

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 5th April, 2007

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the Coast Development Authority for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Water and Irrigation
on behalf of the Minister for Regional
Development Authorities)*

Annual Reports and Accounts of Gilgil Telecommunications Industries Limited, a subsidiary company of Kenya Posts and Telecommunications Corporation, for the years ended 30th June, 1997, 1998, 1999, 2001, 2002, 2003, and the certificates thereon by the Controller and Auditor-General.

*(By the Minister for Water and
Irrigation on behalf of the Minister
for Information and Communications)*

Annual Report and Accounts of the University of Nairobi for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the School Equipment Production Unit for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General

Annual Report and Accounts of the Western University College of Science and Technology for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Water and Irrigation
on behalf of the Minister for Education)*

Annual Report and Accounts of the Postal Corporation of Kenya for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Postal Corporation of Kenya for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Water and
Irrigation on behalf of the Minister
for Information and Communications)*

Annual Reports and Accounts of the Kenya Marine and Fisheries Research Institute for the years ended 30th June, 2003 and 2004, and the certificates thereon by the Controller and Auditor-General.

*(By the Minister for Water and
Irrigation on behalf of the Minister
for Livestock and Fisheries Development)*

Annual Report and Accounts of the Golf Hotel Limited for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Water and
Irrigation on behalf of the
Minister for Tourism and Wildlife)*

Annual Report and Accounts of South Nyanza Sugar Company for the year ended 30th June, 2004 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Nyayo Tea Zones Development Corporation for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Water and Irrigation
on behalf of the Minister for Agriculture)*

Annual Report and Accounts of the National Hospital Insurance Fund for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Water and Irrigation
on behalf of the Minister for Health)*

Mr. Deputy Speaker: Mr. Minister, you have purportedly laid 13 Reports on the Table. Where are they? Were they there?

The Minister for Water and Irrigation (Mr. Katuku): Mr. Deputy Speaker, Sir, they are all there.

Mr. Deputy Speaker: Very well! Next Order!

NOTICE OF MOTION

ADOPTION OF 1999/2000 PAC REPORT

Mr. Omingo: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the House adopts the Report of the Public Accounts Committee on the Government of Kenya accounts for the year 1999/2000, laid on the Table of the

House on Thursday, 26th October, 2006.

Mr. Deputy Speaker: Very well!

Next Order!

QUESTIONS BY PRIVATE NOTICE

CONTAMINATION OF TAP WATER IN ZIMMERMAN ESTATE

Mr. Omondi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that tap water serving approximately 100 flats and bungalows in Zimmerman Estate, Kasarani, has been contaminated with sewerage effluent from septic tanks, causing serious health hazard to the residents, students and teachers of Rainbow and Totos Academies and St. Marks Catholic Church?

(b) How will the affected residents be compensated for the money spent in form of hospitalization fees in both private and public hospitals?

(c) When is the problem likely to be settled once and for all?

Mr. Deputy Speaker: Minister for Local Government!

An hon. Member: He is not here!

Mr. Deputy Speaker: Can we get someone to tell us where the Minister for Local Government is?

The Minister for Water and Irrigation (Mr. Katuku): Mr. Deputy Speaker, Sir, I hope he will be with us shortly. I hope he is on the way to Parliament. I have no information on his whereabouts, but if he does not show up, I will undertake to communicate to him.

(Maj. Sugow entered the Chamber)

Mr. Deputy Speaker: Mr. Minister, as you know, the House is not supposed to wait for anyone. Major Sugow, are you the Minister for Local Government? You look after water?

The Minister for Water and Irrigation (Mr. Katuku): Mr. Deputy Speaker, Sir, Maj. Sugow looks after water. So, the Minister for Local Government is yet to come.

Mr. Speaker: This is a very bad start, indeed. I do not want to belabour the feelings of the House when this kind of thing happens. I do not know what Mr. Omondi has to say.

Mr. Omondi: Mr. Deputy Speaker, Sir, I want to be on record as having said that this Minister is not serious about answering this Question. When the Question came up for the first time on Tuesday, the Minister sought the indulgence of the Chair to have the Question deferred and promised that the answer would be delivered today without fail. On that day, I expressed myself on the significance of the Minister answering this Question very quickly. This Question involves the lives of the people of Kenya. The written answer has never been given to me, and the Minister is absent from the House. So, it means that he is not serious about answering the Question. Therefore, I seek your guidance, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Omondi, obviously the Question is urgent and that is why the Chair allowed it to be asked by Private Notice. Now you have got an issue here. If the Minister really did request for more time last time and he has not come to answer this Question, what remains for the Chair is now to order that this Question be the first one to be answered on Tuesday, 10th April, 2007. Mr. Katuku, you may go and inform your colleague that the Chair has ordered that this Question shall be answered on Tuesday, 10th and it shall be the first Question on the

Order Paper.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Since this Question relates to water and Mr. Katuku is the Minister for Water and Irrigation, why can he not give an answer?

Mr. Deputy Speaker: The Question is clearly addressed to the Minister of Local Government because water in Nairobi falls under the City Council of Nairobi which is under the Ministry of Local Government.

The Minister for Water and Irrigation (Mr. Katuku): Mr. Deputy Speaker, Sir, I just wanted to correct the impression that water in Nairobi is under the Ministry of Local Government. It is actually under my Ministry. This could be the reason why the Minister is having a problem with answering the Question. I will undertake to consult with the Minister and see whether this Question can be re-routed to me so that I can answer it.

Mr. Deputy Speaker: The Chair says "no". The question of you consulting or the Question being re-routed will not arise. The Question will be answered by the Minister to whom it is directed. If there are any issues, he will raise them on the Floor of the House.

Next Question!

(Question deferred)

FATE OF KENYAN UNDP WORKER
ARRESTED BY ETHIOPIAN SECURITY FORCES

Mr. M.Y. Haji: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Could the Minister inform the House the fate of a Kenyan working with the UNDP, Mr. Mohammed Amin Dable, who was arrested by Ethiopian security forces at Kismayu on 3rd January, 2007?

(b) What steps is the Minister taking to secure his release?

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): Mr. Deputy Speaker, Sir, I wish to seek your indulgence and that of the House. I have spoken to my colleague, the Member for Ijara. I do not have a ready answer at the moment. I wish to request that I be given until Thursday next week to give a comprehensive answer because this is a very important Question.

Mr. M.Y. Haji: Mr. Deputy Speaker, Sir, I have no objection. I would only like to add that this matter happened in January this year and we are now in the fourth month. Secondly, I have additional information which will help the Assistant Minister. This gentleman is no longer in Kismayu. I am told he has been transferred to Harar in Ethiopia. The information we have is that Harar is a place notoriously known in Ethiopia as being a bottomless detention pit. So, the Government should move very fast and get in touch with the Ethiopian Government and not Somalia.

Mr. Deputy Speaker: The Assistant Minister has undertaken to give a reply on Thursday. Perhaps, the request is justified owing to the fact that the matter involves one-third country. Therefore, Mr. Assistant Minister, please make sure that you provide the answer to this important matter on Thursday as you have requested.

(Question deferred)

LOOMING OUTBREAK OF LIVESTOCK

DISEASES IN NANDI DISTRICT

Mr. Sambu: Mr. Speaker, Sir, I beg to ask the Minister for Livestock and Fisheries Development the following Question by Private Notice.

(a) Is the Minister aware that there is a high risk of an outbreak of tick-borne and other livestock diseases in Nandi District because the acaricide (Amytrace) being used in the two Nandi Districts is now ineffective against ticks and other vectors?

(b) Is the Minister further aware that farmers in nearby Uasin Gishu District have been allowed to change from Amytraces and are now using Synthetic Parathyroid which is effective against all ticks and other vectors?

(c) Could the Minister allow farmers in the two Nandi Districts to change Synthetic Parathyroid to avoid the looming outbreak of livestock diseases?

The Assistant Minister for Livestock and Fisheries Development (Mr. ole Ntutu) Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that there is a high risk of an outbreak of tick-borne and other livestock diseases in Nandi District because the acaricides (Amytraces) being used in Nandi District are still very effective against ticks found in the district. It is not true to say that the class of acaricide is ineffective in this district because ticks collected by acaricide resistant analysis from the field indicate that the ticks are killed when the animals are treated with the correct dose and the weekly treatment intervals are strictly followed.

Investigations on the ground indicate that the farmers having problems with ticks are those who use the acaricide incorrectly. They either use the wrong dose, use too little of the spray wash or do not treat the animals once every week as required. Farmers who follow the right procedure have no problem with ticks. The other vectors of importance like tsetse flies, which transmit trypanosomiasis, are not common in Nandi.

(b) I am aware that farmers in Uasin Gishu have been allowed to change from Amytrace and are now using Synthetic Parathyroid because when the ticks from Uasin Gishu were tested they were found to be resistant to Amytrace-base acaricides. Acaricides are only changed when scientific tests performed on ticks indicate that the ticks have indeed developed resistance to such acaricides and not for problems arising as a result of their mismanagement by farmers; by not following the right instructions on how to use them.

Any acaricide including the synthetic acaricide, when used improperly, will always not work and hence change is not the solution to the problem in Nandi; but proper use of the acaricide by the few farmers who are complaining.

(c) At the moment, I cannot allow farmers in Nandi to change to synthetic parathyroids because there is no looming outbreak of any livestock disease in Nandi at the moment and because the ticks in Nandi can still be killed by the Amytrace when they are properly used.

Mr. Sambu: Mr. Deputy Speaker, Sir, Uasin Gishu District and the two districts of Nandi have a very long common border starting from the south and going round all the way to near Lugari. The geographical, climatical and environmental features of Nandi and Uasin Gishu Districts are the same. Therefore, there are no ticks specifically belonging to Nandi and those belonging to Uasin Gishu. The cattle being bred in Uasin Gishu are the same as those in Nandi District. So, the Assistant Minister has not been given the right information. Nonetheless, will the Assistant Minister, because of forcing people to use these pesticides, allow the cattle to continue dying even though the farmers are following the requirements of the Cattle Cleansing Act? These animals are still dying because of this Amytrace. Will the Assistant Minister allow the animals to continue dying?

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, first of all, I would like to disagree with the hon.

Member because according to our reports based on scientific investigations, and I think we have the best laboratories in the region, they show very clearly that ticks in Nandi are not resistant to Amytrace. We have already sent several teams to Nandi and some to Uasin Gishu. According to the report from the scientific analysis, ticks in Uasin Gishu are becoming resistant to this acaricide. So, why should we use this acaricide in Nandi when it is not necessary?

Capt. Nakitare: Mr. Deputy Speaker, Sir, I am a livestock farmer. The Assistant Minister has said that the ticks are not resistant to the chemical that the Government is

supplying to us. Recently, we had the Rift Valley Fever. We would like to know what steps the Assistant Minister is taking to control these other vectors because we have ticks moving from wildlife to livestock.

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, on the issue of ticks, we have to take the scientific report very seriously because we base our recommendations on the findings of the report. If the hon. Member can say that these ticks are becoming resistant to the pesticide and the scientists say that they are not resistant, according to their investigations, whom do we believe? Do we believe the scientists or the common man?

Mr. Deputy Speaker: Mr. Assistant Minister, the Chair wants some clarification. The hon. Member says that the animals are dying and the scientists say the animals are not dying. In this case, do we believe the hon. Member who is seeing the animals die or the scientists who think the animals are not dying?

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, I think the best advice to give to the hon. Member is that people should use the right dosage. We believe that the farmers are under-dosing the spraying of livestock or they are not following the proper instructions given by the veterinary officers.

Mr. Bahari: On a point or order, Mr. Deputy Speaker, Sir. Would I be in order to ask the Assistant Minister to give us the specific results that the scientists have produced after the hon. Member asked this Question and they went to the field to ensure that whatever he is telling us has been corroborated?

Mr. Deputy Speaker: That is a question, but, Mr. Assistant Minister, the hon. Member wants to know whether you have any scientific data.

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, I wish I knew that he would raise that issue. I would have come with the data. We are very much aware of this issue because the hon. Member raised this same Question in May, 2004. So, we have been monitoring what is happening in Nandi.

Mr. Deputy Speaker: The hon. Member seems to disagree.

Mr. Bett: Mr. Deputy Speaker, Sir, I understood the Assistant Minister to be saying that ticks are more scientific than the scientists and that is why they know which chemicals to reject. When this Ministry was established a while ago, the Minister said they would rehabilitate all the cattle dips in the country. Going around the countryside, you will note that these cattle dips have not been rehabilitated particularly in Bureti District. What is the Ministry doing to rehabilitate the cattle dips?

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, our Ministry has no plans at the moment to rehabilitate cattle dips countrywide.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, since the Assistant Minister believes that his researchers are correct and the hon. Member and his community are wrong, could he give a categorical guarantee that if these animals die out of diseases caused by ticks, which had been sprayed with the acaricide, the Government will compensate those affected?

Mr. ole Ntutu: Thank you, Mr. Deputy Speaker, Sir. The only guarantee we can give, as a Ministry, is that you had better work with veterinary officers; the experts, who are on the ground, to

advise and show you the proper way of mixing the acaricides. According to the reports we are receiving from the ground, we believe that people are under-dosing their livestock.

Mr. Syongo: Mr. Deputy Speaker, Sir, apart from tick-borne diseases, could the Assistant Minister explain to the House what programmes he has to control the spread of tsetse flies or trypanosomiasis which is creating havoc not only in South Nyanza, but also in his Narok District?

Mr. ole Ntutu: Thank you, very much, Mr. Deputy Speaker, Sir. Concerning the tsetse flies---

(Loud consultations)

Mr. Deputy Speaker: Someone should be turning off the rest of the microphones when an hon. Member is contributing because it is very unfair to the Assistant Minister---

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, with regard to the control of tsetse flies, we are trying to liaise with donors because the exercise is very expensive. I think that, very soon, we will give you an appropriate answer.

Mr. Kosgey: Mr. Deputy Speaker, Sir, there is general movement of livestock between Nandi and Uasin Gishu districts although the Ministry promised to control the movement of livestock. If the ticks in Nandi District are resistant to Amytrace, it is very difficult to understand if the same does not apply to ticks in Uasin Gishu District since there is still movement of animals. Could the Assistant Minister be specific and tell us when he last conducted the analysis which he claims showed that the ticks in Nandi District are not resistant to Amytrace when there is movement of animals between the two districts?

Mr. ole Ntutu: Thank you, Mr. Deputy Speaker, Sir. The last time we carried out investigations on the Nandi side was about four months ago. Unless we send another team of veterinary officers to establish the situation now - since they might have developed resistance - as per the last four months, the ticks had not developed any resistance at all.

