

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd July, 2008

The House met at 9.00 a.m.

*[Mr. Temporary Deputy Speaker
(Prof. Kamar) in the Chair]*

PRAYERS

NOTICES OF MOTIONS

CENSURE OF FINANCE MINISTER:

MR. KIMUNYA

Dr. Khalwale: Madam Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, being deeply concerned with the conduct of the Minister for Finance in the manner he has handled the sale of Grand Regency Hotel; the Initial Public Offer for Safaricom in total disregard of the provisions of the Public Procurement and Disposal Act and related regulations governing sale and disposal of public property; and his non-adherence to the provisions of the Privatization Act in the sale of Safaricom shares; this House censures the Minister and resolves that it has no confidence in him and demands his immediate resignation.

A BILL TO NULLIFY SALE OF
GRAND REGENCY HOTEL

Mr. Kombo: Madam Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, in view of the great public interest in the sale of the Grand Regency Hotel and other related public properties; taking into account the mysterious circumstances surrounding the sale of the hotel, and in particular before a conclusive investigation of the Goldenberg Saga and implementation of the report of the Bosire Commission of Inquiry; this House do grant leave to introduce a Bill for an Act of Parliament to nullify the sale of Grand Regency Hotel and other related properties owned by Uhuru Highway Development Company Limited to provide for recovery of any property or properties associated with Goldenberg Saga to provide for prosecution of any persons or persons that may have facilitated any commission or omission of corruption or economic crime in the transaction of this sale and for related and connected matters therewith.

QUESTIONS BY PRIVATE NOTICE

DISCONNECTION OF ELECTRICITY TO
NYAKACH WATER SUPPLY

The Temporary Deputy Speaker (Prof. Kamar): Hon. Elias Mbau's Question!

Mr. Ogindo: Madam Temporary Deputy Speaker, may I take this opportunity, if you allow me, to stand in for hon. Mbau?

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Madam Temporary Deputy Speaker. It has been the tradition of this House that whenever a Question is raised by Private Notice, no other Member can stand in for that hon. Member. Therefore, this Question should be dropped!

The Temporary Deputy Speaker (Prof. Kamar): I am sorry, it was an error. It is hon. Anyango Pollyns' Question.

Is hon. Anyango here? Now that the Member is not here, the Question is dropped.

(Mr. Anyango) to ask the Minister for Water and Irrigation:-

(a) Is the Minister aware that electricity supply to Nyakach Water Supply at Sondu has been disconnected for the last two weeks because of non-payment of electricity bills?

(b) When will the bills be paid to enable the people access clean water and avert an imminent out-break of cholera, which has already been reported in some parts of the region?

(Question dropped)

The Temporary Deputy Speaker (Prof. Kamar): Next Question, hon. Ngugi!

WITHHOLDING OF REFUNDS TO
SAFARICOM IPO APPLICANTS

(Mr. Ngugi) to ask the Minister for Finance:-

(a) Is the Minister aware that share applicants in the just concluded Safaricom IPO who applied through Electronic Fund Transfer (EFT) have to date neither been informed their share allocations nor received their refunds?

(b) Why do such applicants, as well as those without bank accounts, have to pay Kshs500 to the banks in order to get their cheques cleared?

(c) What urgent action will the Minister take to ensure that all applicants are informed of the shares allocated and that the banks do not charge the Kshs500 to clear cheques?

The Temporary Deputy Speaker (Prof. Kamar): Hon. Ngugi is not around, so the Question is dropped!

(Question dropped)

ORAL ANSWERS TO QUESTIONS

The Temporary Deputy Speaker (Prof. Kamar): Next Question, hon. Bett!

Question No.044

CONSTRUCTION OF LITEIN POLICE STATION

The Temporary Deputy Speaker (Prof. Kamar): Mr. Bett is not around so the Question dropped!

(Question dropped)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): What is your point of order?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I have struggled to come and answer this Question this morning. It is very difficult, in fact, I was having a lot of problems reaching town by 9.00 a.m. What will you do to MPs who ask Questions and do not appear? When we do not appear, you normally blame us but should a Member of Parliament not appear to ask his or her Question, what will the Chair do to such a Member?

The Temporary Deputy Speaker (Prof. Kamar): Thank you, hon. Assistant Minister. I just want to inform you that the Standing Orders give us a leeway. If a Member is not here when a Question is asked, we drop the Question. It is only the right of the Member to be here when the Question is being asked. So, it is not only him who loses the Question. Unfortunately, we all lose the answer!

The Minister for Higher Education, Science and Technology (Dr. Kosgei): Madam Temporary Deputy Speaker, I do not think that is entirely the practice because I have had a Question on the Order Paper on and off for several weeks. Whenever it comes, I come here prepared with the answer but the Member who asked the Question absents himself and it comes back. So, they are playing ping-pong with me. If you are now ruling on that, then, it should get dropped. I take it that Question No.043 is dropped and I will not come here with an answer!

(Laughter)

The Temporary Deputy Speaker (Prof. Kamar): Order, hon. Members! I just want to mention the fact that there are Questions which are deferred because hon. Members have given notice to the Chair when they have either travelled on official duty or as a result of other reasons. That is when we allow deferment. Otherwise, according to the Standing Orders, if the Questioner is not here, then the Question is dropped. If that is what we have to do, Madam Minister for Higher Education, Science and Technology, then we will do that.

The Minister for Higher Education, Science and Technology (Dr. Kosgei): Madam Temporary Deputy Speaker, the hon. Member is not out of the country. I have taken the trouble to call him a couple of times, when I saw the Question listed on the Order Paper. He has been otherwise engaged.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Minister, we are about to get to your Question. So, if the hon. Member is not here, we will drop it.

Question No.057

COAL EXPLORATION IN KENYA

Where is Eng. Gumbo? The hon. Member is absent, so we will drop the Question!

(Question dropped)

Question No.073

POSTING OF ADEQUATE TEACHERS
TO KOIBATEK DISTRICT

Where is Mr. Lessonet? Again, the hon. Member is not here, so we will drop the Question.

(Question dropped)

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. As you can see, hon. Members find it very difficult to come to this House in the morning. The real reason for this is because of the traffic jam in Nairobi. Now that we have a Minister in charge of Nairobi Metropolitan Development, could he come here and explain what urgent measures he is taking to make sure that professionals arrive at their places of work in good time?

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, I think you are out of order! Let me not allow supplementary points of order on this issue. That is not our business! Our business is that an hon. Member should be here by 9.00 a.m. There are people who arrive in their offices at 8.00 a.m in this town. So, if we complain, as hon. Members, what will the members of the public say? I would like to rule that you are out of order. Hon. Members should be here in time. Those of us who arrived here by 9.00 a.m came through the same traffic.

Next Question, Mr. C. Kilonzo!

Question No.093

REHABILITATION OF YATTA CANAL

Mr. C. Kilonzo asked the Minister for Water and Irrigation:-

(a) whether she is aware that, following the construction of Ndakaini Dam which supplies water to Nairobi, the flow of water to Thika River and Yatta Canal was seriously affected;

(b) when Yatta Dam will be constructed to ensure there is enough flow downstream and in Yatta Canal; and,

(c) what plans the Government has to rehabilitate the Yatta Canal and solve the serious problem of water seepage along the canal.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Madam Temporary Deputy Speaker, I beg to reply.

(a) I am aware that Ndakaini Dam was constructed for a worthy purpose and that was to impound flowing water and ensure adequate supply of water to Nairobi during the dry seasons. The dam, therefore, contributes positively towards regulating flows in Thika River and Yatta Canal which otherwise put to risk human lives and property.

(b) My Ministry is undertaking detailed design of Yatta Dam this financial year and intends to start implementation in the next financial year in order to ease water shortage in Matuu and along the canal.

(c) My Ministry rehabilitated the other canal at a cost of Kshs39 million and undertakes

maintenance of the canal. The main challenge of this canal is low flows especially during the dry season which will be addressed by construction of the Yatta Dam.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, let me thank the Assistant Minister. However, I want to bring to his attention the fact that Yatta Canal, which was constructed during the colonial times, is a 50-kilometre canal which flows into Mwitasyano River. That means that it serves another 100 kilometres. In the other canal, the water flows to a maximum of 30 kilometres. There is no water in the other 30 kilometres. This affects areas like Kithendu, Matuu Town and Kateki, where there would be serious horticultural growing.

In the last financial year, Kshs10 million was given for the same design, which was done. In part "b" of the answer, he has said that he has given more money for the design. The practice of the Government has been to do one design after another. I want to know when the Government will allocate money for the construction of the dam.

Mr. Kiunjuri: Madam Temporary Deputy Speaker, we will consider the allocation in the next financial year.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, you must come to my rescue. This Question was brought here during the last Parliament; in 2007 and I was given the same answer. All I want to get from the Assistant Minister is a serious commitment from the Government. The money that was allocated for the entire district is Kshs5 million. It is not even enough for the design of this canal and that of Yatta Dam.

Madam Temporary Deputy Speaker, could the Assistant Minister, truly, give us a proper commitment and tell us how much, because I have the figures? I can even tell you the figure which had been allocated earlier to the Yatta Dam; Kshs500 million.

Mr. Kiunjuri: Madam Temporary Deputy Speaker, you agree with me that circumstances have really changed. By the time the hon. Member asked this Question, the NARC Government which was in place, was in turbulent waters. At the beginning of this year, the PNU Coalition Government came into place. Today, we have the Grand Coalition Government. You also agree with me that I have only been in charge of this Ministry for the last three months. I want to assure the hon. Member that I will take the responsibility to make sure that these monies are allocated in the next financial year. That is the best I can do for him.

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to mislead this House when he knows that in spite of change of Government and administration, policies of development do not go with the change? Could he stand and respond to the Question?

Mr. Kiunjuri: Madam Temporary Deputy Speaker, we are not dealing with policies. I would like to correct hon. Khalwale on that. We are dealing with issues of allocation. The policies remain but the allocation can change. If the Government committed itself to doing this last year and there was no money to do it, then the best thing is to change. We are aware, and I have stated clearly, that the Ministry is making detailed designs of the Yatta Dam this financial year. After that, I will ensure that we allocate funds.

Question No.104

REPAIR OF KITUI-MUTITO ROAD

Mr. K. Kilonzo asked the Minister for Roads:-

(a) whether he is aware that the section of Kitui-Mutito Road at Ngai Ndethya bends near Kiongwe Market, is damaged and becomes impassable during rainy season;

- (b) what action he is taking to repair the road; and,
- (c) if he could ensure that guard rails are constructed at the Ngai Ndethya bends to guarantee the safety of motorists and pedestrians who use that road.

The Temporary Deputy Speaker (Prof. Kamar): Is there anybody from the Ministry of Roads?

