

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tenth Parliament – Fourth Session

Tuesday 24th April, 2012

SPECIAL SITTING – 2012

*The National Assembly met at fifty minutes past Two O'clock
at Parliament Buildings on 24th April, 2012*

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

*[His Excellency the President (Mr. Mwai Kibaki)
escorted by the Speaker and accompanied by the Mace
of the National Assembly entered the Chamber
at fifty minutes past Two O'clock]*

*(Hon. Members rose in their places while
His Excellency the President took
his seat in the Speaker's Chair)*

*(The Mace of the National Assembly
was placed on the Table)*

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Your Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, hon. Mwai Kibaki, honourable Members of Parliament, it is my singular honour and privilege to welcome Your Excellency and all hon. Members to this Second State of the Nation Address.

Your Excellency, Sir, today is, as a matter of fact, your day, and I will thus, with your indulgence, say the following.

We at Parliament are glad that as one of the three arms of your Government, we have endeavoured to do our part to make Kenya a better place. We have joined hands with you to see to increased democratic space, to enact, implement and operationalise a new Constitution in our time.

The Tenth Parliament has performed, to unprecedented levels, in all core areas of its tripartite mandate of legislation, representation and oversight, to wit, but just one; passage of 76 Bills, 64 of them Government Bills and 12 Private Members Bills.

Your Excellency, Sir, and hon. Members, in my speech, as I submitted myself to the collective will of this House after you elected me to be the Speaker on 15th January, 2008, I promised that “I shall preside over progressive reforms, take Parliament to the people and remain alert to the needs of the people of Kenya.”

I am satisfied that we have done well; largely performed above average. Your Excellency and Kenyans, whatever we have not done and that it is our duty to do as the Tenth Parliament, we recommit ourselves to do before we leave.

(Applause)

Your Excellency, there is, however, credit which is exclusively and deservedly yours; namely transformation of Kenyan infrastructure including superhighways, improvement of the Port of Mombasa, growing of our airports, originating and acting on Vision 2030, launching LAPSET at Lamu to name, but a few.

Your Excellency, as you pilot through your final year of Presidency, I – and I believe I have the concurrence of all hon. Members – wish you God’s blessings that you continue to have and live a healthy life. I urge and pray that your successor, when the time comes, shall continue to execute your vision.

Your Excellency, hon. Members, as I come to conclude, allow me to acknowledge that as a country, we still have challenges that include insecurity; keeping our nationhood; seizing and harnessing opportunities at our disposal; ensuring equitable distribution of all our resources and organizing free, fair and peaceful elections next time round. So as to service the aspirations and expectations of the people of Kenya, we need to remain awake to these challenges among others and to do all that it takes to address them.

Your Excellency, hon. Members, finally, allow me to share very briefly my philosophy of change as is apparently with us in Kenya. You change for two reasons. Either you learn enough that you want to change, or you have been hurt so much that you have to change. I want to pose a question. How does one become a butterfly? And I answer this way. You must want to fly so much that you are willing to give up being a caterpillar.

Hon. Members, we say goodbye to some of what we love and travel to new territories; that we must do. If we do not do so, we can expect merely a long wearing away of ourselves and eventual extinction. I want you to imagine if a caterpillar insisted on remaining a caterpillar, it will wear out and it will die. We must learn to view change as a natural phenomenon. We need to anticipate and plan for it. The future is ours to determine. The future is not an abstraction out there in the unforeseen. It is the present that will shape the future. What we do today will define the Kenya of hereafter. We do not have to have Kwame Nkrumah resurrect to remind us that “It is right and proper that we should know about our past for just as the future moves from the present, so the present has emerged from the past.” That is Kwame Nkrumah in Accra on 10th July, 1953. I urge that we constantly, consistently and continuously ask ourselves what will happen if, or better still, how can we make it happen.