Mr. Sambu: Mr. Deputy Speaker, Sir, it is very strange that the ticks know the boundary between Nandi and Uasin Gishu districts. Nevertheless, is the Assistant Minister aware that farmers have lost cattle after following the instructions of livestock officers and that those who have tried to change from acaricides to synthetic pyrethroids have had their cattle dip accounts frozen? For instance, one cattle dip account with over Kshs500,000 was frozen by the District Veterinary Officer. What authority did the District Veterinary Officer have to stop bank operations of a cattle dip? Was it under the Cattle Cleansing Act or under the Animal Diseases Act?

Mr. ole Ntutu: Thank you very much, Mr. Deputy Speaker Sir. I am not aware of that.

An hon Member: Now that you are aware, what will you do?

ORAL ANSWERS TO QUESTIONS

Question No.003

IMPROVEMENT OF POLICE OFFICERS' WELFARE

Mr. Ojode asked the Minister of State for Administration and National Security what measures he has taken to improve police equipment and welfare including their remuneration package and insurance scheme in view of the upsurge of incidents of insecurity in the country where police officers have put their lives at risk.

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, the Question was previously partly answered and I sought time to seek more information on the part relating to police welfare.

As I had indicated yesterday, the Government increased the salaries of police officers in the year 2003 by 115 per cent. The lowest paid police officer was earning Kshs4,650 and now earns a salary of Kshs9,600. In relation to housing, the Government introduced a housing allowance for officers in the lower cadre from a constable to a senior sergeant. A constable now earns a house allowance of Kshs1,650 and a senior sergeant earns a house allowance of Kshs3,050 in addition to being housed by the Government. Officers from the rank of an inspector to the Commissioner are paid a house allowance, but they are supposed to look for their own housing. On top of those salaries, there are also other allowances which are paid to the officers and were increased by the Government.

The Government increased extraneous allowance for officers who are deployed to protect VIPs, from Kshs80 to Kshs3,000 per month. Allowances for plain clothes officers, who fall under the Presidential Security, was also increased from Kshs80 to Kshs30,000 per month. Animal handlers who were earning Kshs20 as allowance are now earning Kshs1,500. Instructors who used to receive 20 per cent of their salary as allowance had it increased to 25 per cent. Police officers are also paid leave allowance like all other civil servants. A medical allowance was also introduced which was not there. The lowest police officer now earns Kshs495 as medical allowance. The highest officer earns Kshs4,000 monthly, as medical allowance. On the benefits upon death, police officers are paid death gratuity based on their length of service and salaries. The dependants also earn pension for five years. There is also a Widows and Children's Pension Allowance which is based on contributions made by the officers. The officers contribute to this pension and the widow earns the pension scheme for life upon an officer's death, but the children earn the pension until they attain 21 years of age. Officers are also compensated as if they had retired if they are killed while on duty depending on their salaries. There is also a Group Personal Accident Cover which I was asked to bring to the House. I want to lay it on the Table. It is with Madison Insurance Company. They are insured against death and injury which applies to all civil servants, including police officers.

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

Mr. Deputy Speaker, Sir, on top of that, the police officers are also compensated under the Workman's Compensation Act. All officers who earn a maximum of Kshs33,000 per month or Kshs400,000, per year are compensated under the Workman's Compensation Act. Under that arrangement, you are actually paid your basic salary for five years.

Mr. Deputy Speaker: As the Assistant Minister has said, this Question was dealt with yesterday. Therefore, we will not give it as much time as if it was a new Question.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has dwelt so much on the welfare side. But the Question was: "What measures has he taken to improve police equipment?"

Mr. Deputy Speaker: But, Capt. Nakitare, we have said that this Question was partially answered yesterday. The issue of the equipment was covered yesterday. The area of welfare was deferred so that the Assistant Minister could get more information. That is the information he has supplied. Now, can I hear from Mr. Ojode?

Mr. Ojode: Mr. Deputy Speaker, Sir, this is a very serious Question. The Assistant Minister knows very well that police officers get peanuts. They are charged with the responsibility of bringing peace to this country. I have got two pay-slips of two police officers. One is an Administration Police corporal and the other one is a police sergeant. A corporal gets a basic salary of Kshs13,800 and a medical allowance of Kshs495 as he has correctly said. He has a

housing supplementation of Kshs1,650. That is it! You and I know very well that, if they are attacked by malaria, those officers cannot afford to buy a drug known as coartem. Coartem costs Kshs700. If those officers are affected by typhoid, a full dose for typhoid, which is cyproxin, goes for Kshs7,000. So, tell me whether that police officer will be alive if he contracts typhoid. When police officers are out there patrolling the streets of Nairobi or anywhere, in the event that they are shot dead while performing their duties, not a single penny is paid to their next-of-kin. They are not insured. In the United States of America (USA), soldiers are insured to the tune of US\$25 million to US\$30 million.

Mr. Deputy Speaker: Why can you not ask the question?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have to give him the details first. Is the Assistant Minister satisfied that the amount of money paid to police officers is enough to take care of their families?

Mr. Munya: Mr. Deputy Speaker, Sir, I have explained that this Government, because it is concerned about the welfare of the police, increased their salaries by 115 per cent. That is one of the biggest increments that has ever been done by the Government. I have also given the breakdown of other allowances that officers are earning now, but which were not there before. They include housing and medical allowances. I have also mentioned the group personal accident cover that covers a police officer if he dies or gets injured while working. I am satisfied that so far, the Government has done as much it can, within the prevailing budgetary constraints, to take care of the police. But we will endeavour to improve the welfare of the police as we go along.

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

Mr. Deputy Speaker: Mr. Ojode, you must learn to allow someone else to respond. You took so much time asking your question, and the Assistant Minister did not interrupt. But when the Minister is responding, you are interrupting him with a point of order. That is why I rejected that point of order.

Yes, Mr. Khamisi!

Mr. Khamisi: Mr. Deputy Speaker, Sir, as much as the Assistant Minister is trying to paint a rosy picture of the living conditions of the police, I think he needs to be told that most policemen are actually living in miserable conditions. Even the allowances that he is talking about do not compensate for that misery. Could he tell this House what the Government will do to offer permanent and comfortable accommodation to our police officers?

Mr. Munya: Mr. Deputy Speaker, Sir, I have already explained that all police officers from the level of constable to senior sergeant are housed by the Government. They are also paid a house allowance. It is only the senior police officers, from the rank of an inspector to the top, who are paid a housing allowance and allowed to look for their own houses. Yesterday, if the hon. Member who is asking the question was here--- He was not here! That is why he is asking the question. I detailed the housing units that the Government has undertaken to date, and the number that it has completed so far. If you walk around the country, you will see the Government putting up police housing units. We have already completed 14 projects which had stalled during the previous Government. We are busy putting up more housing units for the police. This Government has done what no other Government has ever done since Independence.

(Applause)

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the most important aspect of security is the equipment for keeping security - the gun. I am astonished that in this day and age, our policemen still use that long gun, which is so difficult to manipulate. In Luo, we call it *bonda roka!* Could the Government improve the equipment so that when the policemen are attacked, the

equipment is user friendly. In this day and age, a policeman walking with that long thing and trying to pull it out of the car to shoot an attacker is wasting his time. That is because thugs use modern pistols. Could we improve the security of the country by giving those officers proper guns and not *bonda rokas*?

Mr. Munya: Mr. Deputy Speaker, Sir, the police budget was also increased by 100 per cent. It was increased with a view to procuring the best equipment in the market to make our police effective in handling criminals, who have also become equally sophisticated.

Mr. Marende: Mr. Deputy Speaker, Sir, one of the factors that can go a long way in improving motivation and performance of police officers is the aspect of promotion. What measures is the Assistant Minister taking to ensure that promotion of police officers is on merit, so as to avoid the prevailing situation where junior officers overtake long serving officers, and officers who are promoted are sourced from other forces outside the police, including the armed forces?

Mr. Munya: Mr. Deputy Speaker, Sir, promotions within the Kenya Police have also been streamlined. There is a board that deals with promotions based on merit and performance.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, there is a very high rate of thuggery in this country. Criminals are ruling the streets and other parts of the country. What efforts is the Assistant Minister making to purchase bulletproof vests and modern weapons to combat crime in this country?

Mr. Munya: Mr. Speaker, Sir, I have a long list of the number of vehicles that have been bought over the years. Some of them are even Mercedes Benz. The Department is also in the process of procuring bulletproof vests to make sure that our policemen are safe when they are pursuing criminals.

Mr. Deputy Speaker: Last question, Mr Ojode!

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not agree with the Assistant Minister, totally. He said that a risk allowance is paid to police officers. I have the two pay slips here and there is nothing like a risk allowance! So, why should he mislead the House?

Mr. Deputy Speaker, Sir, there are only three items in the corporal's pay slip; the basic salary, medical allowance of Kshs495 and housing supplementation of Kshs1,650. That is it! There is nothing like a risk allowance or a hardship allowance. There is nothing like risk allowance, hardship allowance and all these other allowances he is talking about. A Senior Inspector of Police also gets Kshs990 as medical allowance. There is nothing showing the risk allowance. Why is he misleading the House?

Mr. Munya: Mr. Deputy Speaker, Sir, I think my friend, Mr. Ojode, needs to make very good use of his ears so that he can hear the reply because it is important. I never said that police officers are paid a risk allowance. I only said that it is being considered. It is one other allowance the Government is considering to pay the police officers. However, I said that they are paid a medical allowance. So, he can choose to disagree with me but he cannot put words in my mouth.

(Mr. Ojode stood up in his place)

Mr. Deputy Speaker: Order, Mr. Ojode!

Question No.030

PLANS TO IMPROVE AGRICULTURE
IN WESTERN PROVINCE

Mr. Ojaamong asked the Minister for Agriculture:-

- (a) what concrete plans he has to improve agriculture in Western Province;
- (b) what the total amount of money given to the Agricultural Finance Corporation

(AFC) branches in Western Kenya is; and,

(c) what the requirements for a farmer to access AFC loans are.

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) To improve agriculture in Western Province, my Ministry intends to undertake the following plans among others:-

(i) Promote technology on new emerging crops such as oil palm, artemisia and vanilla. That will improve farm productivity, hence food security and incomes.

(ii) Avail credit to sugar-cane farmers and out-grower organisations through the AFC for cane growing expansion and access road rehabilitation.

(iii) To implement programmes and projects that will lead to overall empowerment of farmers for sustainable food productivity and thus improve livelihoods.

These programmes will include, among others, NALEP-SIDA *Njaa Marufuku* among others.

Finally, to improve delivery of extension services to the farmer.

(b) The total amount of money given to the AFC branches in Western Province since 2003, is Kshs420.4 million.

(c) The requirement for a farmer to access AFC loans are primarily two; project proposal and security.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, one of the emerging crops that was being introduced in western Kenya is the oil palm which would fetch farmers very high income. That was around 2002. Research was undertaken at Alupe Kenya Agricultural Research Institute (KARI) station. From around 2002 to this time, we have not heard about the oil palm tree again in western Kenya. What happened to the project?

Mr. Kaindi: Mr. Deputy Speaker, Sir, I did not hear his question.

Mr. Deputy Speaker: Mr. Ojaamong, please repeat your question. Get close to the microphone!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, around 2002, one of the emerging crops that was being studied was the oil palm tree. That was done at the Alupe KARI Station. From around 2002 to date, we have not heard about this project. What happened to the project?

Mr. Kaindi: Mr. Deputy Speaker, Sir, it is true that KARI undertook those preliminary research efforts. Today, within the Budget, we have factored Kshs9.6 million to promote, particularly, seed multiplication and procurement for that particular activity. So, it is true that there was a lapse period. However, this time, we intend to ensure that the programme takes off.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, while appreciating what the Government is doing in introducing new crops such as artemisia and oil palm in Western Province, could the Assistant Minister tell the House what they are doing about traditional crops such as cotton, which, as we all know, has been a major crop in Western Province as well as Eastern and Coast provinces?

Mr. Kaindi: Mr. Deputy Speaker, Sir, it is true that the potential for cotton in some of these areas is great. It is also true that for a long time, the cotton industry was not properly catered for. As a Ministry, apart from the new legislative programme that was introduced by a Private Member, we in the Ministry have also factored within the Budget, substantial amounts of money to try and address the plight of the cotton farmers. This particular time, for example, in Teso and Mt. Elgon, we have put aside Kshs7.7 million to start the programme of seed multiplication. The efforts are being replicated across the country.

Prof. Olweny: Mr. Deputy Speaker, Sir, the Assistant Minister has indicated that they

intend to promote oil palm and vanilla which are fairly new crops in this country and we do not know much about them. As regards rainfall, I do not think western Kenya has enough rainfall for oil palm. Why can the Ministry not, when it wants to promote oil crops, not consider promoting established oil crops like Sesame and Sunflower which we know very well? We do not have enough market for them yet. Why can they not create a market and promote them instead of going for new crops for which we do not have markets yet, particularly, vanilla?

Mr. Kaindi: Mr. Deputy Speaker, Sir, yes, I agree with the hon. Member that certainly efforts are being made to revamp the activities on the oil palm. Of course, one of the initiatives we have undertaken as a Ministry is to partner with organisations like Bidco to try the processing of oil palm. We have also detailed our research organisations to look into the areas of food crops so that as we develop others, like vanilla, we are also able to look at the traditional crops that were doing well in those areas so that we can also address them. However, I agree with the hon. Member. This is an area that we can advise our officers to deal with.

Mr. Chepkitony: Thank you very much, Mr. Deputy Speaker, Sir. I would like to know from the Assistant Minister whether he is aware that many of the farmers who applied for loans this year have not received them because there is shortage of credit, particularly, in the Eldoret branch.

Mr. Deputy Speaker: That is a completely different Question, Mr. Chepkitony!

Mr. Kaindi: Mr. Deputy Speaker, Sir, the only thing I can indicate to the hon. Member is that I have heard his concern and I will look into it. He can consult me to find out what we have done on that issue.

Mr. Deputy Speaker: Hon. Members are reminded that you ask a supplementary question relating to the Question on the Order Paper. In this case, Mr. Chepkitony was completely out of order. However, though it was a good question, it is irrelevant to the Question on the Order Paper.

Hon. Member for Khwisero! We will stop after that! Look at the clock!

Mr. Arungah: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House, specifically, how much money AFC has been given to lend to farmers in western Kenya? Is he aware that to access AFC loans, the various levies amount to a minimum of Kshs9,000? Could he consider waiving these levies so that farmers can access these loans more easily?