Leader of Government Business!

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I realise that neither of the two Assistant Ministers is around. The hon. Member for Mutito should bear with us. I suggest that this Question be deferred. It should also be noted that, that is the only case we have on this side this morning; of a Minister not being present. Many of them have made a lot of efforts to be present this morning.

Mr. Ngugi: On a point of order, Madam Temporary Deputy Speaker. I think fair is fair. If we have to bear with the side of the Government, it is only fair that they also bear with this side. When we just entered the Chamber, an hon. Member's Question was dropped!

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, this is very sad, because when Ministers start delaying to come and answer Questions, it means that they are doing things which are dubious. That is how Mr. Kimunya started. Tomorrow we are going to evict Mr. Kimunya from his office! We want an assurance from the Leader of Government Business.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Madam Temporary Deputy Speaker. The House Business Committee (HBC) approved a Motion by Dr. Khalwale and he has just given a notice of it. Is it in order for the hon. Member for Mutito to anticipate debate on the Motion that Dr. Khalwale has just given notice of?

The Temporary Deputy Speaker (Prof. Kamar): My understanding is that Mr. K. Kilonzo is referring to why Ministers are not answering Questions, and not to the debate this afternoon.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I heard the hon. Member for Mutito very loud and clear, because he is normally very loud and clear. He said that this House will eject Mr. Kimunya from his position tomorrow. That is precisely the matter that Dr. Khalwale has just given notice of. Is it in order for the hon. Member to mix up issues here, because this is a matter of grave national concern? It is obvious that the hon. Member for Mutito has already ejected Mr. Kimunya from his position and he wants everybody to follow him.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, yesterday the Chair ruled that there will be no business to be discussed from the Ministry of Finance and Question No.2 was to be answered by the Minister for Finance. That was why the hon. Member, Mr. Ngugi could not---

The Temporary Deputy Speaker (Prof. Kamar): Mr. C. Kilonzo, you are out of order! We have already dropped the Question! So, the issue of whether it is going to be answered or not should not arise. That is a Question that has already been dropped. Maybe, for purposes of clarity, I want to state that there are times when we reinstate Questions for reasons that will only be understood by the Chair and the Clerk-at-the-Table. So, yes, it is possible to bring back some of the Questions that we have dropped. We have dropped five Questions this morning, because hon. Members were late. If we find that there was a good reason why the hon. Member did not arrive on time, you will still find the same Questions on the Order Paper. What we are saying is that the procedure is very clear. When a Question has been dropped, it is dropped and we cannot go back and forth on the Order Paper. According to the Standing Orders, we can allow the Leader of Government Business to respond to issues on behalf of Ministers. He has said that the Minister for Roads is not here, and so we want to defer the Question. We only want the Leader of Government Business to give us a date when this Question will be answered.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary

Deputy Speaker, in view of the fact that this is a very important Question - I happen to know the particular bend that the hon. Member for Mutito is referring to - I am even prepared to answer it.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, as the Leader of Government Business is preparing to answer this Question, I just want to agree with you on the clarification you made that when I was referring to the Minister for Finance, Mr. Kimunya, I just wanted to show how Ministers skip Questions. I understand the feelings of the Leader of Government Business, because he is on record as having said that he would not criticise Mr. Kimunya on the issue of Grand Regency Hotel. So, I accept that the Leader of Government Business answers the Question.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Madam Temporary Deputy Speaker. This House is now on live coverage, and the records will be there. We even have the HANSARD. Mr. K. Kilonzo imputed an improper motive on some Ministers when he stated that when Ministers are not here to answer Questions, as it happened with Mr. Kimunya, they are out there doing dubious activities. He said that! I think it is only fair that Mr. K. Kilonzo withdraws the remarks and apologises to Ministers and Assistant Ministers.

The Temporary Deputy Speaker (Prof. Kamar): Mr. K. Kilonzo, the word "dubious" is not Parliamentary. Can you withdraw that word? On any debate that touches on the Grand Regency Hotel and the Minister for Finance, please, let us wait until this afternoon. You will have a full afternoon to deal with that.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): On the same issue? Let Mr. K. Kilonzo respond.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, I withdraw the word "dubious" and I want to replace with the word "unknown", or "illegal" or "mischievous".

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Madam Temporary Deputy Speaker. The issue we are dealing with here is imputing an improper motive. Whether he uses the word "dubious" or "mischievous", they are the same. He owes this House an apology. Otherwise, this trend will be so dangerous to us. When we sit in this House, and because there is a serious issue going on, as hon. Members in the Opposition are saying, it is only good that you do not hurt the feelings of others. It is good for you to accept that hon. K. Kilonzo owes us an apology.

The Temporary Deputy Speaker (Prof. Kamar): Before I allow any other point of order, can I give Mr. K. Kilonzo a chance again to withdraw and apologise. No replacement of words because you may be making it worse.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, I am more than willing to withdraw, but my only concern is which word I am I going to withdraw? Is it "dubious" or "mischievous". I am asking for your clarification.

The Temporary Deputy Speaker (Prof. Kamar): Order, Mr. K. Kilonzo! You must withdraw both words and apologise, because they both impute an improper motive on hon. Members.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, I want to withdraw and apologise.

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

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ethuro, you are out of order! I have said that we close the debate on the Grand Regency Hotel saga until this afternoon, when the Motion will be on the Order Paper.

The Leader of Government Business said that he would answer the Question on roads.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, while I was preparing to answer this Question, the Assistant Minister for Roads

just walked in; so, he will be able to deal with it.

The Assistant Minister for Roads (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I want to apologise for coming slightly late.

I beg to reply.

(a) I am aware that the section of Kitui-Mutito Road at Ngai Ndethya bends near Kiongwe Market is damaged and becomes impassable during the rainy seasons.

(b) Workplans, including cost estimates have been compiled for carrying out remedial work during the Financial Year 2008/2009.

(c) Installation of guardrails has been included in these works and will be completed as soon as the works start. Further, the Kitui-Mutito Road, that is, Road C96 is a 46-kilometre road and is within the main Kitui District. The road starts in Kyuluni Market junction with Road D7, through Zombe and ends in Mwitika Trading Centre. The road has a gravel surface on a 40-kilometre stretch and a bituminous surface dressing on six kilometres located on the stiff section. The road is in a maintainable condition, except the bitumen section. The bitumen section is 7 per cent potholed. It has worn-out shoulders and the side drains of the inner curve are filled with debris and rock falls from the stiff cliffs.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, I would want the Assistant Minister to give the estimates which have been set aside for this road. When does he anticipate the works to commence?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, we have asked for the estimates for that section of the road. Indeed, we expect the works on it to be carried out during the Financial Year 2008/2009. It is true that we have not yet got the estimates, but we expect the works on this road to commence within this financial year.

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, this road is so bad that now it is even a risk to motorists. I just want to request the Assistant Minister to come with his officers to visit this part of the road, so that he can know what I am talking about. Is he ready to do so?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, I take the invitation to visit this section of the road kindly. Indeed, we will be able to organise to visit that section of the road. In the meantime, we will be able to follow up on the work and ensure that it is done as soon as possible. Maybe, I would also like to mention that between the time when we asked for the estimates and the time when the work is done, there is a lapse of time. Therefore, the estimates we were given may not be very accurate at the time when the work is done. So, we are trying to reduce the time between when the estimates are done and when the actual work is done.

Mr. Ethuro: Madam Temporary Deputy Speaker, arising from the answer given by the Assistant Minister, apparently, the Ministry of Roads does not seem to have a masterplan on the state of our roads. In the view that Vision 2030 has a major component of the infrastructure, what statement can he make to this House to assure Kenyans that the Ministry has a masterplan on all our roads network, including Kitui-Mutito Road?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, my Ministry has a masterplan for the coming so many years. But, as you are aware, roads change within a very short time in terms of the deterioration. In due course, we will be inviting Members of Parliament to be able to share our vision and plan for the future. In the meantime, we would like the participation of the Members of Parliament when it comes to their areas of priority through the District Roads Committees (DRCs). So, it is at the Ministry level and also the Members of Parliament are participating in coming up with that.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, since the Assistant Minister has agreed to visit the site - and he does not know that direction - I would want to direct him. I would like him to go through my constituency. He should go through Matuu. There is a very bad road

which connects Matuu Town, Ikombe and Katangi. He should pass through this road, so that he does not need to make another trip in the same direction. When he is allocating money for that road in Kitui, he should also allocate some little money for this road.

The Temporary Deputy Speaker (Prof. Kamar): I take it that, that was a good recommendation for the Assistant Minister to consider.

Yes, Mr. K. Kilonzo!

Mr. K. Kilonzo: Madam Temporary Deputy Speaker, I just want to inform the Assistant Minister that the Estimates have already been done and the money which is required for that section is Kshs31 million. Could he give me a definite date, within this month, when he will visit that place? Given that I have got a copy of the Estimates from the Ministry, could he tell us when the work on this road will commence?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, we will be planning to visit Eastern Province. As we come to visit those places, we will be able to give priorities. We will also notify Members of Parliament within those particular constituencies when we will be visiting them. I may not be able to confirm the exact date, but when a date has been arrived at, we will be able to confirm with the Members of Parliament.

Mr. Ogindo: On a point of order, Madam Temporary Deputy Speaker. The hon. Member is asking for a specific date, because the Minister has committed himself to visit the road. When is this?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, are you able to give a date?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, it may not be possible for me to give a date now because we need to confirm with the calendar of the Ministry. I will not go there alone. I need to go there with my team. So, I will be able to communicate with the Members in due course.

The Temporary Deputy Speaker (Prof. Kamar): Thank you, Mr. Assistant Minister. Is there any Minister who wants to give a Ministerial Statement?

POINTS OF ORDER

INTERDICTION OF SENIOR OFFICER AT APTC

Dr. Khalwale: Madam Temporary Deputy Speaker, it is very disappointing that, even yesterday, I stood here on a point of order requesting the Minister of State for Provincial Administration and Internal Security to answer a matter that we had raised touching on the breakdown on the chain of command at the Administration Police Training College. This matter is not only limited to that chain of command, but there is a deliberate mischief at the highest level in the Administration Police, to attempt and deny a deserving Kenyan an opportunity to serve as the Commandant of the Administration Police Training College (APTC) by interdicting him, so as to allow him to come back after they have made a replacement because the one who is there is about to retire. Could this matter be tackled today?

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, you are not on a point of order! You are making a statement! I do not know whether you wanted a clarification from the Leader of Government Business on the issue. What are you asking for?

Dr. Khalwale: Madam Temporary Deputy Speaker, the issue is that the Minister promised to come and give a Ministerial Statement. But he has been dodging for three weeks for the reasons that I have aforesaid.

