, one voice and one
  people. That can only be achieved through legislating laws that cut across borders.
- In this respect she requested Hon. Mr. Sirma to support this motion.
- She informed the house that the award she had receive d was on her contribution to the issue of
  climate change and that the correct title was “The UN Champion for Disaster- risk Reduction in
  Africa”. At this point, she said that it was through this championship and the kind of work that we do
  at the PAP that Kenya can benefit from the kind of negotiations that are going globally. One of the
  pilot projects that she had been allowed to bring to Kenya as a direct result of her role as a UN
  Champion is a water harvesting project. If we harvest rain water in this country, we would not have
  water shortage. The UN agreed to pilot a project of water harvesting in the region around Kisii
  District.
- She mentioned that it was important for us to recognize and appreciates the UN for not only
  honoring Kenya, but also allowing to pilot a project that would be an example to other Africans on
  how to harvest water to deal with the problems of climate change.
- She also mentioned the issue regarding the removal of Mr. Werunga who was a Clerk of the Pan
  African Parliament. She stated that he was now before the African Court of Justice which will look
  into his removal because the Kenyan delegation to the PAP was not happy with the way he had been
  treated.
- She expressed concern that Kenya was lagging behind on dealing with African issues. She stated that
  Kenya seemed to be reluctant and countries that were not even comparable to Kenya were taking
  the lead. As honorable members supporting the adoption of this Report would be the only the only
  way that Kenya’s contribution would be felt. As a country we would be able to raise critical issues
  such as the Somalia issue.
- She concluded by thanking the members of the House and urging for their support in pushing the
  motion through.
Date: 11th November 2009
Motion: Adoption of Sessional Paper No. 2 of 2009 on National Policy on Older Persons and Aging
Member of Parliament: Hon. Professor Margaret Kamar
➢ In support of this sessional paper she acknowledged that the policy was going to facilitate the enjoyment of quality of life before and during old age.
➢ She cited one of the objectives in her conclusion as being of utmost importance that being of providing shelter to the elderly. She also stated in her conclusion that the Ministry should maintain a feeding programme and that the elderly should in fact be members of the National Hospital Insurance Fund (NHIF) so that they can get medical cover within the package offered.

Date: 11th November 2009
Motion: Adoption of Sessional Paper No. 2 of 2009 on National Policy on Older Persons and Aging
Member of Parliament: Hon. Kilimo Linah
➢ She congratulated the Minister for Gender, Children and Social Development and her staff for coming up with the motion.
➢ In her support for the motion she noted that it was becoming difficult for the working class to save for themselves, family and ageing parents. This motion would help relieve the burden of having to support ageing parents who always fall sick.
➢ She also considered the rate of unemployment in the country where most youth are employed as casual laborers. It is embarrassing to think that those who have worked so hard to pay taxes in this country and contribute to the GDP, when they retire, they are given a jembe and a spade. It is a shame. This would be the best gift for them after working for so many years.
➢ She stated that all members of the House were aware that whether employed or not all pay VAT which is mostly used for development. She urged the government to save some percentage of this to take care of these elderly people. She also suggested an increase in funds from National Social Security Fund (NSSF) knowing that, at the end of the day, people must be supported in their old age.
BILLS

Date: 10th November 2009
Legislation: Proceeds of Crime and Anti-Money Laundering Bill
Member of Parliament: Hon. Racheal Shabesh

- In support of the proposed bill she stated that the reason why she did so was because she spoke on behalf of the African Parliamentarians Network Against Corruption (APNAC).
- She also stated that as a member of APNAC she felt embarrassed to sit amongst other states and listen to delegates from many countries that have passed these kind of laws, when Kenya sits back and speaks of its commitment to fighting corruption without putting laws and legal systems in place that would show our commitment.
- She also spoke on behalf of the Pan-African Parliament (PAP) stating that as a country we need to condemn piracy and its proceeds. She went further to say that as a continent we have failed on the issue of the failed state of Somalia. We cannot have a failed state next to you and continue to hope that your country will go scott-free.
- The Honorable Member went further to explain that the reason why piracy is so rampant in Somalia is because the youth are idle and propagated by lack of a stable government.
- She criticized the Ministry of Youth Affairs by stating that the Youth Enterprise Development Fund was failing. There is no point of having a ‘Kazi Kwa Vijana’ Programme that was failing. The government must endeavor to create employment for the youth otherwise our prisons will be filled with young people who lack jobs. The government’s commitment on the fight against corruption will only be seen if the Government works together and not at variance.