Mr. Kaindi: Mr. Deputy Speaker, Sir, specifically, for Western Province, within the year 2007/2008, within the various regional offices, a total sum of Kshs831.3 million has been made available to the farmers. It is true that there are other administrative costs that make the loan application a little bit high. However, some are things we cannot, as a Ministry, be able to remove totally. However, we are going to look into the regime of the lending organisations, discuss with them and advise them appropriately.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, sometime back, in the 1980s, the AFC used to provide farmers with seasonal credit. Even the NARC Government promised to do so. When will these seasonal credits start being effected so that farmers can benefit from the funds?

Mr. Kaindi: You know we have two types of credit; that is, Seasonal Crop Credit and Development Credit. If there are areas where farmers are facing a problem, we can look into it and discuss with our parastatal and give the appropriate direction so that farmers can benefit.

Question No.110

PROVISION OF WATER TO EAST
WANGA DIVISIONAL HEADQUARTERS

Mr. Osundwa asked the Minister for Water and Irrigation what plans there are to

provide water to the newly-established East Wanga Divisional Headquarters at Shianda in Mumias District.

The Minister for Water and Irrigation (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has plans to rehabilitate and augment the water supply project in Shianda Market and its environs. A study undertaken identified two boreholes and one spring as sources for this water supply. Implementation of this project has been included in my Ministry's Forward Budget.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I want to thank the Minister for including this project in his budget. However, I have a problem when he says that the project is included in the Forward Budget. He is not specific as far as the financial year is concerned. Could he, please, clarify whether he is going to include it in the coming financial year starting in July, 2007?

Mr. Katuku: Mr. Deputy Speaker, Sir, this project will be implemented from the next financial year and it is going to cost Kshs17 million.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, in view of the fact that water is actually required all over the country and that new divisions and districts have been created by the Government recently, could the Minister tell this House whether his Ministry has any strategic plans to ensure that all Kenyans get water within a specific time limit? Could he also tell us whether he is likely to table that specific plan in this House?

Mr. Katuku: Mr. Deputy Speaker, Sir, yes, I will, in due course. However, I would like to assure hon. Members that my Ministry is doing its level best, but the only limitation that I am facing is that of finances. I am really consulting with the Minister for Finance to see how we can get more funding so that we can supply water to more Kenyans.

Mr. Omamba: Mr. Deputy Speaker, Sir, what plans does the Minister have to provide water to the people of this country, say, by drilling boreholes and so on? For close to three years now, my constituency has not received any funds for water development. What plans does he have to provide us with water?

Mr. Katuku: Mr. Deputy Speaker, Sir, I am surprised that the hon. Member's constituency has not been reached by my Ministry. I will look at the issue to find out if that is truly the case. I am not sure whether he is right. However, we have increased our funding on the issue of drilling boreholes and pans to cover Arid and Semi-Arid Lands (ASALs) and pockets in areas that seem to be potential. I will check to find out why the hon. Member's area has not been captured. However, I want to imagine that it has been reached.

Mr. Osundwa: Mr. Deputy Speaker, Sir, having installed electricity, through the Constituencies Development Fund (CDF), at this divisional headquarters and market, the area is growing very fast. I am happy that the Minister has given me a commitment that this project will begin in the next financial year, which is July, 2007. I hope that he will live by his word.

Mr. Deputy Speaker: That is a statement. Mr. Minister, will you live by your words?

Mr. Katuku: Mr. Deputy Speaker, Sir, I said that this project will be implemented in the next financial year and I want to assure the hon. Member that if I will still be here, or if this Government will still be in power, that project will be implemented.

Mr. Mwandawiro: On a point of order, Mr. Deputy Speaker, Sir. I think we have to be serious in this House. There are many promises which have been made to various constituencies, including Wundanyi Constituency and they have not been fulfilled. Now, the Minister has promised the Member for Mumias Constituency that this project will be implemented in the next financial year. Are we sure that, that promise will be fulfilled?

Mr. Deputy Speaker: That is not a point of order! The Minister just gave an assurance to Mr. Osundwa that, this time round, he will keep this promise. I do not think the Minister needs to

reply to that.

Question No.117

WAIVER OF FEES ARREARS
OWED TO SCHOOLS

Mr. Deputy Speaker: Hon. Members, this Question is by the Member for Kerugoya/Kutus, hon. Karaba, but the Assistant Minister who was to answer it, Mrs. Mugo is bereaved. I allowed her to be away. The Question is, therefore, deferred until Wednesday morning.

(Question deferred)

Hon. Members, that marks the end of Question Time!

MINISTERIAL STATEMENTS

NATIONAL DIVERSITY IN
THE PUBLIC SERVICE

The Minister of State for Public Service (Mr. Akaranga): Mr. Deputy Speaker, Sir, I welcome this opportunity to respond to hon. Ojode's concern about the national diversity in the Public Service within the context of the Government's Public Service Reforms and Development Agenda.

Mr. Deputy Speaker, Sir, you will recall that when this matter was raised in this House, I promised to look into the issue and report back. In the year 2003, through the Economic Recovery Strategy for Wealth and Employment Creation, the Government recognised the importance of undertaking comprehensive, cohesive, integrated and sequential Public Service Reform and Development Programme. In this regard, it was envisaged that, one, a performance-based management culture would be inculcated in the Public Service for efficient, effective, ethical and equitable service delivered to

[The Minister of State for Public Service] Kenyans. Secondly, the Public Service would be reformed to play its critical role of facilitating the growth of the private and other sectors leading to economic growth and wealth creation for all Kenyans. Thirdly, the Public Service would develop and adopt a value-driven, competent-based, and citizen-customer-focused human resource management and development policy and strategy.

In undertaking these initiatives, the Government has continually demonstrated its commitment to collaborate with a wide cross-section of Kenyans and all stakeholders in the development of the Public Service and in doing so, is committed to ensuring that the Public Service mirrors the people of Kenya in the cultural and regional diversity.

Mr. Deputy Speaker, Sir, we in the Public Service, however, consider hon. Ojode's concerns as a challenge which provides us with a good opportunity---

(Loud consultations)

Mr. Deputy Speaker: Order, Members! It was Mr. Ojode's request that the Minister issues a Ministerial Statement with regard to allegations that there is tribalism in the Public Service. The Minister is now responding, but it appears to me that hon. Members are not interested. Should I

stop the Minister from issuing the Statement?

Hon. Members: No!

An hon. Member: It was all politics!

Mr. Deputy Speaker: Please, continue, Mr. Minister!

The Minister of State for Public Service (Mr. Akaranga): Mr. Deputy Speaker, Sir, we, in the Public Service, consider hon. Ojode's concern as a challenge which provides us with a good opportunity to work with Parliament on the said issues as well as on other strategic interventions that will transform the Public Service into a performance-based, professional and patriotic entity in its primary mandate of providing and facilitating quality, equitable and timely services to Kenyans.

Mr. Deputy Speaker, Sir, the Government has taken steps to institutionalise research-based management within the Public Service and to enhance leadership and co-ordination of the Public Service Reform and Development Programme (PSRDP). To this end, the Government established the Public Service Reform (PSR) and formed a secretariat in the Cabinet Office, headed by a Permanent Secretary to lead this process.

The Government has also undertaken steps to strengthen the centre of Government to ensure that it has the capacity to facilitate and entrench this reform and development initiatives throughout the Public Service. In this connection, in July, 2006, I signed a performance contract with the Permanent Secretary, Public Service Reform and opened a secretariat to strategically address the above issues. To date, the following reservations are at various stages of development and/or implementation:

(i) Enhanced service delivery to Kenyans through the Rapid Results Initiative (RRI) in all Ministries, State Corporations Local Authorities, Regional Development Authorities and, of course, the Parliamentary Service Commission (PSC).

(ii) A draft integrated Human Resource Management Strategy is ready and will be finalised by June this year. This strategy includes institutional reforms affecting key institutions such as the Public Service Commission of Kenya, Directorate of Personnel Management, Cabinet Office as well as human resource management policies of recruitment, placement, promotion and mobility.

When that is done, we will see a vibrant Public Service.

(iii) A draft long-term Public Service Reform Strategy is ready and will be finalised by 30th, June, this year. This strategy will support the country's Vision 2030 target.

(iv) Efforts to strengthen the Central Government to empower line-Ministries in delivery of services, is in progress. A report on the functional review of the Cabinet Office is being finalised for adoption and implementation.

(v) A capacity-building programme for transforming the Public Service is currently being implemented.

(vi) In order to further open up the Government and engage with Kenyans, an Information, Education and Communication Strategy is being implemented on the premise that Kenyans have a right and need to know the Government's Public Service reform agenda.

Mr. Deputy Speaker, Sir, to underscore the importance the Government places on these issues and, fast-track the achievement of the result, we have established the following:

(i) A Performance Management Steering Committee comprising a team of Permanent Secretaries supported by an inclusive technical team to enrich Government interventions, including the areas of concern to this House.

(ii) This technical team comprises of representatives from various Ministries, the academia, private sector, Federation of Kenya Employers (FKE), COTU, the Kenya Civil Servants Union (KCSU), Maendeleo ya Wanawake Organisation, among others. The report will be submitted to me for action.

Mr. Deputy Speaker, Sir, in addition, an inter-Ministerial task force on staffing distribution

in the Public Service will undertake a situational analysis to determine the distribution of officers in the Public Service and make recommendations for further action.

Mr. Deputy Speaker, Sir, I want to assure this House that the issues raised are of great concern to the Government and people of Kenya. As articulated above, the Government is taking deliberate and strategic steps to professionally, and without victimisation, address these issues and find long-term sustainable solutions.

Mr. Deputy Speaker, Sir, to this end, I shall shortly be tabling in this House a Results and Performance Management Bill for debate by hon. Members. In contributing to the Bill, hon. Members will have the opportunity to constructively and exhaustively deliberate on it. I trust this will provide a legal framework for the effective management of the Public Service to ensure *huduma bora ni haki ya kila Mkenya*.

Mr. Deputy Speaker, Sir, finally, I beg to table a list of public servants working in Ministries, Departments and State Corporations as follows; Office of the President, Kenya Railways, the Kenya Revenue Authority (KRA), Central Bank of Kenya (CBK), the Cabinet Office, Ministry of State, for Public Service, Ministry of Education, Ministry of Finance and Telkom (K) Ltd.

(Mr. Akaranga laid the documents on the Table)

In addition, similar information on other Ministries, State Corporations and Departments is available on request. We do not hide any information.

Mr. Deputy Speaker, Sir, I trust that hon. Members will look at this list critically and submit the findings, observations and recommendations to my office to add value to the work my Ministry is doing in this regard.

Thank you.

(Applause)

Mr. Deputy Speaker: Let us have points of clarification!

Mr. Ojode, please, proceed!

Mr. Ojode: Mr. Deputy Speaker, Sir, let me, first of all, thank the Minister for the concern he has shown to the Republic of Kenya.

Mr. Deputy Speaker, Sir, I am not a tribalist and I will never be! As I said, when we sample information on one of these Departments; especially in the financial sector, all Heads of Departments (HoDs) come from one region. I have no issue with that! That does not bother me. However, what bothers me most is the fact that all those HoDs are over 55 years of age. We have so many graduates outside there, even from the same region, who can still be employed in place of those officers who have attained the mandatory retirement age of 55 years.

An hon. Member: From Mt. Kenya?

Mr. Ojode: Mr. Deputy Speaker, Sir, from Mt. Kenya! Why can they not hire younger graduates who are looking for jobs to take care of the KRA? That is my problem!

Mr. Deputy Speaker, Sir, if you look at the list, the Minister is aware that Telkom (K) Ltd retrenched more than 10,000 employees. However, what he has laid on the table today includes officers who have been retrenched.

If you look at the KRA list, there are two groups of people. One of those groups is made up of officers who retired, while the other one is composed of officers who resigned out of frustrations. Their names are still in the list! The Minister is, however, claiming that the list is as at

29th, March, 2007. I think it is a sham!

However, I totally agree with the Minister. I must congratulate and commend him for having done a good job. Continue with the good work!

(Applause)

Mr. Deputy Speaker: Mr. Minister, could you note the issues? I will give chances to Messrs. Khamasi, Syongo and M.Y. Haji.

Mr. Khamasi: Mr. Deputy Speaker, Sir, following what Mr. Ojode has just said, it appears that there is a problem at the Public Service Commission (PSC). Could the Minister tell us the composition of the PSC? Are they all retirees? Is that why they are hiring retirees in the public sector? Could the President be advised to appoint people of integrity who can take care of the entire Kenya at the PSC?

Mr. Deputy Speaker: Mr. Minister, I will let you respond to the questions from the two hon. Members, so that you are not overloaded!

The Minister for Public Service (Mr. Akaranga): Mr. Deputy Speaker, Sir, it is very rare for Mr. Ojode to thank any person. I, therefore, thank him very much too!

(Laughter)

Mr. Deputy Speaker, Sir, I just laid some documents on the Table of this House, so that hon. Members would have an opportunity to scrutinise them and give their recommendations. I have noted what Mr. Ojode has said because, perhaps, it could be one of the recommendations. Since he has put it to me, I will take it up.

Mr. Khamasi has come up with something on the Public Service Commission (PSC). It is true that the Commissioners are people with wealth of experience. In his own wisdom, His Excellency the President appointed them.

(Laughter)

Nevertheless, Mr. Deputy Speaker, Sir, the Bill which I have just mentioned will address some of those issues.

Mr. Gachagua: Mr. Deputy Speaker, Sir, I want to thank the Minister for what he has tabled. I made a contribution last week but it is good that he has tabled the list because that matter is getting politicised for nothing. I hope that list shows what has happened in this country for the last five years. It also shows how people have come into the Public Service and parastatals progressively. I think that should be the answer. There is no need to pre-empt debate before looking at that list in detail.

Mr. Syongo: Mr. Deputy Speaker, Sir, I want to join my colleague, Mr. Ojode in congratulating the Minister for coming out very openly over that issue. But we should not pretend not to be tribalists. The fact remains that this country is made up of tribes. As a result, we are embracing the principle of affirmative action. It is only fair that when talking about an important issue such as human resource, it is not just a question of employment but actually a catalyst of development not only at a national level but up to the village level where individuals come from. There has to be equity in the distribution of job opportunities---

Mr. Deputy Speaker: Mr. Syongo, there is a difference between seeking a clarification and debating. You are now debating as if it is a Motion. I am asking you to seek clarification. We have limited time.

