Questions

Date: 5th September 2012
Member of Parliament: Hon. Beth Mugo
Contribution she made on: Lack of Scheme of Service for Community Health Workers

She responded to the question by Hon Cheruiyot by stating the following

a) That there was no established scheme of service in the Civil Service for Community Health Workers (CHWs).
b) Her Ministry had considered developing a remuneration structure and scheme of service for CHWs and found the following challenges that had to be addressed first
i) Increasing the number of CHWs required for countrywide coverage from the current 320,000.
ii) Training of the CHWs for effective and efficient service delivery and facilitated in terms of transport and paid other benefits payable to civil servants such as medical allowance, commuter allowance, pension or gratuity which would further escalate the costs

c) The Government had not hired CHWs in any part of the country. However, my Ministry employed ten Community Health Extension Workers (CHEWs) per constituency during the second phase of the Economic Stimulus Programme (ESP) to work with communities at the constituency level. CHEWs that were recruited consisted mainly of persons with basic training in health related disciplines.

Date: 5th September 2012
Member of Parliament: Hon. Maison Leshoomo
Contribution she made on: Lack of Scheme of Service for Community Health Workers

She asked the Minister for Public Health and Sanitation the following question:

a) To ensure that the ambulances and motorbikes provided for the community health workers are handled properly and people are not charged to use them and added that people were being asked to donate money top fuel them before they can be rushed to hospital.
Date: 5th September 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: Status of Construction of Tigoni-Kabuku Road

She asked the Minister for Roads the following question:

a) Clarify his earlier statement that his Ministry was making attempts at ensuring quality control especially in places like Mbita - Homabay Road which was taking too long to be completed.

Date: 5th September 2012  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: Criteria Used for Appointment of County Commissioners

She asked the Minister for Public Service the following question:

a) Whether he could provide a list of all administrative officers, both in the field and those in central Government from Job Group N to R indicating each officer’s job group and also disaggregate it by gender;  
b) Whether he is aware that in the appointment of the 47 County Commissioners, senior officers were left out in favor of junior ones; and,  
c) What criterion was used in appointing the County Commissioners

Date: 6th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Sacking of Ms. Alice N. Marui

She asked the Minister of State for Public Service the following questions:

a) Whether he was aware that Ms Alice Njeri Marui (ID No. 24962166) was appointed as Adult Education Teacher II in July 2010 and terminated in September 2011 in unclear circumstances; and,  
b) What were the reasons for the termination and why her appeal has not been finalized

Date: 6th September 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: Provision of Allowances to Beach Management Units

She asked the Minister for Fisheries Development the following questions

a) What facilities or support the Government provides to officials of Beach Management Units (BMUs) in view of the role they play in supplementing Government services in the provision of security and maintenance of law and order; and
b) If the Government could consider paying allowances to officials of BMUs to enable them discharge their roles effectively

Date: 9th September 2012  
Member of Parliament: Hon. Wavinya Ndeti  
Contribution she made on: Beneficiaries of YEDF Money Disbursed to Keiyo South Constituency

She responded to the question by Hon Kiptanui by stating the following:

a) The Ministry has so far disbursed a total of Kshs5,905,000 to 147 youth enterprises in Keiyo South Constituency through the YEDF. Of this amount, Kshs3,180,000 has been disbursed to 64 youth groups while Kshs2,725,000 has been disbursed to 83 individuals who have graduated from group loans. An additional Kshs10,647,858 has been disbursed to 594 youth enterprises in Elgeyo Marakwet County through financial intermediaries in partnership with the YEDF.

b) A list of all beneficiaries in the constituency indicating their respective locations is herewith attached. She further stated that they provide marketing and linkages to support the youth enterprises as well facilitating commercial infrastructure for the youth enterprises. We also facilitate youth to gain employment abroad.

c) The requirements for youth to get the funds from the YEDF in every constituency are as follows:
   1. They must come as a group.
   2. They must write a business proposal, of which our youth officers normally help them out with.
   3. They must submit the business proposals to the ministry.

Date: 12th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Irregular Allocation of Land to Church by Nairobi City Council

She asked the Minister for Minister for Local Government the following questions:

a) Whether he was aware that the Nairobi City Council irregularly allocated Block 107, Plot No. 384 in Umoja II earmarked for a social hall to a church; and,

b) What he was doing to ensure that both the law and City planning regulations are followed.

Date: 12th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Shortage of Clean Drinking Water in Kargi Location

She asked the Minister for Minister for Water and Irrigation the following questions.
a) What the Ministry was currently doing considering it had been known for a while that the water in Kargi is not only saline but also previously has had toxic results and killed.

b) If it was possible for the Minister to pipe the water from the boreholes at Kargi since they yielded clean and residents of Kargi can have clean drinking water

Date: 12th September 2012  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: Shortage of Clean Drinking Water in Kargi Location

She asked the Minister for Minister for Water and Irrigation the following questions

a) Whether she could clearly state if there was a possibility of connecting the drinking of that water with the rising cancer cases that were on the increasing in this area and that affected at least 34 people.

Date: 19th September 2012  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: Protection of Nairobi City Council Property from Imminent Disposal

She asked the Minister for Minister for Local Government the following questions

a) Whether he was aware of the planned disposal of land and property belonging to the Nairobi City Council, in particular land meant for fire stations;
b) Whether he could also provide a list of land and properties currently owned by the Council; and,
c) Whether he could inform the House what plans the Ministry has to ensure that properties owned by the Council are secure as the country moves to the devolved governments.

Date: 19th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Beefing Up Security between Pokot/ Turkana Border Areas

She asked the for Minister of State for Provincial Administration and Internal Security the following question

a) What measures he was taking to improve Security in the country and especially on the borders between communities that have a history of recurrent hostilities such as the Pokot/Turkana border and in other areas with similar challenges.
Date: 20th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Rehabilitation of Ortum-Kainuk-Lokichar-Lodwar Road

She asked the Minister for Roads the following question

a) What criteria the Ministry uses to prioritize rehabilitation of roads in the country
b) Whether he was aware that Ortum-Kainuk-Lockichar-Lodwar road is in a deplorable condition; and,
c) When the road will be rehabilitated.