Your Excellency, Sir, hon. Members, are we prepared for the new structures of governance? The reality is that change is with us. We must embrace it in earnest and make it happen with ease. It is now my pleasant duty, your Excellency, to welcome you and invite you to address the House and speak to Kenyans.

I thank you.

(Applause)

PRESIDENTIAL STATE OF THE NATION ADDRESS

His Excellency the President (Mr. Mwai Kibaki): Mr. Speaker, hon. Members, ladies and gentlemen, it gives me great pleasure to join you during this Special Sitting of Parliament which comes after a short well-deserved break. During the break, I trust that my fellow legislators engaged constructively with their constituents, expounded on Government policies and sought *wananchi*'s views on the forthcoming agenda before this House.

In the last Session, Members of this august House were able to debate and pass crucial Bills. As we commence this Session, we have a huge task ahead and I call upon each one of us to work extra hard so that we can pass all the pending Bills especially those relating to the implementation of the new Constitution.

Mr. Speaker, Sir, over the last four years, the Grand Coalition Government has had a focused legislative agenda that has sought to improve the lives of our people. We have presented several Bills dealing with the political, socio-economic and legal affairs of our country. On the economic front, the SACCO Societies Bill which sought to regulate and licence deposit-taking savings and credit co-operatives was passed. The Tourist and Limited Liabilities Partnership Bills were also passed.

In the area of social order, national unity and human rights, the National Cohesion and Integration Bill, Alcoholic Drinks Control Bill, the Prohibition of Female Genital Mutilation Bill and the Prevention of Organized Crime Bill were passed and enacted. Moreover, our legal system was strengthened by the passage of the Witness Protection Bill and the Vetting of Judges and Magistrates Bill.

Mr. Speaker, Sir, the enactment of our Constitution two years ago was an important milestone in our nation's history. Our second republic was born after many unsuccessful attempts spanning over a 20-year period. The new Constitution occasioned that Parliament enacts numerous legislations within specific timelines. I wish to highly commend the various Ministries, departments and this august House for their tireless efforts in passing the necessary legislation on time as required by the Constitution. These pieces of legislation that have been enacted have formed the basis for the establishment of new institutions.

Some of the Bills enacted include:-

1. Commission on Revenue Allocation Bill
2. Contingencies and County Emergency Fund Bill
3. The National Police Service Bill
4. The Political Parties Bill
5. The Ethics and Anti-Corruption Bill
6. The Elections Bill
7. National Gender and Equality Commission Bill
8. The Kenya National Human Rights Commission Bill
9. Transitional Authority Bill
10. Inter-Governmental Relations Bill.

Mr. Speaker, Sir, one beautiful aspect of our Constitution is the creation of the 47 counties.

(Applause)

The Constitution clearly stipulates the role of the Central Government and the devolved governments. The 47 counties provide enormous opportunities and are, indeed, the new frontiers for socio-economic development. Modalities for making the counties operational have begun in accordance with the devolution laws.

In this regard, the process of deploying resources, staff and equipment to counties should be completed by August this year. The postings should reflect the diversity of our country.

Mr. Speaker, Sir, despite the introduction of a devolved government system, Kenya still remains a unitary State. Kenya is one nation and any attempts or calls for secession should be rejected and shall not be tolerated. Specifically the Coast region has been part of and is part of and will remain part of the Republic of Kenya.

(Applause)

Under the devolved governments, the most successful counties are those that will harness and synergize within and between various counties in their neighborhood and beyond.

I applaud those counties that are already formulating their strategy visions and plans. Furthermore, the various Bills relating to devolution clearly define modalities for co-operation, collaboration and partnerships between the county governments and the national Government. This should allay fears of conflict between the central and the county governments. In this regard, the central Government will go out of its way to ensure that county governments are empowered to effectively achieve their mandates right from day one. This is important since counties will provide critical and essential services that include health, water, agriculture and local transport. That is why *wananchi* have very high expectations of enhanced service delivery at the local level. I urge voters during the general election to elect competent leaders, who will transform counties to be economic enclaves that deliver public services professionally, create wealth and employment, improve and spread incomes across their populations as well as improve the quality of life.

