

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th September, 2007

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker
(Mr. Kagwima) in the Chair]*

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.052

MEASURES TO STOP THE DRYING UP OF UASO NYIRO RIVER

Mr. Lesrima asked the Minister for Environment and Natural Resources:-

(a) what measures he is putting in place to ensure the survival of Uaso Nyiro River, which is drying up because of massive agricultural activities in the catchment areas; and,

(b) whether he is aware of the impact this will have on pastoralists who depend on the river.

The Minister for Environment and Natural Resources (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has stepped up efforts in the enforcement of the relevant provision of the Environment Management and Co-ordination Act (EMCA) 1999 on water bodies across the communities with a view to subjecting any agricultural activities with significant negative impact on the environment to an environmental audit. Such activities include water abstraction for various uses and any other activity that may be detrimental to the ecosystem. My Ministry co-ordinates lead agencies in the promotion of equitable utilisation of water resources while ensuring that water abstraction is kept at a sustainable level.

(b) I am aware of the impact of reduced flow of water on pastoralists downstream. As mentioned earlier, my Ministry has put much emphasis on the enforcement of the relevant provisions of the EMCA to stem the negative impact of reduced flow on pastoralists downstream of the Uaso Nyiro River.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, in fact, the problem is not only affecting pastoralists. In times of drought, there is even a shortage of water in Nanyuki Town, because of excessive abstraction of water by people who grow flowers and French beans. What action is he going to take to provide leadership in co-ordinating all the agencies in the Ministry of Water and Irrigation and regional authorities to make sure that the various users of that river do not suffer?

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, that is a very good question. It is regrettable that the Environment Management and Co-ordination Act came into force much later

after many of the laws which deal with agriculture, water and irrigation were in force. What we are doing now - and I really want to thank the hon. Member for raising this question - is to bring together all the

Ministries which have in one way or another activities which impact on the environment, and I believe that we are going to succeed. But regarding water, specifically, we have already held discussions with the Ministry of Water and Irrigation and the Government is planning to introduce dams along rivers, so that more water can collect as people draw it. Of course, the Ministry is going to stop the abstraction of water when they believe that adequate flow must be left in the river.

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, this is a very serious issue. I remember, when I was growing up in the village, there were laws that were enforced. People would never cultivate along the rivers. But in the recent past, this has become a very serious issue. I have seen it my constituency. Even if you try to inform the relevant authorities, no action is taken. This is because the Ministry does not have officers to execute the policies that are pro-environment. Could the Minister consider using the chiefs to execute this important mandate before he involves the stakeholders?

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, it is true that the Ministry of Environment and Natural Resources is operating under a very small and tight budget. We have only one Environment Officer per district. He can do very little single handedly. I hope that when I gun for more money, next financial year, this House will support the Ministry.

However, to answer the specific question on the use of chiefs; yes, we will use the Provincial Administration to protect our environment generally and rivers, specifically. Today, we are losing a lot of soil to the Indian Ocean because people are farming right to the edge of rivers. When it rains, a lot of soil is washed down stream.

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, the flower industry in this country earns us good foreign money. However, the cost suffered environmentally could be dramatic. In fact, in future, we could find we do not have any river courses. This includes lakes in the Rift Valley which are drying up. What policy measure is the Ministry putting in place to ensure and to try to marry the good effects of the flower industry and its bad effects on the environment?

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I have said that the work of environment cuts across very many Ministries in this country. Unfortunately, in the past, the Ministries have not been coordinated in so far as environmental work is concerned. We are now starting. We are establishing an inter-Ministerial Committee of Permanent Secretaries (PSs) to deal with this matter because it is critical. It is a crucial matter. The flower industry gives us good money, but it also dries up our rivers and streams. Besides, it adds to the soil a lot of damaging elements which must be looked into.

Mr. G. G. Kariuki: Mr. Temporary Deputy Speaker, Sir, the issue of water is a very serious security matter. If pastoralists down stream find there is no water in the next few years, they will go up stream and force themselves into the agricultural land that is irrigated. I would like the Minister to deal with this matter as a very serious security matter. It is also a very serious political matter. It is not just failing to get water, it is also a matter that needs very serious consideration. The Government should, therefore, take it very seriously.

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I agree entirely with what the hon. Member has said. The Government is taking the necessary action.

The Temporary Deputy Speaker (Mr. Kagwima): Last question, Mr. Lesrima!

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I raise this issue because it also affects the tourism industry in this country. When you have water around Mt. Kenya, monkeys and elephants suffer downstream in the Ewaso Nyiro area. This river used to reach Lorian Swamp, but I do not think it passes beyond Isiolo. This is an issue that should be dealt with by an inter-

Ministerial committee. I am, therefore, satisfied with the effort the Minister is making and have no further question.

The Temporary Deputy Speaker (Mr. Kagwima): Mr. Minister, do you have anything to say?

Mr. Mwiraria: Mr. Temporary Deputy Speaker, I would only want to tell the House that the problem is even more serious. With temperature rise, the glaciers on Mt. Kenya are drying up, and therefore, the water in streams will reduce. I really want to appeal to everybody to plant trees in large numbers. We, as a nation, have to go back and conserve our areas. I thank the hon. Member.

The Temporary Deputy Speaker (Mr. Kagwima): Next Question!

Question No.403

REVIVAL OF MUHORONI WATER PROJECT

Prof. Olweny is not here? We will come back to the Question later!
Next Question by Mr. Mukiri!

Question No.460

REPAIR OF KIBUNJA-MOLO-MUCORWE ROAD

Mr. Mukiri asked the Minister for Roads and Public Works:-

(a) whether he is aware that the road from Kibunja through Molo town to Mucorwe centre is currently impassable; and,

(b) what action he is taking to remedy the situation.

The Temporary Deputy Speaker (Mr. Kagwima): Yes, Mr. Minister! The Minister is not here?

Let us go to the next Question, we will come back to this later!

Question No.471

NUMBER OF EX-FREEDOM FIGHTERS FROM
KIRINYAGA HONOURED BY GOVERNMENT

Mr. Karaba is not in! We will come back to the Question later!

(Question deferred)

We will go back to Question No.403 by Prof. Olweny!

Question No.403

REVIVAL OF MUHORONI WATER PROJECT

Hon. Members: He is not there!

The Temporary Deputy Speaker (Mr. Kagwima): If he is not here, the Question is dropped!

(Question dropped)

Next Question by Mr. Mukiri!

*Question No.460*REPAIR OF KIBUNJA-
MOLO-MUCORWE ROAD

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, I had already asked the Question, I think it is the Leader of Government Business who should communicate to the House.

The Vice President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I regret that the Minister is sick and is away in London. However, we were expecting his Assistant Ministers any time.

The Temporary Deputy Speaker (Mr. Kagwima): Therefore, the Question will be placed in the next Order Paper, probably tomorrow!

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, could we have the Question on Wednesday, next week?

The Temporary Deputy Speaker (Mr. Kagwima): Mr. Vice President and Minister for Home Affairs, is that okay? The Minister should be told the Question will come on Wednesday, next week.

The Vice President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I will ensure that the Question is answered tomorrow, afternoon.

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, could we have it next week?

The Temporary Deputy Speaker (Mr. Kagwima): Okay, we will have it on Wednesday morning, next week.

Mr. Mukiri: Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

The Temporary Deputy Speaker (Mr. Kagwima): I thought I saw Mr. Karaba; the hon. Member for Kerugoya/Kutus coming into the House.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I am sorry for coming late.

*Question No.471*NUMBER OF EX-FREEDOM FIGHTERS
FROM KIRINYAGA HONOURED
BY THE GOVERNMENT

Mr. Karaba asked the Minister for National Heritage how many ex-freedom fighters from Kirinyaga District had been honoured by the Government since Independence.

The Minister for National Heritage (Mr. Shakombo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The ex-freedom fighters belonged to a proscribed movement until 2003 when the Government lifted the banning order. Therefore, it was not possible to honour the ex-freedom fighters before the Gazette Notice No.913 of 1950 was lifted.

Mr. Temporary Deputy Speaker, Sir, currently, the Government has put mechanisms in place to honour ex-freedom fighters. My Ministry constituted a task force which has collected data

on Kenyans' views countrywide on who should be honoured as a hero or heroine. The report is now complete and I have forwarded it to the Cabinet for policy direction. My Ministry has built a few mausoleums and statues as you may have seen or heard in the recent past in honour of six ex-freedom fighters; commonly known as the famous Kapenguria Six. But once there is a clear policy guideline, we shall endeavour to honour most of the declared ex-freedom fighters and other national heroes and heroines.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, as much as I agree with what the Minister has said, it is a great shame that since 1952, the Government has not been able to honour those who struggled for Independence. It is almost 60 years down the line. Is the Minister serious? Could I bring the list of freedom fighters from Kirinyaga so that they could be honoured by the Government?

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, I have clearly said that the Mau Mau Movement was proscribed. As far as the Kenyan law is concerned, we cannot honour anybody who participated in a proscribed movement! I have also said here that mechanisms are being put in place. Very soon, we are going to recognize all of them. I do not even need his list because wananchi have given us all the information we need! It is just a question of getting some policy guidelines from the Cabinet and everything will be fine.

The Temporary Deputy Speaker (Mr. Kagwima): I thought the hon. Member wanted to show the seriousness of the matter, especially in view of the fact that the Mau Mau Movement was proscribed! Have you addressed that matter?

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, I said that, at that time, it was proscribed. But the ban was lifted. I have also said that the Government has put in place a mechanism to honour those people. A task force was instituted to collect information about our freedom fighters all over the country. **Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, it is four years since the Government accepted that the Mau Mau Movement was not a criminal organisation. Many people in Kirinyaga, Embu and Meru died. Four years later, after accepting that they played an important role, why has the Government not done anything? They are coming only a few weeks before elections, so that they can appear to be remembering those heroes who died fighting for this country!

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, I do not think my colleague is fair. We are not doing this for election purposes. We are doing this for the posterity of this country! The task force was set up two years ago. So, I do not know where the hullabaloo about elections is coming from! I think it is an obsession with elections!

(Laughter)

Captain Nakitare: Mr. Temporary Deputy Speaker, Sir---

Mr. J. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. I know how this Government is working towards central Kenya. They want to convince the people of central Kenya that they are working for them, but they are cheating them! Is it in order for the Minister to give the impression that I am not concerned about the heroes of Kenya who died? This Government has been noted for---

The Temporary Deputy Speaker (Mr. Kagwima): Order! Order! Order, Mr. J. Nyagah!

Mr. Shakombo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the language my friend using parliamentary? He has said that the Government is cheating?

The Temporary Deputy Speaker (Mr. Kagwima): The word "cheating" is un-parliamentary and I suppose Mr. J. Nyagah will withdraw it.

An hon. Member: And apologise!

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, I withdraw the bit that sounded un-diplomatic and un-parliamentary, but the rest remains.

(Laughter)

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, it has to go on record that the struggle for Independence did not start in central Kenya in 1952. We had the Bukusu Rural Rebellion against the whites headed by Elijah Masinde Wadameme.

Mr. Temporary Deputy Speaker, Sir, we have the Malakisi Massacre. That was the struggle for Independence. Is the Minister considering putting Elijah Masinde Wadameme among the heroes of Kenya?

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, the Government is taking into consideration all those who participated in the struggle to free us from the colonial rule. At the moment, for the information of the House, the Government is spending almost Kshs60 million to put up a mausoleum, a library and a gallery for the hero, Koitalel arap Samoei. That one does not come from Central Province!

Mr. Temporary Deputy Speaker, Sir, recently, we went to Rusinga Island to take over the mausoleum of the late hon. Tom Mboya! We have also been honouring Mekatilili wa Menza from Malindi. So, I request my colleagues to actually open their minds and read widely in order to know what the Government is doing.

Thank you.

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, the Minister has talked about a task force. Could he, for the sake of transparency, lay on the Table of the House the list of all the freedom fighters who have been identified by the Government, so that this House could actually approve or endorse it? That way, we will not have the equivalent of the so-called Gen. Mathenge being included in the list of heroes of this country.

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, if my friend was listening to what I said, the task force has completed its tour. We have the list of everybody. We are now waiting for the Cabinet's direction on the policy. Immediately that is done, we will bring the Bill here and the names of all freedom fighters, so that hon. Members could see them.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Kagwima): Last question, Mr. Karaba!

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I am not very sure whether the Minister is very conversant with what was happening in Mt. Kenya area. He is trying to imagine that, since the Movement was proscribed, nothing should happen to the--- The Government will do nothing to those people. Is he also aware that the same Mau Mau Movement or the freedom fighters were denied their land in 1957 by a Governor called Crawford? They were not given back their land and up to now, they are still struggling for their land. Is he going to resettle the sons and daughters of ex-freedom fighters who were denied their land in 1957? Go back to the books!

(Applause)

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, once the law is put in place; and once this House and hon. Members direct or say what needs to be done, I do not see any problem there.

Mr. Karaba: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Kagwima): Are you sure it is a point of order?

Mr. Karaba: Yes, Mr. Temporary Deputy Speaker, Sir. I am not satisfied with the answer.

Can this Question be deferred until the Minister is updated on what was happening?

(Applause)

The Temporary Deputy Speaker (Mr. Kagwima): Mr. Karaba, repeat what you have just said.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I am seeking to have this Question deferred because the Minister is not really informed of what was happening at that time. Could he defer the answer, so that he could, maybe, get more information?