Date: 11th November 2009
Legislation: Compliance with Persons with Disabilities Act
Member of Parliament: Hon. Racheal Shebesh

- She confirmed that the Ministry of Gender, Children and Social Development has obtained waiver on all equipment used by schools and councils.
- She however wanted to know if the Assistant Minister was aware that schools that provide education to children with special needs were in dire need of equipment.
- She also stated that the schools and councils that the Assistant Minister was talking about had not yet felt the effects of this waiver because it still had not been implemented.
Date: 18th November 2009  
Legislation: Constitution of Kenya (Amendment) Bill  
Member of Parliament: Hon. Racheal Shebesh  

In support for this bill she raised the following concerns:

- During the post election violence, women were grossly affected. They had been sexually violated and some of them ended up contracting HIV/AIDS or ended up pregnant. There is a report that was compiled by women organizations under International Federation of Women Lawyers (FIDA) and CREW. The report shows clearly the injustices that women suffered during the time. The question we have asked many times is: If we do not set up our own mechanisms to deal with this issue, how will these women ever get justice?  
- She felt disappointed by the coalition government. This is a government constituted by the goodwill of Kenyans because it promised that it was going to put aside its differences for the sake of Kenya. It is obvious that they put their differences aside for their own sake. If, indeed, it was for the sake of Kenya, this issue would not have dragged on this much. We would not be in the second year of operation still delaying with the issue of post-election violence and never seeing closure. The Government, therefore, must be called out and informed that it has acted irresponsibly. It must tell us whether we are seeing now is what we will see in 2012. Is this what they are promising Kenyans? Are we going to experience the same violence we experienced in 2007 come 2012? We have neither seen commitment from the line Ministries nor the two principals.  
- If we are going to be honest, let us stop shifting goal posts ever time whenever, for us, it is political expediency.  
- It is important that the ICC process continues since the country is a signatory to the Rome Statute. However ICC will not solve our problems forever. It is important to show that Kenya can handle its own problems.  
- Women will not get justice in any way other than through a local process.

Date: 25th November, 2009  
Legislation: The Price Control (Essential Commodities) Bill  
Member of Parliament: Hon. Millie Odhiambo’s  

- She began by congratulating Eng. Maina for bringing the time Bill.  
- She expressed her hesitation at blanket price control as it would stifle investment which increases the poverty levels more so feminized poverty.  
- This would help the country to deal with and realize our Millennium Development Goals (MDGs) No.s 1, 4 and 5 on poverty eradication, child mortality and maternal mortality. However the Hon. Member may need to look at Article 4A. We need to think through it again as it has a potential for bringing inequalities if we go about giving different prices by regions.  
- She wished that certain regulations could be encompassed within it, so that we do not give room for manipulation. If you look at the Harmonized Draft Constitution, you will see that it looks into the issue of third generation rights, which we also refer to as economic rights. One of the ways of
actualizing these rights is through systems like the one proposed in this Bill. One of the challenges that have been raised over the issue of economic rights is that it becomes very difficult to actualize them. It becomes very difficult for the Government to actualize the right to food for its citizens. So, this is one of the ways through which the Government can actualize the right to food for its citizens.

Date: 25th November, 2009  
Legislation: Pensions (Amendment) Bill  
Member of Parliament: Hon. Millie Odhiambo  
- She wanted the Minister to specify how the Bill if passed would lead to the creation of a further charge to the Consolidated Fund of pensioners. She explained that this would not be possible as these are funds that the government already had.