The Temporary Deputy Speaker (Prof. Kamar): Could you allow the Leader of Government Business to respond as to whether the Minister is aware of that?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, yesterday afternoon, I had occasion to address this matter. Indeed, just that time the hon. Lesrima who had walked in and had travelled all the way from Maralal hoping to be able to deal with this matter, had to consult with the Minister, Prof. Saitoti. I want to assure the House that the Ministry is giving this matter very serious attention. We expect that by this afternoon, perhaps, they will be ready. Let us give them a little while.

In the meantime, if the hon. Member for Ikolomani could desist from using very strong language over this matter, I would personally appreciate.

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. With all due respect to the hon. Vice-President, I am not using words that are any stronger than the import of this issue. All this stuff that I am carrying are documents from the Government touching on this matter. When you see me react like this, it is because I am dying to be given an opportunity to let Kenyans know how civil servants who are not "politically-correct" are treated in this country.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I knew what I was trying to stoke when I talked about hard language. This matter is receiving serious attention. I know that the Minister will want to give that Ministerial Statement as promised. So, a little patience on the part of the hon. Member for Ikolomani, and we will be ready to answer all those hard questions.

Mr. Namwamba: On a point of order, Madam Temporary Deputy Speaker. I think it would be very important if the Leader of Government Business gave a definite commitment. This is because all these files I am carrying contain documentation related to this matter. We have been walking in this Chamber with all these documents expecting an answer from the Minister of State for Provincial Administration and Internal Security. This matter is of grave national importance. It is not sufficient for the Leader of Government Business to merely plead with the House for more time because this Ministerial Statement, if my memory serves me right, was sought over a month ago. If that is not sufficient patience, then I do not know what patience is. So, could the Leader of Government Business kindly give a commitment that will dispose of this dossier this afternoon?

(Laughter)

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I can see all that dossier, the majority of which is blue in colour. The hon. Member for Budalangi is a lawyer and clearly he looks like he is thoroughly prepared. However, I undertake to call the Minister of State for Provincial Administration and Internal Security. Indeed, yesterday, they were ready to proceed, but the Assistant Minister felt that he needed to consult with his office. In fact, yesterday, the Minister responsible was away in Mt. Elgon attending to another very important matter that is facing the Ministry. Suffice it to say that immediately after these proceedings, I will call Prof. Saitoti and let him know that it is important to come over and give that Ministerial Statement.

DELAYED DISBURSEMENT OF MONEY
TO CDF NATIONAL ACCOUNT

Mr. Ethuro: Madam Temporary Deputy Speaker, I rise to seek a Ministerial Statement from the Leader of Government Business, as directed by the Chair only yesterday afternoon. It is sufficient to talk about Prof. Saitoti, but the Leader of Government Business was here when I

reminded the Chair that, only last week, the Minister of State for Planning, National Development and Vision 2030 made a commitment to this House on the disbursement of money from the Treasury to the CDF National Account which was to be finalised by Friday, 27th June, 2008. The Leader of Government Business committed himself to deliver that message this morning.

Could we, please, have the Leader of Government Business responding to this matter if it is not a confirmation that they were busy with those other deals?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I will allow my friend, the hon. Member for Turkana to get away with that. However---

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I thought I was responding to the point of order, but since Mr. Midiwo is on his feet, I can give way.

Mr. Midiwo: On a point of order, Madam Temporary Deputy Speaker. Mr. Ethuro has just said that the Minister could have been busy doing "those other deals". Could he, please, substantiate what "those other deals" are? I do not think that is parliamentary.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ethuro, can you tell us what the other deals are?

Mr. Ethuro: Madam Temporary Deputy Speaker, this is a matter where the law is very clear that the Minister for Finance shall be giving money to CDF on a quarterly basis. He disbursed money in the first quarter, but failed doing so in three quarters.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ethuro, you are not answering the question. We want to know what the "other deals" are.

Mr. Ethuro: Madam Temporary Deputy Speaker, I am saying that when you are not busy doing what the law has asked you to do, you must be busy with "other deals". It is just common sense! In any case, it is a matter before this House for public consumption. It is not Mr. Ethuro's!

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Order, Members! Mr. Ethuro, you are not answering the question. We want to know what the other deals are if that is not imputing improper motive on another Member. Please, respond!

Mr. Ethuro: Madam Temporary Deputy Speaker, I may not specify what the "other deals" are, but in Economics, where I am a trained scientist, there is what is called an opportunity cost for everything you do. If you do not do this one, then you must be doing something else.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker. If Mr. Ethuro does not know these "other deals" he is talking about and---

An hon. Member: Do you know them?

(Laughter)

The Assistant Minister for Education (Prof. Olweny): I do not know them!

Madam Temporary Deputy Speaker, that is why I am asking the Chair to ask Mr. Ethuro to withdraw that statement. What are these "other deals" he is talking about?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ethuro, you have not satisfied the House. You have not told us what the "deals" are. You used the word "deals". If they are not there,

could you apologise and withdraw that word?

Mr. Ethuro: Madam Temporary Deputy Speaker, I thought that I was adhering to your rule that we do not discuss things that are about to come. However, it is in the public domain. The other deals have to do with the sale of Grand Regency Hotel, the Safaricom IPO plus failure to give us our money.

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Mr. Ethuro, I had given a ruling earlier that the actual Motion on the Grand Regency matter will be discussed in the afternoon and it will exhaust a lot of what hon. Members would like to say. I rule that we should not discuss that in this morning session. Please, do not use that as an excuse to impute improper motive on other hon. Members.

Mr. Ethuro: Madam Temporary Deputy Speaker, you know that I have utmost respect for the Chair. I was only provoked, but I respect your ruling. I, therefore, withdraw and apologise. I now ask the Leader of Government Business to respond to my statement.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I do not recall Mr. Imanyara, who was on the Chair yesterday afternoon, actually ordering that this be done this morning. If that be the case, first of all, I would like to apologise to the House for the fact that I was not able to get through to the Minister of State for Planning, National Development and Vision 203. I will be communicating with him as soon as I leave this Chamber.

Mr. Ethuro: Madam Temporary Deputy Speaker, I have been pursuing this matter relentlessly because this House cannot be taken in vain. More importantly, Kenyans all over the country are looking up to the newly-elected Members of Parliament to ensure that the CDF money is available for projects and bursaries. The Leader of Government Business was with me in this House when the Chair made that ruling. The HANSARD copies are also there. This shows that Members of the Front Bench are not taking the rulings of the Chair seriously. While I accept that he does not have the entire information, but, at least, he must have personal recollection of what transpired in this House yesterday afternoon. One of them was that the Chair ruled that the Leader of Government Business, himself or the relevant Minister, issue that Ministerial Statement this morning. I came in good time to receive that Statement.

Thank you.

SALE OF NSSF PLOT TO DELTA RESOURCES

Mr. K. Kilonzo: On a point of order, Madam Temporary Deputy Speaker. I rise to seek a Ministerial Statement yet again on the sale of a public property on 9th January, 2008. I am seeking this Statement from the Ministry of Labour. Property belonging to the National Social Security Fund (NSSF) was sold to one Delta Resources. This property is a parking plot next to the Grand Regency Hotel. It was sold at Kshs1.37 billion and transferred to Delta Resources. I would like the Minister to tell this House whether the property was sold through public tendering, and who these buyers are. Who are the owners of Delta Resources? Could these be Libyans, Kenyans or other nationalities? At the same time, could the Minister, while responding, tell us how much money was paid as Stamp Duty to the Ministry of Lands? Lastly, could he also tell us - because from the map we have, it looks like the plot blocks the road which links Uhuru Highway to Loita Street - whether, while selling that plot, he took into account that, that was a road reserve?

The Temporary Deputy Speaker (Prof. Kamar): Minister for Labour! The Leader of

Government Business, could you take it on?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, we have taken serious note of the need to make a Ministerial Statement with regard to that [**The Vice-President and Minister for Home Affairs**] NSSF property. This will be communicated to the Minister for Labour.

The Temporary Deputy Speaker (Prof. Kamar): Is there any other point of order?

DELAY IN ISSUING STATEMENT ON NATIONAL
SCHOOL FEEDING PROGRAMME

Mr. C. Kilonzo: On a point of order, Madam Temporary Deputy Speaker. About six weeks ago, I sought a Ministerial Statement from the Prime Minister. About another week ago, the Prime Minister was here and undertook to respond. This Ministerial Statement centres on the School Feeding Programme in which school kids are concerned. To date, I have not been told when it will be delivered. I am keen to know whether this Government is sensitive where kids are concerned. Could the Chair rule when I should get the Ministerial Statement?

The Temporary Deputy Speaker (Prof. Kamar): The Prime Minister and the Deputy Prime Ministers do not seem to be in the House! Mr. Leader of Government Business, could you give us an assurance as to when that Statement will be delivered?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, again, we will consult over this matter. On the face of it, although the Prime Minister is supposed to co-ordinate all Government Departments, I think it is right and proper that the Member for Yatta will have directed himself to the Prime Minister. However, I will take a very serious note of it!

Mr. Muturi: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to ask whether the Government is going to feed "kids" or is he referring to children? Kids are a goat's children! Is the hon. Member in order to ask the Government to feed animals, or is it children in schools?

(Laughter)

Dr. Eseli: On a point of information, Madam Temporary Deputy Speaker. Kids cannot be children of goats. Kids are the offspring of goats, while children are the offspring of human beings!

(Laughter)

The Temporary Deputy Speaker (Prof. Kamar): I hope the hon. Member is satisfied with the information.

Mr. Muturi: Madam Temporary Deputy Speaker, schools feed children, and we would be interested in the Ministry of Education feeding children rather than kids.

The Temporary Deputy Speaker (Prof. Kamar): Minister for Education, what do you feed?

The Minister for Education (Prof. Ongeri): Madam Temporary Deputy Speaker, it is not what I think. What is important is that this Question should be appropriately addressed to us, and then we will deal with it accordingly.

What I know is that we have a School Feeding Programme. It is a cross-cutting issue. It is also in the Ministry of Youth and Gender and the Ministry of State for Special Programmes. However, if we are referring specifically to a programme, which is handled by the Ministry of

Education in conjunction with the World Food Programme (WFP), then we shall be quite delighted to give you further insights as far as the School Feeding Programme is concerned; we will tell you where we stand and where we will be in the future.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, I certainly do not want an answer from the Ministry of Education. This issue centres on finances. Finances come from the Ministry of Finance! If this Government is not sensitive to our kids in school, that can amount to child abuse. I want the Chair to rule specifically on the date when I will get my Ministerial Statement. That is my right and the right of this House! Which date? Six weeks have already passed!