The Temporary Deputy Speaker (Mr. Kagwima): Mr. Shakombo, do you want to respond?

Mr. Shakombo: Mr. Temporary Deputy Speaker, Sir, I am very much informed. I know what was happening. I only request my colleague to have a little patience until this law is passed by this House.

POINTS OF ORDER

The Temporary Deputy Speaker (Mr. Kagwima): Messrs. G.G. Kariuki and Manoti wanted to request Ministerial Statements.

KILLING OF SUSPECTED CRIMINALS FROM KENYA BY TANZANIAN POLICE

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I would like to request a Ministerial Statement from the Minister for East African Community. Recently---

(Loud consultations)

There is a lot of noise here! I cannot hear anything!

The Temporary Deputy Speaker (Mr. Kagwima): Order, hon. Members!

Mr. G.G. Kariuki: We are having another meeting here chaired by Mr. Deputy Speaker!

(Laughter)

The issue I want the Minister to make a statement about is information indicating that 14 suspected criminals from Kenya were shot dead in an exchange of fire with the Tanzanian police in Moshi on the evening of Wednesday, 5th September, 2007. This is quite disturbing and the Government needs to urgently address it as a matter of national importance. All the 14 were initially reported to have been in one vehicle, a Suzuki, that can ideally carry only five to six persons. Recent reports from the Kenya police investigations indicate that the suspects were shot at close range.

That is a very serious matter; the story continued to suggest that there is growing perception in Kenya that the suspects were executed in cold blood. Although we support the current collaboration between the Kenyan and Tanzanian police, this matter deserves a serious investigation. This country should be informed of what actually transpired. Without vouching for the criminals, it is the responsibility of the Minister to inform this country of the circumstances that led to the killing of the 14 Kenyans. Granted, the police have confirmed that they were criminals, but even as criminals---

The Temporary Deputy Speaker (Mr. Kagwima): Mr. G.G. Kariuki, you are asking for a Ministerial Statement rather than making a statement! Let it be brief! Who are you raising the matter with? Which Ministry?

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, it is the Ministry of East African Community. I have just stated that. Therefore, could the Minister responsible tell the House the actual circumstances that led to the killings and the practical steps being taken to prevent the recurrence of such incidents?

UPSURGE OF INSECURITY IN BOBASI

Mr. Manoti: Mr. Temporary Deputy Speaker, Sir, thank you for this opportunity. I rise to seek a Ministerial Statement over insecurity in my constituency, where criminals take charge at night. So many people have been killed with bullets. On 29th, a high school teacher, Mr. Charles Kaosa and another man, Mr. Peter Muhugi, were killed two kilometres away from the District Officer's office. To date, nobody has been arrested; even in the case of ten other people who have been killed, nobody has been arrested. The Government is not telling us anything. So, I am seeking a Ministerial Statement from the Minister in charge of internal security.

*[The Temporary Deputy Speaker
(Mr. Kagwima) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Khamasi) took the Chair]*

ARREST OF PEACEFUL DEMONSTRATORS IN BOBASI

Mr. Temporary Deputy, Speaker, Sir, I also seek another Ministerial Statement. Yesterday when teachers, parents and children, were demonstrating against the DEO and his team for not doing their work--- They were having a peaceful demonstration but they were beaten and injured. The Kenya National Union of Teachers (KNUT) officials were arrested and will appear in court. We have a big problem in that district in general. So, I would like the Minister to address those issues. When these officials will be attending court tomorrow, all the teachers in Gucha District have said that they will not attend classes.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Manoti!

Mr. Manoti: I would like the Minister to address the issue.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I will convey the sentiments to the Ministers concerned. In this case, there are three Ministers concerned, and I can only say that the Ministerial Statements should be here on Wednesday next week.

Thank you!

The Temporary Deputy Speaker (Mr. Khamasi): Next Order!

MOTIONS

APPOINTMENT OF SELECT COMMITTEE ON RECRUITMENT/PROMOTIONS IN PUBLIC SERVICE

THAT, in view of the recent public outcry against the manner in which appointments to public offices are made; aware that the NARC Government won its electoral mandate based on fair distribution of public resources, zero tolerance to corruption and nepotism and general legal and administrative reforms; taking into account that there are over 40 tribes in the country; and considering that the unfair allocation of public resources, including senior positions in the Government may cause great division, despair, despondency, dissention and national disintegration, this House resolves that a Select Committee of the House be formed to investigate, inquire and interrogate all Government departments and parastatals to find out how all staff recruitment and all promotions to senior positions at or equivalent to Job Group "P" and above were done since the current Government took office and report its findings to the House before September, 2007, and that the following be Members of the Select Committee:-

1. Hon. Uhuru Kenyatta, MP
2. Hon. Joshua Ojodeh, MP
3. Hon. Kenneth Marende, MP
4. Hon. Musa Sirma, MP
5. Hon. Julius Arungah, MP
6. Hon. Charles Kilonzo, MP
7. Hon. Daniel Karaba, MP
8. Hon. Dr. Hezron Manduku, MP
9. Hon. Amina Abdalla, MP
10. Hon. Abdi Bahari, MP
11. Hon. Otieno Kajwang, MP
12. Hon. Linah J. Kilimo, MP
13. Hon. Simeon Lestima, MP

(Mr. Ojode on 5.9.2007)

*(Resumption of Debate
interrupted on 5.9.2007)*

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ojode, you still have 12 minutes!

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion. You will remember that when I was moving it last week, I said that I wanted to appeal to the Government to take strategic steps, without victimising anybody, in order to address this very important issue. You will remember that the list I tabled here sometime last week from the Kenya Revenue Authority showed that there was some skewed manner in which employment was done in that department.

A casual glance at the Government records shows disparities. Look at the Office of the President's staffing. People from one particular region took charge of very good Ministries, very powerful Ministries, parastatals and departments. Ministries which are heavily funded are given to people from one particular region.

The Assistant Minister for East African Community (Dr. Khalwale): On a point of order, Mr. Temporary Deputy Speaker, Sir. When I look at this Motion, the hon. Member is trying to seek leave of the House, so that the process that was used to recruit people is interrogated. The

same Motion is requesting that the same leave allows a Select Committee to report to the House before September.

Mr. Weya: *Keti chini!*

The Temporary Deputy Speaker (Mr. Khamasi): Order, Dr. Khalwale! Mr. Weya, this is not your business! It is my business!

Dr. Khalwale, this Motion has been approved by the Speaker. It has not even been moved and seconded. If you have anything to say against this Motion wait for debate on it and then you can say what you have to say.

(Applause)

(Dr. Khalwale stood up in his place)

An hon. Member: *Keti chini!*

The Temporary Deputy Speaker (Mr. Khamasi): Order! This is what I do not like! Dr. Khalwale, you cannot challenge my ruling. You will have to sit there and listen to the Mover of the Motion to finish and the Secunder. Then you can stand up, and if you catch my eye, I will allow you to speak. I do not want anybody to challenge my ruling!

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. What I was saying is that heavily funded Ministries are given to people from one particular region. That disparity is what we want to rationalise. Some of the Ministries I am talking about are the Ministry of State for Administration and National Security, the Ministry of Finance, the Ministry of Agriculture, the Ministry of Education, *et cetera*. You will find that the Ministry of Education alone, which has over 30 core functions, is headed by people from one particular region.

Last time, I tabled a list from the Ministry of Finance and asked why Mrs. Jacinta Mwatela was removed from her acting position, after having served the Central Bank of Kenya since 1977.

She is a graduate from the University of Nairobi with a Bachelor's degree. She was employed in 1977. When we talk of gender equity, they say that they will take it into consideration, but why was it necessary for them to remove Mrs. Mwatela from that position? It is simply because she does not come from that particular region. This is a very serious Motion and I would want my colleagues to also listen to my debate.

Mr. Temporary Deputy Speaker, Sir, if you go to the Provincial Administration, you find that even in Nyanza alone, half of the senior officers in the Provincial Administration; police, education, health, roads and the District Tender Board come from one particular region. If you look at the eight provinces, the Provincial Police Officers (PPOs), six are from one particular region. So, that leaves us with just two. It is so sad especially when they talk of unity and yet there are some who are practising tribalism. That is what I stand here to defend. I want the younger people, even if they come from that particular region to be employed. It is worse, when the same Government is employing people who have attained the mandatory retirement age of 55 years. It is so absurd and so bad, yet the country is full of graduates from various regions.

Mr. Temporary Deputy Speaker, Sir, I will just give you a casual look into what other departments are having. If you go to Kenya Reinsurance Corporation, the Chairman of the Board is Ms. Nelius Kariuki, the Chief Executive Officer is Eunice Mbugua and the Financial Controller is John Kinyua. The Ministry of Education is worse. The Permanent Secretary is Prof. Karega Mutahi, the Director is Njoroge, the Director, City Education is Margaret Thiong'o. In the Kenya Institute of Education (KIE), the Director is Gabriel Muita, in the Higher Education Loans Board (HELB) the Chairman is Kimura. The Commissioner of Education is George Njine, the Head of Administration is Margaret Kobia. It is a pity even to read what is on record.

Mr. Temporary Deputy Speaker, Sir, we are not saying that we hate these people. No! I do not want anybody to think that I am a tribalist. I will never be a tribalist but sometimes, it really perplexes me. If you go to the Office of the President, you will find that the Permanent Secretary, the Criminal Investigation Department (CID) Director, Administration Police Commandant, General Service Unit (GSU) Commandant, Deputy and Assistant Commissioners of Police, Provincial Commissioners (PCs)--- It is a pity! I do not even want to go through this list. But I would want to table it so that we can share with my colleagues.

Mr. Temporary Deputy Speaker, Sir, let me also thank the *Standard* newspaper for having done a wonderful job. If you look at the records, Tana and Athi River Development Authority (TARDA)---

Mr. G.G. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. For this Motion to be relevant to the situation we are in today, it is talking of September. That is sometime ago. Looking at it now, it is almost irrelevant or---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. G.G. Kariuki. It is on that basis that I over-ruled Dr. Khalwale. I thought you were standing on a different point of order because I saw him with a newspaper, and you know that it is not an authority accepted by the House.

All the same, what you are raising is what you need to state during your opposition to the Motion. But as of now, the Motion is properly before the House. Mr. Ojode will continue to move it and it will be seconded and then you can say your bit during the discussion.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, when you move to the Kenya High Commission in Canada, 90 per cent of the employees are from one particular place, and yet, there are over 10,000 Somalis there. Why can we not show the face of Kenya? What is wrong? Mr. Wetangula was here. He is a very brilliant young lawyer. Why can we not show the face of Kenya? There are 42 communities in Kenya. When Athi Water Services Board was inaugurated in 2004, out of 13 directors, 11 were from one particular place.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my former assistant. I hear him talking in innuendos and talking of a certain community or region. We all come from certain communities and regions. He should say what he means and mean what he says instead of casting innuendos and all that.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, Mr. Wetangula knows very well the region that I am talking about. I am talking about Mt. Kenya region. Let us be very specific. Those who have been hired have attained the mandatory retirement age of 55 years.

(Several hon. Members stood up)

Mr. Temporary Deputy Speaker (Mr. Khamasi): Order! I do not know what is itching you. I think we must be patient and wait for the Mover to finish his contribution. But if there is anything that is out of order as far as procedure is concerned, I want to listen to that.

The Assistant Minister for Water and Irrigation (Mr. Wanjala): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House about the Athi Water Services Board, when he knows that we split this country into eight regions and the members of each Service Board must come from that region? He is from Lake Victoria South Water Service Board and all the Board members are from his region.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a point of argument and I will not reply to it. Athi is in Eastern Province and not Central Province. Let me continue!

The Chairman of the Kenya Tea Board is Dunstan Ngumo, the Managing Director is Cecily

Kariuki. In TARDA, the Chairman is Muriithi and the Managing Director is Samuel Marimba---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that these people come from Mt. Kenya region when I know that Mbeeres have not been recruited to any positions of significance in this country and they come from there?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very good point of argument. That is what we are trying to correct. When this Motion is passed, we are going to have people share the positions. Can I continue?

In Post Bank the Chairman, Board of Directors is Wilson Kinyua, the Managing Director is Mrs. Nyambura.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode!

Mr. Ojode: What is happening?

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is only fair when the Mover is citing his examples, to be balanced. He should cite the examples of Kenya Commercial Bank (KCB), the Managing Director and the Chairman. He should also cite the Ministry of Planning and National Development when Prof. Anyang'-Nyong'o was the Minister. He can give us the list.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I am coming to all that. I am going to come to KCB. There is no hustle. Let him wait. Can I continue? When you look at the Kenya Reinsurance Corporation, there is Nelius Kariuki, Johnson Kibaka is the CEO, Financial Controller is Mr. Kinyua. The last one is worse. I do not want to talk about Kenya Revenue Authority (KRA) because I have already tabled a document. It is worse and absurd.

Let me share with my colleagues this one. The Deposit Protection Fund Directors, the Chairman is Njuguna Ndung'u, the Members are Joseph Kinyua, Gideon Muriuki, Rutiri, Awuondo and Kantaria. I am not biased.

With those few remarks, I beg to move and ask Mr. Arungah to second.

Mr. Arungah: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to second this Motion. In seconding this Motion, I will appeal that the issue of ethnicity be handled very soberly. If badly handled, we could tear this country into pieces. This Motion seeks to establish a Select committee which, in my view, will have the following four objectives.