Date: 26th November 2009  
Legislation: Amendment to the Finance Bill  
Member of Parliament: Hon. Ms. Karua  
- She stated that she would support the amendment about counterpart funding, et cetera. The clause stated that 22 percent would be going to the constituency and 68 percent remaining with the government. She stated that if the government intended on affirmative action there was enough money to do so. If the government had not in the past carried out affirmative action on these funds the next time to debate on the same was here. She wanted to see how far the government would go in regard to rural roads with the formula proposed for the next year.
QUESTIONS

Date: 10\textsuperscript{th} November 2009
Question raised by private notice: the disappearance of Ms. Assunta Wanjiku Gichuki
Member of Parliament: Hon. Martha Karua

- The honorable member asked the Minister of State for Provincial Administration and Internal Security to explain what the government is doing about the disappearance of Ms. Assunta Wanjiku Gichuki of Kibingo in Kerugoya Kutus Constituency who was taken away from her house by vigilantes on 11\textsuperscript{th} of June 2009.
- She further inquired what other serious investigations had been carried out by the police other than the discovery of motor vehicles alleged to have been used in the crime.
- She also demanded to know the source of the Assistant Minister’s information that the woman in question had been found and yet the relatives still claimed that she was missing.

Date: 10\textsuperscript{th} November 2009
Question on Delayed Payment of Dues to Lari Dairy Farmers:
Response by Hon. Linah Kilimo

- There are three (3) dairy co-operative societies in Lari Constituency which are owed Kshs. 4,110,511 by Westlands Dairy Limited, a private milk processor. The amount is still outstanding because Westlands Daily Limited was put under receivership and subsequently sold to a second owner.
- The 3 dairy co-operative societies (ie) Kirita, Gatamaiyo and Kinale Dairy Farmers Co-operative Societies, owed money by Westlands Dairy Limited were advised to seek legal redress because the contract was between the cooperative societies and a private entity.
- She further explained that the Ministry of Co-operative Development and Marketing comes in only when it is Westlands Dairy Limited who has not paid money to its suppliers.
- In reference to the other 31 farmers who had supplied milk to Westlands Dairy Limited who the Honorable Member is referring to should seek legal redress. They should see the Attorney General in this regard. Her Ministry only deals with Co-operative Societies.

Date: 11\textsuperscript{th} November 2009
Contributions made on the question of Climate Change raised by the Prime Minister
Member of Parliament: Hon. Rachael Shebesh

- She cited the example given by the Prime Minister on the commitment demonstrated at the Copenhagen by the Cabinet of Maldives on combating climate change.
She wanted to seek clarification from the Prime Minister on what tangible commitment the Kenyan Government has put in place regarding the issue of afforestation, other than waiting for donor support.

**Date: 11\(^{th}\) November 2009**

**Question: Contribution on the question of Climate Change**

**Member of Parliament: Hon. Amina Abdalla**

- She was making a follow up on Hon. Dr. Khalwale’s question regarding the payment by those nations enjoying the services provided by the waters of River Nile. This is in conformity with asset base conservation where the users of a conserved resource pay the person doing the conservation. Since the Prime Minister said that we should be compassionate to those countries that are benefitting from the Nile Basin, especially those in the north, what is he doing to ensure that those countries are compassionate in renegotiating the Nile Treaty?

**Date: 11\(^{th}\) November 2009**

**Statement on the Rising Insecurity in the Country**

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

- She requested a Ministerial Statement from the Minister in charge of internal security in the state of security in Nairobi and countrywide in view of the recent incidents.
- She cited one the incidents referred to as one being the execution of Mr. Gitau Njuguna in a busy Nairobi Street which she had been informed had CCTV cameras. Mr. Gitau had been executed on the 5\(^{th}\) of November 2009 in broad daylight.
- She was also seeking information about the many kidnappings in Nairobi. He should also spell out the measures, if any, the Government is taking to make Nairobi and the country secure for all Kenyans. He should also confirm whether the dreaded Kwekwe Squad, was in fact disbanded as the Minister had promised Parliament.

**Date: 11\(^{th}\) November 2009**

**Contribution on the Saga surrounding the Management of the Youth Enterprise Development Fund (YEDF)**

**Member of Parliament: Hon. Wavinya Ndeti**

- She notes the importance of critical situation and cultivating interest in the fund of most Kenyans and promised to give a statement next week Wednesday regarding the above raised by Dr. Laboso.
Date: 11th November 2009
Contribution made on the issue of a qualified County Clerk for Kirinyaga County Council
Member of Parliament: Hon. Martha Karua:
- She wanted to seek clarification from the Deputy Prime Minister and Minister of local Government Hon Mudavadi whether it is true that under the stewardship of Mrs. Maino, Kirinyaga County Council has been one of the better run councils.