Mr. Syongo: Mr. Deputy Speaker, Sir, I appreciate. I just wanted to make a background then I can seek a clarification.

Mr. Deputy Speaker: Seek a clarification!

Mr. Syongo: Mr. Deputy Speaker, Sir, the Minister has given an undertaking that he is reviewing the Personnel Management Policy. What specifically will he do about the necessity to ensure that recruitment in the first place, ensures equitability across the board and that the element of affirmative action takes care of the minority communities?

Mr. Deputy Speaker: Mr. Syongo, one clarification at a time.

Mr. Mwandawiro!

Mr. Syongo: Mr. Deputy Speaker, Sir, with regard to the distribution of the human training development resources which are under his Ministry, how is it being distributed so that it impacts positively and equitably on the succession management within the Public Service?

Mr. Deputy Speaker: Order, Mr. Syongo! I allowed you the first and the second one, but not the third one.

Mr. Mwandawiro!

Mr. Syongo: Ya mwisho!

Mr. Deputy Speaker: Order, Mr. Syongo! Proceed, Mr. Mwandawiro!

Mr. Mwandawiro: Bw. Naibu Spika, mimi naomba kumuuliza Waziri kwa ufupi kwamba, katika hayo marekebisho kwa wafanyakazi wa Serikali, je marekebisho hayo yanalenga kupunguza wafanyakazi na kuongeza ukosefu wa kazi ama ni marekebisho ambayo itawapa uwezo wa kutoa huduma bora zaidi na kuwapeleka mahali ambapo wanahitajika? Nchi hii ina ukosefu wa kazi na hatuhitaji marekebisho ambayo yatafunguza kazi.

Mr. M.Y. Haji: Bw. Naibu Spika ninasimama kuthibitisha ya kwamba ninakubaliana na yale ambayo Waziri amesema. Wiki jana mimi nilileta barua tatu hapa Bungeni nikilalamika juu ya Mawaziri ambao hawafanyi kazi vile inavyotakikana. Ninafurahi kuripoti leo kwamba kupitia kwa ofisi ya Bw. Akaranga, Wizara ya Uhamiaji ambayo ilikataa kuandika makarani huko Ijara kama vile ilivyofanywa katika kila eneo Bunge, jana nimepatiwa nakala za hizo barua zote na watu wa Ijara wameandikwa. Kwa hivyo, ninakupongeza na ninakuuliza uendelee hivyo na Serikali iendelee hivyo.

Mr. Deputy Speaker: Hon. Members, we have limited time on this matter. We still have another Statement to be made.

The Minister of State For Public Service (Mr. Akaranga): Mr. Deputy Speaker, Sir, I would like to respond to Mr. Syongo's concerns. First, when there is employment, we have directed the Public Service Commission (PSC) that they must ensure that they employ at least one person from every district. That is something that we, as Members of Parliament, need to counter-check if it does not happen that way. I am prepared to come in very strongly so that we advice the PSC.

Mr. Mwandawiro's concern is about jobs. I would like to say that the Government is creating jobs. Perhaps tomorrow or next week, you will see advertisements for many jobs. Therefore, we will take care of that.

Mr. Deputy Speaker: Hon. Members, we will now go to the next stage. The Minister of State for Defence will issue a Statement on the tragedy that befell Kenya, and specifically our colleagues on the 10th April, 2006.

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, as requested yesterday by Mr. W. Galgalo, the hon. Member for Moyale, I beg to issue a Ministerial Statement on the Marsabit air crash which occurred on 10th April, 2006. Although it was agreed yesterday that I should give this Statement on 10th April, 2007, I have decided to issue it today because of the importance I hold in this matter and also in the interest of the hon. Member for Moyale and the affected families.

Mr. Deputy Speaker, Sir, on 10th April, 2006 about 10:05 hours, a Y12 aircraft owned by the Ministry of State For Defence crashed at Marsabit area, killing 14 of the 17 passengers on board. Among the dead were 6 hon. Members who were on a mission of conducting reconciliatory meetings to peace and security in Moyale, Marsabit and Isiolo districts. The standard procedure after any military air crash is to establish a body of inquiry to investigate the accident in accordance with Section 223 of the Armed Forces Act, Cap.199, Laws of Kenya and Cap.13 of the Armed Forces Standing Order, 2004.

Mr. Deputy Speaker, Sir, this was done on 10th April, 2006 and investigations commenced immediately. The following facts were established: The air crew were qualified and the competent personnel, who were free of any external influence such as undue stress, alcohol or drugs. The aircraft was serviceable and certified fit for the flight. Before the crash, the captain of the flight attempted to land it safely at the Marsabit airstrip but unfortunately he failed. The plane crashed on a hill near the airstrip. The weather at Marsabit at the time of the crash was cloudy, foggy, and rainy. Visibility was at 2,000 millimetres above the ground. This adverse weather condition contributed to the occurrence of the accident.

Mr. Deputy Speaker, Sir, the subsequent investigations were long and comprehensive. The report is classified as "confidential" since the aircraft belonged to the Armed Forces of Kenya. Following that unfortunate event, the Group Personal Assurance (GPA) entitlement of deceased military personnel was paid to their families. As for the Members of Parliament and the other deceased passengers, my Ministry believes that the necessary compensations are either finalised or are being processed by their respective authorities.

Mr. Deputy Speaker: Does anybody have a clarification on that matter?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I wish to thank the Minister for that excellent report. We, in Eastern Province, have lost PCs through similar missions at the same spot, when they were travelling by helicopters. Is the Minister satisfied that the defence and police helicopters are in a good state of repair and that we can trust their reliability? These helicopters have killed senior officers from Eastern Province!

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, the helicopters are in good shape. But I would like to state that the helicopters we have are very old. Some of them are even 30 years old. The Government is in the process of buying new ones and second-hand ones which are in good shape. But we are sure that the ones we have can be in use for sometime.

Mr. Khamisi: Mr. Deputy Speaker, Sir, recently, the Presidential plane developed some fault somewhere and the President had, actually, to disembark from that aircraft so that it could be repaired. Could the Minister assure this House that the Presidential jet is in good condition and that no such incidents will recur?

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, we always make sure that the Presidential jet is [The Minister of State for Defence] in good order. When we went to the Rift Valley, a small hitch occurred, but it was not very serious. The President actually used the same plane to come back to Nairobi. We have since rectified the problem.

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

Mr. Deputy Speaker: Order, Mr. Ndolo! I had already given a chance to Mr. Odoyo and then Mr. Kamotho.

Mr. Odoyo: Mr. Deputy Speaker, Sir, you clearly heard the Minister say that they are planning to buy second-hand helicopters. I would like to know which Act or regulation of the Government the Minister intends to invoke since procurement rules in this country do not allow the Government to buy second-hand goods? Is it that because the price of second-hand is so variable and unknown the Government hopes to buy secondhand machines and then mislead the public as to their real value?

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, it is our wish to buy new helicopters, but due to financial constraints, we have had to settle for some good second hand ones, and I assure you that they are in a good condition. We shall use them as we look for money to buy new ones.

Mr. Kamotho: Mr. Deputy Speaker, Sir, considering the fact that many people have expressed concern about the location of that airstrip in Marsabit, what plans has the Government put in place to relocate that airstrip to an area far from the mountainous region of Marsabit?

The Minister of State for Defence (Mr. Karume): Mr. Deputy Speaker, Sir, that is a good question. It is true that the airstrip is located near a hill. There is another one about 25 kilometres from Marsabit Town, and the Government is planning to shift to that one.

Mr. Deputy Speaker: Mr. Ndolo, did you have any important point of order? Is it done?

Mr. Ndolo: It is done; thank you, Mr. Deputy Speaker, Sir.

COMMUNICATION FROM THE CHAIR

TREE PLANTING CEREMONY IN HONOUR OF DEPARTED HON. MEMBERS

Mr. Deputy Speaker: Hon. Members, following the Minister's Ministerial Statement, I want to make a very short announcement from the Chair. This is in connection with the first anniversary of the death of the five Members of Parliament, who died in the accident that the Minister has just communicated about.

In commemorating the first anniversary of the death of our five dear colleagues on the 10th of April last year, the Speaker of the National Assembly will lead Hon. Members in a tree planting ceremony at Parliament Gardens on Tuesday, the 10th of April, 2007 at 10.00 a.m. Therefore, Hon. Members are asked to attend the ceremony in remembrance of our departed colleagues.

Thank you.

(Applause)

MOTION

ADOPTION OF REPORT ON FIDA NOMINEE TO KACA ADVISORY BOARD

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the International Federation of Women Lawyers (FIDA) nominee to the Kenya Anti-Corruption Advisory Board laid on the Table on Wednesday 28th March, 2007

(Mr. Muite on 4.4.2007)

*(Resumption of Debate
interrupted on 4.4.2007)*

Mr. Deputy Speaker: Mr. Moroto was on the Floor. You have 24 minutes.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs

(Mr. Moroto): Thank you very much, Mr. Deputy Speaker, Sir. I did mention yesterday some areas when I was discussing the Motion before us.

Mr. Deputy Speaker, Sir, even today some questions were raised. When we talk about appointments to various departments and organisations, you will find that, considering the population of Kenya and the communities we have, not all benefit. You even saw the list tabled by Hon. Akaranga a few minutes ago; there are some questions raised.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, since my colleagues have congratulated the Minister, may I also do the same. I must mention also that the President is doing very well by leading Kenyans in raising the living standards of our people. But the problem is that those who are given opportunity to support the President in running the Government, especially the Cabinet Ministers, are not helping him. You find that a certain Minister can decide to fill the Ministry with people from his community. These are some of the issues that we need to address seriously. I did mention yesterday that there are some marginalised communities in this country. Some time back, a person from West Pokot was appointed as Chief of Protocol. But when the Minister found that person in office, he decided that somebody from the Pokot Community cannot do anything. He removed him and brought in his person. This was a Presidential appointee, but nobody raised a question why that happened. These are the areas we need to rectify. We were elected to help Kenyans. We are not here to serve or champion the rights of our village mates alone. We are here to assist all Kenyans, so that the whole country can feel that we are helping them.

Mr. Temporary Deputy Speaker, Sir, on the issue of corruption, nothing much is being done to fight it. What used to happen in the previous regime has not changed. We should not generalise and say that all Ministers and those in senior positions in Government are corrupt. In the case of the Ministry of Local Government, for example, I do not know what the Minister and his Permanent Secretary are doing. I want to bring to the attention of this House what is happening in Kapenguria District. There is a construction project that stalled in Makutano Town. That is within the municipality of Kapenguria. For the last five years, no work has been going on. The people of that area have protested and brought that issue to the attention of the Minister. I do not know why the Minister and his Permanent Secretary are not reacting to that issue. I think they are getting a share of what is happening on the ground. Those problems are not only in Kapenguria District, but the entire country. In many parts of this country, *kiosks* are being brought down. Something must be done in that Ministry.

Mr. Temporary Deputy Speaker, Sir, on the issue of the nominee of the Federation of Women Lawyers (FIDA) whose name was brought to this House for confirmation--- I know there are certain hon. Members of this House who are members of FIDA. FIDA is breaking peoples' homes. The membership of FIDA is composed of divorcees. In some instances, minor marital cases

which can be handled by village elders are rushed to FIDA offices. Such cases are twisted until husbands and wives break up. What impact will FIDA have on the Kenya Anti-Corruption Advisory Board (KACAB)? If we nominate such people, they will do more harm than good.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Is there any hon.

Member who wishes to contribute to this Motion? There being no one wishing to contribute, let me call upon the Mover to reply.

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. I thank hon. Members who have spoken in support of this Report. The Committee has listened and taken note of the concerns of hon. Members. Most of those concerns are very legitimate.

Mr. Temporary Deputy Speaker, Sir, one thing that has been mentioned repeatedly is the case of Dr. Rotich. When you look at the structure of the Kenya Anti-Corruption Commission (KACC) and the statute itself, the bodies allowed to nominate nominees to the KACAB are set out in the Act itself. That was in order to ensure that the Executive was not involved in selecting who will sit on the KACAB. That is why members of the KACAB are nominated by institutions which are set out in the Act. When those institutions effect the nominations, those names come to Parliament through the Departmental Committee on Administration of Justice and Legal Affairs, which vets those names. If they are satisfied with the CVs, experience and qualifications, the Committee lays the Report on the Table of the House. Once the Advisory Board is legally constituted, the Act gives the Board the power to recruit the director and the three deputy directors. That is what happened. Hon. Members will recollect that, that is exactly what happened. The names of the director and deputy directors were laid on the Table of this House. We debated and voted for them as a block.

Mr. Temporary Deputy Speaker, Sir, I share the concerns of hon. Members, particularly from the Rift Valley Province, because they were short-changed. They were lobbied to vote for those people as a block, instead of voting for them one by one. The minute this House voted in favour of the appointment of the director and deputy directors, an hon. Member of this House, who is a Minister, went and convinced His Excellency the President not to gazette the name of Dr. Rotich.

One of the institutions that is permitted to nominate a member as listed in the Act is the Institute of Certified Public Accountants of Kenya (ICPAK). A former Chairman of ICPAK, who is also a Minister, was not able to distinguish the fact that, the ICPAK can only nominate a member to the Board. In the recruitment of the director and deputy directors, it is not the Institute that should nominate the deputy director in charge of finance. It is the Advisory Board that should do so. So, Dr. Rotich was recruited by the Advisory Board after it was properly constituted. But the former Chairman of ICPAK went and convinced His Excellency the President not to gazette the name of Dr. Rotich. Why? Because of spurious reasons that, when Dr. Rotich was the Managing Director of the National Cereals and Produce Board (NCPB), there were *maneno huko!* Some maize had been stolen. That was done while knowing the truth of the matter. There was a time during the days of the former President when maize farmers in this country were not paid for over three years. The former President was against the wall because farmers were demanding to be paid. Therefore, in order to get money to pay the farmers, the Government directed the NCPB to sell the strategic maize reserve in order to realise money to pay the farmers. It is important for hon. Members to bear in mind that history.

Mr. Temporary Deputy Speaker, Sir, the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service wrote to Dr. Rotich asking him to sell the strategic reserve, in order to get money to pay the farmers. Dr. Rotich wrote back to the Permanent Secretary, Secretary to the Cabinet and Head of the Civil Service, Dr. Sally Kosgey, saying: "We bought this maize from the

farmers when the prices were up. The world market prices for maize have gone down. If we sell this maize at the current world prices, the NCPB stands to lose nearly Kshs3 billion."