First, to explore the role of public agencies in facilitating a fair integration of our country's ethnic communities into the public sector employment. Second, to find out the role and effectiveness of statutes and statutory instruments and see how they can be used to promote a fair regional and ethnic balance in public sector or even private sector. Third, to consider how the different ethnic communities can be integrated into employment agencies. Finally and more importantly, to review or find out the role the Government can play in promoting the national cohesion and integration of all communities in public and private sector employment.

Mr. Temporary Deputy Speaker, Sir, ethnicity has a history. If you look at the first regime that ruled Kenya, and the employment trends in Kenya, it will tell you a story. Predominantly, we had people, like hon. Ojode has alluded, who occupied senior positions that had come from a particular district. When the second regime took over power, we saw a trend where people who were in those jobs were systematically replaced by people from another region, *Bonde la Ufa*. When the regime changed again, we have seen a scenario where that has changed. We now see employment opportunities based on where the Head of State comes from.

There are cases where ethnicity can be innocent in itself. As leaders, when we go to look for support to get into positions of leadership, we have tendencies to appeal, initially, to our tribespeople to support us so that we get those positions of responsibility. When we ascend to those positions of responsibility, there comes a pay back period. We become hostage to the support that we initially received. The people will always say that they are the ones who supported you and so

you have to reward them for supporting you. There are cases where ethnicity is practised, and yet it is innocent.

There is another form of ethnicity which is innocent in the sense that if you ascend to a position of responsibility and there is an employment opportunity, there are tendencies to give those jobs to people that you know. Since you have a mandate to deliver a service, you tend to employ people who will help you deliver whatever it is. Nine out of ten, you will find that these are people that you went to school with and most likely they come from your area. You will have a tendency to pick these people for the simple reason that you happen to know them. So, it is not really that you want to be tribal, but you are choosing people who are competent although they happen to come from the same region as you do.

My colleague has alluded and given us a dossier of some of the positions that have been filled by people from one region. I knew I would second this Motion, and I have done some research. You will be amazed at how much people on the other side will have to say. I have an example here of where out of the so many parastatals, they have named about 33 of them that are occupied by non-Kikuyus. I have cases of five or six non-Kikuyu Vice-Chancellors. I have cases here of about 27 non-Kikuyu Permanent Secretaries, I have cases of 15 non-Kikuyu officers who are occupying very important Government Departments. They have also given a dossier on the number of judges we have. Out of the 50, we have 17--- Thirty three of them happen to be non-Kikuyus.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. The Seconder of the Motion, in his entire tenor of debate, is opposing the Motion. Could he declare, clearly, if he is supporting the Motion or if he is opposing it? His arguments are definitely anti the spirit and tenor of the Motion.

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Arungah, what do you have to say about that?

Mr. Arungah: Thank you, Mr. Temporary Deputy Speaker Sir. It means that the Assistant Minister was not listening to my opening remarks. I said that we must approach this subject with sobriety because we must give a balanced view. We must not create the impression that it is one sided. Therefore, it is important that we have a Select Committee that will soberly look into the status quo, at the way things are so that we can have a balanced distribution of these positions. I cannot do that without giving a balanced view of what is on the ground. So, I do not see how I am opposing this Motion.

The necessity of this Motion--- I am sure that Mr. Ojode would have raised this Motion in the year 2003 when this Parliament came into session. But the general feeling is that since the NARC Government came into power, there was a systemic attempt to replace people from certain positions. This Government has done a lot but the issue of ethnicity could easily bring it down because that is the feeling out there. If hon. Ojode would have known that the practice that is in place at the moment would have taken place, he would have raised this matter when this Parliament started. So, that is the perception on the ground; that appointments tend to favour one ethnic community as he said. We know that our Constitution, unfortunately, is fairly silent on how this matter should be addressed. The Constitution talks about non-discrimination on tribal lines when you are making appointments.

Mr. Temporary Deputy Speaker, Sir, perhaps, it will behove this House to put measures in place, so that we can provide it in law on how appointments can be made. As currently placed, there is no guideline given, for example, on how many people need to be appointed or what criteria

we need to use. This ethnicity is a factor now. I think it will be necessary for us to come up with a piece of legislation where we provide that if so many people are being employed, the ethnic composition of this country be taken into account. At the moment, we know that there is nothing to address that issue. It is also one of the suggestions, perhaps the Select Committee, will have to take into account. It will also help to protect those who are in positions because there is a tendency in this country that when you occupy a position of responsibility, to get appeals from your area brothers and sisters who will petition you and insist that because you are in that position you must help them by offering them employment opportunities. However, if we had that law in place, it would even help to protect those people in positions. This is because if you do not give these jobs to your tribesman and you are in that position, you will become an enemy of that community. So, if we had a law it would provide those people in positions of responsibilities---

The Temporary Deputy Speaker (Mr. Khamasi): Your time is up!

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second.

(Question proposed)

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say a few words about this Motion.

Mr. Temporary Deputy Speaker, Sir, it is important to appreciate that the Motion seeks among other things to say that there has been unfair distribution of public resources. There has also been a breach on the promise of zero tolerance to corruption and nepotism and general legal and administrative reforms. It also seeks if possible, to right those wrongs by making it possible that we, as a Parliament, are able to recognise the fact that there exists well over 40 ethnic communities in Kenya, particularly in the area of recruitment into public service jobs.

Mr. Temporary Deputy Speaker, Sir, I would have absolutely no problems with anything that Parliament would want to express the same with a view to addressing these very key issues. We must also bear in mind that we, as Members of Parliament, are actually some of the greatest culprits. We all appreciate the traditional roles of Members of Parliament. First and foremost, it is to legislate alongside representation. We represent people. We are elected here to come and represent our people. Thirdly, to offer oversight role to the Executive arm of the Government. I would imagine that this Motion seeks to enhance the role of this House in the third role of a Member of Parliament which is overseeing the Executive. However, when we represent our people, we must ask ourselves whether those whom we represent understand in which ways we are supposed to represent them. Is it in ensuring that resources are adequately, fairly or equitably distributed in the areas that we come from or is it in ensuring that I will get jobs for as many people in various places? That is where the problem comes in.

Mr. Temporary Deputy Speaker, Sir, our own Ministers are elected Members of Parliament and the people who elected them expect them to get them jobs. So, as Ministers, those who elected them expect that they should actually get them jobs through hook or crook. Yes, this is the truth. The people who elected us expect us to use whichever methods to get them jobs. Therefore, that is where the problem lies. The people we appoint Ministers are also elected and they want to retain and protect their seats come the subsequent elections. If one of the ways through which they will help to retain their seats is by ensuring that as many as possible of their electors are employed and more so, employed within their ministries, they will do that. I do not think that any one of them can stand here and look me in the face and tell me that they do not do that. If they get a place within their ministries, the first thing they will say is: "After all, I have 1,000 job seekers and this one is qualified and he should go there". That is where the problem lies.

Mr. Temporary Deputy Speaker, Sir, in as much as it is desirable to have a Select Committee, I am a little uncomfortable with the idea of a Select Committee to do a one-off job.

Mr. Temporary Deputy Speaker, Sir, I have been supportive over the years. I want to say it here, on the Floor of this House, now that we are debating this Motion and we are reviewing our Standing Orders, it is high time we came up with a Departmental Committee of this House which the various service commissions in Government will be answerable to on a regular basis. It is that kind of Committee that the Public Service Commission (PSC) will be appearing before on a regular basis, to give an audit report of their recruitment in the past, present and how they intend to go on in future - progressively. If we have that kind of Committee, it will be, on a regular basis, mandated by this House and our rules to be making periodic reports of those audits. If we had that kind of Committee, we would not have had this idea of having retirees being appointed. We have been singing, since 2003, that: "Please, help this country! There are too many job-seekers! Why bring back those who have retired?" They may have been very good priests, but we have so many young graduates from all over, who actually deserve those jobs. A Committee of this House would be able to say: "It is not fair to have a managing director who is older than the chairman of a corporation."

Mr. Temporary Deputy Speaker, Sir, look at the situation obtaining at the Kenya Airports Authority (KAA). Eng. Mwongera, who actually fits in the job of being the Managing Director of KAA - I would imagine - is the Chairman of that Corporation! A former priest is the Managing Director. It is those kinds of scenarios that we would want to see corrected.

Mr. Temporary Deputy Speaker, Sir, look at the situation that obtains at the Kenya Ports Authority (KPA). There is a Managing Director who did a commendable job there - Mr. Brown Ondego. He was removed and replaced with another docile one, merely because there was pressure coming from that region. We are not recognising ability and capability!

Mr. Temporary Deputy Speaker, Sir, even the Parliamentary Service Commission (PSC) would also have to answer and appear before that Committee of the House to explain how they recruit staff. Now that we are actually reviewing our Standing Orders, if we created that kind of Committee of the House, it would be making reports on a regular basis to this House, so that the entire nation could know the recruitment criteria. If there are jobs, if we want to go the route which is proposed here, of recognising tribes, let us adopt a method similar to the one of Malaysia, whereby we advertise jobs. In the case of the Mbeeres, for example, they are a small community. If there are jobs on a *pro rata* basis, if there is only Mbeere who is qualified--- I do not advocate the engagement of people who are not qualified merely because they come from ethnic groups. At this age and era, I want us to recognise ability, competence and professionalism. I would not want to say that Mr. Mungatana is not qualified to hold the job he is holding merely because he is a Pokomo! The young man is fairly competent! That applies to the young man, Mr. Wetangula. I want to emphasise competence, fairness in recruitment, professionalism and ability.

Mr. Temporary Deputy Speaker, Sir, in as much as we are debating this Motion in the manner that it is; that it seeks to have a Select Committee of this House just to report on the issues that have happened between January, 2003 and now, on a more national and proactive way, I would want to propose that we have a Committee of the House on a permanent basis that deals with the issue of policy and criteria of recruitment in various positions in Government. If we stand here and just begin to bash individuals, that is not going to help. I am not bashing any individual. But I am saying that we need to move in a manner that is more structured than we are doing.

Thank you.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, this matter, being as sensitive as it is, should be approached in a more responsible manner, instead of whipping up tribal feelings around the country. I hope the intention of the Mover of the Motion is to try and get a balanced

Civil Service. We should also get people, who are qualified, appointed to head those organisations. But from his presentation, this is an Orange Democratic Movement (ODM) campaign agenda which is being seen around the country. There are people who have decided that, to sell their manifesto, they must single out a certain tribe in this country, fight it hard and make sure they are elected. But this Parliament should be beyond political parties. It should be beyond---

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am very sorry for interrupting my friend. But is he in order to say that this is a political Motion and yet, he knows that, indeed, it is true that there are so many communities in this country and we are not sharing the resources equitably?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! You have already moved this Motion and said your bit about certain regions. Why do you want to gag Mr. G.G. Kariuki from saying his bit? He is allowed! I do not think he is out of order!

Proceed, Mr. G.G. Kariuki!

Mr. G.G. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. My friend should listen to other hon. Members because we all do not come from his region! We come from different regions

with different perceptions on the way this country should be run.

The idea of this Motion should go the way Mr. Muturi has just proposed. We should have a balanced mind. We need to have a Committee of this House which will be dealing with matters of employment. But if we approach it the way the Mover has expressed himself, this country will be doomed.

Mr. Temporary Deputy Speaker, Sir, this matter is well known in this country. We should ask ourselves: Who are we castigating in this Motion? Are we not all politicians elected on tribal basis? The time of balanced politics will happen when a Kikuyu, for example, will be elected in Kisumu or a Luo somewhere in Nyeri. But we should not pretend that we are angels; we do not come from our tribal corners. We all come from tribes.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members seated at that corner! Could you listen to the hon. Member?

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, the education system in this country has been left open, so that everybody participates in acquiring education and knowledge to compete fairly with each other. If we propose a Select Committee of Parliament today, what that Committee will do is to make the politics of this country more divided than they are today. It is going to be headed by politicians who will not have balanced minds in terms of tribal considerations. Therefore, this Motion has already been overtaken by events. That is why I raised a point of order. The proposed Select Committee is supposed to report to the House by September, 2007. I believe that the notice of this Motion was given some few months back. While moving, the Mover ought to have amended the Motion to read "before Parliament is dissolved".

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Motion was amended, when I moved it last week, to read "by 30th October". That is when we should be reporting to the House!

Thank you.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! I must admit that when I proposed the Question, I read "September, 2007". I have since checked and have been advised that while moving the Motion, the Mover actually amended it. I have sent for a copy of the HANSARD to prove that, that is so. If he has not, then, perhaps, I will make a different ruling.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Member for that information.

Let us look at the Public Service Commission (PSC). The PSC is supposed to be an independent body. The same is also true for the Teachers Service Commission (TSC). We are soon going to have the Judicial Service Commission (JSC). Now, are we going to pretend here that the hand of politicians will be off these commissions? This being a political world, and we being political animals, some favouritism will always be sneaked in. Therefore, what ought to be taken care of is making sure that we have machinery and systems which will govern those institutions, which are created by this House.

However, we need to be sober and appreciate the fact that we are a developing country, where a lot of democratic principles are not being practised, because of the way our country is. Therefore, all of us have to agree that there is a lot to be done in this country before we can reach a level, where it can be said that we are, really, in a democratic state, where the resources of the country are equitably distributed. However, the words "equitable distribution" are also misleading, because you cannot distribute resources equitably because there are comparative advantages that you need to look at.