Mr. Speaker, Sir, in this Session of Parliament, I call upon Members of Parliament to work closely with the Executive to ensure that all necessary laws are passed on time, with specific focus on the laws laid out in the Fifth Schedule of the Constitution. These include the three Land Bills as well as the Public Finance Management Bill and the County Governments Bill. However, there are other Bills not listed in the Constitution but which also require very urgent attention of this august House. These include the Kenya School of Law Bill, the Legal Education Bill, the Universities Bill, the Teachers Service Commission Bill and the Public Service Commission of Kenya Bill, among others.

The reforms that have been brought about by the new laws passed by this House seek to transform our country and improve the livelihoods of our people. However, this transformation can only take place when we, as a people, embrace the national values as laid out in Article 10 of our Constitution. Some of these values include patriotism, national unity, the rule of law, social justice, integrity, transparency and accountability. We must not take our democracy and these values for granted. We take pride that these are largely the same values that inspired our freedom fighters and founding fathers, to whom we continue to pay special tribute. All Kenyans should strive to live by these values, and I urge you, and all other leaders, to be good role models.

Mr. Speaker, Sir, Kenya is due to hold its first general election under the new Constitution. The Government has put in place the necessary institutions and measures to regulate free, fair and credible elections. Any hindrances and obstacles of whatever nature will be dealt with decisively and promptly. We are increasing the number of security officers; moreover, massive civic and voter education will be conducted on the new Constitution and the electoral system. This House has also passed three crucial pieces of legislation that have laid down the legal framework for the forthcoming general election. These are the Elections Act, the Independent Electoral and Boundaries Commission Act and the Political Parties Act. I urge Parliament to support the Government and help to urgently harmonize the various deadlines, procedures and regulations contained in these particular legislations. I would also like to appeal to our political parties to make an effort of having a national outlook. Our democracy has now come of age and we should discourage region-based parties.

(Applause)

We need parties that are ideologically-driven and have a national character.

(Applause)

Mr. Speaker, Sir, I call upon all leaders and Kenyans to embrace peace and reconciliation as we move towards the general elections. As the elections draw closer, leaders must display patriotism and statesmanship. Political competition must be guided by the fact that the interests of our nation are more important than any individual or party interests.

(Applause)

Kenyans must observe the value of law before, during and after the elections. The Government will be holding its national conference on peaceful elections around August this year. I appeal to Members of Parliament and other leaders to engage in district and county peace forums in the build up to the national conference.

I am also aware of the concerns that the upcoming International Criminal Court (ICC) cases have caused among Kenyans. I am also cognisant of the fact that this House passed a Motion that Kenya pulls out of the ICC.

(Applause)

The victims of post-election violence deserve justice. The Kenyans facing trial also deserve a fair and legal hearing. In the meantime, I call on Kenyans to remain calm even as we pursue the option of having a local mechanism to deal with any international crimes.

(Applause)

The matter of the ICC must also not be politicised.

We are also embarking on the final phase of resettling Internally Displaced Persons (IDPs). We have purchased 12,900 acres of land to resettle IDPs and forest evictees. A total of Kshs2.9 billion has been used to purchase land for IDPs and another Kshs1 billion for forest

evictees. The Ministry of State for Special Programmes has also been allocated Kshs4.4 billion for the construction of houses and purchase of food and non-food items.

Mr. Speaker, Sir, terrorism and criminal groups have, over the last ten to few years, threatened our national security. Following those threats and violation of our territorial integrity, we were compelled to undertake a military intervention in Somalia. I commend our men and women in uniform for their bravery and sacrifice as they confront those criminals and also, as they seek to secure our border and keep us safe.