Date: 25th September 2012  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: Issuance of Identity Cards to Youths in Garissa County

She asked the Minister of State for Immigration and Registration of Persons:-

a) Why it is so difficult for youths in Garissa County to be registered and issued with National Identity Cards;
b) Whether he could provide a per constituency list of people issued with National Identity Cards in Garissa County since 2010; and,
c) How many people have applied for the document and are yet to be issued with it and what measures he is taking to reach the youth who have attained 18 years in the county.

Date: 26th September 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: Upsurge of Suicide Cases among Youth

She asked the Minister for Youth Affairs and Sports:-

a) Whether the Government is aware of the rising cases of suicide by young people in the country,
b) What are the root causes of such incidents; and,
c) What measures the Government has taken to contain the rising cases of suicide among the youth and what psycho-social support mechanisms are availed to the families affected.

Date: 26th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Electrification of Sook/Lokori Markets

She asked the Minister for Energy the following question
a) Whether he is aware that Sook Market in Kapenguria Constituency and Lokori Market in East Turkana are not connected to electricity; and,
b) What plans the Ministry has to ensure that these centers and other town centers in the country are connected.

Date: 26th September 2012
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: Electrification of Hulugho District

She asked the Minister for Energy the following question

a) Whether he is aware that KenGen under Rural Electrification Programme constructed and completed a power station at Hulugho District in 2009 but the project was not operational, and;
b) When Hulugho District will be connected with electricity.
ORAL ANSWERS TO QUESTIONS

Date: 5th September 2012
Member of Parliament: Hon. Charity Ngilu
Contribution she made on: Expenditure on Water Service Boards For Urban Water/Sanitation Projects

She responded to the question by Hon Duale by stating the following

a) That the amount of money allocated by the Water Service Trust Fund (WSTF) to all the water service boards for urban water and sanitation projects since 2008 is Kshs1,992,021,829. She went on to state that the funds were part of the US$20 million provided by European Union (EU) and Kreditanstalt für Wiederaufbau (KfW) through a bilateral agreement for the period 2008-2014.

b) The criteria used by the Fund to disburse funds for urban water and sanitation projects throughout the country are also as follows

1. Licensed water service providers had to participate in a call for proposals which involved the following steps:
   - They go through invitation, which is done through the newspapers by advertising.
   - Then they submit proposals for funding after every six months. Here she added the water service providers submit proposals through a standard form, which was available within the water services boards and the WSTF website also.
   - They are then given 90 days to prepare the proposals and the proposals are submitted through the water services boards, which is then recommended and forward them to WSTF.

2. The WSTF evaluates the proposals based on the criteria of current water situation, effectiveness of the proposed intervention, documentary evidence of involvement of beneficiaries, the expected impact, implementation capacity and the performance of the water service provider in the previous funded projects.

Date: 12th September 2012
Member of Parliament: Hon. Charity Ngilu
Contribution she made on: Shortage of Clean Drinking Water in Kargi Location

She responded to the question by Hon Lekuton by stating the following

a) She was aware that there was shortage of clean water for drinking in Kargi Location in Loiyangalani District and shortage is mainly due to limited water resources and the erratic nature of the rainfall in this area.
b) She was also aware that the ground water from boreholes in this region is very saline.

c) Her Ministry, through the National Water Conservation and Pipeline Corporation (NWCP) would develop large size pans and dams in flood channels and drill more boreholes after conducting feasibility studies for ground water development away from the centre, at least 10 to 15 kilometers, towards the expected recharge zones as boreholes away from the centre have yielded water of good quality. She added that towards this end, her Ministry, through the Northern Water Services Board (NWSB), had set aside Kshs30 million for construction of two pans and drilling of two boreholes in this current financial year.
QUESTIONS BY PRIVATE NOTICE

Date: 5th September 2012  
Member of Parliament: Hon. Peris Chepchumba  
Contribution she made on: Award of Tender to EIM/TBM for Automation of Business Processing Protection Fund Board

She asked the Minister for Finance the following Question, by Private Notice

a) Whether the Minister could provide the tender documents for the supply and installation of information systems to support the automation of Business Processing Protection Fund Board sponsored by the World Bank?
b) Why the Ms Enterprise Information Management (EIM) and Ms Trans Business Machines (TBM) were awarded the above tender despite being the highest bidders and tendered for Lot 1-Enterprise Resource Planning System Integrated to Document Management and Electronic Workflow System and left out the other three (3) Lots

c) If the Minister could confirm that the directors of the two companies colluded with officers from the Deposit Protection Fund (DPF) and defrauded the Government of over Kshs.70 million in the whole process

Date: 20th September 2012  
Member of Parliament: Hon. Charity Ngilu  
Contribution she made on: Averting Imminent Crop Failure in Bura Irrigation Scheme

She responded to the question by Hon. Dr. Nuh by stating the following

a) She had not given the Member a written answer because she got the Question late this morning but stated the following

i. She was aware that farmers in Bura Irrigation Scheme may have temporarily experienced some challenge when one of the large pumps that supply water to the scheme broke down.

ii. The failure of the pump was caused by stones and debris that found their way into it causing internal damage, specifically to the impetus and that currently, 3,800 acres of crop were under irrigation and continue to receive water supply.

iii. Supply of water to the farms was not interrupted and, therefore, there would be no crop failure. However, to avoid recurrence of similar damage, the openings of the screens leading to the pumps had been reduced. Repairs of the pump have also been ongoing and are expected to be completed by 12th October, 2012
Date: 27th September 2012  
Member of Parliament: Hon. Charity Ngilu  
Contribution she made on: Crop Failure in Bura Irrigation Scheme

She responded to the question by Hon. Dr. Nuh by stating the following:

a) That she was aware that farmers in Bura Irrigation Scheme may have temporarily experienced some challenges when one of the two large pumps that supply water to the irrigation scheme broke down.

b) The failure of the first pump was caused by stones and debris that found their way into it and causing internal damage, specifically to the impellors. No acreage was, therefore, affected after the pumps were repaired and started working.

c) Ten days before that, the second pump experienced a minor electrical problem that interrupted supply for two days. The problem was fixed and the supply was resumed.
She thanked the Minister for laying out the Business of the House for next week, especially prioritizing the constitutional Bills and further maintained the need to prioritize the constitutional Bills and added that even the Bills that were with other agencies should be hastened and fast tracked to the House.