Dr. Kosgey wrote back to Dr. Rotich and said: "We were not requesting you to sell. This is a Government decision! This is a directive! Sell the maize and pay the farmers!" If you were the Managing Director of NCPB in those days, what would you have done? No one has suggested that Dr. Rotich benefited in any manner by selling that maize.

Mr. Temporary Deputy Speaker, Sir, *isitoshe*, after the Government refused to gazette the name of Dr. Rotich, it appointed a committee which investigated the alleged wrong-doing. That committee has cleared Dr. Rotich of any wrong-doing. The following question arises: Why has Dr. Rotich not been gazetted as the Deputy Director in charge of Finance after having being cleared? That is why, in the new constitutional dispensation, we are recommending the following: If, whoever will be the president fails to implement a resolution of the National Assembly, that will constitute an act in respect of which the president can be impeached and removed from office. Otherwise, the authority of this House will always be undermined.

I would plead with hon. Members, even as we adopt this Report - and I urge hon. Members to adopt it - to also resolve that Dr. Rotich be gazetted forthwith, as the Deputy Director in charge of finance!

(Applause)

Mr. Temporary Deputy Speaker, Sir, the Committee held a meeting with the Advisory Board, including their Chairperson. They wanted to advertise and recruit another person to take the position of the deputy director in charge of finance. The Departmental Committee on Administration of Justice and Legal Affairs, on behalf of this House, made it clear to the Board that, if they bring another name here, we shall not consider it. As far as this House is concerned, Dr. Rotich remains the person that this House approved!

(Applause)

So, those little cobwebs have got to be removed. The Committee shares that concern. The position in the Constitution is that when the power to vet and approve is vested in this House by law or the Constitution, the role of the President becomes ceremonial and formal. He cannot refuse, any more than he can appoint, a person who has not been vetted and verified by this House. We do not want to continue seeing these debacles. When the Judicial Service Commission (JSC) appoints judges, the role of the President is formal and ceremonial. It is to witness the swearing in. Otherwise, the JSC has no meaning. We might as well allow the Executive to appoint judges and hand-pick them independently. Of what use would be the JSC if it recommends that someone is appointed as a judge and that person is not appointed?

Mr. Temporary Deputy Speaker, Sir, these are historical things in England. We borrowed our Constitution from their written Constitution. Their constitution says judges will be appointed on the advice of the Judicial Service Commission. In fact, that is fiction. The reality of the constitutional order in Britain is that the Queen cannot refuse to appoint somebody whose name has been taken by the Judicial Service Commission (JSC). Neither can her Majesty appoint a person whose name has not been taken by JSC as a judge. So, the power to decide who will be a judge is vested constitutionally in the JSC. We do not want to see this embarrassment again. Let us strengthen our constitutional order, so that the respective roles and the balances and checks can be there. We went through these names. We should set out the institutions that do the nominating in the Act.

Mr. Temporary Deputy Speaker, Sir, in fact, hon. Members may wish to know that the first name that was forwarded to us by FIDA was rejected. We looked through the curriculum vitae (CVs) and we found that its track record and qualifications did not match the high demand for the very high office of the Kenya Anti-Corruption Advisory Board. We brought our report here. We approved the nominee of the Law Society of Kenya (LSK). The nominee of International Federation of Women Lawyers (FIDA) was rejected by this House. That is why they were requested to go and bring another person who is suitable and that is what they did.

Mr. Temporary Deputy Speaker, Sir, so, I really would like to urge hon. Members to vote in favour of adopting this Report. I am aware that some hon. Members are asking why the Act talks about FIDA instead of Maendeleo Ya Wanawake Organisation (MYWO). Perhaps, there is merit in that and it is up to hon. Members, if they so wish, to bring amendments to the law at an appropriate time. They will be able to debate. If they vote for it, at that point in time, they can replace a FIDA representative with a person from MYWO.

Mr. Temporary Deputy Speaker, Sir, I beg to move and ask that hon. Members support the Report of the Departmental Committee on Administration of Justice and Legal Affairs.

Thank you.

(Applause)

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. M'Mukindia): Next Order!

MOTION

ADOPTION OF REPORT OF THE 115TH IPU ASSEMBLY

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House adopts the Report of the 115th Inter-Parliamentary Union (IPU) Assembly held in Geneva, Switzerland from 15th to 18th October, 2006 laid on the Table of the House on Thursday 7th December, 2006.

Mr. Temporary Deputy Speaker, Sir, the IPU (Inter-Parliamentary Union) Assembly and its related meetings took place in Geneva, Switzerland on 15th to 18th October and was hosted by the IPU. The IPU is the sole international organisation which represents legislative branches of governments on a global scale. Currently, the IPU has a membership of 148 national parliaments. Its mission is to strive for peace and co-operation among peoples for the firm establishment of representative institutions.

The 115th IPU was attended by over 1,000 delegates representing national parliamentary groups from 128 countries. It was also attended by associate members, observers, representatives of the various organs to the United Nations (UN), including United Nations Children's Fund (UNICEF), International Labour Organisation (ILO), World Trade Organisation (WTO), World Health Organisation (WHO), World Bank, International Committee of the Red Cross (ICRC), Red Crescent, European Parliament and the African Parliamentary Union (APU), among others.

Mr. Temporary Deputy Speaker, Sir, the main objective of the IPU is to promote globalisation of democracy and to assist parliamentarians to exercise their shared responsibility as global custodians of democracy and human rights. The forum enables parliamentarians to get a better grasp of international issues, to establish personal contacts and strengthen mutual trust

through dialogue and exchange of ideas. The IPU is the focal point for worldwide parliamentary dialogue and works for peace and co-operation among peoples and for the firm [Mr. Ligale] establishment of representative democracy. The IPU has over the years served to provide a backdrop for parliamentary diplomacy and, on numerous occasions, when relations between the executive branches of governments have reached a stalemate, parliamentarians have managed to negotiate a way out of the impasse.

Mr. Temporary Deputy Speaker, Sir, in accordance with Article 11, Sub-Paragraph 2 of the Statutes and the Rules of the IPU, ACP-EU, on behalf of the executive committee of Kenya National Assembly Group, we nominated the following members to represent our Parliament during the IPU 115th Assembly: As is the tradition, these hon. Members were drawn from various political parties represented in the National Assembly. The nomination was 50 per cent for both genders. The delegation comprised of:

Mr. Speaker, who is also on the Executive Committee of the IPU;
The hon. Andrew Ligale, Leader of the Delegation;
The hon. Beth Mugo;
The hon. Linah Jebii Kilimo;
The hon. Kiruki M'Mukindia;
The hon. Phillip Rotino, and
The hon. N. Ndung'u.

We also had members of staff who were able to service the delegation.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Speaker for according us the opportunity to represent our National Assembly at this important meeting. I wish also to proudly report that while attending the IPU Conference, the hon. Members who were present did, indeed, praise Kenya for the manner in which it had hosted the previous conference. This is was the 114th IPU Conference which we hosted here in Nairobi. We debated its report and adopted it yesterday. Among those who praised the Kenya delegation were the President of the Union, Dr. Kasilu, the Secretary-General, Mr. Anders Johnson and various government and parliamentary representatives. The delegates, particularly praised Kenya for the hospitality accorded to them during their sojourn in Nairobi and were very impressed by the arrangements that we had put to their disposal here in Kenya.

Mr. Temporary Deputy Speaker, Sir, there were three main topics that were covered during the 115th Inter-Parliamentary Union (IPU) Assembly held in Geneva, as well as one emergency item that was discussed and resolutions passed. Some of the items that were discussed involved the following: One, the role of Parliament in overseeing the achievements of the Millennium Development Goals (MDGs), in particular, with regard to the problem of debt and eradication of poverty and corruption, especially in developing countries. Secondly, we had a report on missing persons. Three, co-operation between parliaments and United Nations (UN) in promoting world peace, particularly, from the perspective of the fight against terrorism and the achievements of greater energy security. Four, the emergency item following the announcement of the Democratic People's Republic of Korea, in other words, North Korea, of its nuclear weapons test and the strengthening of the nuclear non-proliferation regime. Members did express their concerns that we must try and bring to a halt this proliferation of nuclear weapons in our midst.

Mr. Temporary Deputy Speaker, Sir, the Assembly discussed and passed numerous resolutions during the committee discussions. For the interest of the hon. Members, most of the deliberations in the IPU are best done in the committees. For instance, the Committee on Peace and International Security discussed issues on co-operation between parliaments and the UN in promoting world peace, particularly, in fighting terrorism and achieving greater energy security. The issue elicited a lot of debate in the committee stage as well as the plenary. It was evident that

parliaments, being representative institutions in the world in each state, have an eminent role to play in anti-terrorism efforts. This was an important topic to Kenya, considering that we import a lot of our energy from countries that, sometimes, are subject to terrorism and where our supplies could easily be cut off.

There was also a discussion on sustainable development, finance and trade, which centred on the role of parliaments in overseeing the achievement of the MDGs, in particular, with regard to the problem of debts, eradication of poverty and corruption. The topic was important and it was discussed at length, bearing in mind the problem of debt issues that do plague, particularly, developing countries. One glaring issue which came out of the debate was that in most negotiations between national governments and international financial institutions, parliaments have tended to be kept out of those agreements. It was emphasized that before any agreements are signed by governments and these financial institutions, parliaments must be brought in. They must be apprised and give their direction.

Mr. Temporary Deputy Speaker, Sir, as part of the IPU's work is to invigorate and defend the representative institutions, its Committee on Human Rights of Parliamentarians, discussed the issue of missing persons. I want to apprise hon. Members that in a number of countries, particularly, Burma, which I think became notorious in 1980s and 1990s, a number of politicians got abducted by the executive, and they disappeared. Sometimes, because in those countries we do not have representative governments and parliaments that can probe the executive, these missing persons may never be traced. Nobody may ever get to know what happened to them. So, we had a report tabled by a committee that had been investigating this issue of missing persons, and a number of recommendations were made. In some cases, it was decided that the governments be put to task to explain the circumstances under which those people have disappeared and what has happened to them. In other cases, enough explanations had to be given and, therefore, those cases were closed by the IPU. Altogether, we dealt with 57 cases of missing persons. The most glaring ones on the African Continent relate to Zimbabwe. Unfortunately, the problem in Zimbabwe is still with us, and is still very much topical. It is a matter that, perhaps, we, as a Parliament, may want to take a stand on at some point.

With regard to the issue of the emergency item relating to North Korea and its announcement that it was going to test its nuclear weapons, hon. Members did express their views very strongly. I believe, partly, as a result of this and a further meeting in New York the following month, which I had the pleasure of attending together with our Deputy Speaker, I think enough pressure has been brought to bear on North Korea. I believe they are beginning to see sense and discuss with the international community; that they should go slow on their testing of nuclear weapons.

Mr. Temporary Deputy Speaker, Sir, this Report is here for hon. Members to peruse through and apprise themselves. I very much hope that they will be able to adopt it. But before they do so, I hope that they will, indeed, be able to follow some of the recommendations and ensure that this Parliament takes its rightful place in the international arena, in apprising our people and making them understand that we do belong to the global village and anything happening out there does affect us and other people. We are part and parcel of this international community.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Who is seconding the Motion?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I would like to ask hon. Prof. Maathai to Second this Motion. I am sure she is equal to the task.

Prof. Maathai: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion and congratulate our delegation for representing our Parliament so effectively at the 115th IPU Assembly held in Geneva, Switzerland.

Mr. Temporary Deputy Speaker, Sir, this is an extremely important forum of parliamentarians, in particular, in the role that they have taken to promote the globalization of democracy. I am very impressed by the continued awareness by parliamentarians, that in order for us to improve the quality of the life of our people, we need to cultivate a culture of democracy. That culture includes respect for the rule of law and human rights. I am also very impressed that the forum also looked at the issue of sustainable development.

Mr. Temporary Deputy Speaker, Sir, I want to mention something that I have mentioned here before, because I think it is very relevant to this particular issue of sustainable development. That is the issue of climate change. At the moment, the whole world is focusing on the issue of climate change. Parliamentarians need to look at this issue. Sometimes, it looks like it is a very distant issue, but it is an issue that is very close to us, especially here in Africa. For a very long time, scientists have been discussing the issue of global warming and have been warning us that some activities that we are carrying out are increasing the temperatures on the planet. In particular, they have talked about the fact that we are using too much of fossil fuels, especially petroleum and gas.

For a long time, there were many people who suggested that this was not happening, and that if it was happening, it was not so much due to human activities. But just recently, almost 90 per cent of scientists confirmed that it is certain that global warming is happening and that the temperature on the planet is rising. They also confirmed that a lot of issues that we are facing at the moment are due to climate change. One of those issues is drought.

Mr. Temporary Deputy Speaker, Sir, this morning as I was listening to news, I saw that in Australia, they are experiencing one of the longest drought periods in that part of the world. Only last year here in the East African Region, we experienced a very serious drought, especially in the north eastern parts of our country. With climate change, these issues are going to become even more adverse and prolonged. Therefore, we ought to be concerned about this issue, especially here in Africa because we have a very serious issue as we have the Sahara Desert in the North and the Kalahari Desert in the South. We can very easily be swallowed up by the impact of desertification. But we are lucky in the sense that we have one huge forest: The Congo Forest ecosystem. This forest, along with many other forests, are extremely important if Africa is going to mitigate the impact of climate change. It is for this reason that I want to thank the British Government which recently announced that it was contributing 50 million Pounds Sterling to a fund to protect the Congo Forest ecosystem. I am hoping that many other Governments will follow suit and that, together with the Central African region which has about ten countries, we shall be able to create a fund to protect the Congo Forest ecosystem.

Mr. Temporary Deputy Speaker, Sir, even as we protect the Congo Forest, it is very important that we also protect national forests. In East Africa, many of our forests are threatened, not only in Kenya, but also in Uganda. We, especially as parliamentarians, need to look at these issues because when our people starve, it is mostly our Presidents or Ministers who have to go out asking for help. This is the time to take action, especially to protect the forests. I am, therefore, very happy that during the recent Inter-Parliamentary Union (IPU) forum, they discussed the issue of sustainable development. It is virtually impossible to have sustainable development if we do not have a stable environment. I know that in many of our countries, we do not yet prioritize the environment. I wish we could really appreciate that we can go nowhere without taking care of our environment. As I have repeated many times in many fora, taking care of the environment, practising democracy, respect for the rule of law and human rights are a pre-requisite for peace. These are issues that the hon. Member has presented as some of the issues that we discussed in Geneva.