The only people who are left, although they also belong to the tribal corners, are the newspapers and other media. The media can do a lot if they could expose the people appointed to positions by giving the details of their qualifications and where they come from. No matter what kind of measures we put in place, the people of this country know how to run away from the law, or how to defeat it. People, and especially politicians, can only be controlled if the media is given enough freedom to deal with this kind of situation.

So, this Motion is not in good taste. It is not well-intended.

Therefore, I beg to oppose it.

Archbishop Ondiek: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to support this Motion.

As other speakers before me said, it is true that in this country there is a "law" which provides that members of only one tribe should be employed. I do not know where that "law" came from. We worked so hard to elect this Government. We were promised that this Government would bring people together. However, if you look at the way it is employing people, you will find that only members of one tribe are getting appointments. Even if somebody is qualified, so long his name is not Mwangi or Kamau, he will never be employed. This is not the basis on which we decided to elect this Government to power. This Government has not been considering members of other tribes. There is no point in denying that fact. Sometimes they even forget to speak the national language in their offices. Sometimes, when you visit their offices, they start speaking---

The Assistant Minister for Education (Dr. Mwiria): On a point of order, Mr. Temporary Deputy Speaker, Sir. We should avoid getting excited as we contribute to this Motion. Is it, really, true that you will not get a job in this country unless you are Kamau or Mungai? What a crazy allegation?

The Temporary Deputy Speaker (Mr. Khamasi): What is your point of order, Dr. Mwiria?

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, that is a point of argument! For example, recently, Mr. Ayieko was replaced by Mr. Njoroge at the Kenya Power and Lighting Company. That fellow is very competent. He was doing very well, but he has just been replaced by Mr. Njoroge!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is important that, as we debate this Motion, we be factual. Mr. Ayieko is the Managing Director of the Kenya Power and Lighting Company up to today. He has

not been replaced by any Njoroge. The only thing that there is, is that there are whitemen from Canada, who are also there, managing the company but Mr. Ayieko is today in Washington DC with the Permanent Secretary (PS), Ministry of Energy. He is the Managing Director of the Kenya Power and Lighting Company!

The Temporary Deputy Speaker (Mr. Khamasi): It is true that we must be factual but I think---

Mr. Weya:---(Inaudible)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Weya, sooner than later, I will leave this Chair for you to come and preside over the House, if you think that you are much more competent than myself!

Let us be factual and, for God's sake, please, let us not play up tribal feelings in the whole debate. I would rather we borrow a leaf from what Mr. Muturi said, so that we can help this country to move forward.

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, we are not against helping this country, but we want to tell the truth. It is high time people knew that everybody has a right in this country. When you have people from many other tribes who are very qualified being mishandled, or being denied their rights, it is not fair. If people from all tribes were being helped, then nobody would complain. These are facts, which everybody is seeing. We do not even need to count them. We do not even need to be factual. Even if you go to Kenya Power and Lighting Company---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Archbishop Ondiek! It is a ruling from the Chair that you should be factual! You cannot say that you do not need to be factual. When you speak here, you must be factual all the time!

Proceed!

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, I appreciate that and I do not want to argue with you. I know that whatever I am saying is factual. We are trying to say that for this country to be run well, as Mr. Muturi has said, a committee should be formed, so that we can be able to vet public appointments. If a person from my tribe is making a mistake, I have no objection to him being sacked. But when a person is qualified to do a certain job, but somebody else is given that job and he is supposed to train the new officer on how to do the job, it is not right. Whether you are Mr. Otieno, Mr. Owino or Mr. Onyango or anybody else, we need to look into this matter more seriously in order to help this country.

I am not blaming the President, but the Ministers who have been appointed. They should consider this fact that is so important and appoint people equally in parastatals. They should appoint people on merit, based on their qualifications. They should not appoint people who cannot deliver. There is no need of appointing people who ask their junior officers to do the work, yet they are not paid the same salaries.

I believe that as time goes by, the situation will resolve itself. We are soon going for the general election, and this problem will be sorted out.

With those few remarks, I beg to support the Motion.

Ms. Ndung'u: Mr. Temporary Deputy Speaker, Sir, I have listened to the Mover very carefully and I think he has a point in terms of the principle of the need to interrogate employment in the Public Service.

Listening to him, I would have preferred that we do a proper audit, so that we can look at it from a point of view of a whole institution. For example, in a particular Ministry, how many people have been employed from each region? For example, if 700 people have been employed in a Ministry, out of those 700 people, then what are the regional considerations? If you name names, it becomes very exciting and political, but it is not factual. As a technocrat, I prefer to see the audit as a whole.

Mr. Temporary Deputy Speaker, Sir, apart from that, we should also be looking at other issues. Apart from the regional criteria, it is important for us to look at qualifications, merit and the issue of gender. Also, apart from the issue of age, we need to consider, perhaps, in the future, reviewing our retirement age. Kenyans are now becoming healthier as they get older. We do not have a real exit strategy for those who are older. So, in terms of policy, we need to think about it in a larger way.

I am concerned about looking at the issue of tribe all the time. This thing of ethnicity bothers someone like me. As I stand before you, am I a Kikuyu, an Indian, a Maasai or a Kamba? I have all that blood inside of me.

An hon. Member: Is that true?

Ms. Ndung'u: Yes, that is true! So, when you are going to say that Njoki has been appointed, she has been appointed as who? We need to move away from ethnicity and move much more to merit. The younger Kenyans do not want to hear this word "ethnicity". That is a thing that belongs only in this House and to the older generation. We need to move away from it.

Mr. Temporary Deputy Speaker, Sir, although I agree with some of the things the Mover said, we have a way in this Parliament of checking what he wants us to check, namely, through the departmental committee that has an oversight role on the Office of the President for Public Service. By moving this Motion and agreeing to it, it is almost like a vote of no confidence in that departmental committee. I think we need to go to that committee, which is chaired by hon. Kajembe, and ask the hon. Members to tell us what this is about and come and report back to the House. This would be a better way of doing things.

I also have a small issue about the way the proposed Committee is structured. It is skewed to favour the Opposition. In terms of Parliamentary Committees, it is important for us to have a fairer balance. Perhaps, the Mover would like to amend the names, so that we can adjust it. Because of the points that I have raised, I would like to oppose this Motion.

Maj-Gen. Nkaisserry: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on this very important Motion.

From the outset, this Motion is not in the interest of the country. If this House continues to whip up tribal emotions instead of creating an atmosphere for unity and cohesion of this nation, I think this country will be at a loss. As leaders, we should not go in the direction of whipping up tribal emotions.

Mr. Temporary Deputy Speaker, Sir, I know that the NARC Government came to power on the platform of creating unity and establishing equity. Unfortunately, Ministers who were appointed derailed the aspect of national cohesion or national unity. We cannot apportion the blame to the President although the buck stops at the very top, but people who have been appointed to key positions have appointed their tribesmen to key positions. This is really what the Mover is trying to expose. This is an issue that this Parliament can deal with by passing a law to allow Parliament to vet any future appointments to key Government positions. This will be the best approach to this Motion.

I know that there is a lot of nepotism in this country, but we should also look at the issue of resources. When you look at the national resources in totality, you will find that there are some areas which have been completely marginalised in terms of education and development. These areas are marginalised not because they have no resources. The resources from those areas are plenty. In fact, resources from such areas are the ones which are wheeling the engine of this country. For example, if you look at the South Rift region, you will find that we have tourism, soda ash, wheat and livestock. In fact, the south Rift region is wheeling the economy of this nation. But the resources are not being pumped back to develop that area. The people from that area are lacking in education and when it comes to appointments to key Government positions, you may not

find many of them.

I would like to caution all of us that, as leaders, we have to move this country as one. To me, this Motion should have been a Ministerial Statement or a Question. We cannot sit in this House and debate issues which can lead the country into tribal directions. We must try to bring this country together. I know that there is the Public Service Commission (PSC), the Teachers Service Commission (TSC) and the Judicial Service Commission, which influence the Executive. We cannot keep on saying this and that. This House must have the power to vet future public appointments. Mr. Temporary Deputy Speaker, Sir, in my district, especially in my constituency, we have highly-qualified people, but because they come from an Opposition constituency, they have not been appointed to Government positions. The positions I am talking about are all in the Government. Some of my friends I was referring to have pitched themselves at the national or international positions just like myself. In this House, I am the Vice-President of the International Parliamentary Forum on Small Arms. It is not because I am a Maasai, but because of my qualifications!

An hon. Member: You are a warrior!

Maj-Gen. Nkaiserry: And because I am a Maj-General and there is no other one here! They could have appointed one of their own!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, what we should be discussing here is how we can give this House the teeth to ensure that this country does not go the tribal way. I think that is the best way we can approach this matter.

Mr. Temporary Deputy Speaker, Sir, with those remarks I beg to oppose.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Wario): Ahsante sana Bw. Naibu Spika wa Muda, kwa fursa hii. Mwenyezi Mungu anatumia:

"Nimewaumba kwa makabila na mataifa ili mpate kujuana. Bora kati yenu ni yule anayemheshimu na kumtii Mwenyezi Mungu zaidi."

Ndiposa mtu anapokufa huvuliwa vazi la ukabila. Mtu hafi kama Mjalu. Unapokufa, unakuwa maiti! Ile dakika roho yako inakatika, wewe si Mjalu wala Mkikuyu tena. Unapokufa, wewe unaitwa maiti!

(Applause)

Bw. Naibu Spika wa Muda, rai walizotoa waheshimiwa Bw. Muturi na Bi. Njoki Ndung'u ni nzuri na za ukweli. Hata hivyo, rai zao zinahitaji Hoja nyingine, siyo hii. Hoja hii itakuwa sumu kwa nchi hii. Ni Hoja mbaya inayostahili kupingwa na kila mheshimiwa Mbunge aliye ndani ya Bunge hili.

Bw. Naibu Spika wa Muda, yapasa tujiulize ni kwa nini Hoja hii imeletwa Bungeni leo. Hoja hii imeletwa leo kwa sababu miezi michache ijayo, tutaenda kupiga kura. Nia ya Hoja hii ni kuamsha hisia za kikabila na chuki na uhasama baina ya Wakenya!

(Applause)

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry---

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ojode, I am told that you are the Mover of this Motion and the more we minimize points of order from you, in particular, the better. But all the same, what is it that is out of order, Mr. Ojode?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I just wanted to remind my colleague, who is on the Floor, that this Motion was not brought in yesterday. It was filed in March, 2007. I just wanted to correct the notion that the Motion was brought in yesterday.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Wario): Bw. Naibu Spika wa Muda, mwaka huu tutapiga kura. Serikali hii ilichukua uongozi miaka minne iliyopita lakini yeye ameileta Hoja hii hapa leo.

Bw. Naibu Spika wa Muda, sitaki kuzungumza juu ya mja, lakini tutakapozungumza juu ya nafasi za kazi huku tukizingatia ni nani amepewa cheo kipi au kile, nafikiri mhe. Ojode hastahili kuileta Hoja hii. Yeye alikuwa Waziri Msaidizi katika Serikali iliyopita na hii iliyoko sasa. Hakuna siku hata moja ambapo yeye alitangaza kuwa atajiuzulu kwa sababu kuna ukabila katika Serikali hii. Yeye alijiuzulu kwa sababu *headman* alimwambia aondoke kazini! Kwa hivyo, ikiwa Hoja hii itapitishwa---

Mr. Weya: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): What is it, Mr. Weya?

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, I was trying to remind the hon. Member that---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Weya! I do not want hon. Members to stand and say, "I want to remind" or "I want to advise". When you stand on a point of order, let it be a point of order! There is an order being breached and that is what you need to bring to my notice.

Archbishop Ondiek: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order! This is what the substantive Speaker has always said. You will not hunt in a pack here. It will be you alone! When somebody stands up on a point of order, please, let me finish with him before you stand up. If you do that, you know the consequences. Honestly, speaking, I do not want to send anybody out of this Chamber.

Yes, what is your point of order, Mr. Weya?

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to say that hon. Ojode was sacked and yet we know that he declined his appointment as a full Minister?

The Assistant Minister for Finance (Mr. Kenneth): He was sacked before that!

The Assistant Minister, Ministry of State for Special Programmes (Mr. Wario): Bw. Naibu Spika wa Muda, tulinyamaza wenzetu kutoka Upinzani walipokuwa wakichangia Hoja hii. Wao pia yafaa watuvumilie sasa kwa sababu ni lazima wasikie rai zetu. Si lazima tuichukue Hoja jinsi inavyoletwa kwetu. Sisi tuko hapa kuchambua.

Bw. Naibu Spika wa Muda, ningewaomba wenzetu waangalie nyuma. Tuliambiwa hapa kwamba Wizara zenye fedha nyingi zimepewa Wakikuyu. Je, kabla Wizara hizo kupewa Wakikuyu, zilikuwa chini ya Mawaziri gani? Kwa mfano, Wizara ya Kawi ilikuwa na Waziri yupi? Je, Wizara ya Barabara na Ujenzi ilikuwa chini ya nani? Swali ambalo ningependa kuwauliza ni hili: Wizara ya Elimu inaongozwa na mhe. Prof. Saitoti. Je, elimu ya bure imekatanzwa katika Mkoa wa Nyanza? Haijakatazwa! Tuangalie ni nini ambacho amefanya ama ni mambo gani ambayo ametekeleza. Tusichunguze ni nani kutoka kabila gani yuko katika Wizara gani. Sera ya elimu ya bure imetekelezwa. Je, sera hiyo imewafaidi Wakenya wote ama inawafaidi wenzetu kutoka Mkoa wa Kati peke yao? Sharti tuangalie ni nini Wizara hiyo imetekeleza.