The Temporary Deputy Speaker (Prof. Kamar): Mr. Leader of Government Business, are you able to give us a specific date?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, on a more serious note, I know this all very serious business. However, I would like to urge my colleagues here to put specific Questions, because the way we are going, we will end up asking for numerous Ministerial Statements, while those answers could also be brought before this House if hon. Members volunteer to ask specific Questions. So, I think we may ask the Chair to make a ruling on when an hon. Member should ask for a Ministerial Statement, and when they should also, appropriately, be prepared to put specific Questions to the departments and the Ministries concerned.

Madam Temporary Deputy Speaker, be that as it may, I take very seriously the matter that Mr. C. Kilonzo has brought, because we need to not just educate our children, but to also feed them. This Government is committed to the welfare of the Kenyan child.

The Temporary Deputy Speaker (Prof. Kamar): Thank you Mr. Vice-President! We will rest it at that. Dr. Kones!

BANNING OF JEVANJEE GARDENS
BUNGE LA WANANCHI

Dr. Kones: Madam Temporary Deputy Speaker, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. I would like to know why he banned *Bunge la Mwananchi* at Jeevanjee Gardens.

An hon. Member: Did he?

Dr. Kones: Yes, he did!

Madam Temporary Deputy Speaker, we know that, that is a public parliament similar to us here. It is even sad that, that was done immediately after demonstrations on food prices by the public. So, I seek this Ministerial Statement to know why the ban, and when it will be lifted.

The Temporary Deputy Speaker (Prof. Kamar): The Minister of State for Provincial Administration and Internal Security is not here! Is the Assistant Minister here?

An hon. Member: No!

The Temporary Deputy Speaker (Prof. Kamar): Then we will go back to the Leader of Government Business!

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I am sure you will have noted my concerns on the need for hon. Members to ask Questions, because the line between a Ministerial Statement and a Question is becoming unnoticeable. I am sure that my friend, Dr. Kones, could have asked a specific Question, and directed it to the Minister responsible, on why *Bunge la Mwananchi* was banned on Jeevanjee Gardens. However, I will communicate this information to the Minister of State for Provincial Administration and Internal Security.

The Temporary Deputy Speaker (Prof. Kamar): Thank you, Leader of Government

Business. That reminds me of the fact that we, as Members of Parliament, really need to look at our Standing Orders again. We should also familiarise ourselves with the distinction, because there are Questions that require more information than a Minister would give in a Ministerial Statement. A Ministerial Statement must be for what you know a Minister can give just within a sitting. So, if you have an issue which requires research or more information, please, put it down as a Question and it will be answered.

Mr. Chanzu: On a point of order, Madam Temporary Deputy Speaker. Now that every time we ask for Ministerial Statements the only person who appears to be in this House to respond on behalf of the Government is the Vice-President and Minister for Home Affairs, would I be in order to request that the structure of the Government changes, so that the Vice-President and Minister for Home Affairs can be taking charge of Ministerial Statements as Ministers take charge of other matters?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Chanzu, you are not in order because the Leader of Government Business is doing his job! You should be congratulating him for taking his job very seriously!

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. I want to congratulate the Leader of Government Business for taking the Business of the House seriously.

(Applause)

Madam Temporary Deputy Speaker, however, there are some lapses. I still need a definite date on which a Ministerial Statement relating to the Constituencies Development Fund (CDF) will be brought to the House. This House cannot be taken in vain.

The Temporary Deputy Speaker (Prof. Kamar): The Leader of Government Business, do we have a specific date on which the Ministerial Statement will be issued?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I would have rightly given my friend, the Member of Parliament for Turkana Central, that date had I known it. I appreciate the good sentiments that he has been directing in my direction. In fact, I wish we were through with Question Time, because I am burning to get through to the Ministry of Planning, National Development and Vision 2030. As Members of Parliament, we know that without the CDF money, we all begin to lose marks from the day we were sworn-in as Members of Parliament. I know that we all need to make the difference in our constituencies. This matter is absolutely vital; from the point of view of Members of this House. I am sure that the Minister of State for Planning, National Development and Vision 2030 will be coming to issue a Ministerial Statement and make it very clear as to when these allocations will be accomplished.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. This House has Select Committees. The Leader of Government Business himself presented our names to this House. Subsequently, I was elected the Chairman of the CDF Committee. I am not acting in vain. I cannot continue coming to this House everyday, seeking a Ministerial Statement, and the Minister responsible cannot confirm when he intends to issue the Ministerial Statement. How long does it take? It is not a matter of Question Time or Ministerial Statements; it is a matter of committing oneself to the House. Mr. Leader of Government Business, through the Chair, tell us this afternoon! This is a matter which was already handled. We are in another financial year. We are talking about the last financial year. Just tell us, Mr. Leader of Government Business! It is important to commit yourself.

The Temporary Deputy Speaker (Prof. Kamar): Are we able to have it this afternoon or tomorrow afternoon, Mr. Leader of Government Business?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary

Deputy Speaker, Sir, I need to be absolutely honest with the House. I am just afraid of saying that the Ministerial Statement will be issued this afternoon only to discover that Mr. Oparanya, for instance, is out of the country. Could the hon. Member allow me to, first of all, trace the [**The Vice-President and Minister for Home Affairs**]

whereabouts of the Minister? Perhaps, this afternoon, I can report progress.

The Temporary Deputy Speaker (Prof. Kamar): Thank you! I hope we will get progress report from the Leader of Government Business this afternoon. That rests the matter.

Next Order!

MOTIONS

A BILL TO AMEND THE KENYA COMMUNICATIONS ACT

THAT, considering that Kenya has over eight million mobile telephone subscribers; considering further that mobile phones have almost replaced landline phones as the means of communication; cognizant that mobile phones can be used to spread hate messages through short message service (sms) as it happened during the post election period; aware further that in most countries, all mobile phone subscribers are required by law to register with the service providers; this House do grant leave for introduction of a Bill to amend the Kenya Communications Act No.2 of 1998 in order to make it mandatory for mobile phone subscribers to register with the service providers.

(Mr. C. Kilonzo on 14.5.2008)

*(Resumption of Debate interrupted
on 14.5.2008)*

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, this is continuation of Debate interrupted on Wednesday, 14th May, 2008. By the time we adjourned on that day, Mr. Githae had concluded. So, may I have the next person wishing to debate?

Mr. Mwatela!

The Assistant Minister for Education (Mr. Mwatela): Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity. I want to strongly support this Motion. Indeed, we need to regulate mobile phones. We need to know who owns what number because the mobile phones in this country have been used as means of committing crime. I beg Mr. C. Kilonzo to take note of this because in this country, it is very difficult for a subscriber to migrate from one service provider to another.

Madam Temporary Deputy Speaker, in Singapore, for example, the ownership of mobile phone numbers is not with the service providers, but with the organisation that is in charge of communication in the country. In our case, mobile phone numbers would be owned by the Communication Commission of Kenya (CCK).

Madam Temporary Deputy Speaker, in order to encourage real competition among mobile providers, so that we provide a situation where our people can pay the very minimal for this service. We need to shift from the current position, where mobile phone numbers are owned by the service providers to a situation where mobile phone numbers are owned by the CCK. If we do that, one can migrate from service provider to another without having to necessarily have to lose any

personal data. Currently, if one migrates to another service provider, he has to inform all his contacts of his new telephone number.

Madam Temporary Deputy Speaker, I would like Mr. C. Kilonzo to factor in this suggestion, as one of the additional provisions, when he prepares the Bill he intends to bring to the House. Otherwise, that is my only contribution.

I beg to support.

Eng. Gumbo: Thank you, Madam Temporary Deputy Speaker. Unlike my colleague who has just spoken, I stand to oppose the Motion. While the objective of the Motion is good, I am not convinced that this Motion, on its own, can achieve much. We all know what happened during the post-election violence. Hate messages were sent through radio and electronic mail. In some instances, hate messages were even sent through churches and schools. They were even painted as graffiti on walls. I do not think that by merely knowing the owner of a mobile phone number, one will be able to control this practice.

In any case, are we able to say for sure how much of what happened was contributed by the hate messages? We know that the latest record of real genocide in this region happened in Rwanda in 1994 and yet, at that time, there were no mobile phones in Rwanda. In any case, we also know that at the moment, technology exists, which can be used to trap users of mobile phones, whether they are registered or not. We know from police records, of the existence of over 1,000 such cases. People were sending hate messages, and the police were able to track and identify them. In my view, it is not necessary that we register the users of mobile phones to be able to control such misuse.

Madam Temporary Deputy Speaker, even as we debate this Motion, we must ask ourselves: What effect is this going to have on the roll-out and uptake of communications services in Kenya? In my view, the way to get out of these hate messages business is to address the real issues. This country has a serious culture of impunity which must be addressed. It has a serious culture of inequality in the distribution of natural resources. This must also be addressed.

The other day, I listened to the Minister for Finance when he was launching the Public Procurement Oversight Authority. In his own words, he said that the procurement process in Kenya, currently needs Kshs30 billion a year. This amount of money will be enough to employ three million youths and pay them a salary of Kshs10,000 per month. Unless we address the culture of impunity and deliberate inequality in the distribution of natural resources, we will not get away from this. Perhaps, it is also time we asked ourselves why our neighbours in the south, for example, in Tanzania, the various communities are not sending hate messages to each other. Why did it become necessary for us in Kenya, on the eve of the 2007 General Elections, to start hating each other? The real issues lie in the very fabric of this country. We must address the causes that bred inequality in our society, to be able to address these matters.

Thank you very much.

Eng. Rege: Thank you, Madam Temporary Deputy Speaker. I would like to support the Motion. The provisions of this Motion already exist in the Kenya Communications Act, CAP.23(1). The Act provides that all telecommunications service providers must provide services directly to all users of telephone handsets. The provisions of the Act should have been implemented by the Ministry through the Communications Commission of Kenya (CCK). If the CCK had implemented the provisions of the Act, Safaricom or Celtel would not have had to ask the users to register. I would like to call upon the Ministry of Information and Communications to pull up its socks and make sure that the provisions of the Kenya Communications Act are implemented accordingly.

There are a lot of loose ends in the Kenya Communications Act, which the Ministry must tighten. For example, all the mobile phone operators are not operating according to their licences.

There is a lot of laxity, especially in the provision of telecommunication services. Although I support the Motion, it is going to be very difficult to implement its provisions. To date, we already have over 11 million subscriber base. It is going to take more than two years before this is properly implemented. The previous speaker is a Member of the Departmental Committee on Energy, Communications and Public Works Committee. We have been wondering how we can sort out this issue. It is going to be quite a nagging issue.

With those few remarks, I support the Motion.