Date: 11th November 2009
Question: trial of suspected Somali pirates in Kenya:
Member of Parliament: Hon. Racheal Shebesh
- She wanted to know from the Assistant Minister of the Ministry of State for Provincial Administration and Internal Security Mr. Ojode what benefits, in terms of financial assistance, Kenya was getting to be able to shoulder the burden of prosecuting pirates operating in international waters instead of using taxpayers’ money to do this work for other countries.

Date: 12th November, 2009
Questions: on the Irregular sale of Government Houses
Member of Parliament: Hon. Peris Chepchumba
She asked the Minister of Housing the following questions:
- Why were several Government Houses meant for junior employees sold to senior officers?
- What steps are being taken to ensure that the irregularly sold houses are restored to their rightful owners?
- Why the Minister had decided to repossess a few high grade houses meant for senior civil servants and ignored the junior staff?
- Is it rational to sell houses in Nairobi which are termed to be non-strategic as per the Minister and yet the demand for these houses is high in this City?

Date: 17th November 2009
Question by Private Notice: The Allocation of Relief Food to Samburu District
Member of Parliament: Hon. Dr. Naomi Shaban
She went on to explain the following:
- The following beneficiaries received relief food in Samburu East, through the Emergency Operation Programme (EOP); that is in Wamba Division, 20,413 and Wazo Division, 8,716. That is an average of 70% of the population. In addition, the Government provided relief food allocation through the District Commissioners (DCs). Samburu East District was given relief from April to October, 2009, as shown.
o She further explained that the total of 10,980 bags of 90 kilograms of maize, 1,300 90 kilogram of beans, 1,400, 50 kilograms of rice and 800 cartons of vegetable oil had been disbursed. The total amount of money which has been disbursed to date in that area for AIE for transportation is Kshs. 1,050,000. The grand value of the food that has been given in Samburu East through the general food distribution by the Government from April to October, 2009, is a total of Kshs. 42,538,400.

- No location has been missed out on food allocation for the last six months. Ngare Narok, Ndonyo-Wasin, Uaso West and Engile Central have all been receiving food every month and will also get more this month.
- As indicated no location has been left out during food distribution, as all of them face similar conditions of drought and, therefore, deserve assistance. All locations received the August, 2009, allocation.
- The District Food Distribution Committee is chaired by the District Commissioner. The relevant heads of departments, chief, and councilors are members of this committee. The Committee has always been operational and is very useful in ensuring timely and fair distribution of food and proper targeting of beneficiaries.

o She reminded the House that the Members of Parliament are supposed to be members of the District Steering Group. Because we do not have people who are working at the grassroots from the Ministry of Special Programs, we work through the provincial administrators.

Date: 12th November 2009

Question No. 392: Unpaid Dues to Suppliers under the Operation “Rudi Nyumbani” Programme

Member of Parliament: Hon. Dr. Naomi Shaban

➢ She said that she was not aware of any contract between her ministry and NGOs on construction of houses for IDPs under the Operation Rudi Nyumbani Programme. Therefore, her Ministry does not have powers to force and NGO to comply with the agreements they entered into with their suppliers.

➢ She also explained on the issue regarding the IDPs who had been chased from their homes during the post-election violence. She explained that they were regarded as integrated since they were living with their relatives. The Ministry had started rolling out government support. Some had already been paid but others were still waiting for their payments. However, the process is taking rather long between our Ministry and Central Bank. But the exercise would be completed soon.
She also stated that the Ministry would not be accepting any new lists of IDPs from whatever source.

She gave an explanation as to the role of the Ministry and that of NGOs in the resettlement of IDPs. She requested the MP of Molo constituency to give details of the NGO Hope Africa Initiative which he had stated as doing a very good job in the area. She stated that her only involvement was ensuring that all the IDPs had entered the 500 houses that had been completed.

Date: 18\textsuperscript{th} November 2009

QUESTION: On Extractive Industry Transparency Initiative

Member of Parliament: Hon. Shakilla Abdalla

- Whether he could confirm the existence of a reputable international body Extractive Industry Transparency Initiative (EITI), that encourages, governments to disclose revenues received from mineral exploration; and
- What steps has he taken to ensure Kenya joins the body and domesticate the instruments governing its operations?
- When will the government fully commit the implementation of EITI?
- Has the ministry fully cost work plan which have been published and widely available, containing measures, targets and time table of implementation and the assessment of capacity constraints?
- She noted that countries with rich natural resources always have conflict problems. The implementation of EITI is a very bold move to avoid such conflict in the future in terms of resources.
- She also raised a point of order, stating that there were 30 countries already Tanzania being one of them, which is on the validation process.