She noted that as Parliament moved closer towards December, Members would be extremely busy campaigning and thus would not be easily available for the deliberations especially the two-thirds that the Minister had talked about.

She further stated that if the Executive did not live up to that expectation, the Constitutional Implementation Oversight Committee (CIOC) would take over and bring those Bills because they owed it as a duty to Kenyans.
MOTIONS

Date: 1st September 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: Payment of Dues to Retired Teachers

- She supported the motion stating that it was very unfortunate that the teachers had not been given the money adding that for the last 15 years, most of them had suffered; they had lived in abject poverty; some of them had already died, as some hon. Members had noted earlier.
- She pointed out that these teachers had nobody else who could assist them because they had ceased to be members of the Kenya National Union of Teachers (KNUT) and it was House only that could assist them and if it did not they would continue to suffer.

Date: 1st September 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: Adoption of Sessional Paper No.4 of 2011 on National Agricultural Sector Extension Policy

- She supported the motion saying even as they pass the motion there was no justification for the delay in implementing the programmes. She however questioned the readiness of the farmers to implement the well structured proposals. She raised her concerns on the Ministry’s ability to implement the strategies.
- She stated that it was one thing to bring good policies and another to implement them. She suggested the concerned agencies to move with speed to walk the talk. She stated that as parliament they wanted to see a Ministry that is not just good at putting forward policy papers but also good in acting because there is nothing to stop the Ministry from taking interventions that were necessary even without this policy.
- She pointed out that the Minister was interchangeably using the words “commercialization” and “privatization”. She stated that “commercialization” was making sure that the extension services were self-sustaining where the farmer may be called upon to make a token contribution. But “privatization” was giving over to people who wanted to make profits out of the extension services. This is okay for large-scale farmers. But for small-scale farmers and majority of our farmers in Kenya are small-scale farmers but whose total or accumulative output has a profound effect on the nation whether on food security or on the exports that we export daily.
Date: 12th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Approval of Deployment of Kenya Defence Forces to Tana Delta

- She declared her full support of the deployment of the Kenya Defense Force and also shared her condolences with those who had lost their loved ones in Tana River and also the injured and affected.
- She further stated that it was very sad that the security forces were displaying a high level of ineptitude and that the situation had not been properly taken care of since it arose.
- She quoted the Constitution as cited in the Motion, Article 241(3)(c) stating

  "The Defence Forces may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly."

And added that this was contrary to what the minister had stated. She also pointed out that there was nothing dangerous about deploying the Army.

- She defended her statement by stating that it was allowed in the constitution and further added that the army was not being deployed to exterminate but rather to restore peace and order.
- She stated that the army was also not being deployed to the exclusion of the police but to compliment their work as nothing stopped the police from continuing with their normal operations.
- She pointed out that the defence Forces had shown professionalism and serious prowess in their Operation Linda Nchi and that was the sort of professionalism and seriousness needed in the Tana Delta.

Date: 12th September 2012  
Member of Parliament: Hon. Wavinya Ndeti  
Contribution she made on: Approval of Deployment of Kenya Defence Forces to Tana Delta

- She pointed out that in conflict it was women and children who suffer most and this was also the case in the Tana River clashes. She pointed out that this situation had been subtly building up in the course of time and the best way to solve it would be to explore the underlying factors and see whether they were political, economical or social issues.
- She questioned the rationale behind deploying about 200-300 police to Syokimau while the priority in the country was the Tana River clashes. She went on to add that the police should be more proactive in ensuring peace is restored. She supported the move to send the army to quell the conflict in the Tana River delta.
Date: 12th September 2012  
Member of Parliament: Hon. Wavinya Ndeti  
Contribution she made on: Approval of Deployment of Kenya Defence Forces to Tana Delta

- She supported the amendment by stating that as leaders they had the responsibility to do things the right way. She raised her concerns over the clashes and pointed out that it was very saddening to see women and children being killed for no good reason.
- She added that it was their responsibility to ensure the safety of the citizens of the country and this would require an approval of the amendment so that peace can be restored as soon as possible.

Date: 25th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Adoption of Report on Vetting of Nominees to the National Police Service Commission

- She supported the Motion and noted that this matter had been attended by unnecessary controversy and that there had been even undertones of negative ethnicity but, nevertheless she congratulated the Committee of the House for finally bringing this matter to the Floor and also to the two principals who delayed this matter.
- She pointed out that those who now were slated to go through as members of the Police Service Commission must look at the Act carefully to see what their duties are and added that they include fair procedures for discipline of the force.
- She recommended the Salaries and Remuneration Commission should offer fair remuneration to those serving in the force. They have the duty to ensure that the curricula of the police are adjusted to reflect what the Constitution stipulates. The curriculum should comply with constitutional standards of human rights and training should go to the highest standards of competency.
She congratulated the Mover of this Bill, and stated that this was an issue that, of course, should have been brought by the Government, because drought becomes a national disaster for Kenya country every year.

She pointed out that one of the biggest issues with dealing with drought in our country is the fact that there are too many Ministries competing to own the issue of drought like the Ministry of State for Special Programmes, the Ministry of State for Development of Northern Kenya and other Arid Lands that was set up recently, the Ministry of Agriculture because, of course, it is an issue of food and the Ministry of State for Provincial Administration and Internal Security because they are the ones who do the distribution of food.