Mr. Chanzu: Thank you, Madam Temporary Deputy Speaker. I would like to support the issue of reforms in the telecommunications sector. At the moment, the number of subscribers in this sector is approaching 15 million. We have about 11 million Safaricom subscribers and almost 4 million Celtel subscribers. When the Kenya Communications Act, No.2 of 1998, came into operation, the number of subscribers was hardly two million. So, the Act was designed to take care of hardly two million subscribers. Today, we are talking about 15 million subscribers. Bearing in mind that we are expecting some new players in the market, there needs to be a major overhaul of the Act. It is time that the Kenya Communications Act No.2 of 1998 is totally overhauled, so that we can assess what is expected. If you look at the way the sector has been managed, you will find that it has been very unfortunate. The appointment of Board members and the managers of the sector has been appalling. This is because the Act was designed to take care of very few subscribers.

When Safaricom and Celtel came into the market, there was need for a telecommunications service provider because Telkom (Kenya) Limited had been marred with a lot of inefficiencies and corruption. The corporation was not providing services. That is why there was a large vacuum that had to be filled. These two mobile phone operators found a large vacuum which had to be filled. But because the demand was so high, sufficient measures were not put in place to control their operations. No wonder, we have seen the kind of profits Safaricom boasts of making. This is because Safaricom and Celtel have almost been operating as monopolies. I blame this on the previous governments for not opening up the sector and allowing competition early enough.

Madam Temporary Deputy Speaker, a number of years ago when I was in Tanzania and then I went to Uganda, it was very easy to access mobile phone communication. It has been very difficult in this country to access mobile phone communication. In supporting what the Mover of the Motion has said, I would like this Motion to look into overhauling the whole sector. I am happy with what the previous speakers have said. I also happy that one of the Assistant Ministers in the Ministry is here. In fact, I want to praise him because we have been contributing to Motions in this House since we came when Ministers are not here to listen to what we are saying. They wait to hear things from the Press. Some of them have come here and said that they only read from the Press that they were supposed to make Ministerial Statements. I would like to commend the Assistant Minister, hon. Khaniri, for being present. I would like him to take note of this.

Madam Temporary Deputy Speaker, Kenyans were taken for a ride. Hate messages were not only sent after the General Election. People still send us hate messages even now. They try to call you and if you are in the Chamber and you fail to pick the phone, they send you a message that you have become proud. Kenyans have not understood how mobile phones operate. We need to give them a lot of information, so that they can understand that mobile phones are meant to facilitate communication and not the use of abusive language against our own people.

Therefore, the reforms in this sector are long overdue. I am happy that the CCK is sourcing for a Chief Executive Officer (CEO). I hope this is going to be transparent. This is the organisation that regulates and controls the sector. I hope the process will be transparent enough, so that we do not get into the same situation that we have experienced in the sector. In fact, we were talking about this Motion and I think it is still going on. There was a Motion here yesterday which is also

very important. I think it relates to this Motion. We were discussing a Motion here on the Order Paper - and I think it was be in the afternoon - the National Ethnic and Race Relations Commission Bill--- I am hoping that, since the Assistant Minister is here, he is going to take that into account so that we can have people serving in that sector and even in the parastatals coming from all over the country. I know that we have highly qualified Kenyans from all over the country. I think they can fit in all those parastatals.

With those few remarks, I support this Motion.

Mr. Ruteere: Thank you, Madam Temporary Deputy Speaker. I stand here to support the Motion. Actually, it is long overdue and I commend the Mover of this Motion. As the hate messages cut across the country, thereafter, blackmail came in and it is those mobile phone providers that should have been telling people who were the real owners of those messages. It is time we curbed crime and insecurity by knowing who are communicating through the Short Message Services (SMSs). As long as people who own mobile phones are not registered, they cannot be traced easily. The police take a long time to trace who are the real owners. It is time we reduced or curbed insecurity. It is time the misuse, however bad or damaging, is curbed. Misuse of any kind is bad and, for that matter, I believe that even some of the worst crimes that are committed or continue to be committed in this country could be reduced through the use of the Bill that will be laid on the Table of this House by the Mover of this Motion.

So, Madam Temporary Deputy Speaker, I think this Motion is long overdue and we should give leave for the Bill to be laid on the Table of this House.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Thank you. May I now call upon the Official Government Responder, hon. Khaniri, to respond?

The Assistant Minister for Information and Communications (Mr. Khaniri): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to give the official Government response to the Motion that has been moved by my good friend, hon. C. Kilonzo, through which he is essentially seeking to be granted permission to introduce to this House a Bill to amend the Kenya Communications Commission Act of 1998, so that there is a provision for all mobile subscribers to register with the providers.

At the very outset, Madam Temporary Deputy Speaker, let me take this opportunity to thank the hon. Member for coming up with this very, very important Motion. I want to thank him because he is thinking in the same line as my Ministry. I will explain that in due course.

Madam Temporary Deputy Speaker, during the post election period, we all witnessed how technological development can be negatively used in a society. We saw how a very noble and good idea of mobile telephony was used to spread hate messages amongst communities, and we all know the consequences that we faced due to that.

Therefore, all I want to say is that, as we embrace these new technologies, we must, in turn, put down relevant legislation to guide them. We must lay the legal framework through which these technologies can be applied or, rather, operated. It is in this regard that I said that the hon. Member who moved this Motion is thinking in the same direction as my Ministry.

Madam Temporary Deputy Speaker, as hon. Chanzu very well elaborated, the law that is presently guiding the operations of the Information Communications Technology (ICT) Sector, which is the Kenya Communications Commission Act of 1998, is a law that was enacted ten years ago and it has, obviously, been overtaken by events and cannot adequately address the changes that have taken place in the ICT industry.

Madam Temporary Deputy Speaker, it is in this regard that my Ministry, in collaboration with other stakeholders - that is the operators, regulators, civil society and even the Parliamentary Committee that handles this particular sector - went for a retreat during the last Parliament and

drafted the Information and Communication Bill, which was presented to this House during the Ninth Parliament, and it was withdrawn to be sent to the Attorney-General for refinement.

Madam Temporary Deputy Speaker, as I was coming to this House this morning, I talked to the Attorney-General, who confirmed to me that the Bill is ready for publication. I want to give assurance to this House that, in the next few weeks, I will be moving the Information Communication Technology Bill in this House. So, although I support the whole idea and concept of mobile phone subscribers registering with the mobile providers, I would want to appeal to my good friend, hon. C. Kilonzo, to hold his horses. I would like to request the House not to grant him permission to move the amendment on this particular Act for two reasons. One, we are bringing the Information Communication Technology Bill, which is essentially going to replace the Kenya Communications Commission Act of 1998. So, it will be duplication of work for him to start making an amendment on an Act which is going to be repealed very, very soon.

The second reason, Madam Temporary Deputy Speaker, is what was said by the former Permanent Secretary in the Ministry, hon. Rege that, even in the current Act that we have, that is the Kenya Communication Act of 1998, there is already a provision. If you can refer to the Act, which I have a copy here, Section 23(1) is very clear and it says:-

"Pursuant to this Section, the Communications Commission of Kenya has placed a licence condition upon all basic voice service operators to provide directory services to the public. The directories should include, at minimum, names, addresses and telephone numbers of subscribers".

So, as I speak now, even before we bring the new ICT Bill, I have instructed the Communications Commission of Kenya (CCK) to ensure that this law is enforced. I think it was a lapse, as one hon. Member put it - I think it is the former Permanent Secretary - on the side of CCK because the provision was already there.

I want to assure this August House that even before we bring the Bill that I have stated, all the new providers that are coming into market, for example, ECONET, which is rolling out in September, will have to abide by the provisions of this section. Therefore, as much as my Ministry supports the idea of mobile phones subscribers registering with mobile service providers, I would want to request that hon. C. Kilonzo not to be granted permission to introduce this Bill because the Ministry has already taken an initiative. The hon. Member will have a chance to look at this Bill. If there are any inclusions that he feels strongly about; that are not provided for in the Bill, he will be at liberty to bring those particular amendments during the Committee Stage.

Madam Temporary Deputy Speaker, I, therefore, oppose the idea of granting the hon. Member permission to introduce a Bill on the reasons that I have given that the Ministry is already doing that.

The Temporary Deputy Speaker (Prof. Kamar): The Assistant Minister has saved us a few more minutes. So, I would like to invite any hon. Member who wishes to contribute before the Mover is called upon to reply.

Mr. Kioni: Thank you, Madam Temporary Deputy Speaker. I stand to support this Motion. I would like to start by commending the Mover of this Motion, *Mheshimiwa* C. Kilonzo.

This is a very timely Motion because we all know that while there are many other issues that may have caused the violence that we witnessed during the post-election era, one of the medium that was used heavily by those who thought it was necessary to perpetuate the violence was the mobile phones. A lot of hate messages were sent across the board. This only helped to worsen the situation in this country. Any Motion that is introduced in this House that will help us to address this issue from whatever angle needs the support of the whole House.

I would want to say that the fact that we have provision in the Kenya Communications Act and I have read Section 23 (1), it is only that there is spirit that comes from the Act, but it does not

quite provide for proper legislation. It is important that we get a proper Bill that address this issue specifically. I heard what the Assistant Minister has said that the Bill is on the way to this House to address the same issues. But we are not certain and we do not know whether the provisions that we are talking about in this House are going to be covered in that Bill. So, I would want to support this Motion because anything else will be speculative. We have people who have spread hate messages using the mobile phones. As one Member said, one of the other thing that caused us difficulties was the culture of impunity that is slowly creeping into this country. If we are to curtail that culture, one of the things that we have to do is to make sure that there are laws that are going to be used to stop such behaviour. One of them is the introduction of this Bill in this House. So, it is important that while we appreciate that we need to look at the culture of impunity, this will go along way to help in the legislation of the same. Two, it is important that we enable our courts to use evidence that may be gotten by the police from the handsets. As it is now, it may be possible to track down a user of a given number, but how possible is it that the same information can be used to convict a person in a court of law? That is still something that is debatable.

One of the speakers said that we may be looking at the issue of investment in this country in a negative way by allowing the introduction of this Bill. It is important for us to note that world over, this is the trend and every other country or most of the other countries in the world are still belabouring this issue as to how do they legislate against misuse of these technologies that are still useful in terms development and investment. It is important that any effort that is made by whichever quarter and in this particular case, through this Motion on the Floor be encouraged and supported. That way, we will be able to gain some ground. Certainly, we have been left behind in terms of legislation on this technology. We are all aware that criminals are actually having a field day using these mobile phones other than just the hate messages that were used and would have easily brought this country down. I think nobody will want to say otherwise, because that is there. Criminals are having a field day using these mobile phones. While enforcement officers may have used other technologies to catch up with them, it is important to make it easy and possible for every other person and more importantly the enforcing officers that this be mandatory. It should be mandatory for all subscribers to be registered. One would not be seen infringing on our freedoms when one is tracked down having used the phone to perpetuate a criminal act. It is important that we move in tandem with other nations. That is why I would want to support this Motion and say that it is timely. It is important that we support it as a House.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Is there anybody else wishing to contribute to this Motion?