Archbishop Ondiek: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, I will hear you!

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to mislead the House that the person appointed is the one doing the work? The Motion is talking about members of a particular tribe who are being employed.

(Loud consultations)

The Assistant Minister for Finance (Mr. Kenneth): You have to *tafsiri* Kiswahili for him!

The Assistant Minister, Ministry of State for Special Programmes (Mr. Wario): Bw. Naibu Spika wa Muda, nitapunguza Kiswahili ninachozungumza. Pengine ndicho kinachowasumbua wenzangu! Tena nitazungumza kwa upole ili niweze kueleweka!

(Laughter)

Archbishop Ondiek: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Archbishop Ondiek! I will not allow this to degenerate into an exchange between you and Mr. Ali Wario. I will allow Mr. Wario to continue with his contribution. Let us not interrupt him unnecessarily.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Wario): Bw. Naibu Spika wa Muda, nikimalizia mchango wangu, ningependa kusema mambo mawili.

Kwanza, tusiwe na mazoea ya kusema eti Kenya ina makabila 40. Kuna makabila mengi ambayo hayajasajiliwa. Kwa hivyo ile hesabu ya kusema kwamba Kenya ina makabila 42 ni ya kikoloni. Leo, hapa Kenya kuna makabila mengi ambayo hayajatambulika. Unaweza kuongeza katika makabila hayo Mmarakwet na Mnyayaya. Kuna makabila zaidi ya 50 humu nchini!

Mwisho, Bw. Naibu Spika wa Muda, sharti tuingalie Kenya kama Kenya wala siyo kama nyumba ya ukabila. Tukipitisha hii Hoja kuwa sheria, italetu mizozo, chuki na uhasama katika nchi hii. Tuitupe haraka iwezekanavyo!

Ninapinga Hoja hii.

Mr. Weya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to discuss this Motion by hon. Ojode.

One of the critical issues that the NARC Government promised Kenyans during the elections was that it would introduce affirmative action where 30 per cent of the jobs would be given to women. With regard to issues about the youth, this Government was voted in on the platform that they were going to look into how youths would be employed. The criteria that this Government has used in appointing people to big positions is such that most of the people who were appointed were either brought from retirement, or schooled at Makerere University or played golf in Muthaiga Golf Club.

Mr. Temporary Deputy Speaker, Sir, we must critically look at appointments in this country. Kenyans should be appointed on merit. This Government needed to advertise jobs so that we give Kenyans an equal opportunity to get positions in Government. You should not appoint people because they are your buddies or because you drink White Cup with them or you play golf together. It is about time this Parliament critically looked at the issue of employment in this country.

Mr. Temporary Deputy Speaker, Sir, if you look at how the private sector is run today, you will realise that it is running the economy of this country. The heads of the various companies in the private sector are under the age of 45 years. They run those institutions effectively and efficiently using today's knowledge. It is so disappointing that, today, even if you look at the way

the public sector is run, you will realise that it is run on outdated technologies. Many of the people who are still holding public office are living in the 1960s. These people went to school in the 1960s and they are living in the technology of the 1960s. Many of them still call secretaries for purposes of dictation because they do not know how to use computers. In today's world, chief executives write their own letters. It is a wonder that this Government wonders that Government secrets are being leaked out. They are being leaked out because their secretaries are called to type the letter, insert corrections and type it again, and yet it is a confidential letter. All they will do is to take photocopies give them to the Opposition and tell them this is what they are doing. It is very clear. This Government also does not realise that it is no longer in technology that you run public offices behind wooden walls.

Mr. Temporary Deputy Speaker, Sir, it is time that this Government realised that it has to inject new ideas into the public sector. This can only be done by creating a criteria where employment is offered through just means and to people who are competent enough to run those institutions.

There is a lot of talk about tribalism. When we are offering employment, we should not only look at the issue of whether you are capable or not. We also need to look at the smaller tribes. You will find that somebody who comes from North Eastern Province and has scored a Grade B- and somebody who lives in Nairobi and scores a Grade A, both have equal knowledge. This is because the person from North Eastern Province is disadvantaged. We should have affirmative action that addresses the plight of the smaller tribes. We should not just employ somebody because he is the most competent, but also empower them. I think that is done in many parts of the world.

For example, Dubai is a country that is run by many foreigners and yet, they try to empower the smaller indigenous tribes, so that they can feel as part of that country. When we are distributing jobs we should look at the El Molo and say that, although we have other people who are more qualified, this person is also capable of taking that job. Let us give that El Molo person the opportunity to head a parastatal in this country.

Mr. Temporary Deputy Speaker, Sir, we agree that the biggest three communities in Kenya are Kikuyu, Luo and Luhya. We do not have to think that because they will, probably be leaders of this country, the smaller tribes should be left disadvantaged. There are very small tribes in this country that have the capacity and should be given the opportunity to get jobs. If, for example, the head of a parastatal comes from a certain tribe, we should ensure that other organisations are headed by people from other tribes.

When the Kenya Human Rights Commission was established, we looked at regions when employing staff. Parliament said that each region should have a representative. We also looked at the gender perspective and youth issue, so that the body shows the face of Kenya. When we do so, we will avoid these problems we are facing. Some of the critical issues that have been brought in have been caused by the Ministers. When a Minister is appointed to head a Ministry, he sacks the Managing Director and appoints somebody from his tribe. When he leaves, that Managing Director is sacked and another one comes in. It has happened in many Ministries in this country. I do not have to mention those Ministries, but it is factual that when a Minister leaves, the new Minister does not feel comfortable working with somebody who is not from his community.

I was in a Minister's office where they had a barter trade. A Minister would call a fellow Minister and tell him: "Give me ten slots in your Ministry." Another one would call and say: " Give me ten slots in your Ministry. I have got some people in my constituency whom I want to put in that Ministry. Give me ten slots; we swop." That is how some of these Ministers operate. They cannot deny that is how they operate.

We will end up creating an elitist society in this country whereby you cannot move up if you come from a poor family. We have to give all Kenyans an opportunity to get positions at the

top regardless of whether they come from a rich or poor family. This country is heading to a situation whereby the poor will remain poor and the rich will remain rich. We have to change that in our society. If we do not do that, we will have an elitist society where people will only be getting jobs because of connections. That is where Kenya is heading now.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

The Temporary Deputy Speaker (Mr. Khamasi): We have five or so minutes before we call the Government Responder.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I listened very carefully to Mr. Ojode moving the Motion. If you have read the African Peer Review Mechanism Report on Kenya and especially the Peer Review Committee chaired by Mrs. Graca Machel, currently Mrs. Mandela, one of the areas that Kenya scored poorly is the management of our ethnic diversity. That was singled out by her. She recommended that a better way of managing our ethnic diversity be looked at.

Even sitting here, you can see ethnic chauvinism at play on the Floor of this House. You can see that we are all pursuing arguments that are skewed in ethnic directions. That is not the Kenya we want to have. This Motion is founded on a belief by Mr. Ojode that by setting up a committee, we can correct the problem; I think not. If you look at Standing Order No.151 which sets up Departmental Committees of this House, it gives them mandate to investigate, inquire and interrogate Government departments on all issues within their mandate. The relevant committees to the Ministry of Labour and Human Resources Development or the Office of the President, do not even need any mandate from this House to do so. Their mandate is in the Standing Orders. They can summon any Minister or PS and interrogate them on the levels of recruitment they have. We do not need a select committee.

Mr. Temporary Deputy Speaker, Sir, I have said this before; that it is a terrible indictment on this Parliament. We spend too much time seeking to travel abroad rather than working to enhance the welfare of Kenyans. If these committees were working, Mr. Ojode would never have brought this Motion. Perhaps, he would have taken his dossier to the Committee to enrich their knowledge and help them reach a fair judgement on the matters of the State.

I want to urge that we speak on the Floor of this House on matters that enhance our national unity and not on those that enhance our national disintegration in terms of ethnicity. We, as leaders, if we continue looking at ourselves in terms of our ethnic backgrounds, associations and feelings, this country will not achieve the Vision 2030 that we are talking about.

Malaysia has developed to where it is with a lot of ethnic groups, but they do not highlight them. India is booming without any Indian leaders standing up to say: "You are Punjabi, Maharajah." Those things do not help the country.

Mr. Temporary Deputy Speaker, Sir, Ministers in this Government have also not behaved very well. You will find that when certain Ministers make appointments, they are skewed only in favour of their ethnic groups. This is not limited to Ministers from Mt. Kenya only, contrary to what Mr. Ojode is saying. You will see that when a Minister is from Nyanza Province the appointments come from Nyanza Province. When a Minister is from Coast, the appointments come from Coast Province. When a Minister is from Central Province, the appointments come from Central Province. This is not the way to manage our country.

I think that everybody has to wake up today and look at this country as a unitary State for the common good of this country. It should be a State where an El Molo and a Kikuyu have a role or duty to play in the development of the country. A Luhya and a Somali should have a role to play in the development of this country, so that we can build a cohesive, progressive State.

Mr. Temporary Deputy Speaker, Sir, this Motion highlights rather than seeks to reduce ethnic tensions in this country. I want to urge Mr. Ojode, who was a very competent assistant of

mine until he opted out of the Government that as well-intentioned as the Motion may be, it does not help us to achieve cohesion.

With those few remarks, I beg to oppose the Motion.

The Temporary Deputy Speaker (Mr. Khamasi): I will now call upon the Official Government Responder to respond.

The Minister of State for Public Service (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, before I give my comments, I would like to donate two minutes to hon. Muchiri---

The Temporary Deputy Speaker (Mr. Khamasi): Order, they cannot respond on your behalf! You are the Government Responder and you have to respond to what has been debated here. So, you cannot tell other people to respond on your behalf. Unless you say that you do not have enough to cover within that time. You should have seen me before, so that you can donate that time.

The Minister of State for Public Service (Mr. Akaranga): Okay, Mr. Temporary Deputy Speaker, Sir. I beg to respond to the views on this Motion.

Mr. Temporary Deputy Speaker, Sir, you may recall that on 5th April this year, I issued a Ministerial Statement in this House on the regional imbalances in recruitment and appointments in the Public Service. That happened because hon. Ojode had sought a Ministerial Statement to that effect. When I made the Ministerial Statement, I tabled in this House a report made from sample Ministries and State corporations as follows: Office of the President, Ministry of Finance, Central Bank of Kenya, Kenya Revenue Authority, Ministry of Education, Telkom Kenya and Kenya Railways Corporation.

Mr. Temporary Deputy Speaker, Sir, at that time, hon. Members had an opportunity to scrutinise that report. I, indeed, asked hon. Members to inform me about the anomalies in that report and I, as the Minister of State for Public Service, would rectify them.

Mr. Temporary Deputy Speaker, Sir, I want to tell you that to date, no Member of Parliament, including my friend hon. Ojode, has ever scrutinised that list and come back to us for any feedback.

Mr. Temporary Deputy Speaker, Sir, I wish to remind hon. Members that recruitment, appointment and promotion of officers in the Public Service is provided for in various statutes, including the Kenya Constitution, Service Commissions Act, State Corporations Act and specific State Corporations Acts which this House passed. We, as a Government, have strictly followed the rules or instructions in those statutes.

Mr. Temporary Deputy Speaker, Sir, if you may recall, Section 107 states *inter alia*:- "Subject to this Constitution, the power to appoint persons to hold or act in the offices in the public service and in the service of local authorities, including the power, to confirm appointments, the power to exercise disciplinary control over persons holding or acting in those offices and the power to remove those persons from office shall vest in the Public Service Commission: Provided that the Commission may, with the approval of the President and subject to such conditions as it thinks fit, by directions in writing, delegate any of its powers under this Section to any one or more of its members or to any officer in the Public Service or, in the case of appointments to the service of local authorities, to particular local authorities."

Mr. Temporary Deputy Speaker, Sir, in my Ministerial Statement, I promised to provide this similar information. The Constitution, therefore, empowers the Public Service Commission to recruit, appoint and promote officers without any interference from any person. In fact, the same Section in the Constitution says that the Public Service Commission is not under the direction of any person. It is the Public Service Commission that is supposed to do those appointments. We

only ensure that when recruitment is done - and I have personally discussed it with the Public Service Commission - it is distributed amongst all the districts. A good case in point is the appointment of District Officers (DOs). We appointed them from all the districts in this country, including those that are in the Opposition side. There was nothing like: "This is from the Government side! Let them be appointed." So, the appointments are well spread.

Mr. Temporary Deputy Speaker, Sir, when I was seated down there, hon. Ojode came to me. I showed him a list which I want to table here. It was on the distribution of staff in the Civil Service. I urge Members of Parliament to scrutinise this list. If you may allow me to read some of them for the benefit of this House--- But before I do so, I must congratulate hon. Ojode because when he came up with that Question, I formed an Inter-Ministerial Task Force to look at the entire Civil Service. The Inter-Ministerial Task Force has been trying, in one way or another, to do the balancing. The list is here! Instead of us coming up with the Ojode's Committee--- He can go through it and send me the feedback. Let me just read some of them.