She pointed out that the dynamics of handling the drought situation was quite baffling and exemplified this by giving the example of Turkana at the height of the drought situation earlier in the year where there was food for the residents, and a car but there was no fuel for it and or the officer who was supposed to sanction that food to come out from the stores to go to a certain vehicle was not there or there was some crisis between the DO and some local political leaders.

She stated that that was shy the Bill was timely and would also bring some sense of responsibility to lie within one organ which in turn would liaise with the Minister of State for Special Programmes, the Minister of State for Provincial Administration and Internal Security, the Minister for Agriculture and the Minister for Water and Irrigation.

She further added that this Authority’s work would be more of a coordinating function because what has really bogged this sector is that coordinating issue. She pointed out that Kenya had a lot of food and what lacked was proper mechanisms to ensure the distribution and coordination was what was lacking.

She appreciated Mr. Chachu for bringing this Bill by stating that it was timely because as the country had been faced with the challenges relating to drought, the most obvious one, of course, being the issue of food security. She added that over the years the country had faced poverty as a consequence of that and one of the major reasons which has been the poor
response to drought management or a not very effective drought management system in the country.

- She also acknowledged that there has been feminization of poverty and the face of poverty in this country is the women adding that the people who have to walk distances to look for water are women and looking at the people who die because of not being able to access basic needs are the women.

- She further stated that whenever the women suffer children also suffer by consequence. She pointed out that the challenge that the country was facing was the approach it took which is to look at it at a very region specific manner and that was why even though I thank the Government for looking at the Ministry of State for Development of Northern Kenya and other Arid Lands and setting up the Authority, as a first step, it is not enough because drought does not just affect northern Kenya.

- She further stated that management of drought was a very complex issue and, therefore, it was important that this Authority is given legal clothing to look at it in the complex manner and deal with it in its complexities. She commended the drafter for suggesting professional to lead the authority.

- She went on to state that the Authority, once it is set up, should look at the way the world is moving because of globalization considering there was enhanced specialization by countries and therefore a country, Kenya must start looking at the country the way it looks at a business or a corporation.

- She recommended that the country steps away from rhetoric into action and suggested the Authority once set up should travel to learn and borrow from best practices from other countries so they would be able to create a comprehensive and strategic plan for the future.

- She commented Clause 5(c) that states: “The Authority shall promote the integration of drought response efforts into development policies, plans, programmes and projects in order to ensure the proper management of drought” stating that while it was a good clause the wording was comprehensive if only it is taken seriously.

---

**Date: 5th September 2012**

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

**Contribution she made on: The Elections (Amendment) Bill [2nd Reading]**

- She seconded the Chair of CIOC stating that contrary to the common belief it was not the House that was delaying the passing of Bills or sabotaging the constitutional implementation process.

- She pointed out that as a Committee, especially the CIOC, they had not been impressed by the interaction of the IEBC with our Committee considering they had called them severally and many of these times they come, they send junior officers who come to answer questions that are critical and when they come, they seem to be at crossroads; two mouths speaking for one
Commission. She suggested that there were two centres of power within the IEBC.

- She cautioned that if the situation was not handled the situation could get out of hand especially as the country heads to the elections further stated that as they support they are also forced again to burst a deadline set by the house because of the ineptitude of the IEBC, the Attorney-General’s Office and the Ministry of Justice, National Cohesion and Constitutional Affairs.
- She warned that the House would no longer take responsibility for mistakes that are not theirs and anytime they had to do this, they would say clearly who is responsible

Date: 6th September 2012  
Member of Parliament: Hon. Dr. Sally Kosgei  
Contribution she made on: The Sugar (Amendment) Bill [2nd Reading]

- She started by stating that her Ministry had brought the Sugar Bill because it wanted to change the style under which the sugar sector is managed in the country and added that one of the reasons that had brought this was the sector has been mismanaged greatly in the past.
- She stated that the second reason for the dismal performance of this sector is that the regulatory regime has not been adequate to ensure fair play by all stakeholders in the value chain and provide a competitive and progressive environment for business. She added that the proposed amendments sought to remove the constraints by facilitating privatization of Government-owned sugar factories to ensure better management and creation of a more defined regime to regulate the industry.
- She went on to state that the sugar sector is governed by the Sugar Act No.10 of 2008 and the Act establishes the Kenya Sugar Board (KSB) that regulates the industry and manages the Sugar Development Fund for research and development.
- She added that the proposed amendments will fine tune the Sugar Act 2008 to tighten the regulatory regime as follows. One is to improve the Kenya Sugar Board surveillance powers to cover sugar imports by providing for appointment of sugar inspectors, who can inspect sugar imports. Two is to introduce more stringent eligibility criteria for stakeholders’ representatives by providing for minimum qualifications for members of the board.
- The third reason she stated was to reduce the size of the board by providing for only one representative of the Ministry of Agriculture instead of the two as the case is currently.
- The fourth she added was to ensure good governance in the industry, and in particular in the administration of the Sugar Development Fund by separating the administration of the Fund from the regulator; Kenya Sugar Board.
She pointed out that the fifth reason that they proposed the amendment was to improve the management of the Sugar Development Fund by introducing a board of trustees and rationalizing the penalties for non-remittance of levies.

The Sixth reason she stated was to remove inconsistencies in the Act by providing the guidelines on privatization that is in Article 18 and the seventh, being that they sought to provide the enforcement of Sugar Tribunal decisions and appeals and added that they sought to strengthen this in particular because, currently, there were a lots of sugar cane wars.

She argued that it was essential to pass this new Bill to strengthen the sector because Kenya was behind the Common Market for Eastern and Southern African Countries (COMESA) in its development and it needs to seek the understanding of the COMESA partners for not moving into the sector as required by the COMESA agreement.