Yes, hon. Odhiambo!

Mrs. Odhiambo-Mabona: Thank you, Madam Temporary Deputy Speaker. Whereas I support the Motion, I would want to urge the Mover, if the Motion is passed or the Assistant Minister would bring a Bill if the Motion does not succeed, that we must balance the need for preventing inflammatory statements with the right to privacy which is constitutionally guaranteed. It is a tricky balance. Every Kenyan has a right to privacy. Whereas I condemn the way people sent around hate messages, especially during the crisis period, and at the same time, I strongly condemn the way Safaricom and others, I want to specifically say Safaricom because I am subscribed to Safaricom - was invading people's privacy with irrelevant messages. Therefore, I would urge the Member that when he will introduce the Bill, he needs to take into account freedom of privacy.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Is there anybody else who wants to contribute to this Motion?

Mr. Wambugu: Madam Temporary Deputy Speaker, thank you for giving me a chance to

contribute to this Motion. In supporting this Motion I would like to say that Kenya is the only country, south of Sahara, where you can walk into a kiosk on the roadside and buy for yourself a SIM card and start spreading all sorts of all messages. Without control, I do not know where we are headed to. This country has been so vulnerable to terrorism, and terrorists can also use the same method to propagate hate messages and do other criminal acts. I urge the Government to move very fast and support this Motion, so that everybody who buys a SIM card is registered, so that we can know what is happening. Other than the hate messages that we witnessed at the beginning of the year, there are conmen. There are people even in prison who are spreading messages. They are able to send out all sorts of messages from prison, because of the way it has been made so easy for them to obtain phones. So, it is very dangerous. People have been conned of a lot of money. Marriages have been broken because of this thing. Somebody just decided to buy a SIM card, sent a certain message and disappeared. So, I support this Motion, and I would like it to be supported, so that we are able to move very fast and have people registered. We should control those people who send out hate messages, because of the easy availability to the users of mobile phones.

Madam Temporary Deputy Speaker, most of these issues have been talked about, and I do not think I can speak a lot on them. I would like to give an example. I went to a place called Dubai and I wanted to buy a SIM card; I could not buy it because I did not have a passport. So, why can we not do the same? Let us make sure that everybody who wants to buy a SIM card has proper identification.

With those few remarks, I support this Motion.

The Temporary Deputy Speaker (Prof. Kamar): Is there any other hon. Member wishing to contribute? We have a few minutes.

Mr. Muthama: Madam Temporary Deputy Speaker, I stand to support this Motion.

The Assistant Minister for Information and Communications (Mr. Khaniri): On a point of order, Madam Temporary Deputy Speaker. When this Motion was moved on 14th May, 2008, I remember Mr. Muthama contributing to it. Our Standing Orders do not allow an hon. Member to contribute twice to the same Motion. Being a Deputy Whip, he should know that.

Mr. Muthama: Madam Temporary Deputy Speaker, I was standing after the remark you made, asking if there was any hon. Member who wished to contribute, because we still had some more minutes.

The Temporary Deputy Speaker (Prof. Kamar): You have contributed. Is there any other hon. Member who has not contributed? If there is none, may I call upon the Mover to reply?

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, let me start by thanking all those who have contributed and supported the Motion. First, I want to remind hon. Members what the SIM card means. It means "Subscriber Identity Module" (SIM). That means that for you to have one, you really must have an identity. I did listen to the sentiments and concerns raised by the hon. Assistant Minister, Mr. Khaniri, and his argument was that he supported the Motion in the first place. I Thank him for that. But he finished in the opposite. I hope the hon. Assistant Minister could listen.

The argument by the Assistant Minister was that already, there is a law in existence. That is the Kenya Communications Act. Section 23 of this Act, provides for provision of Information Directory Services. We are actually against your mobile phone number being put in the Information Directory Services for the public. What we want is for that information to be available with the Communications Commission of Kenya (CCK), in case there is an offence committed. Mobile phones are treated as private. I would say that the provision in the Kenya Communications Act does not suffice.

Secondly, the Assistant Minister said that there is already a Bill. It would have been prudent for the Assistant Minister, if the Government is serious on this, if he gave the House a specific

time-frame. He should also have given us an undertaking from the Government as to when he would bring the Bill. He would actually have requested to take over this Motion rather than oppose it. If there is going to be a Bill on information and communications addressing these issues adequately, I have no problem. But for the time being, since the Assistant Minister has not requested to take over the Motion, my suggestion would be that the House passes the Motion and when they bring here their Bill, then I will be more than willing to let go of the Motion.

With those few remarks, let me support those who have accepted that there is need to register mobile phone subscribers as a way forward. It is a trend all over the world. We should not only think about how much these companies are making and how much taxes they are paying; security is paramount in this country.

With these few remarks I beg to move.

(Question put and agreed to)

INTRODUCTION OF
FISCAL MANAGEMENT BILL

Mr. Mbau: Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that the Budget making process is solely undertaken by the Executive Arm of Government; further aware that the Legislature is conferred oversight functions by the Constitution and other written laws, this House grants leave to introduce a Bill for an Act of Parliament entitled the Fiscal Management Bill to provide for the democratization, regulation and oversight of the national Budget making process and for connected purposes. Madam Temporary Deputy Speaker, I consider the issue of Budget as a very important activity for a country, and, indeed, for any organization. I wish to begin by informing hon. Members what the Budget making process entails. The Budget making process has four major components. The first component involves policy formulation for the Budget with a view to achieving certain objectives and agenda for a country or organization. The next one is legislation and adoption. Legislation for this country is where the Budget is brought to the National Assembly---

Mr. Muthama: On a point of order, Madam Temporary Deputy Speaker. I want to bring to your attention that yesterday it was ruled by the Chair that all matters that concern the Ministry of Finance should be suspended for the time being until the issue to do with the Minister is discussed by the House and decided upon.

The Temporary Deputy Speaker (Prof. Kamar): Thank you, hon. Muthama. It was, indeed, ruled that anything touching on the Ministry of Finance should be deferred, but this is a Private Member's Motion. The Motion actually does not belong to the Minister. In fact, the debaters and contributors are fellow Members in the House. So, I think the hon. Member is right to move his Motion.

Go ahead, hon. Mbau!

Mr. Mbau: Thank you, Madam Temporary Deputy Speaker. Indeed, my colleague needs to know that what was barred from being introduced is matters and business emanating from the Ministry of Finance and not other quarters of the House.

Madam Temporary Deputy Speaker, legislation and adoption is where this House is involved; to discuss, consider and---

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker. Perhaps, the Chair should guide the House. Whereas this is a Private Member's Motion, the Minister will be called upon to respond. Could the Chair, for the time being, give us guidance since the mood in the

House was that we do not want to listen to the Minister and we would want him to resign?

Mr. C. Kilonzo: On a point of order, Madam Temporary Deputy Speaker. The ruling yesterday touched on the Ministry of Finance, whether or not matters are originating from the Government. Indeed, the Minister will be called upon to reply. As you can see, he has not even bothered, as usual, even to send a representative. So, we request that this particular Motion, on the basis that the Minister has not even bothered to send a representative to listen to it - and that will touch on his conduct as we discuss in the afternoon - be deferred to another date.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, I think it is good for us to know the distinction between what belongs to the Minister and Members in this House. As I said earlier, Questions and Motions, if they are from private Members, belong to the private Members. As the hon. Member is moving the Motion, he is actually seeking the House to grant leave to introduce a Bill. That is what he is requesting for. While he is requesting for that, it is not, in fact, the Minister to give him permission to introduce the Bill or not. It is the House that will grant him permission. So, it is very important that we allow him to move. Whatever the answer or response of the Minister, it is this House that will make the decision on whether the Member will be given leave to introduce the Bill. It has nothing to do with whoever the Minister is.

Hon. Mbau, please, continue!

Mr. Mbau: Thank you, Madam Temporary Deputy Speaker. I was describing to the hon. Members the four stages or processes that a budget of a country entails.

The third one is execution. Execution is where after the budget is passed, the executing and implementing agencies or arms of an organization or Government now go out to ensure that the objectives, as were set out in the budget, are achieved.

Of course, the final one is devolution and audit, where those that are the beneficiaries or those that mandate the budget and pass it, are given a chance to consider whether value for money for whatever sums were set to do certain activities was realised.

Madam Temporary Deputy Speaker, we do note that in Kenya the budget-making process has not been representative enough. Particularly, Members of this House, who are supposed to be the ones who pass the budget and are the real representatives of the people, who are eventually the ones who fund the various activities of the Government, are rarely involved in the process of budget making. This Motion is seeking to introduce a Bill to ensure that the process of budget-making takes into account the input and contributions of these policy makers who eventually are responsible for what happens in the country, in terms of development. This Motion seeks to ensure that the process demystifies the budget and brings hon. Members on board.

Madam Temporary Deputy Speaker, in the last two weeks, we did note that many Members of Parliament either abstained or were disinterested. On many occasions, this House went without quorum, simply because many Members of Parliament - because of the manner in which in the past budgets have been formulated, brought here, implemented and eventually audited - do not feel like they are part and parcel of that. By last week, there were no Members willing to contribute or debate. Why debate and discuss a budget or document whose decisions are already arrived at? Despite the fact that a Member of Parliament is being looked upon by the whole country to have made a contribution to what goes on, the only thing that he can do is for the Minister eventually to say: "Yes, we do note your concerns," but nothing happens.

So, in this Motion, I want to move that the Treasury, at some point in time, shall be compelled to be producing a compliance report which will be telling this House, as often as the Bill will stipulate, how far the budget and programme of the Government and various departments have been achieved. It will also be telling this House which Ministries and departments are lagging behind. It will also tell us whether it is possible, with that in mind, to try to re-allocate resources from one Ministry to another midstream, so that we can eventually ensure that not a single cent is

returned to the Treasury as it usually happens with some Ministries. Some Ministries have capacity to implement while others are lazy and they do not have capacity.

The other aspect that my Motion will be seeking to introduce is the fact that after the budget is eventually implemented, there are usually very many recommendations, often made by the Controller and Auditor-General and this House, regarding certain departments, where funds were mismanaged, mis-allocated and such other things. For many years, this House has gone without being able to enforce recommendations by the Controller and Auditor-General, as well as its own recommendations, because there is no mechanism. This Motion will ensure that we achieve that bit. I believe that we will add value to the budget-making process in this country.