Mr. Temporary Deputy Speaker, Sir, I know that the issue of human rights with respect to

shooting people who threaten the lives of policemen is a sensitive issue. I recognize the fact that the Minister of State for Administration and National Security is here. But I want to be on record by saying that, it is extremely important for us, as a people and as a Government, to respect human rights and the rule of law. Unless a man is holding a gun and is going to shoot you--- But if a man has surrendered and is not ready to shoot you, even if he is a thief, he does not deserve to be shot to death. I know that it is not popular, but sometimes it is important to stand up for those who cannot stand up for themselves.

The Minister of State for Administration and National Security (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Prof. Maathai, the Member for Tetu Constituency, to insinuate that this Government does not respect human rights, and that even where people have surrendered, they have been shot?

The Temporary Deputy Speaker (Mr. M'Mukindia): Indeed, Prof. Maathai, you have to be responsible for the statements you make. If, indeed, there is a specific case that you have where somebody surrendered and he or she was actually shot, then you need to lay that evidence on the Table. Otherwise, if you do not have evidence, you ought not to make a statement to that effect. So, your statement is out of order, unless you can prove it.

Prof. Maathai: Thank you, Mr. Temporary Deputy Speaker, Sir. All I was saying is that, the rule of law and respect for human rights demand that we hold everybody to be innocent until taken to court and proved guilty. It is with that spirit that we, for many, many years in this country, fought to prevent anybody being shot at. I remember that when we were agitating for multi-party democracy in this country, occasionally, some people would be shot right in the streets because the police would use live bullets. I remember that we used to make a lot of noise and ask the police not to use live bullets and instead, they can scare us with water or rubber bullets. It was not necessary to use live bullets. It happened then and we made noise. We should be extremely careful. We should continue respecting the rule of law and human rights and give everybody a chance to be proved guilty and to live and defend themselves.

With those few remarks, I beg to second.

(Question proposed)

The Minister of State for Administration and National Security (Mr. Michuki): Thank you, Mr. Temporary Deputy Speaker, Sir---

QUORUM

Mr. Ojaamong: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are starting debate on a very important issue and you can see the Government side is almost empty. I am persuaded that there is no quorum in the House.

The Temporary Deputy Speaker (Mr. M'Mukindia): Okay, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, I believe we now have a quorum. Hon. Michuki, you may continue.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I was going to thank you before I was interrupted and to appreciate your indulgence in giving me the opportunity to make my contribution to this Motion.

The IPU is an institution that is committed to the promotion of parliamentary democracy; democracy that respects the rule of law and recognises each country's culture and embraces the modern concepts of a democratic state. It is because we have these attributes and others that we are members of that union.

A few years ago, while in the Opposition, I attended one of these assemblies in Thailand and I was very appreciative of the agenda that had been set. The Assembly was discussing issues related to international trade; the World Trade Organisation, and in relation to concessions that are yet to be settled with regard to the countries that are developing and their entitlement to participation in trade. It was the case, as, indeed, it is the case even today, that countries such as Kenya would continue to express the view that if given the choice, we would prefer to be given the opportunity to trade rather than to receive aid.

Mr. Temporary Deputy Speaker, Sir, trade, by the very nature of the commodities that we produce here, has a continuous life. It has a long-lasting life and unlike aid which has conditions which are attached to it, it would promote democracy, which is also promoted by such meetings as was held in Switzerland. This is an institution that we should continue to support with views and even financially. If you look at our national budget, you will find that there is a very huge item relating to Kenya's contribution to international organisations, one of which is the IPU.

Mr. Temporary Deputy Speaker, Sir, therefore, the benefits that we receive from unions such as the IPU, is that community of opinion in matters of interest where we are able to access our participation in relation to the wishes of other countries. Democracy is what we have been striving for. It is my opinion that in that field of democracy and in a country such as Kenya, democratic principles are likely to be mistaken for what I would call a licence to do almost anything that one wants.

Mr. Temporary Deputy Speaker, Sir, if you look at our own Constitution, you will realise that it provides for all aspects of human rights and freedoms, but many people forget that those freedoms end where another person's freedoms begin. In other words, they are not absolute freedoms. For example, you have the freedom of movement, to go anywhere you like in Kenya. However, if you go to my *shamba* without my permission, the law permits me to take you to court for trespass because your right of movement does not extend to entering my *shamba*. That right allows you to move on the highways. So, other people will abuse that right, because they want to invade other people's properties as it happened in parts of some Nairobi constituencies that I know about.

People have the right to demonstrate on the streets, but they should follow the law. You are asked to report to the police that you intend to have a demonstration two days before the day of that demonstration, to enable the police arrange for that other person who must also enjoy the right of movement, which you might impede when you occupy the entire road and other areas through which they should pass. It may be a person taking his child to hospital, but during what you call the exercise of your right, you have blocked that person's right to get his child treated in hospital.

So, freedoms are relative, and that is what is interesting about democracy. It will give you freedom, but continue to remind you that the rights of others also exist, and that you, in your exercise of the rights that you enjoy, should respect other people's rights. In so far as I can see, in our political field, the situation is so misunderstood that we continue to argue, and even quarrel, over matters which are very straightforward.

Mr. Temporary Deputy Speaker, Sir, I want to make it quite clear in this House, and for the record, that in the annals of the history of this country I have never, as the Minister or otherwise, ordered anybody to shoot and kill. I have never given such an order. There are people who are supposed to know what the situation is, but who have fallen into the trap of newspapers, particularly *The Standard*, which wants to vilify me and this Government. Because we carried out

an operation, which was official, they continue to avenge themselves by telling false stories about myself and the Government for which I work.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Michuki! Did I hear somebody's cell-phone ring? Serjeant-at-Arms, please, you have to be very alert. If anybody's cellphone rings, whether in the Chamber or the galleries, take him out.

Continue, Mr. Michuki!

The Minister of State for Administration and National Security (Mr. Michuki): Thank you, Mr. Temporary Deputy Speaker, Sir. So, I am saying that the truth will prevail, because all that has been attributed to me, I have never done it. Some hon. Members of this House have fallen into the trap of believing everything that is printed in newspapers. The hon. Member for Tetu raised this issue in another forum, and I took the opportunity, although it was a very brief one, to clarify the position.

Mr. Temporary Deputy Speaker, Sir, can *The Standard* newspaper get it right this time round and write exactly what I said? If they have to be fair, they should write what I am saying in this House in full, so that it can be clear to everyone. I hope that, that is what they will do, because there is no point in continuing with this vendetta. The newspaper is supposed to report objectively, and even cross-check facts

with the person to whom the matters they want to report on are attributed. That is never done. So, I am saying that I am not the kind of person that this newspaper tries to describe. I am doing a very honest job with all my ability. I have been very open and right to the point in telling Kenyans exactly what we do in security matters.

(Mr. Michuki's cell-phone rang)

Excuse me, Mr. Temporary Deputy Speaker, Sir. I have to keep on my cell-phone because of other duties.

Mr. Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order! That is absolutely unacceptable! You have to apologise to the House before you continue.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I apologise. I should have put off my cell-phone since that is the rule of this House.

Mr. Ojaamong: On a point of order, Mr. Temporary Deputy Speaker, Sir. If I heard the Minister very well, in his contribution he said that the attack on *The Standard* was official--

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Ojaamong, where are you speaking from? You cannot be heard for some reason. I do not know why. I cannot hear you properly.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, it may be State sabotage.

What I am saying is that if I heard the Minister very well, he said that the attack on *The Standard* was official. Could he elaborate that statement, so that we can understand how and why it was official? If it was official, why did the raiders go to the premises hooded? When our police officers go to an operation, they normally do so in their uniforms, so that they can be identified. In this case, why did the participants go to the premises of *The Standard* when they were hooded, if the exercise was, indeed, official?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, that is precisely what I was complaining about in relation to certain hon. Members of this House. For example, the use of firearms is very well covered under the Police Act. That is something which every hon. Member of this House is supposed to be

familiar with. Now, the hon. Member is asking me about a Government operation and yet he knows that under Standing Order No.37, you cannot raise a Question in this House on a matter which is, by its very nature, secret.

Mr. Temporary Deputy Speaker, Sir, I get amazed sometimes. Most of the misunderstandings that I find in this House are based on lack of Members to familiarise themselves with basic rules under which we operate and relate to each other. If we were all familiar with those rules and laws - and they are here every day--- The Speaker has not refused anybody to refer to the law. That is why those law books are placed on the Table of the House. So, we even ask questions which need not be asked in this House! We do not familiarise ourselves with the information that is available to us, to enable us perform our duties even better. So, I hope I have clarified the point of order. I think similar points of orders will be avoided because of what I have just said.

Mr. Temporary Deputy Speaker, Sir, I am sure many people understand this Government. If you care to really scrutinise the activities of this Government in the last four years, you will find that this Government does not discriminate on any basis. It is not tribalistic as it has been alleged here. It is non-partisan in party politics. All its programmes are for Kenyans. The free primary education is for all the children in Kenya. It is not for the children of this party or that party. It is not for the children of that community which is partyless. It is not for the Kikuyus or Luos, neither is it for the Pokots or Maasai. It is for all Kenyans. The Government has demonstrated, in action, that it does not discriminate at all. Therefore, when this Government is criticised on that basis, it must be by somebody who has an entirely different agenda. Sometimes, incidently, it is becoming increasingly clear---

Mr. Omondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I request your indulgence to counter a point that has been made by the Member on the Floor---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! What is your point of order?

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, my point of order is that the Member on the Floor is out of line. So, I wanted to request you to ask him to confine himself to the agenda before us. He is irrelevant.

The Temporary Deputy Speaker (Mr. M'Mukindia): No! No! No, Mr. Omondi! You are the one who is irrelevant.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, that is why I am saying that it is a pity that some people do not have any agenda at all. I have just created an agenda for him. He had none!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! The Minister is in charge of security. One of the areas that Inter-Parliamentary Union (IPU) touched on was---

(Dr. Rutto consulted loudly)

Who is that consulting loudly? Dr. Rutto, is that you? You do not speak while you are seated! You know that!

Now, I think Mr. Ligale and Prof. Maathai clearly spelt out some of the key things that were discussed in the IPU Conference. They were security, democracy and peace. Those are cardinal issues that IPU deals with. So, it is quite relevant for any Member to speak on issues related to security, democratisation, rule of law, lack of it and so on. But, specifically, I expected hon. Members to have an opportunity to hear from the Minister, himself, what is being done about those issues. Listen to him, so that you can have an opportunity to query. You will have a basis to query whatever he says. So, please, give him an opportunity to continue.

The Minister of State for Administration and National Security (Mr. Michuki): Thank you, Mr. Temporary Deputy Speaker, Sir. Where was I before I was interrupted?

Mr. Temporary Deputy Speaker, Sir, yesterday, we had a debate here on the security of this country. I want to thank hon. Members who contributed to that debate, and Mr. Kajembe and his Committee for bringing that issue. I think that, since yesterday, it has become quite clear to this House, Kenyans and other interested parties that the problem in Mount Elgon has its origin and promoters. The Government has done what it can to contain the situation.

Mr. Temporary Deputy Speaker, Sir, I want assure this House through you that, apart from what is going on in Mount Elgon and a few incidents whose origin is very obscure to unravel in certain parts of Marsabit, all the other parts of this country are very peaceful. I mean, comparatively! I am happy with the progress that the police force is making in containing urban crime. The other day, we noticed an incident where people of Githunguri, not very far from Nairobi, Ting'ang'a and Kiambu displayed their disgust with what is going on, on our roads. People have been extorting money from those who spend the whole day earning their living. They are deprived by people who are not prepared to join the rest of Kenyans in a "working nation".

Mr. Temporary Deputy Speaker, Sir, if I were to tell you, I am surprised at the pressure that I have from Members in this House, not all of them, but a few of them - probably 10 per cent or less, not to arrest anybody. It is amazing! Yesterday, I restrained myself from naming names. That is because I want to respect the rules of this House. That there must be a substantive Motion if you want to name someone. I could name others in that saga of extortion and seizure of other peoples' property contrary to the provisions of the Constitution that stipulates that properties must be respected, just as much as we have to respect the lives of our people and any other human being. So, I want to appeal to this House that I must have the co-operation of hon. Members. This Government must have the co-operation of hon. Members. If we have to contain crime and promote peace more than we have done so far, this House must show responsible leadership. This is where we have the highest level of leadership. If at that high level there does not emanate views about how Kenyans must live and promote peace; and, an appeal which comes from the heart, then, obviously, we are not sincere to our people.

Mr. Temporary Deputy Speaker, Sir, I am ready to discuss any problems regarding security. This is so because it is prerequisite, as you have just rightly said, to peace, development and the enjoyment of the rights that are conferred on every citizen by our own Constitution.

With those few remarks, I beg to support.

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to express my thoughts towards this Motion on the Report of the 115th Inter-Parliamentary Union (IPU).

This covers a big responsibility for hon. Members all over the world. The House of the people for the people by the people is a Parliament. It is a place where people have to be thinkers. It is a place where the roots of law originate. However, laws are made after crimes have been committed. That is when this House comes to establish laws to control those crimes.

Mr. Temporary Deputy Speaker, Sir, we may not have been in Geneva when hon. Members were meeting there. However, all our thoughts are based on the experience that we have here in this country. Africa is our continent, East Africa our region and Kenya our nation. When you put hon. Members from different countries together and let them talk about issues and bring about a level of understanding, that harmonises the laws of the continent. I am proud of the Kenyan Parliament! It has committees and hon. Members who are serving in other parliaments. We have senior hon. Members in the Pan-African Parliament (PAP) and others soon to be joining the East African Legislative Assembly (EALA). These are all Parliamentarians who will talk of our prestige. The column of understanding is the Speaker who controls the minds of hon. Members and brings them to order.

Experience tells us that we, hon. Members, can either destroy or develop a country. Loose

talk in parliament is a source of information to people. Parliament is made up of hon. Members who represent political parties. However, should a political party stand to be a nasty opposer of another political party outside, intellectually, those political parties and their meetings should end when an hon. Member comes to the Chamber. We come here to legislate. We do not come here to promote our political parties. That is, to me, a dietary method that has encroached our country and goes contrary to the IPU spirit. When you look at the parliaments of Uganda and Tanzania, how do they perceive the Parliament of Kenya? They have to also know that we are in harmony. However, in the case of the East African Federation (EAF), this is an issue on which Kenya should check itself. Hon. Members here must check themselves. If we are craving to form a federation, yet we misbehave; are mischievous and poignant, how will those neighbours look at us? Are we a good example to be their quality partners? That is an issue that we have to look into.