She pointed out that that the matter had been dealt with a little earlier, but no Privatization Commission was there at the time. She concluded that there was absolutely no reason why Kenya shouldn’t be a major sugar exporter.

---

**Date: 12th September 2012**

**Member of Parliament: Hon. Beth Mugo**

**Contribution she made on:** The Breast Milk Substitutes (Regulation and Control) Bill [2nd Reading]

- She sought to move that the Breast Milk Substitutes (Regulation and Control) Bill, 2012 be read a Second Time. She went on to say that in moving the Bill, hon. Members should be aware that child survival is one of the indicators of a nation’s progress in development and Kenya was committed to achieving the fourth Millennium Development Goal (MDG) on reduction of the under five mortality rate by two-thirds of that of 1990 by 2015.
- She pointed out that this move would contribute to the Vision 2030 target to develop Kenya into a medium income country with high quality life for every Kenyan which includes all children. She added that proper feeding of infants and young children provided the foundation for their survival, growth, and development.
- She argued that poor infant feeding practices and their consequences on the other hand are one of the world’s major problems and a serious obstacle to social and economic development. She went on to say that Members were also aware that breastfeeding has multiple advantages hence it is imperative to ensure that every child gets the right to breastfeed unless where there is loss of mother, medical indications or other reasons.
- She also stated that exclusive breastfeeding maybe the best option for HIV Positive women in resource poor settings and that it saves an estimated 1.5 million infants every year. Breastfeeding also benefits the society by
strengthening family ties and saves time and money hence providing overall economic benefits.

- She cautioned against the marketing or promotion of industrially processed complementary foods as ideal and suitable complements to breast milk as this would be contrary to the national nutritional policy which recommended use of available indigenous foods and added breast milk substitutes and complementary foods would still be used on the advice of a health worker or through the decision of the child caregiver or mother.

- She pointed out that the Bill however sought to ensure that this decision was not unduly influenced by aggressive promotion or marketing of specific products and added that it was important to note that the Bill did not prohibit the manufacture or sell of breast milk substitutes, designated products or complementary foods, but only sought to regulate the promotion and marketing of these products due to their health implications.

- She further stated that her Ministry was mandated to ensure fulfillment and protection of children’s rights to health, survival and development and that included initiating legislation of instruments proven to be effective to achieve this, including those resulting from international resolutions, adding that Kenya is a member state of the United Nations system of which the World Health Organization (WHO) is the arm that advises and guides member states on the policies that affect health.

- She alluded to the International Code of Marketing of Breast Milk Substitutes and subsequently related resolutions constitute part of the health policy and guidance emanating from the WHA and whose aim was protection, promotion and support of breastfeeding and appropriate infant and young child feeding practices.

- She pointed out that Kenya was one of the countries whose regulations were in draft and currently relied on voluntary compliance by infant formula manufacturers. She further stated that available data from UNICEF revealed significant correlation between the level of code implementation and breastfeeding rates and stated that for example, countries with stringent code legislations had the highest level of exclusive breastfeeding rates while those countries with weaker ones have lower levels of exclusive breastfeeding rates.

- She stated that the enactment of that Bill would be an implementation of the resolutions that Kenya had endorsed at the WHA as a member state of the United Nations. She went on to state that it this move would be expected to contribute to further increase of breastfeeding rates which stood at 32 per cent in 2008 having increased from 13 per cent in 2003.

- She stated that the Bill took into account the well known benefits of breastfeeding during infancy, young childhood and later stages of life. She argued that the International Code of Marketing of Breast Milk Substitutes was the minimum requirement and that countries are free to include other...
measures to promote and protect appropriate infant and young child feeding. Most countries have revealed their legislation to include this.

- She further pointed out that overwhelming evidence showed that countries that had enacted this legislation have over time sustained control of use of breast milk substitutes as compared to those with no legislation. She pointed out that globally and regionally, Kenya was way behind in enacting this legislation which in part explains our poor infant and young child feeding practices.

- She further pointed out that low breastfeeding rates put the children at the risk of chronic conditions later in life such as obesity, high cholesterol levels, high blood pressure, and diabetes and childhood asthma. She argued that studies had also shown that breastfed infants do better on intelligence and behavior tests into adulthood than formula-fed babies. She added that breastfeeding saved 11,000 lives of children per year in Kenya.

- She further added that it had fond impact on a child survival, health, nutrition and development. Breast milk provided all the nutrients, vitamins and minerals an infant needs for growth for the first six months. In addition, breast milk carries antibodies from the mother that help combat disease in the child. The art of breastfeeding itself stimulates proper growth of the mouth and jaw and secretion of hormones for digestion and satiety.

- She went on to state that breastfeeding created a special bond and promotes interaction between the mother and child, both of which have positive outcomes for life in terms of stimulation, behavior, speech, sense of well being, security and how the child relates to other people. Breastfeeding also contributes to maternal health immediately after delivery because it helps reduce the risk of postpartum hemorrhage which is excessive bleeding after giving birth and added that this was the commonest cause of maternal deaths because it is responsible for 34 per cent of maternal deaths in Kenya.

- She stated that in the short-term, breastfeeding delayed the return to fertility and in the long-term it reduced the breast uterine and ovarian cancer in the mother. She indicated that studies also found an association between early cessation of breastfeeding and postnatal depression in mothers.

- She further pointed out that currently, the breast milk substitutes were regulated as a standard in the Kenya Bureau of Standards (KEBs) but that this, however, did not include regulation of marketing and promotion of these products and has no penalty for violation.