Madam Temporary Deputy Speaker, it is also good to note that different regions in this country require different treatment and attention. When the Minister for Finance comes here and says that there is a sum of Kshs2 billion allocated, for example, to the Ministry of Fisheries Development, which is not a department that is found in each and every part in this country--- For instance you may find very little fishing in North Eastern Province.

Madam Temporary Deputy Speaker, I want to submit that in view of the fact that each constituency, district, province and region in this country requires different treatment and attention, we shall be calling on Members of Parliament to begin the Budget making process in their constituencies. There is nothing wrong with having a constituency Budget Day. Just like the other day, we had all local authorities presenting their budgets. So, we can begin the Budget making process by ensuring that each constituency, district, province and region spells out its various needs and developmental aspirations and goals which should be incorporated by the Government departments and Ministries, so that eventually when we come to discuss the Budget here, we are not left to discuss a document and a programme which we have no idea about. This will also help a lot in demystifying the Budget.

When the public out there hear about the Budget, they think it is just another document or animal which only the Minister for Finance and Treasury officials are competent to know what it is. The process is as simple as people being able to know what needs to be done and the funds made available through taxes. It is taxes which will form the other end of the funding of the Budget. It is good for them to own the Budget now that they know that the programmes they have proposed from the grassroots are going to be part of their lives.

Madam Temporary Deputy Speaker, the situation, as it is now, has left Members of Parliament with merely the task of noting the contents of the Budget. Members of Parliament are only informed of the existence of very huge documents called Printed Estimates. Those books are here in the Chamber. Some are distributed in our pigeon holes and by the time you read them and understand what is contained in them, the Minister for Finance wants us to pass the Vote on Account by June 26th. So, 50 per cent of the Budget is actually gone without Members of Parliament knowing exactly what is contained in the Printed Estimates. I would like to submit that such a practice reduces Members of Parliament to mere rubber stamps. This is something that should be stopped. It can be done by ensuring that we compel the Minister for Finance to integrate and incorporate the Budget making process and make it as democratic and representative as possible. It should be joint work carried out by Treasury, Parliament and, if necessary, the President because you realise that no Bill becomes law until the President assents to it. He needs to be part of this process.

What is the importance of budgeting? This ensures that the limited resources that are mobilised from taxpayers are allocated as rationally and prudently as possible across the country so that every region feels fairly treated. The Government needs to be accountable. It needs to ensure that the Budget is amenable to analysis. We need to avoid the Guillotine process that we have in this Parliament. Since we discuss the Budget for 20 days, we only discuss 20 Ministries. Right now

we have 60 Government departments. That means that by the time we discuss 10 Government Ministries, 40 Ministries will be left for Guillotine. That also means that Members of Parliament who are representatives of the people will not know what was contained in the rest of the Budget.

Madam Temporary Deputy Speaker, this Motion seeks to ensure that this comes to an end. This will be done by ensuring that there is debate on money allocated for each Ministry. We should be able to make amendments as frequently as necessary. The kind of situation the country is in currently--- In the last financial year, Telkom was supposed to have been given Kshs40 billion---

The Temporary Deputy Speaker (Prof. Kamar): Your time is up! Do you have a Seconder?

Mr. Mbau: Madam Temporary Deputy Speaker, I beg to move and request Mr. Ogindo to second the Motion.

Mr. Ogindo: Madam Temporary Deputy Speaker, I rise to second the Motion. As you are aware, we are Members of the Kenya National Assembly and we have three cardinal roles to play. The first one is that of legislation. I want to persuade this House to consider giving leave for the legislation of this Bill.

The other role that we play in this House is that of representation. We represent Kenyans and they are the taxpayers. It is their taxes that fund the Budget. To that extent, I feel that it is imperative that as representatives, we be involved in the entire Budget making process as has been articulated by my colleague, Mr. Mbau.

Madam Temporary Deputy Speaker, the other role that we play is that of oversight. You will appreciate that over 60 per cent of the time of this House is spent on debate on the Budget. As we do that, we do very little with regard to representation and playing the oversight role or being watchdogs. It is time that this House engaged a lot more. We are capable of doing much more than answering to the call of "Ayes" and "Noes" when it comes to the Budget making process.

As I have said in this House before, there are certain laws that are very crucial to the welfare of this country. Among them is the long overdue Budget law called the Fiscal Management Bill. What this Motion seeks to do is to ensure that the people of this country and their representatives are adequately involved in the process of sharing the resources of this country. The issue of resource sharing is at the centre of peace or absence of it in this country. It is important because we have tried to leave it to the goodwill of the people that are charged with the responsibility of distributing these resources, but it has been very disappointing.

Madam Temporary Deputy Speaker, against that background, I think this House will find it very compelling to enact a law that will remain blind to where people come from and ensure that there is equity. As you are aware, the people from Lokichoggio, Mandera, Msambweni, Othaya and Kipipiri pay taxes. The same applies to the people of Rangwe! I want a situation where, if somebody from Kipipiri is in the Treasury, then I have no fear about resources going to Lodwar, Msambweni or Mandera. I want to see a law that will compel the person charged with the responsibility of distributing resources in this country into fairness and equity.

Madam Temporary Deputy Speaker, I will not mind if people from Central Province get 20 per cent of the resources of this country, because they are 20 per cent of the Kenyan population. I want to see a law that will ensure that 14 per cent of the resources of this country goes to western Province, because its people constitute 14 per cent of our population. I want to see a situation where 13 per cent of the resources of this Republic will go to Nyanza, because its people constitute 13 per cent of the population of this Republic. It is against that background that this House needs to be involved more, so that every hon. Member who sits here can go back and tell his people: "This is your share of the national cake to which you are contributing". We can only achieve that if we enact a law. The law is this and the time for that law is now!

I am aware that there is some similar law that is being prepared by the Ministry of Finance. I want to urge this House that be it from the Minister or this House, the time to enact this law is this year, so that we face the next Budget with a new law that will ensure equity all over this country.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Medical Services (Mr. Mungatana): Madam Temporary Deputy Speaker, may I take this opportunity to thank you for giving me this chance to also air my views on this Motion.

I want to state from the outset that I support this Motion, and supported it in the last Parliament. I want to take this opportunity to congratulate Mr. Mbau for bringing this Motion back to this House. I argue that there is merit in bringing back some of the hon. Members, because they have the institutional memory that helps this House to move forward, instead of repeating itself. Those of us who remember, a similar Motion was brought here by Mr. Oloo-Aringo. In fact, there was a First Reading - this House passed a similar Motion in the last Parliament. There was a First Reading of the resultant Bill on 20th April, 2006. The Bill was then moved by the same former hon. Member on 26th July, 2006. After that, a lot of things started happening that made sure that this Bill was frustrated to make sure that it did not go through and also make sure that the Treasury continued to do things in darkness.

I am happy that this Motion has been brought back to this House. I am taking this opportunity to, again, tell the House that as few as we are, this is where our power is. If we do not watch out, again, as the hon. Member has said, there is another plan to take it over. Then we will be frustrated again, and you will never know how much money is going to your constituency, district or region. You will be ambushed and pass things that you do not know because you never participated in what happened before.

(Applause)

It is important for us to keep watch. This is where the heart of the matter is. As hon. Members said, our main business is to approve the monies our constituents are contributing towards the running of this Government.

Having said that, I would like to state that one of the things that we envisage, if the Bill is passed, is to compel the Government to pursue a wage policy that is sustainable and is pegged to the size of the economy. I mention this because I know that I debated and voted for that draft Bill. One of the things we were talking about was a sustainable wage bill. Recently, there was a big scream in the headlines of one of the Dailies, saying that Permanent Secretaries had secretly been awarded Kshs200,000 salary increase. Hon. Members, you are the ones who actually put them in those beautiful offices. Who debated and approved that matter, yet it is there? It has happened! They have, in fact, very nice provisions for admission even to beautiful clubs; these are the most expensive, paid for by the Government of Kenya. Who approved this? Is it sustainable? What if the next time we have even a larger Government? It is these secret things that this proposed Fiscal Management Bill will change and give hon. Members the power to check; they will control how much money goes into what. Definitely, this House would not have approved a Kshs200,000 salary increase for Permanent Secretaries. Definitely not! Definitely, we would have voted to have more money for the Constituencies Development Fund (CDF) and not for Permanent Secretaries. If people are not persuaded, I think it is time we really supported this type of a Motion.

Madam Temporary Deputy Speaker, when Mr. Mbau was moving this Motion, he

mentioned the fact that we are given huge volumes, as hon. Members, to look at in a few days before the Budget is read here. We are not given the opportunity to really scrutinise the contents of that Budget and the proposed Estimates. What this Bill will do when it becomes law will be to establish two important offices. There will be the Fiscal Analysis Office, which we call the "Budget Office". That Office is going to give hon. Members trained economists and budgeters. These will be people who will be able to look at the documentation, interpret it for us and tell us: "This money is going towards paying for some shady financial dealings that you do not know about. This one is hidden to do this and that!" They will be employed by this House to let us know what is happening. I see no reason why any hon. Member would want to object to, or fail to support, a Motion that will help us to understand those huge volumes that are placed in our pigeon holes a few minutes before the Budget is read.

The other body that will be created will be a committee of the House. It will be composed of hon. Members who have an interest, or specific knowledge, in matters of finance. They will be able to sit down with the Treasury, as Mr. Mbau has said. They will be sitting down to question the Treasury, using the knowledge of our budgeters, economists and accountants, on each and every line item that will be proposed in the Estimates.

Madam Temporary Deputy Speaker, what we intend to do will provide for a period, before the Budget is brought to the House, for tabling of the Annual Estimates and Supplementary Estimates of Revenue. It will be for Parliament to look at all those estimates. Everything will be brought to Parliament before the actual Budget, so that we can have an opportunity to discuss the expected Budget. I will know, for a fact, what financial allocations to expect for Tana Delta District or the Coast Province or my own constituency. I can raise those issues here with the Minister for Finance before they are included in the actual Budget.

So, this will be a very good law, which will help this country move forward. We have reached a time when everything must be in the open. It does not matter where you come from or what you do. Whatever you do does not matter. We need to know that this country is moving towards a completely open and democratic state, as we are.

Madam Temporary Deputy Speaker, one of the things that the Budget Office and the Fiscal Analysis Office will be doing is looking at the obligations the country has in terms of the amount of money we, as a nation, are supposed to pay every year. We will have those estimates brought here. The Government will be telling us how much money we are supposed to pay as international obligations to bodies like the International Monetary Fund (IMF) and the World Bank. We would like to know how much is being paid as pension obligations to those who have served in the Civil Service and as Members of the Government in various capacities.