Mr. Temporary Deputy Speaker, Sir, at the end of the day, these parliaments are going to sit down and make another constitution that will harmonise East African countries for another major assembly headed by, probably, the President of the EAF. So, our people should cool down. Of course, politics is palatable; so, it has enzymes that can cause indigestion in a nation. Recently, we had a referendum in this country and there was mischief. The dietary methods that political parties employed in this country manipulated our country; now people are looking at each other as households, tribes and not as one nation. Are we a good example?

That also affects the security of the country. I must thank the Minister of State for Administration and National Security. He is going through hard times. He has to move old borders. He has restrained the military from getting involved in border issues with other countries. We are provoked by people who come in as militia. Those are people with military training. It beats me when the Minister sends the Kenya Police Reserve, Administration Police or the Kenya Police Force to fight militias who have military training. We look at this and say: "What kind of force is this going to be?" These are military people! A soldier and a policeman are two different people. Soldiers are trained to destroy. Policemen are trained to arrest and prosecute. These are the areas where Kenyans are very polite. When we look at the behaviour of Ethiopia, we have bilateral agreements with these neighbours. We cannot talk about Somalia because it is going through a transitional period. A child who is born in Somalia now does not know peace. We have to make sure that we educate these people that they are human beings and that there is peace. We had an armoury some time back in the 1960s. Those days, we used to talk about armament, but now we have to look for ways of disarming people. I urge the Minister of State for Administration and National Security to enforce the law on arms. That law exists. If a person wants to own a gun, then he or she must be a member of a rifle club. That person should be authorised to own a gun. If this should change, then any person who has a gun must be registered. Even a headman must know that, that person owns a gun. Should a gun be used, then its serial number, make and source should be identified. Why should we have guns in illegal hands in this country?

Mr. Temporary Deputy Speaker, Sir, we are an agricultural country. Farmers, for example, in Trans Nzoia District are now busy preparing for the seasonal crop, but we are now worried of the current situation on the ground which appears to be like the one of 1992. We do not want a repeat of what happened then. As the hon. Member for Saboti Constituency, I am proud to be a Kenyan and I would not like to hear a gunshot anywhere in our country. It is, therefore, the duty of the Minister of State for Administration and National Security to make sure that people abide by the law. He also needs to make sure that all illegal guns are destroyed the way he destroyed 8,000 guns recently. It is not a piece of cake!

Mr. Temporary Deputy Speaker, Sir, our police officers out there have no protection at all. For example, they do not have bullet-proof jackets even as they work out there in the cold. I think it is high time now our Government ensured that all police vehicles are equipped with computers so

that communication can be made easy. It has been very difficult now, with mobile telephony in place--- It is not a question of ship to shore communication or high frequency communication. People who commit crimes make use of telephone communication. They are as smart in communication as the Kenya Police and the Kenya Army. We need to look at these kind of things.

Mr. Temporary Deputy Speaker, Sir, I have always been amazed at the way the laws of this country have been turned upside down. For instance, we have privatised sensitive sectors of this Government. We have stripped ourselves naked and these are some of the things that the Inter-Parliamentary Union (IPU) questions. The IPU asks: "How do we protect our countries?"

Recently, disaster struck our livestock industry. The Government had to look for money to eradicate the Rift Valley Fever. Livestock farmers are mainly carnivorous - I believe all of us are carnivorous because we eat meat. For a period of time, when the Rift Valley Fever struck, meat was not part of the diet for most people. However, the Government was swift enough to control the disease. For how long are we going to have this kind of stuff? We need to have a regulatory system where Parliament makes laws and they are implemented. We do not come here as commissioners. We do not come to Parliament to be commissioners of inquiry; we come here to legislate. The teeth for IPU are growing, and we are just like a teething baby, but after some time, we will know how to "chew" laws and "digest" them well.

Mr. Temporary Deputy Speaker, Sir, it is not good to personalise issues. We cannot make any strides if we do that. Rwanda and Burundi have now joined the East African Community. It is because they have realised that the EAC has sensible people. Their respective Parliaments agree that we share our grievances, opinions and ideas with the other East African countries. Next, we would like to see the Democratic Republic of Congo (DRC) and Somalia come to sobriety. I believe that Southern Sudan will also be independent soon. We would like to see the people of these countries share with us because we are brothers. After all, we share the same soil.

Mr. Temporary Deputy Speaker, Sir, we are privileged to stand here to express views even regarding our continent. If you ask me what is discussed in the Pan African Parliament, I will not be able to tell you because we do not share notes with them. Again, if you asked me what happens in the East African Legislative Assembly, I will tell you that I do not know. Until we sit together as Parliamentarians and share information, our knowledge will not be useful at all. So, the IPU provides legislators with an opportunity to share knowledge from different sources. If you look at our political system, a wise man once said that democracy is good, but it is not good enough. However, what is democracy, anyway? We, Africans, are democratic because we have African socialism. In African socialism, we also have capitalism. People used to own large herds of cattle, many wives and many children. They made sure that each child had a share of the wealth. That is democracy. The idea of copying ideologies from other countries is not good and we have to be careful with it. The cold war is now gone. Perhaps, it is because of the interchange of ideas through systems such as the IPU that the cold war was diffused. However, I still feel that the IPU has a lot of work to do.

Mr. Temporary Deputy Speaker, Sir, we have to make sure that we give farmers freedom. I have not heard many hon. Members speak against the hiking of prices of agricultural inputs. We know that policies are made in Government, but they must be originating from somewhere. Who is this who makes life hard for other people? Do we come to Parliament to make life hard for our people or do we come to defend them? Today, countries all over the world are calling for the Purchasing Power Parity (PPP). We used to peg our economy on coffee, tea and pyrethrum, but because of the open market, we have lost the PPP. We do not have diamonds, gold or any other minerals. We are agriculturalists. If farmers were given facilities as medical doctors, Kenya would be a granary for Africa. We would be feeding other countries who do not have the same good soil as ours. We do not have to look at ourselves as poor. Why do we introduce poverty into ourselves

by abandoning farms and encouraging urbanization? Is it just because urbanization is for those who went to school? Some people think that after they have graduated from the university or college, home is bad. One goes to a city and establishes his or her life there.

Mr. Temporary Deputy Speaker, Sir, to reduce urbanization, I think we must decentralise industries. We can have people in rural areas instead of congestion in cities. Why do we have *ghettos* in Nairobi? Why do we have Mathare and Kibera slums? What is so special about them? As hon. Members, when we point a finger at Kibera slums, we should know that it is owned by people. Those are people's plots. If there was a good legislation on housing, those people who have put up *ghettos* in Kibera would have been forced to put up good and decent houses. The Nairobi City Council (NCC) would then be left to mind their welfare. By "welfare" I mean, water, electricity, schools and hospitals. However, the NCC must not be forced to develop private property. They are completely locked out. That is why we find places like Kibera.

In Kibera, we have a minority tribe called the Nubi. However, they cannot be heard because there is no Nubian in this Parliament. However, Nubians have been in this country for many years. Why are we not talking about them? Why do we have to "sit" on them? Parliament has to look at this kind of stuff. When we talk about a minority tribe, what do we mean? Everybody borne of a father and a mother is not a minority. There has to be equality. We do not have to put other people in the backyard to look like cripples or the disabled. We have to make sure that we regulate our country. I am sure that this Report speaks for itself.

With those few remarks, I beg to support.

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I stand to support the Report of the Kenyan Delegation to the 115th Assembly of the IPU.

Mr. Temporary Deputy Speaker, Sir, I note with interest, the fact that the IPU has a four-year plan to promote peace and governance. Unfortunately, the Report states that the activities of IPU, on this very important topic, are to be financed by donors. They have already given requests to donors in Geneva and hopefully, they will be getting support for the topic.

Mr. Temporary Deputy Speaker, Sir, while I support donor assistance wherever it is possible, I must say that we should take donor assistance with a lot of care. Personally, I would recommend that the Kenyan Parliament, led by the Speaker, should suggest to the IPU that the Parliament's of the IPU should contribute towards this very good course.

Mr. Temporary Deputy Speaker, Sir, donor finances come and go. They are available when donors feel like and not available at other times. So, really on a subject as important as promotion of peace and governance, we should be able to stand on our own and finance our activities in the area.

Mr. Temporary Deputy Speaker, Sir, the Report seems to suggest that several other new parliaments want to be affiliated to the IPU. These are parliaments such as those of Gambia, Montenegro and Faroe Island. It is interesting to see that these requests are receiving support.

Mr. Temporary Deputy Speaker, Sir, if I may specifically refer to the donor support that Kenya, as a country, gets, I would like the Government to look very carefully at whatever support we get. In fact, one wonders whether we should not change from the use of donor support completely. One wonders who the donor is. If you take a country like Kenya, where we have many companies from abroad, they repatriate billions of Kenya shillings annually. If you take an example, the repatriation to the United Kingdom (UK), it is more than Kshs10 billion. All this money is made from businesses here in Kenya. Then, you look at what Kenya gets as donor assistance; it is Kshs1 billion. Really, the question becomes; "who is assisting who?"

Mr. Temporary Deputy Speaker, Sir, in my view, we are supporting the donor economies by so much that we should even change the term "donor". We should find a better term. I know we have talked about development partners. Yes, but to what extent? To what extent are we

development partners in the opposite direction? This should be an issue of concern, not only to Kenya, but all developing countries.

Mr. Temporary Deputy Speaker, Sir, I notice here that the President of the World Bank has been talking to the IPU. He talked about global challenges to development in the whole world. This is a subject that is of great concern to most countries, including developing country such as Kenya.

Mr. Temporary Deputy Speaker, Sir, the question which the Bank needs to be asking itself is: "To what extent should the bank tie the hands of developing countries in their development effort through requirements which make it impossible for the developing countries to move ahead." If I may give an example, a country like Kenya is given limitation as to the kind of funds it can borrow. Kenya cannot borrow from any source, funds which attract more than 1.75 per cent interest and funds which do not offer 35 per cent grant element and the remaining base of 1.75 per cent. This means that even if Kenya was to get a loan at 1.75 per cent, a complete loan over a period with a grace period and everything else, we cannot borrow because there is no 35 per cent grant element. If, for instance, we want to develop a duty-free zone, say in Mombasa, and we are able to get money, even at 2 per cent interest, that project will be able to repay itself without any difficulty at all. But under the current World Bank regulations we cannot borrow that kind of money.

Mr. Temporary Deputy Speaker, Sir, these are some of the strings the Bank needs to look at and weigh if they really want the developing countries to develop. Another area where our hands are tied is, according to the United Nations (UN), we have to achieve certain targets by the year 2015. These targets include free education, equality of sexes, adequate medical facilities throughout the country and so on. But the same Bank will tie you down and tell you that, you cannot spend more than this or that percentage of your Budget on salaries because that is a wage, and you can also not appoint health workers to provide the essential medical services and other essential employees just because there is a limitation. You have to get a percentage of your Gross Domestic Product (GDP) going to salaries and nothing more than that.

When you have a country like Kenya, where development had stalled for many years, GDP is of necessity, very low. Now, to tie recruitment of teachers, nurses and other essential personnel to the GDP is very limiting and does not make sense. On one hand, they say provide free primary or secondary education and get literacy level above a certain percentage but on the other hand, do not employ teachers. They tell us to offer good health services but on the other hand they say we should not employ nurses. Those are some of the limitations that we need to look at as we deal with a body like the World Bank which is supposed to be helping us to develop but it is really holding us back.

Mr. Temporary Deputy Speaker, Sir, I have already mentioned the problems of the Millennium Development Goals (MDGs) and why we may not achieve some of them. I know that the conference discussed co-operation between parliaments and the UN particularly, in promoting world peace and in promoting the fight against terrorism. The point I want to make clear, is that even in a country like Kenya, we seem to be addressing the question of fighting against terrorism wrongly. We seem to be giving the impression that it is only one group of people; a section of Kenyans, who belong to one religious group who are prone to terrorism. I think that is unfortunate because the minute you bring in division between Kenyans on the basis of religion, we are entering a very dangerous area. I would rather we look at Kenyans who commit mistakes as Kenyans irrespective of their religions. Kenyans of Christian descent are being killed every day by the police because they are criminals. So, I believe that we should look at people for what they are and for the mistakes they commit and not on the basis of what religion they belong to.

Mr. Temporary Deputy Speaker, Sir, let me round up my comments by saying that the UN by and large is doing a very good job but when we begin to use the UN to promote world peace and the fight against terrorism and the achievement of better security worldwide, one wonders what we

need to do to some of the big powers; the ones who are really causing problems around the world. Some of them go and invade independent countries under the pretext that those countries have weapons of mass destruction. They cause more trouble in those countries and also cause more dissatisfaction amongst the inhabitants. In fact, Iraq is a living example of what external interference in the affairs of a country can lead to.

The question which this poses is whether the UN should not be changed in such a way that the clause which enables a few countries to make decisions without the rest of the world is amended and invite more members who can assist in decision-making so that a few countries do not have the power of veto and cannot interfere in the affairs of other countries with impunity. I think we need to find out whether the UN cannot be asked to drop the requirements for veto all together, so that decisions of the UN are taken on the basis of all the countries represented therein.

With those few remarks, I beg to support.

Ms. Ndung'u: Mr. Temporary Deputy Speaker, Sir, on behalf of the Leader of the Kenyan Delegation to the 115th IPU Assembly, I beg to reply.

Mr. Temporary Deputy Speaker, Sir, let me thank all the hon. Members for their contributions and support of this Report of the delegation. I have a couple of observations to make before I move it.

Mr. Temporary Deputy Speaker, Sir, in future, the Kenyan delegation needs to be more prepared in terms of campaigning for posts. This is a problem that we have in this country. The Departmental Committee on Defence and Foreign Relations has alerted the Ministry of Foreign Affairs that when important international candidatures come up in Committees, Kenya is least prepared. Unfortunately, although Kenya hosted the 114th IPU Conference here in May last year, when we went to Geneva in October we were ill-prepared to lobby for a seat in one of the key committees. I hope this will not happen again. As Parliament, we should consult the Ministry of Foreign Affairs to develop our capacity to prepare for candidatures in such international organisations.

My other observation, this having been my first time to go to an IPU Conference, is that although we really criticise this country's leadership for upholding senior citizens in positions, my observation in the IPU is that, generally, most Parliaments are full of senior politicians. The reason for this is that experience is required for politicians to reach such seniority. Therefore, even as we push for young people to come to Parliament---

QUORUM

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks as if we do not have quorum in the House. Would I be in order to alert the Chair of this anomaly, because the hon. Member is contributing to a very important Motion?