- She concluded by stating that the Bill was a health Bill in public interest and in addition, the Bill concerned the welfare of the child hence the best interest of the child is the primary consideration in all matters of this Bill as defined in Article 3 of the UN Convention on the Rights of the Child, the Kenya Children's Act, 2001 and Article 53(2) of the Constitution of Kenya.
Date: 12th September 2012  
Member of Parliament: Hon. Cecily Mbarire  
Contribution she made on: The Breast Milk Substitutes (Regulation And Control) Bill [2nd Reading]  

- She supported the Bill stating that as a mother who had breastfed two children, she supported the Bill because she is a strong defender of breastfeeding.
- Giving her own life experience she stated that her two children responded to illnesses differently with her the first born who had been breastfed longer having more immunity to diseases than the second born, who breastfed for less time.
- She pointed out that breast milk was more important than any other milk, be it cow milk or formula. She further stated that scientifically speaking breast milk contains a lot of antibodies from the mother’s body and a child gets better immunity when it is breastfed.
- She further pointed out that it was also scientifically proven that breast milk helped in the development of the brain of a baby and showed that babies who have been breastfed for a long time score an average of six points more on IQ test. So, really, nobody needs to belabor the point that breast milk would definitely give babies healthier bodies and greater brains.

Date: 12th September 2012  
Member of Parliament: Hon. Jebii Kilimo  
Contribution she made on: The Breast Milk Substitutes (Regulation And Control) Bill [2nd Reading]  

- She supported Hon. Beth Mugo’s Bill and stated that it was a timely bill considering the country was developing very fast and before the culture is lost, the country should work to promote the few good remaining cultures like breast feeding which is a strong and good African culture.
- She further stated that breast milk was the best food for babies and that the people who come up with those infant milk formulas are out to make money as well as the same people who want to make more money by treating the diseases that come about because of using infant formula milk instead of breast milk.
- She called upon young women to breastfeed their children for as long as six months before they introduce them to something else and added that apart from its obvious health benefits it was very important in mother child bonding which subsequently lasts until death.
Date: 12th September 2012  
Member of Parliament: Hon. Rachel Shebesh  
Contribution she made on: The Breast Milk Substitutes (Regulation And Control) Bill [2nd Reading]

- She supported the bill and congratulated Hon. Mugo for bringing the bill and added that this was commendable because for many years maternal and reproductive health issues have been left without any Government policy or direction.
- She pointed out that these issues were being addressed because the ministry was being led by a woman and that is why more women Ministers were need. She added that family planning and breastfeeding are normally considered by the Government as “those issues of women” yet, they really concern the health and development of this country.
- She recommended that the first thing the Ministry should do is to roll out a massive awareness campaign since most young girls from the moment they give birth, the first thing they think about is to buy formula milk. She added that breastfeeding is the easiest way to lose weight after giving birth.
- She further stated that there are studies that show that breastfeeding also reduces the chances of breast cancer and added that if there was anything we had learnt in this country in the last one year, and the country has come to appreciate, it is the cost of treating cancer

Date: 12th September 2012  
Member of Parliament: Hon. Dr. Joyce Laboso  
Contribution she made on: The Breast Milk Substitutes (Regulation And Control) Bill [2nd Reading]

- She congratulated the Minster for bringing the Bill to the House and added that she was proud that she was able to bring forth subjects that would otherwise be a taboo, or are not thought about by our dear male colleagues.
- She reiterate that the reason more women in Parliament were being advocated for is because there are certain topics that only women can talk about, that only women can support, that only women feel anything about, or have strong feelings about.
- She further stated that many times when issues like sexual harassment are being discussed or talk about female genital mutilation, or all the reproductive health issues are being discussed many of the male colleagues are usually absent from the discussions.
- She pointed out that the bond between the mother and the child is always fostered through breastfeeding and added that breast feeding makes children immune to diseases that children are prone to if they have not been breastfed.
Date: 26th September 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: The Prevention of Terrorism Bill [2nd Reading]

- She supported by stating that everyone was aware of the effect of terrorism, which has been visited upon our land and added that we have lost a lot of Kenyans both within and outside this country, and a Kenyans had been affected.
- She went on to further state that though the state can pass very good laws if the Government is not minded in implementing those laws, they will be merely decorative. She added that the Government must lead by example and not have double standards.
- She pointed out that that law was very good and added as a person with a human rights background she observed that there were certain guarantees that were provided even where it was seeking for limitation.
- She however pointed out that there were one or two areas where she noticed the language was a little bit too broad that the law may be subjected to abuse.

Date: 26th September 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: The Prevention of Terrorism Bill [2nd Reading]

- She started by pointing out that on behalf of the Muslim community, she condemned terrorism and terrorist activities but added that when Muslims come to out or when they raise some issues, they do not do so because Muslims are criminals; they are not criminals and what they were raising were the interests of the whole nation and we consider our Constitution.
- She added that for any Bill that comes to the House, they need to see whether it conforms to the spirit and letter of the Constitution. She added that there are some clauses in the Bill that contradict the Constitution.
- She pointed that an example is Clause 19 about disclosure of information. She went on to state that that clause contradicts Article 33 of the Constitution on freedom of expression. She further stated these were things needed to be brought on board, so that everybody is brought on board.
- She went on to state that Clause 25 of the Bill, which talked about arrangements of meetings, that if one meets with anybody who is suspected to be a criminal, or who engages in terrorist activities---- How will you know it? You cannot avoid meeting with anybody in this country. This is a subject of abuse and violation of the rights of Kenyans. And added that these were some of the things that we want to bring amendments to, so that every Kenyan has a right and that right is not violated or abused.
She presented a petition approved by the Speaker from the Kenya National Union of Teachers (KNUT) relating to the current dispute on teachers’ wages. She stated that this in particular, it related to the Legal Notice No.16 of 2003. The teachers state that this legal notice is void and that the notice that should be discussed is the Legal Notice No.534 of 1997. They have set out the particulars in this petition which show that Legal Notice No.16 of 2003 was gazetted without their knowledge and without the requirements of the law, that is consultation with the teachers, and that the Government has already partly performed conditions of Legal Notice No.534 of 1997.