(Applause)

I particularly pay a special tribute to those who have paid the ultimate price in the line of duty. Security matters must never be politicised and the Government will not allow anyone to seek political capital from criminal elements.

The Kenya Defence Forces are now part of the African Union Mission in Somalia (AMISOM). The nation of Somalia is today at a defining moment. After 20 years of internal strife, the people of Somalia have an opportunity to embrace peace and rebuild their country. Kenya and its regional and international partners, is ready to support the people of Somalia during the reconstruction period. Ultimately, however, it is the people of Somalia and their leaders that must carry the responsibility of stabilizing their country so as to achieve the much needed social economic and political transformation.

In the meantime, I appeal to Kenyans to remain vigilant and continue taking precautionary measures as they embark on their day to day activities. Another regional area of great concern is the conflict between Sudan and Southern Sudan. Having played the role of an honest mediator to the Comprehensive Peace Agreement (CPA), Kenya calls for a ceasefire and an end to the escalating hostilities. Sudan and South Sudan must not return to war. We warmly welcome the decision of South Sudan to pull out of the Heglig oil rich area. In particular, the bombings of oil fields should stop forthwith. I urge quick return to the peace agreement. The stability of Somalia, Sudan and South Sudan is critical to the prosperity of our region. Indeed, those three countries have applied for membership of the East African Community (EAC).

Mr. Speaker, Sir, regional integration is a major ingredient in our development. Similarly, EAC holds much promise for our people. As the current Chairman of EAC, we look forward to the full economic and political integration for the prosperity of the region and its people. I acknowledge and salute members of the East African Legislative Assembly (EALA) who have been holding their sessions in Kenya.

(Applause)

They have been at the forefront in deepening our integration process through legislative activities.

Mr. Speaker, Sir, when I first addressed Parliament as President on 18th February, 2003, our country faced several challenges. Our economic growth had nearly stagnated at 0.8 per cent. Working together, we have transformed our nation. By the year 2007, our economic growth rate had risen to above 7 per cent and we focus a growth of about 5.5 per cent this year, despite the global recession.

Mr. Speaker, Sir, today, 10 million children are enjoying our free primary education, up from 5.9 million in the year 2003. We are paying tuition fees in secondary schools for 2 million

students. We now have over 200,000 pupils studying in our universities, up from 60,000 in the year 2002.

In addition, 2,700 kilometres of new roads have been tarmacked, while 4,000 kilometers have been rehabilitated countrywide. We now have 1.7 million electricity connections, up from 700,000 in the year 2002. Good roads have enabled our people to be connected to markets, while electricity connections are also good for the establishment of small scale businesses and industries in all corners of our country; 24 million Kenyans have mobile telephones. We are the world's leader in mobile phone money transfer, and home to world class ICT innovations made possible through the fibre optic cables.

(Applause)

Mr. Speaker, Sir, one of the major national management innovations of recent times is that one of Constituency Development Fund (CDF), and its impact on the need for national equity and integration.

(Applause)

Through the CDF, Kshs100 billion has been directly transferred to the grassroots since the year 2003. Part of these funds have been used to build over 1,000 health centres, and over 10,000 classrooms across the country in addition to numerous roads, security posts, hospitals, water and fish projects. The facts are that the Government has facilitated the construction of over 50,000 fish ponds across the country. The total fish production now stands at 20,000 metric tonnes annually, up from 4,000 metric tonnes five years ago.

Mr. Speaker, Sir, on food security, it is important to point out that this Government has revived all our irrigation schemes and begun construction of dams and boreholes across the country. The Government has made efforts to avail affordable fertilizer and seeds to farmers so as to boost food production and security for our people. Hence milk production now stands at 5.2 billion litres annually, up from below 2 billion litres nine years ago. We have revived critical institutions such as the New Kenya Co-operative Creameries (KCC), the Kenya Meat Commission and building abattoirs in arid and semi-arid areas. Special focus has also been on creation of various value addition industries to benefit the farmers.