For example, in the Provincial Administration we have Mr. Cyrus Gituai who comes from Embu, Mr. Waweru James Mwiru who comes from Thika District, Mr. Munyi M.S. Gachomba who comes from Embu, Mr. Olando Paul who comes from Kakamega, Mr. Abdul Mwasera who comes from Kwale, Mr. Hassan Noor who comes from Mandera, Mr. Osare Patrick Otieno who comes from Kisumu, Mr. Rugut Kiplimo who comes from Nandi, Ms. Kimani Jeniffer Nyambura who comes from Murang'a and Mr. Mutali Muthali who comes from Lugari. That is one Ministry. Let me skip and go to another Ministry because I am going to table this list for them to see.

In the Ministry of Education, we have Mr. Mutahi Edward Karega from Murang'a, Ms. Margaret Chepchumba from Nandi North, Mr. Godia Geoge Embaga from Vihiga District, Ms. Miruthi Miriam from Kakamega, Mr. Siele David Kipkeny from Kericho and Mr. Oyaya Enoch Ocheyo from Siaya. That is the Ministry of Education.

In the Office of the Vice-President and Ministry of Home Affairs, we have Mrs. Nancy Chepkoni Kirui from Kericho, Mrs. Emily Mweru Gatuguta from Makueni, Mr. Hussein Ahmed from Wajir, Mr. John Ogula Sala from Nyando, Ms. Njeri Odhiambo Oloo from Siaya, Mr. Amos Odero Kwasi from Suba and Mr. John Lugwa Musa Juma from Kakamega.

Mr. Temporary Deputy Speaker, I want just to table this list for hon. Members to scrutinise. It is not fair.

An hon. Member: Table the list for the Kenya Revenue Authority!

The Minister of State for Public Service (Mr. Akaranga): I tabled the list for KRA last time! So, I do not need to do it again. But even this one includes what he is talking about. It includes the Ministry of Finance and all other Ministries. I table the list here because I am quite open and transparent. We want fairness to be done in this country. So, let Mr. Ojode peruse this list and see me if there is anything he feels we can do better.

(Mr. Akaranga laid the list on the Table)

Mr. Temporary Deputy Speaker, Sir, that is not even enough. I also have a list of chairmen, directors, chief executives and board members of State corporations as at 31st December, 2006. I will start with the Kenya Institute of Administration (KIA). We have Dr. Henry Chakava from Vihiga, Margaret Kobia, Wambui, Dr. Mary D. Odinga, Musau, Kimutai Sang, William Wilberforce Busolo, Babati and so on.

If I may move to the Ministry of Finance, just to mention the top two---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Minister! Since you are going to table the document, it is the responsibility of hon. Members to peruse it. So, you can save a lot of your time by just tabling the document and that will suffice.

The Minister of State for Public Service (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, I agree with those sentiments. But for the benefit of some of the hon. Members who will not even have time to peruse the document, it is important for me just to read out a few names.

The Temporary Deputy Speaker (Mr. Khamasi): Okay, it is your time!

The Minister of State for Public Service (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, the Chairperson of Kenya Commercial Bank (KCB) is Mrs. Susan Oita Mudhune. She is not a Kikuyu. She is a sister to Prof. Anyang-Nyong'o! Then the Chief Executive is Mr. Martin Oduor Otieno from Nyanza. There are so many other people--- I also want to table this document for the benefit of the House.

*(Mr. Akaranga laid the document
on the Table)*

Mr. Temporary Deputy Speaker, Sir, as we have agreed with my friend, hon. Ojode, this House needs to bring Kenyans together. History will judge us harshly if we, as the Ninth Parliament, start talking about tribalism in this country. I want to challenge any hon. Member in this House that if he or she has any evidence to show tribalism in appointments, and he or she wants me to help as the Minister of State for Public Service, let him or her bring that information to my Ministry and we are prepared to help.

Mr. Temporary Deputy Speaker, Sir, as I mentioned, it has taken the Inter-Ministerial Task Force three months to complete what I have tabled here, because they have been dealing with over 700,000 staff. If we allow the formation of the Select Committee, which hon. Ojode is asking for, it is going to take more than six months to complete its work. As we know, we are soon going for the general elections. I wonder whether they will do that work when they are outside there campaigning to be re-elected.

Mr. Temporary Deputy Speaker, Sir, I agree with hon. Muturi that in future, we should be bringing annual reports to this House where hon. Members will have an opportunity to scrutinise all those people who have been employed within that particular year. If there will be anything that hon. Members would want the Ministry to deal with, we will be prepared to deal with it. Therefore, a law is supposed to be enacted to vet some of the appointments by this august House. Even if you look at the constitution of the Public Service Commission, it provides for two members from every province who sit in that Commission. Therefore, hon. Members are also encouraged to talk to the commissioners where they feel, really, that the Government is not handling things in the proper way. Also, we have a Departmental Committee which is in charge of Health, Housing, Labour and Social Welfare. I am told that the Chairman is Dr. Manduku. That Committee can also go through or scrutinise all the appointments in the public sector.

Mr. Temporary Deputy Speaker, Sir, I do not want to continue responding to the Motion because we have resolved that we should not form this Select Committee now.

With those few remarks, I beg to oppose the Motion. I am sure that my good friend, hon. Ojode, is also going to oppose it, as we have agreed, so that we give directions to Kenyans in a good mood.

Mr. Temporary Deputy Speaker (Mr. Khamasi): It is now time for the Mover to reply.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, before I start replying, I would want to donate three minutes to hon. Okemo, three minutes to---

The Temporary Deputy Speaker (Mr. Khamasi): Order! You know what the rules are! You cannot do that! If you knew that you did not want to consume all your time, you should have approached the Chair and notified it to that effect. Then the Chair would have had the opportunity to give the hon. Members the time that you would not have spent. So, you are late!

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me those the hon. Members who have contributed to this very important Motion.

As I said earlier when I was moving the Motion, I am not looking at it the way some of my colleagues are doing. When there is something bad happening, it is better for us to come up and correct it. For example, if you go to Tanzania and ask a Tanzanian which tribe he or she comes from, the first question that he will put to you is whether you are a Kenyan. We do not want some thing like this to continue. It is true that the able Minister actually tabled certain documents in this House, which had names of those who were employed by Telkom (K) Limited. But I told him at that time that the list which he tabled here had already been rendered useless, because Telkom (K) Limited had already declared about 8,000 employees redundant and terminated their services. So, that list could not have seen the inside of this House simply because those who were purported to be employed by Telkom (K) Limited were not actually on the payroll.

The reason why my colleagues on the Government side are trooping in is because they want to defeat this Motion simply because of the forthcoming general election. But they know--- I have been approached and told by my colleagues from the Government side that, "yes, this Motion is very good, but we are going to defeat it because we are going for the general election." It is better for us to be honest with ourselves. There is something which is going on here and we have to come up and---

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Ojode: Even when I am responding, somebody is interfering with me!

The Temporary Deputy Speaker (Mr. Khamasi): Order!

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Ojode in order to allege that we are saying so because we are going for the general election when he knows that he is also going to participate in the election? In fact, this Motion dwells on the ODM campaigns!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, let us be serious! This is a very serious issue and we should talk about it openly without discrimination.

Mr. Temporary Deputy Speaker, Sir, I have said, and I will still repeat, that the distribution of human resources is skewed. I gave an example here that all the heads of departments at the Kenya Revenue Authority (KRA) are from one particular place. So, I have a point. That is factual and nobody will ever rubbish it. I would want to absolve some two fellows from Embu whose names appear on the list that has been tabled. Embu is equally marginalised as Luo Nyanza, Maasai, Runyenjes and many other regions.

Mr. Gituai is the only Embu in the Provincial Administration. Mr. Ruturi is the only director in the protection---

The Minister of State for Youth Affairs (Dr. Kuti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to state that Mr. Gituai is the only Embu in the Provincial Administration when the Provincial Commissioner (PC), Coast Province; Mr. Munyi, is also from Embu?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, PC, Coast Province, is a Mbeere and not an Embu! Dr. Kuti does not even know!

Mr. Temporary Deputy Speaker, Sir, I am basically saying that it is better for us to share this cake. Let it not go to one particular place. It is so shameful! That is why I did not even want to read the names of the Heads of Departments (HoDs) at the Kenya Revenue Authority (KRA). As I speak now, almost 85 per cent of all the District Commissioners (DCs) in Kenya are from one particular place. Why is this so? I am not a tribalist and I will never be one!

Mr. Temporary Deputy Speaker, Sir, another reason is that---

Mr. Muchiri: On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Ojode: *Ei!* Why are these Kikuyus up---

The Temporary Deputy Speaker (Mr. Khamasi): Order! The debate on this Motion ended when the Government Responder took the Floor! Mr. Ojode, you are responding to issues raised during that debate. You are not going to open debate on other issues which you did not raise at the time you were moving the Motion. So, you will confine yourself, unfortunately, to issues that were raised during the debate. That is what I want to hear.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is exactly what I am saying. I would--

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the honourable Mover of the Motion should borrow a leaf from the Minister's decorum and dignity in his language. When Mr. Muchiri stood on a point of order, did you hear what Mr. Ojode said? He said, "What is this Kikuyu up to?". It was on the microphone and is in the HANSARD. Is this something that should be said on the Floor of the House?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ojode, if you said so, I did not hear it! We have the HANSARD and you better own up. If you said that, I want you to admit, withdraw and apologise because you know what it means!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I did not say that.

The Temporary Deputy Speaker (Mr. Khamasi): What did you say?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I never said anything to do with Kikuyus. I have so many friends from that side. I cannot and will never! I promise. Read my lips; I will never and cannot---

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Order! We need decorum as we do business here. Mr. Ojode, I will check the HANSARD. If what Mr. Maore says you said appears there, you know the consequences!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I am above that! I cannot say that!

Mr. Temporary Deputy Speaker, Sir, Mr. Wetangula---

(Mr. Angwenyi stoop up in his place)

The Temporary Deputy Speaker (Mr. Khamasi): Order! You are now crossing my path! Could you keep your cool?

Mr. Ojode, please, finish your contribution!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, let me congratulate those who got time to contribute to this Motion; Mr. Wetangula, Maj-Gen. Nkaisserry and the hon. Minister. I respect the Minister because he sticks to his words. In fact, I would want his other colleagues to borrow a leaf from him.

Mr. Temporary Deputy Speaker, Sir, the reason we wanted this Motion to come to this House was to verify whether there is equitable distribution of positions. That is it! This issue of antagonising Mr. Ojode and saying all these things was not in my agenda.

Mr. Temporary Deputy Speaker, Sir, I am seeing a number of Members of the Government who have just been called in to this House to defeat this Motion. However, it will go into history that when we wanted to correct an anomaly, the Government said: "No, we cannot, let us continue with tribalism". It will continue. I am praying that when the ODM takes over this Government,

next year, we will correct all these anomalies!

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! What is it Ms. Karua?

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to claim that the Government is refusing to correct the anomaly, while we know that he is now laying basis for the ODM campaign agenda which is based on hate against the Kikuyu community?

Hon. Members: Ah! Ah!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, majority of my friends are Kikuyus. I would not wish for anybody, especially a Minister, to insinuate that I am against any other tribe. I am above that! I cannot!

In any case, when the ODM takes over the Government, the first people who will enjoy are those from that side, but not the old ones. We will employ young graduates because they have been left out by this Government. Let me assure you that the young graduates are going to get employment come next year!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Ojode! You can see the heat you are creating on the other side of the House. I would request you to tone down. Speak with civility, so that you do not create that sort of situation on the other side.

Mr. Akaranga, you had a point of order, I would like to hear it!

The Minister of State for Public Service (Mr. Akaranga): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to continue talking about imbalances when, he himself has just said that other Ministers are supposed to borrow a leaf from me? When he raised this Question in April, we went down there and did what we did to ensure that there is no such imbalances.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, in 2002, when we were voting for NARC, 98 per cent of Luo Nyanza voted for Mr. Kibaki, the President. This shows that we are not tribalists. If there is any problem, it is always good for us to say: "This is wrong and this is right".

With those few remarks, I beg to move.

(Question put and negatived)

The Temporary Deputy Speaker (Mr. Khamasi): Next Order!
Mr. Oparanya!

*(Several hon. Members walked
out of the Chamber)*

Mr. Weya: On a point or order, Mr. Temporary Deputy Speaker, Sir. You can clearly see that they were only voting machines here! Immediately the Order was finished, they all walked out! So, they were just voting machines!

The Temporary Deputy Speaker (Mr. Khamasi): And so?
Mr. Oparanya, can you proceed?

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, cognizant of the Government's past efforts in mitigating and minimizing the impact of disasters; aware that the National Disaster Operation Centre in the Office of the President lacks the capacity to effectively deal with all types of disasters; alarmed that Kenya has in the recent past been exposed to a variety of disasters including fires, highland malaria, swamp fever, floods, drought, famine, HIV/AIDS, transport accidents and terrorism; leading to loss of human life, economic losses and environmental damage; noting the lack of a policy framework for an effective and comprehensive disaster management strategy and preparedness; this House grants leave to introduce a Bill for an Act of Parliament to establish an autonomous National Disaster Management Authority with the mandate and capacity to harness disaster preparedness and response.

Mr. Temporary Deputy Speaker, Sir, this Motion has been on the Order Paper since last year, and the Minister in charge has, all the time, been saying that there is a Bill which is before the Cabinet and, eventually, it will come before this House. But, up to this date, it has not come. That is why I want this House to support me, so that we can enact a law that will deal with disaster management in this country.

Mr. Temporary Deputy Speaker, Sir, the topic is highly technical. So, I will make extensive reference to the notes that I have.