She further stated that as late as 2007 they were still implementing it; the petitioners are, therefore, praying that this Parliament looks into the matter and comes out authoritatively on this issue. She went on to state that it is to be remembered that for two weeks now the teachers have been on strike. The casualties are children, who are suffering.

She pointed out that the teachers’ demands were legitimate yet the Government had failed to take any concrete steps on how to fulfill the teachers’ demands which were agreed upon in a bargained agreement. She also stated that she was aware that this House has a Committee on Delegated Legislation which would be best suited to deal with the dispute on the legal notice together with the Committee on Education, Research and Technology, which is currently handling the matter of the strike.
COMMITTEE OF THE WHOLE HOUSE

Date: 20\textsuperscript{th} September 2012
Member of Parliament: Hon. Martha Karua
Contribution she made on: The Breast Milk Substitutes (Regulation And Control) Bill [2\textsuperscript{nd} Reading]

- She pointed out that in the absence of WHO definition from either the Committee or the Minister she wished to refer to the title of the Bill “Breast Milk Substitutes”, and agree with the Minister that the better definition then, which is in line with the Bill, is the one referring to “breast milk substitutes” instead of “complementary foods”, so that those who wish to know exactly what is being referred to are not mislead

Date: 20\textsuperscript{th} September 2012
Member of Parliament: Hon. Beth Mugo
Contribution she made on: The Breast Milk Substitutes (Regulation And Control) Bill [2\textsuperscript{nd} Reading]

She begged to move:-

- THAT, Clause 5 of the Bill be amended in sub clause (1) by deleting paragraph (a) and substituting therefore the following new paragraph—
  a) advise the Cabinet Secretary on the policy to be adopted in relation to infant and young child nutrition.

- THAT, Clause 6 of the Bill be amended—
  a) Sub clause (1), by inserting the words “to the general public” immediately after the words “advertise or promote”;  
  b) By deleting sub clauses (2) and (3) and substituting therefore the following new subclause – (2) For the purposes of this section, a person promotes a designated or complementary food product, where that person— 
    i) Directly or indirectly introduces a designated or complementary food product or encourages the buying or use of the product;  
    ii) Uses sale devices such as special discounts, special displays to promote sales, competitions with prizes, tie-in sales, provision of premiums and rebates, discount coupons, loss leaders, giving of gifts and free samples of a designated or complementary food product to mothers;  
    iii) As a marketer, makes a direct or indirect contact with members of the public in furtherance of or for the purpose of promoting business of a designated or complementary food product;  
    iv) Makes electronic communications of a designated or complementary food product including internet, website and electronic mail;
v) Distributes promotional items including clothing, stationery, household utensils or items that refer to a designated or complementary food product or the brand name of the product;

vi) Engages in any practices or communication in any form, which create, or may create, any association with a designated or complementary food product;

vii) Publishes or causes to be published an advertisement of a designated or complementary food product;

viii) Distributes any information or educational material relating to infant and child feeding;

ix) Distributes or causes to be distributed or donates or causes to be donated or sells or causes to be sold a designated or complementary food product to charitable children’s’ institutions or a health facility;

x) Engages persons whose duties involve marketing of a designated or complementary food product—

a) On remuneration which varies according to the volume of sale of designated or complementary food product; or

b) For bonuses or similar incentives calculated directly according to the volume of sales of the designated or complementary food product;

c) Displays to the public material which refers directly or indirectly to a designated or complementary food product; distributes materials to health workers, which directly on indirectly refer to a designated or complementary food product;

d) Offers a gift or a benefit or inducement including a fellowship, study grant, funding for attendance of meetings, seminars, continuing education or conferences to a health worker or a member of his family; directly or indirectly, provide any support, financial or otherwise, to the general public or a health worker for the purposes of promoting a designated or complementary food product;

e) Funds any research carried out by a health worker in infant and young child health;

f) Employs a person to provide to health workers in health care facilities, pregnant women or mothers of infants and young children or any other person, with education or instructions regarding infant and young child health; and

g) Sponsors an event, contest, telephone counseling line or campaign aimed at pregnant women, mothers of infants or their families.

h) By adding the following new subclauses—

(3) For the purposes of this section, advertisement or promotion shall not include—
i. The ethical interaction between the manufacturer or distributor and health workers for purposes of creating awareness about the scientific and factual matters of the breast milk substitute or complementary food product;

ii. The provision by the manufacturer or distributor to health workers of samples of the breast milk substitute or complementary product for purposes of professional evaluation or research of the product;

iii. The distribution in the package of information or educational material relating to the breast milk substitute or complementary food product pursuant to Article 46(1) (b) of the Constitution.

iv. The Cabinet Secretary shall, by regulations, prescribe the manner in which the activities specified in subclause (3) shall be conducted.

Date: 20th September 2012
Member of Parliament: Hon. Amina Abdalla
Contribution she made on: The Energy and Communications Law (Amendment) Bill

She sought to move

i. THAT, Clause 6 be deleted.

"The import of this is that the clause gives some exemption on consultations and we have agreed that we do not exempt any statutory instruments from consultations."

ii. THAT, Clause 9 be amended –

a) In sub clause (4) by deleting the words "twenty eight days" and substituting therefore the words "fourteen days";

b) In sub clause (5) by deleting the word "shall" immediately after the words "regulatory impact statement" and substituting therefore the word "may";

This is the period of time by which Members should be able to have published a statutory instrument because it was felt that the 28 days was too long. She also proposed that we amend Sub-Clause 5 by deleting the word "shall" before the "tabling of regulatory impact statement" and substituting it with the word "may" so that we are able to give some discretion. While I am still on the Floor, there is a typo on the amendments on Clause 12. We need to know that it is amending Sub-Clause 1 and not Sub-Clause 5 when we reach there.

iii. THAT, clause 12 be amended –

a) In sub clause (1) by deleting the word "is tabled" immediately after the words "a copy of the statutory instrument" and substituting
therefore the words “is transmitted to the responsible Clerk for tabling”;

- She pointed out that the amendment in the Order Paper speaks about an amendment to Sub-Clause 5 which is not in the Bill. The sub clause responsible is Sub-Clause 1 and the amendment is that we delete the words “is tabled” before the words “copies of the statutory instrument” and substitute thereof with the words “is transmitted to the responsible Clerk for tabling.” This is because no Minister can confirm the tabling of a statutory instrument. However, they can confirm the transmission to the Clerk for tabling. So, I propose that Sub-Clause 1 of Clause 12 be amended as per the Order Paper.