Date: 19\textsuperscript{th} November 2009

QUESTION No. 473: Resettlement of IDPs in Kyeni Forest

Member of Parliament: Dr. Naomi Shaban

- She stated that she was unaware that there were thousands of IDPs who have been camping in the Kyeni Forest, Gatundu North constituency for 17 years following the 1992 post election violence.
- She also stated that her Ministry had not taken any action towards resettling the said IDPs. The mandate of the Ministry in resettling IDPs is limited to those affected in the 2007 post-election violence after Legal Notice No. 11 of 30\textsuperscript{th} January, 2008.
- She further stated that her Ministry lacked reports of IDPs affected by the 2007 post election violence from Gatundu North constituency. All registers of IDPs were closed on 30\textsuperscript{th} December 2008.
- She stated that it was important for the other Honorable Members to know the procedure which is to be followed. The procedure is not for Honorable members to come up with lists and take them to their offices. The exercise was supposed to have ended in September 2009 but the duration was extended within which the lists would have been brought to her office by 3 months.
She said that Honorable Members were free to bring documents to the House and table them. However, the procedure for bringing registered lists to the Ministry has to be followed. MPs were not tasked to be provincial administrators or not, it was not her duty to go there to collect it. She gave an extra time of three months for provincial administrators to deliver the list to her office. It is not fair to be brought to her one and a half years later and she did not even know how it was manufactured.

She indicated that she had however been providing food to people in Gatundu as she did all over the country but retarated that she was never made aware of the IDPs in the said region.

She informed the House that the verification exercise had taken place for 6 months starting July, 2008 to the end of the year. Also, all genuine registers had been counter- signed by two persons namely, the area District Commissioners (DCs) and the Ministry’s coordinators in those districts.

The register that had been tabled from Gatundu did not have any signature from any area coordinator and some politicians were formulating registers which included names of their campaigners.

She pointed out that resettlement of IDPs was taking longer because of political interference. She requested Members of the House to live her Ministry alone so that they could work.

Date: 19th November 2009
QUESTION No. 473: Resettlement of IDPs in Kyeni Forest
Member of Parliament: Hon. Millie Odhiambo

She suggested that the question be deferred to give the Minister time to verify the information presented on the document tabled in the House rather than continue discussing an issue that had not been confirmed.

Date: 24th November, 2009
Question 535: Cholera Outbreak due to Water Shortage
Member of Parliament Hon. Sophia Abdi Noor

She sought a ministerial statement from the Vice- President and Minister for Home Affairs on the situation at Kamiti Maximum Prison, following the outbreak of cholera and death in the facility.

She also wanted to know how many inmates have lost their lives, how many were in serious condition and what is the root cause of the outbreak.

Date: 26th November 2009
Question 575: Cholera Outbreak at Kamiti maximum Security Prison due to Water Shortage
Member of Parliament: Hon. Sophia Abdi Noor

She thanked the Vice president and Minister of Home Affairs for giving feedback on the measures they had made Cholera outbreak in Kamiti prison.

She however wanted to know what other measures the ministry had taken that were long term to prevent such a disaster from taking place in our prisons.
She stated that the hygiene levels were wanting and the sanitation was poor.
STATEMENTS

Date: 24\textsuperscript{th} November 2009
Ministerial Statement on: Rising insecurity in the country
Member of Parliament: Hon. Martha Karua

- She sought a Ministerial statement from the Minister of State for Provincial Administration and Internal Security on the death of Njuguna Gitau on the streets of Nairobi, murder of very many young men especially in the Mt. Kenya region and the general rise in insecurity in the country.
- The Minister had failed to provide information on the number of executions in Nairobi from January to November. She wanted to know when the Minister would avail the information.
- She however saluted the Minister for admitting that the police needed reforms. She therefore wanted to know when these reforms would be carried out. Could the minister begin by making every police officer accountable for their actions? She wanted the Minister to draw his attention to the fact that people were being killed in the city like flies.
- She acknowledged that the minister had provided the names of only prominent persons who had been executed. What she wanted however was the number of all Kenyans who had been killed.