Mr. Temporary Deputy Speaker, Sir, over the years and in recent times, there have been frequent disasters that have increased world over and, more so, in our country. The data that I have gathered indicate that 113 disasters were recorded between 1960 and 1990, resulting to 34,823 deaths in the developed world, compared to 793,616 deaths in developing countries. That reveals that poor nations are more vulnerable to the effects of disasters.

The available data also shows that the overall economic loss worldwide increased from US\$10 billion in 1960s to US\$93 billion in 1980s. Currently, it is estimated at over US\$800 billion.

Mr. Temporary Deputy Speaker, Sir, it is the responsibility of every Government to protect its citizens against the dangers posed by disasters. That is why I am urging the Government to establish a preparedness plan to enable it to deal with the increasing frequencies of disasters in this country.

Mr. Temporary Deputy Speaker, Sir, we have the National Disaster Operation Centre which is under the Office of the President. If I go through what that centre is supposed to do, you will notice that the work it is supposed to do is not comprehensive enough to enable it to deal effectively with disasters in this country. The current scenario is that the National Disaster Operation Centre is supposed to maintain watch 24 hours, collect data and information, look at early warning signs, **[Mr. Oparanya]**

transform data and information into decisions and actions, create awareness, capacity building, networking at local, regional and international level, coming up with conscious plans, mobilisation of resources, human resources and general co-ordination.

Mr. Temporary Deputy Speaker, Sir, you will notice that, from what the National Disaster Operation Centre is supposed to do, there is no comprehensive policy framework. There is no effective management plan to manage disasters in this country. Furthermore, there is no adequate budgetary provision for disaster management. Other countries take disaster management very seriously. There is proper annual budgetary provision and strategic plan. There is a proper and effective policy framework, all that is lacking in this country.

[The Temporary Deputy Speaker]

(Mr. Khamasi) left the Chair]

*[The Temporary Deputy Speaker
(Mr. Sungu) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, since Independence, we have been having disasters all over! Unfortunately, nothing has happened. Those disasters have not been handled effectively. I can mention a few disasters where we have lost lives. I have statistics from the time of Independence up to now. But I will not bother to go into all that. I just came up with the major ones.

In 1982, we had floods in Nyanza where 75 lives were lost. You are aware that, since 1984, when HIV/AIDS was discovered in this country, we have lost over 2 million people up to now. In 1990, we had a fire in Lamu, where we lost 20 people. In 1992, we had a train accident at Mito-Andei where 270 people were injured. We lost 31 people. In 1994, we had a ferry accident at Mtongwe in Mombasa where 270 people died. In August, 1998, there was a terrorist attack in Nairobi where 5,600 people were injured and 214 died. In March the same year, 1998, we had a fire at Bombolulu Girls Secondary School, where property was destroyed and we lost 25 pupils. In August 2000 we had a train accident in Athi River and 25 people died. In 2001, we had fire in Machakos, where property was destroyed and we lost 68 people. In 2004, we had floods in Nyando and 4,000 people were affected. In 2004, we had food poisoning in parts of Eastern Province and 112 people died. In 2006, we had a collapsed building in Nyamakima, and about 20 people died. In 2006, we had a plane crash in Marsabit, and lost 14 people, including six of our colleagues. Recently, we had a landslide in Malava where we lost eight people and just last weekend we buried 30 people in Kisii who had died from road accident.

Mr. Temporary Deputy Speaker, Sir, with this information, you realise that, as a country, we must prepare ourselves for disaster, because disaster is a reality. If we are prepared, we will be able to minimise the impact of disaster. So, we need an authority that will look into all disaster policies that are there. Currently, we have disaster units in all Ministries. You will find a disaster unit in the Ministry of Health, the Ministry of Agriculture, the Ministry of Environment and Natural Resources and in the Ministry of Tourism and Wildlife. But what I am saying is that we need a harmonised structure, so that disaster management is handled by one authority that is well funded, equipped and has the necessary resources so as to be able to minimise the impact of disasters on human beings and the economy of this country.

If the authority is formed, technically, it will emphasise four important areas of disaster management. I am happy that Moi University has come up with a degree course on disaster management. That is in good direction.

Disaster management encompasses three major phases. The first phase is mitigation, and this is where you lessen the impact of disaster on the people, property and even on the economy of the country. That means that it tries to eliminate and reduce risks before the disaster takes place.

The second phase is preparedness, or the precautionary measures which ensure that there are precautions against disaster. This is like the insurance policy that is taken in advance, so that it helps to cope with the effects of disaster. This will ensure that when we have disaster, we have certain precautionary measures, a sort of insurance, that will take care of the property that is lost. It will, therefore, mitigate the economic impact on the people, property and economy.

Mr. Temporary Deputy Speaker, Sir, the third phase is the response; these are the immediate intervention measures that are there to assist the casualties of disaster. We should have proper measures for search, rescue, shelter and medical care.

The last phase is the recovery and return systems so that there is short and long term plan to

ensure that when we have disaster, there is recovery immediately, before we incur a major losses.

Mr. Temporary Deputy Speaker, Sir, what will be the functions of the Authority if the Motion passes? The functions of the Authority shall be information management. This means that there will be information gathered at one point, analyzed and proper dissemination of that information to various stakeholders within the country. The other function of the Authority shall be the preparation of the strategies, policies and plans because since Independence, we have policies and strategies to manage things like droughts, floods and so on. We have been having floods in Budalangi year in, year out. So, we should know how to prepare if we have floods; what policies or plans do we have?

The other function of the Authority shall be assessing the vulnerability of the country as regards to disaster management. That is understanding the effects of disaster management. The other function would be co-ordination during disaster and emergency situation, where we shall have early warning systems so that we are prepared for the disaster. The other function which I propose is non-emergency situation. Information and exchange of that information, especially when there is no emergency. The other issue would be to conduct an audit and see how we are prepared, including the current capacity of the country regarding disaster management and the general structures that are there in the country for disaster management and responsibility. The reporting mechanisms and related activities within disaster management. The last function would be training and community awareness. We need to have proper capacity and people will be trained from the sub-location level up to the national level to be prepared for any disaster.

Mr. Temporary Deputy Speaker, Sir, I have come up with a disaster management authority organization chart or organogram which puts the responsible Minister as head. The way the situation is now, we have the Ministry of State for National Security and Provincial Administration which is in charge of co-ordination. You will find that the Ministry of State for Special Programmes is in charge of supply. So, in some cases there is no co-ordination. You do not know where to go. Sometimes you raise a Question on disaster management and the Minister of State for Special Programmes says that the Question should be referred to the appropriate Ministry. In some cases, you find that you do not get the right answers.

Mr. Temporary Deputy Speaker, Sir, with one organization dealing with it, we shall have an effective management and quick response to disasters when they occur. So, I am saying that the Authority will be under one Ministry which will be specified. I think the most suitable Ministry would be the Ministry of State for Administration and National Security. Under the responsible Minister, there will be the National Disaster Management Authority. It will be a sovereign body and will be answerable to the Minister in charge, hopefully, the Minister of State for Administration and National Security.

Mr. Temporary Deputy Speaker, Sir, there will be a National Disaster Advisory Committee which will be parallel and will be composed of professionals, including retired officers and other people with experience in disaster management so that they can advise the National Disaster Management Authority. There shall be a secretariat which will be manned by professionals to manage the technical aspect, the administration and the finances of the Authority. There will also be a Provincial Disaster Co-ordination Committee which will be in every province. We have eight provinces and so each province will have a co-ordinating committee probably under the Provincial Commissioner. This will be in charge of co-ordination.

Thereafter, there will be a committee in every district, which shall be called the District Disaster Management Committee. Finally, there will be a Community Disaster Management structure in every division in this country. There will be another one at every location. At the divisional level, it will be co-ordinated by the District Officer. At the location, it will be by the chief. In every sub-location, it will be under the assistant chief. In every community, there will be a

Community Disaster Management Committee. Each of these people, including the Provincial Administration personnel, will be trained so that in case of disaster, there will be quick response so that there is no major loss of property and to the economy of this country.

With those remarks, I beg to move and request Mr. Mutiso to second the Motion.

Mr. J.M. Mutiso: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me first congratulate my friend, hon. Oparanya, the Member of Parliament for Butere, for his intention in this Motion. Disaster is a risk and its extent cannot be measured. Therefore, Governments or institutions should prepare themselves using proper mechanisms to address disasters.

Let me start by saying that the issue of disaster, in this country, has been given lip service. This is not because the officials or the Government is not committed to addressing disaster management, but because of the inherent culture of kleptocracy and corruption in this country. When you do not have structures, you create loopholes for corruption. For there to be corruption it takes two to tango.

In the recent report of the Transparency International, the seat of the Government or the Office of the President was ranked as the third most corrupt institution in this country. The National Disaster Management Operations Centre in the Office of the President has been very amorphous and translucent. Why is this so? It is because that is the root of corruption in the Office of the President. We have funds flowing from different donors. For example, we had the spectacular failure of the HIV/AIDS funds which resulted in the removal of the infamous previous director, who was bundled out of office. This is because there was conflict of interest. The appointments to this Department have not been properly defined.

Mr. Temporary Deputy Speaker, Sir, I support the sentiments that the Office of the President lacks the capacity to effectively deal with disasters. The statistics are there, we now have more than 32 Ministries. The highest turnover of Ministers and Permanent Secretaries is in the Ministry of State for Special Programmes. Why? This is because the Government has refused to address this problem of corruption in this Ministry. As I speak now, even the current Minister of State for Special Programmes, Mr. Munyes, was here the other week making a statement to that effect. This Ministry has been emasculated by the Executive on purpose to create avenues and conduits of siphoning money meant for disasters or special programmes. I, therefore, agree with the Mover of this Motion, hon. Oparanya, that we need to come up with a clear policy in form of a law to address this issue of effectiveness and capacity in the Office of the President.

Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion has enumerated various disasters from 1963 to the latest one. This is a pointer to the vulnerability of this country, particularly when it comes to investments by foreign investors. Doing business in this country is very expensive. Investors have to access a systemic risk. It is not possible where we did not have a policy, institutions and organs defined, to have investors come to this country, invest their money and secure those interests using the insurance route.

Mr. Temporary Deputy Speaker, Sir, there are premiums of insuring or doing businesses even in the City. They are astronomically very high. Why? Because the actuaries or insurance industry classifies Kenya as one of the countries with the highest risk because we lack the institutions and capacity to mitigate disasters whenever they occur. The sovereign rating of this country, again, in terms of its performance notwithstanding is also adversely affected because of lack of a proper policy of addressing disasters. Therefore, we have to agree to have a proper policy and institution to address disasters in this country.

Mr. Temporary Deputy Speaker, Sir, again, another very important issue is that when these disasters happen, we also have collateral damage. We also have institutions which actually have to compensate people. For example, today, we have a case of the Mtongwe disaster which happened sometimes in the 1990s. Its survivors have never received compensation from the Kenya Ports

Authority (KPA) authorities. We also have the bomb blast disaster. Those who lost their loved ones or were injured and maimed, although they were given tokens, are still today languishing in pain. The compensation aspects have never been addressed. When you have a proper policy and Act, issues of compensation which usually come after the disasters have occurred, will be addressed effectively and people will be able to get their compensation in good time.

Mr. Temporary Deputy Speaker, Sir, the preparedness of this country is wanting. We do have an *ad hoc* arrangement. The National Disaster Operation Centre which is just a conglomeration of various bodies with small personnel from the Ministry of Defence, Ministry of Health and all over, is an *ad hoc* thing.

Mr. Temporary Deputy Speaker, Sir, I remember when a building collapsed in River Road, it came to the fore that we do not even have the capacity to train small dogs, which are very important in addressing disasters. What a shame for a country to import dogs from Israel or Europe whenever we have a disaster, to help in the recovery of victims! It is high time we granted leave for the introduction of this Bill, to create a National Disaster Management Authority (NDMA). Indeed, autonomy means freedom to plan, executing those plans and responding whenever disasters strike this country.

Mr. Temporary Deputy Speaker, Sir, the infrastructure in this country in terms of roads, railways and airports is at a very high risk. We do not have a proper policy of disaster management. Recently, when I was driving along the Mombasa Highway, I saw a few police officers patrolling the road towards the airport. I asked why! I was told that, although those officers were put there to address issues pertaining to terrorism, they were also very busy trying to scare away the birds, which pose a very high risk. Avoidance is an aspect which can be adopted. I hope the Government will take the sentiments expressed in this House seriously, and address the issue of disaster management effectively.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second this Motion. I hope that this House will pass this Motion.

(Question proposed)

Prof. Maathai: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. I would like to congratulate Mr. Oparanya for bringing this Motion, which is very timely considering the disasters that have happened in this country for a long time.

When I looked at some of the examples that the hon. Member has given, with some very few exceptions such as the HIV/AIDS, all those disasters can be associated with environmental degradation. I found that to be very interesting. The highland malaria, for example, is a phenomenon that is, sometimes, associated with global warming due to climate change. The mosquitoes that spread malaria find it much easier to live in the highlands. They could not live there previously because it was very cold. Swamp fever is another disease that is closely associated with settlement in the swamps. That disease is caused by the fact that, in search of land, people tend to settle in areas where they could not settle before, such as the swamps.