The Temporary Deputy Speaker (Mr. M'Mukindia): Yes, indeed, we do not have quorum. So, could you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Members! We now have a quorum.

Proceed, Ms. Ndung'u.

Ms. Ndung'u: Mr. Temporary Deputy Speaker, Sir, as I was saying, it is not unusual in politics and in Parliaments to have the majority of hon. Members being more senior than the minority who are younger. Even as we want young people to come to this House, I think we need

to appreciate the experience and the flavour that the senior and older politicians bring. That is what I learnt from this trip. In future, we should be sending out delegations which are zebra, that is composed of a senior politician and a junior one.

Mr. Temporary Deputy Speaker, Sir, although Hon. Mugo has already talked about this, because she sits on the co-ordinating committee on women MPs' affairs, the IPU is currently assessing the issue of representation. Although it seems as if I consistently talk about this subject, it is the IPU itself that is encouraging women to come to Parliament. In particular it is auditing the issue of participation of women in committees. I note that in this Parliament, there are no women sitting on the watchdog committees. It is fortunate that we have a splattering of women in other committees. We have no woman, for example, sitting on the Parliamentary Service Commission. This is a poor show in terms of our own presentation in the IPU. The majority of Parliaments in this world have a minimum of 15 per cent women. I am hoping that as we move towards the minimum essential reforms, Kenya will be able to bring in the quota system that will ensure that we reach, at least, 14 per cent. Kenya is one of the very few countries that do not pay attention to representation of women. It is ranked among the Islamic countries where women are not allowed to drive or work. We really need to move with the democratic world and claim our place when it comes to the issue of representation of women.

Mr. Temporary Deputy Speaker, Sir, I did attend the IPU meeting at the Commission of Cities of Women in February this year. One of the clear things that we were advised of, as the women MPs who attended that meeting, is that it is so important to include men and boys in moving for women rights. The rationale is that men and boys will provide the solution to the many problems affecting women. Therefore, I will be encouraging all the women MPs in this House, and outside the House, to engage with male MPs in order for us to agree on the repeal of very discriminatory laws. In this House we can agree to pass the Bills such as the Domestic Violence Bill, the Marriage Bill, the Matrimonial Property Bill, the Maternity Leave Motion, and other issues that affect not only women but also men and all of us.

Mr. Temporary Deputy Speaker, Sir, the Inter-Parliamentary Union (IPU) Conference was very interesting. I was privileged to listen to one of our hon. Members presenting when we had a small workshop on poverty, corruption and meeting our Millennium Development Goals (MDGs). It was clear that we all agreed as Parliament that there was need to lobby for funding for political parties. An electoral campaign legislation needs to be put in place so that, the temptation to steal from the public coffers is less. We all know that political parties need money to run their programmes. When the proposed Political Parties Bill comes before this House, it is something that must be considered and passed.

Mr. Temporary Deputy Speaker, Sir, in the resolution that was passed by that particular session, we agreed that the vetting and approval of appointments of senior Government and public officials must be done by Parliament, to ensure meritocracy. Indeed, today was an example when we passed, through the Report of the Departmental Committee on Administration of Justice and Legal Affairs, the nominee from FIDA to the Kenya Anti-Corruption Advisory Board (KACAB).

The same resolution also talked about doing a gender audit. It encourages all Parliaments, which are members of IPU, to conduct a systematic gender audit of leadership positions. The problem with this Parliament, with all due respect, is hammering on the issue of tribes all the time. There is no tribe that is 52 per cent of the Kenyan population. I would like to hear this House talking about gender and not tribes. Let me encourage hon. Members of Parliament to re-focus, not on ethnicity, but on gender.

Mr. Temporary Deputy Speaker, Sir, the IPU Conference also passed a resolution on missing persons. It is clear to me, from the discussions at that conference, that most missing persons in the IPU countries go missing because of political prosecutions. In this country, we have

many missing persons. The issue is dealt with by the Criminal Investigations Department (CID). Every day, we see pictures of people in the newspapers who were last seen wearing certain colours of clothes and having particular complexions. The date when they were last seen is also indicated. These people disappear for years. We have seen cases of children being abducted by women who offer to hold babies at bus stops. Those children are never seen again. We do not know what they are used for. We do not know whether they are alive or dead. Therefore, the IPU adopted a proposal that every parliament - and I urge this parliament to do the same - must pass a policy on missing persons. That policy should be attached to a unit within the CID that focuses on missing persons. We also support a forensic medical institute that will be able to assess persons who are dead or missing.

Mr. Temporary Deputy Speaker, Sir, finally, the IPU Meeting adopted a report on a committee on human rights of parliamentarians. Many hon. Members in the world suffer, disappear, are abducted, jailed and even killed. We, in Kenya, think that the 1980s was a bad time for hon. Members. It is nothing compared to some of the countries such as Zimbabwe, Ethiopia and some countries in Latin America. We should appreciate that we exercise a great amount of freedom in this House without punishment. We should congratulate ourselves for dismantling the Nyayo House torture chambers. We should appreciate that in Africa, the democracy in Kenya is only second to that of South Africa. We need to celebrate our place in the IPU that we are, indeed, a democracy. We are not just a young and budding democracy. We are a good example to other countries and delegations from other Parliaments.

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

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. M'Mukindia): Next Order!

ADOPTION OF REPORT OF FOURTH ACP
AND 11TH ACP-EU ASSEMBLY REPORTS

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House adopts the Report of the 4th Session of the ACP Parliamentary
Assembly and the 11th Session of the ACP-EU Joint Parliamentary Assembly---

The Assistant Minister for Planning and National Development (Mr. Ethuro): On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that Motions No.9 and 10 are similar, could we discuss them simultaneously given the fact that we have a lot of other issues to dispose of?

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Ethuro, you have sat on this Chair for many years and you know that is not possible at this stage!

Proceed, Mr. Kamotho!

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, I do not know which technical procedure we should follow to combine the two Motions on the Floor of the House as suggested by the hon. Member. These two Motions are close, but they are different.

Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House adopts the Report of the 4th Session of the ACP Parliamentary
Assembly and the 11th Session of the ACP-EU Joint Parliamentary Assembly held
in Vienna, Austria, from 15th June to 22nd June, 2006, laid on the Table of the
House on Tuesday, October 3rd, 2006.

Mr. Temporary Deputy Speaker, Sir, the African Caribbean Pacific-European Union (ACP-

EU) is a long time co-operation dating back to 1975 when the First Lome Convention was signed between the two parties. It is guided by the Cotonou Partnership Agreement signed in June 2000 and revised in Luxembourg in June 2005 with the objective of eventually reducing poverty in ACP countries.

The main objective of the Cotonou Agreement is to promote the development of a common strategic approach to poverty reduction consistent with the objectives of sustainable development and the gradual integration of ACP countries into the world economy.

Mr. Temporary Deputy Speaker, Sir, the Joint Parliamentary Assembly (JPA) presently has 79 members from ACP member states with an equal number from European Union (EU) member countries. It plays a central role in creating awareness of the role of the parliamentary networking among Members of Parliament and exchange of views between European and ACP parliamentarians in the form that is the only one of its kind. The Assembly sits biannually with sessions being held in rotation in an ACP state and an EU member country. The JPA, like any other parliament, has its standing committees which have helped in transforming the Assembly into a genuine parliamentary assembly. This has created new forums of debate and made it possible for resolutions on important development issues to be prepared in a much better way. It has also created room for wider parliamentary scrutiny of the ACP-EC Commission and Council. Through the JPA, parliaments are now getting more involved in exercising oversight over executives and monitoring development polices at national, sub-regional and regional levels.

Kenya plays a very key role in the JPA, because it represents the eastern region in the most important organ of the JPA, namely, the ACP-EU Bureau, in addition to representing the region in the Assembly's Committee on Economic Development, Finance and Trade. The other committees are the Committee on Political Affairs and the Committee on Social Affairs and Environment.

During the 11th Session, a number of important issues were discussed, including Economic Partnership Agreements (EPAs). The JPA took stock of the economic partnership negotiations and discussed the future actions and the role of parliamentarians in the negotiation processes. The Assembly reaffirmed that the review should be all-inclusive and consultative with all the stakeholders, including non-state actors and parliamentarians; conducted at the national and regional level. It was emphasized that it was necessary to involve parliamentarians at every stage of the negotiations.

It is worth noting that although the European Union (EU) is Kenya's largest grant and development partner, and Kenya is negotiating the EPAs with it, under the Eastern and Southern Africa (ESA) configuration; and although the negotiations have been going on for a long time, very few Members of Parliament understand what they are about, or even which countries form the ESA. I take this opportunity, therefore, through the Chair, to appeal to the Minister for Trade and Industry to bring an updated report of the EPAs for the ESA region to this House for debate.

Other issues discussed during the 11th Session included the energy problem in ACP countries, the avian influenza, the role of regional integration in the promotion of peace and security, fisheries and their social and environmental aspects in developing countries and the situation in Sudan in general, including Darfur, among other issues.

There are resolutions that the Assembly arrived at on each of these items, which form part of the Report. Hon. Members may wish to take time to study the resolutions, which they will find quite useful. Parliamentarians deliberated on the evaluation of the work of the various committees, identified elements that have hindered their work and formulated proposals for improving their activities. Of the key hindrances identified was lack of financing on the part of the ACP. I take this opportunity to urge our Government to ensure that our subscriptions are paid on time, because it would be embarrassing on our part, as a country, to find Kenya in the brief of countries owing in subscriptions. Subscribing on time also helps the ACP Secretariat run its affairs more effectively

and efficiently.

The JPA organizes fact-finding missions on various issues affecting the citizenry of member states. Several missions were undertaken prior to the 11th Session of the ACP-EU JPA and their reports presented during the Session. These included fact-finding missions to Mauritania, Togo, Swaziland, Mauritius and Kenya.

On the mission to Kenya, whose objective was food security and sustainability of life, Mr. Poghio and I participated during that particular mission. Concern was raised over the high levels of poverty and the widening gap between the rich and the poor in the country. The mission visited Kibera and Mandera and met a number of senior leaders, including His Excellency the President, the Vice-President and Minister for Home Affairs, the Speaker of the National Assembly, the Official Leader of Opposition, several Cabinet Ministers and senior Government officials. I wish, on behalf of the mission participants, to thank His Excellency the President, the Vice-President and Minister for Home Affairs, and Mr. Speaker, for honouring the delegation by finding time to meet them.

On the situation in Kibera and Mandera, I wish to state that in both cases, it was appalling. There is urgent need to address the plight of suffering Kenyans, especially children. The mission called on the international community to look into the problem and do whatever they can to help resolve those problems. The mission expressed concern that parliamentarians in Kenya and, indeed, in many other ACP countries, were not being engaged in deliberations pertaining to the European Development Fund (EDF). The mission emphasized that national indicative programmes should be drawn with Parliament's input and urged ACP parliamentarians to make their presence felt and be keen on condemning vices, such as corruption.

I wish to point out that Parliament is highly disadvantaged by the fact that the Government has not been briefing the House on deliberations pertaining to the EDF. The national indicative programmes are also drawn without Parliament's input. The Ministers for Finance; Planning and National Development, and Trade and Industry should keep us informed about what the Government is doing as far as the EDF deliberations are concerned. A full text of the Report of the mission to Kenya is annexed and forms part of this Report. I am appealing to you, hon. Members, to take time and study the Report. Working groups are also set to consider specific issues as the Assembly may deem fit.

Lastly, Mr. Temporary Deputy Speaker, Sir, on behalf of the Kenyan delegation, I would like to thank the House, through you, for entrusting us with the responsibility of representing Kenya at all ACP-EU JPA Plenary and standing committee meetings. I also wish to thank the Clerk of the National Assembly, the Kenya Mission to the EU in Brussels and the Kenya Embassy in Vienna for availing the necessary logistical support to us during the 11th Session of the ACP-EU JPA.

With these few remarks, I beg to move and call upon hon. Poghio, who is the alternate Member to the JPA, to second.

Mr. Poghio: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I beg to second this Motion.

The Report as presented, is supposed to do something among us or in us. It is not in vain that we make these trips to attend the ACP-EU Joint Parliamentary assemblies or simply the ACP-EU assemblies. We attend them so that our National Assembly can benefit from knowledge, resources, shared experiences and best practices that we pick when we interact with hon. Members of the ACP-EU.

As my colleague has indicated, we are part of the Bureau of the ACP-EU Joint Parliamentary Assembly. It is important that we note that being part of the Bureau is a privileged position. It means that you make the decisions and set the agenda for what goes on there. So, being

in the Bureau really helps to put our country and this Parliament in the position of decision-making. Because of that, we have been represented in joint missions to, for example, Ethiopia. I am sure a report on that was brought to this House. So, it is not for nothing that these assemblies meet.

Mr. Temporary Deputy Speaker, Sir, something that comes to me as a surprise is that whenever reports are discussed in this House, hon. Members are not interested, as has been evidenced. Is it because nobody understands these reports or nobody reads them? Maybe very few people read them. I would like to encourage my colleagues by telling them that they can only gain by reading these reports. There is a report that was discussed before this one, namely, the Report on the IPU. Hon. Members should take interest in studying some of the resolutions made in the ACP-EU.

If you read the Compromised Resolutions, they touch on issues of importance to this continent. There are resolutions on Ethiopia, Eritrea, Somalia, Northern Uganda and Sudan. All those are good for us as a Parliament to understand that they were discussed at an ACP-EU Joint Parliamentary Assembly.

Mr. Temporary Deputy Speaker, Sir, the activities of the ACP-EU Joint Parliamentary Assembly are done in regions or sub-regions. It puts us in regions and that is the trend of today. The business of the world today is in regional groupings. We talk about markets when we negotiate on behalf of these regions. We talk about Eastern, Southern or Western Africa group. That accords us the opportunity to understand what goes on---

(Loud consultations)

Please, protect me from the conversations from the other side because they are taking over.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Michuki and hon. Kamama!

Mr. Poghio: Mr. Temporary Deputy Speaker, Sir, one of the things that we must learn and bring home through reading these reports is the best practice in democracy. It is expected that when we come back from these meetings, we have learnt something that we will then transmit to our Parliament. By reading, we actually improve our democracy and we should read the reports. Let the trips that are made and the reports that are written not be in vain.

Mr. Temporary Deputy Speaker, Sir, something that comes to me as a point of interest is that, in the growing field of democracy, political parties have a big role to play. When you interact with the European parties---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Hon. Poghio, you will have 25 minutes to continue your contribution in seconding the Motion when the House resumes next week.

It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 10th April, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.