On the social front, some 140,000 youths have benefitted from the Youth Enterprise Development Fund, while another 200,000 have been trained. However, much more needs to be done to empower our youth. We must, therefore, continue to focus on projects that give greater dividends to the young people.

(Applause)

The Women Enterprise Development Fund is also fully functional and has benefitted over 480,000 women.

Mr. Speaker, Sir, in other social sectors, over 350,000 people are on anti-retroviral (ARV) drugs, up from just 10,000 some nine years ago. We have distributed close to 20 million mosquito nets for forestalling the malaria epidemic that has affected our people over the years. We have experienced tremendous growth in house construction, including slum upgrading, but more needs to be done. Our vibrant private sector has grown stronger and is ready to take up

more complex projects singularly and in partnership with international partners. Our informal sector, including the Jua Kali industry is more robust as they continue to develop synergies with the formal multinational counterparts. Modern markets have been built across the country.

Mr. Speaker, Sir, today, we have engaged in the construction of our region's most ambitious development project, the Lamu Port, South Sudan, Ethiopia Transport Corridor Project (LAPSSET). This will also be our second national transport corridor, one hundred years after construction of the first transport corridor from Mombasa to Malaba that is earmarked for upgrading to standard gauge railway line.

(Applause)

We have also lined up major transnational road projects to link Kenya with her neighbours in addition to expanding Mombasa Port and Eldoret, Kisumu, JKIA and other airports countrywide to ease market access and transportation. Other projects lined up are the Grand High Falls Dam that will provide 350 megawatts of electricity. It will entail a huge irrigation project and will provide water for millions of people in the coastal region. We have also gathered here at a time when our country has discovered oil.

(Applause)

I assure Kenyans that we will ensure proper use and management of this resource for the benefit of present and future generations.

Mr. Speaker, Sir, all these developments have been possible because we have more than tripled our annual tax portfolio from Kshs200 billion to Kshs700 billion. I thank the Kenyan people for paying their taxes, making it possible to transform our country into a working and caring nation. I wish to thank all our development partners who have supported Kenya's development agenda.

Mr. Speaker, Sir, I also thank the Kenyan people for their continued goodwill and support. I dedicate myself to serving them in my remaining time in office. I also assure Kenyans of a smooth transition to the new leadership that they will elect in the forthcoming general election. That leadership must have the capacity to build on and sustain our Vision 2030 whose foundations we have firmly laid.

Thank you. God bless you and God bless Kenya.

(Applause)

Mr. Speaker: Hon. Members, I call upon the Leader of Government Business to lay on the Table the Paper containing the President's Address.

PAPER LAID

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, pursuant to the provisions of Standing Order No. 18(2), I beg to lay the following Paper on the Table:-

The Presidential Statement on Exposition of Public Policy.

(By the Vice-President and Minister for Home Affairs)

Mr. Speaker: Leader of Government Business, I now call upon you to give Notice of Motion.

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address, laid on the Table of the House on Tuesday, 24th April, 2012.

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

Mr. Speaker: Order! Order, Member for Ikolomani! If you look at your Standing Orders, that will not be permitted! You have to wait until this Motion is with the House.

COMMUNICATION FROM THE CHAIR

INVITATION TO RECEPTION AT PARLIAMENT GROUNDS

Mr. Speaker: Hon. Members, I wish to take this opportunity to invite His Excellency the President, all hon. Members, the Judges of the Supreme Court led by the Chief Justice, all other Judges who may be in the House, members of the diplomatic corps and all distinguished invited guests to a reception that will take place in Parliament Gardens as soon as we adjourn.

ADJOURNMENT

Mr. Speaker: Hon. Members, that brings us to the end of business for the day. The House, therefore, stands adjourned until tomorrow, Wednesday 25th April, 2012, at 9.00 a.m.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

(Hon. Members rose in their places while His Excellency the President left the Chamber)

The House rose at 3.45 p.m.