Date: 27th September 2012
Member of Parliament: Hon. Millie Odhiambo
Contribution she made on: the Ratification of Treaties Bill

- She sought to move the following: THAT, the Bill be amended by inserting the following new Part immediately after Part IPART

**1A – INITIATION AND NEGOTIATION OF TREATIES**

*General responsibility for treaty initiation.*

3A (1) Subject to the provisions of this Act, the national executive shall be responsible for initiating the treaty-making process, negotiating and ratifying treaties. (2) The responsibility provided for in sub section (1) may be delegated to a relevant State Department.

*Initiation of treaty making process.*

3B (1) Subject to the provisions of this Section, the relevant national executive or the relevant State Department shall initiate the treaty-making process in such manner as may be prescribed by the Cabinet Secretary. (2) When deciding whether to initiate the treaty-making process or not, the national executive or the relevant State Department shall consider the following-

a) The need that the new treaty is to meet;

b) The existing legal regime, including the extent of its applicability to the perceived problem;

c) The probability of reaching the required measure of agreement on the solution aimed for;

d) Any relevant legislative efforts related to the perceived problem;

e) The optimal form for the proposed treaty;
f) The likelihood that the proposed treaty shall be accepted by a sufficient number of states, where the treaty is multilateral;
g) The anticipated time schedule for completing the treaty-making process;
h) The expected costs of formulating and adopting the treaty to Kenya;
i) In formulating treaties relating to technical or scientific problems, whether extensive scientific studies or research have been carried out, to determine the parameters of the problem and the lines of potential solutions.

3. The national executive or the relevant State Department shall record whether the conditions in (2) are met, and shall present a proposal to commence treaty-making for approval by the Cabinet.

4. The Cabinet shall consider and approve or disapprove of a proposal for treaty making presented in accordance with sub section in (3) within a reasonable time.

Values and principles in negotiating treaties.

3C. (1) In negotiating treaties, the national executive or the relevant State Department shall be bound by the values and principles of the Constitution; and shall take into account regulatory impact of any proposed treaty.

(2) When appointing persons to negotiate a treaty, the national executive or the relevant State Department shall appoint persons who are competent to undertake such negotiations in the interest of the people of Kenya.
She Sought a Ministerial statement from Minister for Transport on retrenchment of staff by the Kenya Airways. She requested that the statement should:

a) Give a breakdown of the top establishment at the Kenya Airways, indicating how many are foreigners and how many were employed by KQ
b) Explain the wellbeing of locals *viz-a-viz* the foreign employees;
c) Explain what criteria were used in the retrenchment programme;
d) What services were available at the Kenya Airways, and the procedures used to outsource them;
e) The relationship between Jumbo Jet Carrier Limited and Kenya Airways, and the names of the directors of both companies and their shareholders; and,
f) What measures were in place to address security issues in the airport
MINISTERIAL STATEMENTS

Date: 13th September 2012  
Member of Parliament: Hon. Sophia Abdi Noor  
Contribution she made on: Business for The week commencing 18.09.2012

- She requested direction from the Minister for Transport on Criteria Used To Retrench Kenya Airways Workers

Date: 19th September 2012  
Member of Parliament: Hon. Millie Odhiambo  
Contribution she made on: Removal of Water Hyacinth from Winam Gulf

- She pointed out that while in the Minister’s response, he had given indication of the effects of the water hyacinth he had forgotten to indicate that it had now caused loss of lives, even as recent as last month. She further stated that there were fishermen who were marooned as they could not move out; they died as a consequence of that. She pointed out that government rescue efforts were too slow for the fishermen.
- She further stated that right now, the lake was completely choked and there was no activity that was going on by persons who purely undertake fishing as their main stay. She asked the Minister to clarify whether they have undertaken a comprehensive study on how to deal with water hyacinth menace
- She argued that at this time the Ministry’s’ response appeared to be very reactionary and further requested the Minister to confirm in his response if they have considered bio-control methods, including using species such as weevils and Argentine Water Hyacinth moth that were used in States like Louisiana and Mississippi in the US as well as explaining whether the Government had looked, very comprehensively, into dealing with this menace

Date: 19th September 2012  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Protection to Mr. Matthew Logulale

- She sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the circumstances in which on the night of 13th September, 2012 the house of Mr. Matthew Logulale, a Governor aspirant for NARC Kenya in Turkana County was torched and his bedroom was burnt down and his properties destroyed.
- She further stated that she would have liked to know how far the investigations had gone and if there had been any arrests and any arraignment of suspects in court as well as whether the Minister was doing to
stop such politically motivated attacks not only on this aspirant, but also on other aspirants in the country

- She further sought to know whether the Minister had provided security to this particular aspirant who was now targeted and his family and also if the Government would offer humanitarian support to this person like the Government has been doing in other situations where there was a humanitarian crisis
- She concluded by asking if the was Minister able to assure us that no such incidents would occur in the future
PRIME MINISTERIAL STATEMENTS

Date: 12\textsuperscript{th} September 2012
Member of Parliament: Hon. Rachel Shebesh
Contribution she made on: Intimidation of witnesses by KAA Board

- She requested the Prime Minister to clarify whether there was a purported cancellation of the Greenfield project because it was the reason the committee of the House was asked to investigate the matter and subsequently that led to the victimization of the Managing Director of the Kenya airports Authority.