Mr. Temporary Deputy Speaker, Sir, news on floods have been hitting newspaper headlines in recent times, mainly in Budalang'i and the coastal areas. As we have mentioned in this House on many occasions, destruction of our mountains is the reason why we have some of these floods, especially in Budalang'i. We will never be able to protect the people of Budalang'i until we go back to Cherengani Hills and deal with the deforestation in that area, so that we do not have soil erosion and siltation in the river. Even if you go today and raise the dykes, next year more silt will come and settle in Budalang'i area.

Mr. Temporary Deputy Speaker, Sir, so, you will have to go back and raise the dykes even higher. I, really, do not see why we do not make the linkage. What we need to do is to go and deal with the settlement and the destruction of the forests upstream. Drought is very much driven by removal of the vegetation, deforestation and, especially, our inability to harvest rain water. Again, in this House we have mentioned so many times that we need to harvest rain water. This country gets a lot of water but we let it flow. I do not know if anybody ever studies the HANSARD and sees how many times we have raised the issue.

Mr. Temporary Deputy Speaker, Sir, can the Ministry of Environment and Natural Resources, the Ministry of Water and Irrigation, and the Ministry of Agriculture get together and make sure that every drop of water that falls in this country is harvested, even if it is harvested by allowing it flow into underground reservoirs? If we do not do that, drought will continue to affect, especially, our ASAL areas, where slight changes in climate and the weather pattern causes disaster, especially to the people who live in those areas.

Of course, when we have drought, there is usually crop failure and subsequent famine. So, if we really---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Sungu): Order! Order, Prof. Maathai! Mr. Oparanya, you will be responding shortly, at the end of the Motion. So, please, listen to those who are speaking rather than consulting.

Continue, professor!

Prof. Maathai: Mr. Temporary Deputy Speaker, Sir, I was trying to draw the attention of the House to the fact that the proposed National Disaster Management Authority will need to understand that many of the issues that are mentioned here are actually symptoms of environmental degradation. While I strongly support the formation of the proposed authority, so that all disastrous issues are co-ordinated, it is important to understand that many of these issues are actually caused by the fact that we are not managing our environment properly. So, we end up with floods, drought and famine.

It sometimes makes me feel very bad when I see people rushing to areas such as Kakamega, Budalang'i, and other areas where our people are, really, suffering. During such times, we do everything. We go there ready with money, helicopters, medicine as well as accusations against each other. However, as soon as that particular disaster is over, we go back to slumber. What the proposed authority could do is to make sure that we are constantly prepared. One way of making ourselves prepared is to manage our environment properly.

Mr. Temporary Deputy Speaker, Sir, if we do not go back to Cherengani Hills, and address the issue of soil erosion, for example, it does not matter how many times we go to Budalang'i and cry over spilt waters, we will never be able to solve that problem, or to help those people. It breaks my heart sometimes when I see people expressing so much dismay, as if they do not quite understand what is happening upstream. The proposed authority will have to work very closely with the Ministry of Environment and Natural Resources, the Ministry of Agriculture and the Ministry of Lands.

Mr. Temporary Deputy Speaker, Sir, there is no reason why our people should be allowed to settle in very steep areas, for example, what we saw in Kakamega. It really makes no sense to allow our people to settle in these areas and then we are faced with a disaster where our people are buried alive in the middle of the night. Then there are no people to help them. In this very City, buildings have collapsed. As the Deputy Government Chief Whip said a little earlier, this is due to

corruption. An Authority like this one would make sure that such issues are addressed and we do not have buildings collapsing because somebody somewhere did not do his or her job properly.

It is important for such an Authority, therefore, to study, compile data and be prepared just like the fire engine, because you never know when the fire is going to break out. With disasters, you never know when they are going to occur. One way in which we must avoid disasters is to prevent them. When we were holding the Bomas talks, we proposed that the Minister for Environment and Natural Resources should recommend that every person who owns land in this country should be required to put 10 per cent of their land under trees. We calculated that to be about 25 trees per hectare. If everybody was required to do that, and it does not have to be a woodland, there could be trees scattered all over the land. The 25 trees per hectare are very few. That would raise the tree cover in our country to about 10 per cent. Along with this, if we also made sure that every hill and mountain in this country is covered with trees, we would prevent many of these disasters.

Mr. Temporary Deputy Speaker, Sir, I would like to see an Authority that does not just sit and wait for disasters to strike, but rather, an Authority that engages all the different departments of the Government so that the country is prepared to deal with disasters, and when disasters strike, they are natural phenomenon that we cannot prevent.

With respect to drought, lack of water, famine and the highland malaria, I want to draw the attention of the House to the fact that climate change is actually a phenomenon that is now drawing a lot of attention in the world. The other day, I was very happy to hear the President mentioning the issue of climate change when he was addressing the current conference of lawyers which is going on here in Nairobi. He said that it is very important for us, as a country, to pay attention to climate change. If we do not pay attention to climate change, especially to our environment, especially our forests and triple our tree planting efforts, when the impact of climate change finally truly hits this part of the world, there will be disasters that we will not be able to manage. As we think of this Authority, it is very important for us to pay attention to climate change.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Sungu): I would like to give this chance to hon. Muite. I would like to inform the other hon. Members that the Clerk is noting down your names, because the debate will continue up to next Wednesday, so that you will be given priority.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I also wish to support very strongly this very timely Motion. In supporting the Motion, I want to state that the sooner we have the new Standing Orders, the better, so that we can streamline the progression of what is erroneously called the "Private Members Bill", like the one the hon. Member is seeking the leave of the House, so that it can be fast-tracked, and be treated in the same way as Bills which are introduced by the Government. Nothing would serve this country better than to see the proposed legislation in place yesterday rather than tomorrow.

It is a major embarrassment that we wait to express our emotions when a disaster strikes. Although we kneel down and pray to the Almighty God to save us from these disasters, we know that they are going to occur. Look at the fear that gripped Kenyans because of the earth tremors! Is this not adequate warning or writing on the wall that we sit and build in dangerous areas which are prone to earthquakes? The fact that no major earthquake resulting in collapse of buildings and loss of lives has occurred is no guarantee that it is not going to happen.

Mr. Temporary Deputy Speaker, Sir, disasters are waiting to happen in the Rift Valley Province. We have got skyscrapers there! If a disaster strikes, how many lives are we going to lose? Are we going, suddenly, to get galvanised into mourning when we have not prepared ourselves in advance? So, this Bill should come as quickly as possible so that the new Authority can access international network in terms of building capacity and getting to understand how other countries

prepare themselves for disasters of different types.

Mr. Temporary Deputy Speaker, Sir, you remember that during the Tsunami that took place thousand of kilometres away, we lost, at least, one life here in Malindi. Who can state with certainty that we are not going to have a Tsunami on the Indian Ocean that is going to affect the people along the coast? So, while the Authority is in place, it will access expertise in different spheres. Therefore, it will develop knowledge and capacity in advance on how to deal with it.

Mr. Temporary Deputy Speaker, Sir, you have visited Europe. You know that in countries like Switzerland, they have actually built safe homes. In the event that there is a nuclear warfare, they know where each one of them will run to. There is a bunker. In respect of offices and every building, they know what to do. This is an example of people who prepare and think in advance. Here in Kenya and the Third World, in general, we just wait for the disasters to strike. We just leave things to go *shauri ya Mungu* way.

Mr. Temporary Deputy Speaker, Sir, this is a Motion that we should support. I would urge that as soon as the Bill becomes a reality, that Authority should employ the best brains in Kenya. That Authority should network with other authorities and other countries so that they can develop blueprints in respect of different types of disasters that might occur. They should not only access the Kenyan funds. I will propose, when the Bill comes, that the Authority be adequately funded so that they are prepared for each and every eventuality that might come in advance. They should even access funding from donors and from elsewhere so that they are fully equipped in terms of personnel, finance, manpower and knowledge. They should be up to any challenge that might present itself at any time. They should not be reactive, but proactive. They should also develop a system or a policy or a programme of civic education so that Kenyans, in every corner of the country, are educated on what to do in the event of a disaster.

Mr. Temporary Deputy Speaker, Sir, was it not embarrassing that people did not know what to do in the event that the earth tremors developed into a major earthquake? We are learning that people should go under a bed or a table or stand next to a door frame. Knowledge is power. So, I hope that one of the agenda which the Authority will undertake, once they have amassed the knowledge, is how to handle different types of disasters. The next simultaneous phase will be educating Kenyans. Should this happen, that is how we will react. That education should be carried out through the grassroots level and FM stations, so that Kenyan people are fully prepared and each one of us will know what to do in case of disasters. We need mechanisms to be put in place for rapid response to disasters. Let us not wait again to experience the humiliation of people coming from Israel and America to help us cope with our disasters because we do not have the capacity to deal with them. Even our hospitals do not have the capacity to deal with disasters.

Mr. Temporary Deputy Speaker, Sir, God forbid, if there was to be a major plane crash at any of our international airports, how should that be handled? These are the issues that the new Authority should address. During the disaster that we had recently, we had to go and borrow cold storage from the then American Embassy down in Mombasa Road to store bodies because our mortuaries were full. Where is the capacity to deal with disasters? We must respect our citizens who depart in these disasters. We must have respect for the dead.

Where have we made emergency storage facilities for dead bodies if there happens to be a disaster that will result in our mortuaries being completely flooded and saturated with bodies? Where are we creating the extra capacity? Do we have to go and borrow fridges from the Americans who anticipate these sort of things and have, therefore, prepared those provisions in advance? All these are aspects that can obviously be handled very effectively and adequately by well-funded independent authorities. It should not be dealt with by a unit in the Office of the President which is already overloaded by a lot of other aspects of national life that they have to attend to. Let them deal with what they have got to attend to and let this Authority be the one to co-

ordinate response to disasters.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Syongo: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I wish to thank Mr. Oparanya for taking his time to do a lot of research to prepare very well for this Motion.

This Motion is long overdue. I, therefore, urge Members of Parliament and the Government to take it seriously. Without repeating what has been said by my colleagues, I want to emphasise that disasters will always happen. This is a reality and it is predictable. It is certain. The only thing that is not predictable is the actual timing of its occurrence. It will come in different ways: There is the flooding that we are seeing now in Budalang'i. There is the recent landslides in Kerio Valley and Malaba. There are boats capsizing in lakes and oceans. There are air disasters.

Mr. Temporary Deputy Sir, earthquakes do happen. We have already been forewarned by experts that, indeed, this part of Africa must be prepared for very serious earthquakes in the near future. The signals have already been monitored. Response to disasters involve multiplicity of interventions. There is fire fighting, search and rescue, medical response as well as humanitarian response through food, blankets and others.

Mr. Temporary Deputy Speaker, what really is the state of our preparedness? Demonstratively, there is none. I say none because the recent disasters, even as minor as they have been, have clearly demonstrated that we do not respond. Even when we respond, the response is weak and too late. But even worse is that we are totally unco-ordinated in our response to that extent that, even though we may have equipment and the personnel to respond, we still have to depend on forces outside this country to fly in, as hon. Muite has just mentioned, to help.

Mr. Temporary Deputy Speaker, Sir, this country has one of the most regimented society in Africa. You only need to attend any of the public holidays - Jamhuri Day and Kenyatta Day. You will see the walk-pasts. How many uniformed forces do we have in this country? Very many. Starting from the girl-guides and scouts all through to the armed forces. There is St. John's Ambulance, Forest Guards and Fisheries Scouts. You name it! What is lacking, therefore, is an institutional framework and a command structure to mobilise all the resources and uniformed forces to respond to emergencies and disasters.

I am saying that so that it may not be assumed that in fact, we need a lot of money to have a special force trained to respond. In fact, in all cases, all that is required is an institutional framework, command structure and training of all the various compartments of societies down to the locational and sub-locational level. That way, they will be able to respond responsibly and correctly. We need to train those compartments and carry out regular drills. Hon. Muite has very elaborately said exactly what needs to be done. How do we respond when those situations occur?

Mr. Temporary Deputy Speaker, Sir, we do have the units to do it. If you look at the fire-fighting departments in our municipalities--- If you look at, for example, our hospitals up to the district level--- What we truly need is that institutional framework. We should not, therefore, be afraid that Kenya cannot actually finance an operation that can adequately deal with disasters.

Mr. Temporary Deputy Speaker, Sir, even in the private sector, you will be surprised that many of those multi-national companies have drills. All their departments and personnel are grouped into units. They are given numbers. There is a person who is in charge of every unit. They are well trained so that, if there is a fire, each unit knows where it is supposed to go. They know who then does what in the event of something. If a small company like Unilever can do it--- If small little companies can prepare for disasters which are likely to affect their institutions, why should the greatest company in this country - the Republic of Kenya and its Government - not be prepared to save its children, personnel and citizens from disasters?

Mr. Temporary Deputy Speaker, Sir, I want to mention something about lack of consistency in domiciling that mandate. Recently, we were subjected to a very embarrassing

situation where hon. Munyes claimed that, that mandate has been taken away from him and given to one of his colleagues. His colleague, who was supposed to be responsible also said: "Sorry! It is under the Ministry of State for Special Programme." That was in response to a very small thing; how do we feed and give blankets to the victims of the Malava landslide? That was a very small thing. Two Cabinet Ministers---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Syongo! You will still have four minutes when debate on this Motion resumes. Dr. Machage and Capt. Nakitare will be given a chance next time.

Hon. Members, it is now time to interrupt our business. The House, therefore, stands adjourned until this afternoon, 12th September, 2007, at 2.30 p.m.

The House rose at 12.30 p.m.