The Act that will arise from this Bill will make it compulsory for the Minister for Finance to come and tell us how much pension and debts obligations we have. From such information, we can, for example, tell him: "You cannot go again and ask for billions of shillings from such-and-such a country. No matter how wonderful the terms of that loan are, the country is over-exposed. In other words, you risk mortgaging our state to outside people." If it is not us who will pay, it is our children. If it is not our children, it is our grand children. Such information will be available to us.

Madam Temporary Deputy Speaker, if you look at Order No.7 of yesterday's Order Paper, you will see that we were supposed to discuss the approval of a Kshs16.7 billion loan. Looking at the Sessional Paper that was tabled here, none of us would know the actual amount of exposure this country has abroad. We would want to see development taking place, but where are we? Even as an individual, you know that your debt portfolio is so much, your investment portfolio is so much, and you can expose yourself to such level.

Time has come for us, as Members of Parliament, to assert ourselves in this House, through this kind of law, because we need to take control of the Treasury. It is our constituents who pay this

money. It is us who are supposed to be the eyes of the people, to see to it that every penny that one pays upon buying a bottle of soda or a stick of cigarette or a bottle of beer or a kilogramme of sugar, is well utilised. However, without information, or people to help us understand those documents, we will just be here, saying "Ayes" or "Noes" without knowing what we are supporting or opposing.

Madam Temporary Deputy Speaker, therefore, I urge the House to pass this Motion and, very quickly, let us bring the Bill, we pass it and make sure that it becomes law.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Prof. Kamar): Let us now hear the maiden speech by the Member of Parliament for Ainamoi.

The Member for Ainamoi Constituency (Mr. Benjamin Langat): Thank you, Madam Temporary Deputy Speaker. My names are Benjamin Langat from Ainamoi. Before I speak on the Motion, I want to make a few comments, this being my first speech from the Floor of this House. First and foremost, I want to thank my constituents from this House, whose efforts have brought me here to speak for them. As hon. Members know, earlier this year, my brother was brutally murdered in Eldoret Town. Today, I want to thank all the hon. Members who came out very strongly to support us during that very difficult period for our family.

Madam Temporary Deputy Speaker, for the two weeks I have been here, I have been observing how hon. Members do business in this House. I have noted that there are some hon. Members who would like to do business in the way it used to be done in the past, in the sense that they do not want changes. I have also observed that there is quite a majority of hon. Members who want to change the way things used to be done, not only in Parliament but also in the Government.

Looking at the way things used to be done in the past, maybe, by the Government, nobody in this House will be proud about the way things have been happening. That means, there has to be changes in the way the Government does business. That change can only come if, we, Members of Parliament, are also willing to change, so that we can change the other organs of the Government. Therefore, I want to urge my colleagues that we change the way things have been done in the past, so that the Government can also change its ways of running this country.

Madam Temporary Deputy Speaker, in the recent past, the concept of the Constituencies Development Fund (CDF) came up. From my observation, I believe that, that was the most important concept that ever came from Parliament. It is only through the CDF that the common *mwananchi* in the furthest village of a constituency can have a taste of Government funds and services. For that reason, I want to suggest that we devolve all the funds for infrastructure development in sectors like roads and water, so that people in all corners of our constituencies can continue to enjoy the services that the Government is meant to offer.

So, we need to increase the devolved funds. For instance, if we were to increase the CDF kitty by 100 per cent, we can all imagine what people will feel in our constituencies. So, I want to suggest that, in the coming days, if necessary, we "fight" for allocation to the CDF kitty to be increased from the current 2.5 per cent of the national Budget to, at least, 10 per cent, so as to enhance service delivery to the people in all corners of the Republic and in the constituencies. I believe that there will be no need for us to "fight" for an increase to the CDF kitty, because devolving funds is a very important concept.

Madam Temporary Deputy Speaker, the majority of our people depend on agriculture for their livelihood. They rely on tea, sugar, coffee, maize and livestock. We have done so much in other sectors. For example, the Government has come out to support the marketing of Kenya as a tourist destination. We also want to see the Government coming out to support the marketing of tea, sugar, coffee, maize and livestock. In the maize sector, we do not need any additional investment by the Government to support maize. We only request that the fertilizers be zero-rated,

so that farmers can buy fertilizers cheaply. I do not think that, that is too much to ask.

Early this year, the country faced a lot of unrest arising from the disputed elections. Majority of our youths protested and they were arrested. Some of the people who were arrested are not facing any specific charges. Given that the two principals agreed to work together and the nation has agreed to reconcile, it will only be fair that we consider the people who are languishing in cells, so that they can be released. They are not facing any specific cases and they should not be in the cells.

*[The Temporary Deputy Speaker
(Prof. Kamar) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, let me go to the Motion for today, which seeks to democratise, regulate and provide oversight to the national Budget-making process. I wish to support the provision of the Motion that we need to democratise, regulate and provide oversight services to the national Budget-making process. The practice has been that one person or one Ministry assumes the role of Budget-making. It has no representatives from Kericho, Narok and Kisumu. So, it cannot assume that it is able to budget for everybody. It is the wearer of the shoe who knows where it pinches. As the representatives of the people, we need to participate in the Budget-making process, so that we can put across what really needs to be done for Kenyans, as opposed to one person sitting in an office and assuming that he knows all about the people of Kenya.

With those few remarks, I support the Motion that we need to democratise, regulate and provide oversight to the national Budget-making process in this country.

Mrs. Shebesh: Thank you, Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I want to start by joining my colleague who has heaped praise on the Mover of this Motion. Even last year before I came to this House, I noticed that our colleague always brings relevant issues to this House. I congratulate him for continuing to be relevant in this House.

The Budget-making process is one of the key factors that is considered by Kenyans as the reason why we were brought to this House. However, I would like to concur with my colleague who spoke earlier that this function which has been brought to this House in terms of the Budget-making process, has left a lot to be desired. I might not know much about fiscal or monetary issues, but I believe that I know what is needed, for example, to bring the youths of this country to a level where they can be proud of themselves, get jobs and have sustainable livelihoods.

Mr. Temporary Deputy Speaker, Sir, I also believe that I know where the women of this country would want to be and where they would want the Government to look into their issues. I, therefore, feel that it is important to bring into focus what women and youths of this country want in terms of the Budget-making process. There must be a logical way in which the Budget is prepared. I agree that for that to happen, we must consult the different sectors of this country, which include the women and the youth.

The Mover of this Motion has tried to educate us on the Budget-making process. He has told us that the first step is that of policy formulation. I would be afraid to imagine that the policy formulation can only be made by the Executive arm of the Government, the Minister and the people at the Treasury. I believe that they do not have adequate facts that can effectively formulate policy on all the issues that they will then table in this House as a Budget.

Mr. Temporary Deputy Speaker, Sir, the recent events surrounding the Ministry of Finance

even puts that into more of a situation that Kenyans can no longer trust. When the Budget was being read out here, I noticed that there was a tax exemption on luxury sporting equipment that is to be used in luxury hotels. I then wondered at what point that could really affect the live of the common mwananchi. I, therefore, see a disconnect between the Executive that formulates policy on the Budget and what Kenyans are wishing for. I, therefore, call upon this House to support the introduction of this Bill and to fast-track it, so that by the next Budget, we will not depend on an Executive that has proved not to be trustworthy, but depend on what Kenyans want by including them in the formulation of the Budget.

I also have an issue with the way money is allocated to the Ministries. I take into consideration that the Youth Enterprise Development Fund and the Women Enterprise Development Fund are allocated money that cannot be explained. For the last few years, the allocations made to the Funds have not really made a great impact on the lives of the women and the youths. I suggested in this House that we should suspend the disbursement of the YEDF until the National Youth Policy is debated and we have agreed on what exactly are the priority needs of the youth in this country. Is it job creation or training? This can only happen if we fast-track this Bill, so that we can debate these issues.

Mr. Temporary Deputy Speaker, Sir, even if I do not come from an arid or semi-arid area, I was totally dismayed by the kind of money that was allocated to the Ministry of Development of Northern Kenya and Other Arid Lands. As a country, we had raised the hopes of the people of North Eastern region. I think we had, as a country, raised the hopes of the people of North Eastern Kenya and its arid areas that this Government will take into consideration that they have been left behind for many years. I think what was done was a public relations exercise and that is what is going to happen this year. But in the next budget, we must put in place a mechanism that will look into the real needs of that area and give them appropriate money.

That is why, Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and really congratulate, once again, the hon. Member who has brought it to this House. I also want to congratulate him for always being relevant. I pray that this House will also be relevant by supporting this Bill and passing it as soon as possible.

With those few remarks, I support the Motion.

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I also rise to support this very important Motion that was brought by hon. Mbau.

Mr. Temporary Deputy Speaker, Sir, I was consulting with hon. Ogindo here because during his contribution, he referred to a certain region as a community by its identity. We have made that correction with him and he has agreed that it was wrong. We are trying to do away with the issue of tribalism. It is wrong for a certain community to be identified by its identity, especially when we are contributing to a very crucial Motion like this one. I was happy when he referred to the western region as Western Province and Nyanza as Nyanza Province. But when he referred to Central Province and mentioned the Kikuyus, it did not go down well with me. I think we need to do away with tribalism.

Mr. Temporary Deputy Speaker, Sir, we pay taxes to raise money to run this country. When the Budget was read here the other day, we realized that Kshs1 million was given to each constituency to manage its sports activities. That allocation was done in the wrong way because there was no consultation such as the one being introduced by the Motion. My constituency has 325,000 residents and it was allocated Kshs1 million to manage sports activities. If you look at it carefully, there are constituencies with 60,000 people which have been given the same amount of money. All we are trying to say in this Motion is that, if there were consultations, and if they involved the representatives of the people, probably, we would have given a different suggestion that could have helped the country.

Mr. Temporary Deputy Speaker, Sir, those who sit down year in, year out to plan about our Budget mostly base it on their interests, and not on the interests of the people who are represented. This Parliament is a supreme House that has got the mandate to represent Kenyans. It is through these elected hon. Members where the problems of the people of Kenya can be understood. I know what my constituents need. I know the needs in my constituency. If there was a Committee that consults hon. Members, probably, I could have given a suggestion of what is needed in my constituency. But you realize that we have executive officials who sit down and decide on what is to be given and what is to be used.

Mr. Temporary Deputy Speaker, Sir, I also want to revisit an issue that was expressed by hon. Mungatana. It is a shame that you wake up and find that there are two classifications of civil servants in this country. There is one which is referred to as "highly paid" and another one which is referred to as "lowly paid". The "highly paid civil servants" have actually been classified by those who take themselves to be seniors. Because there is no committee to challenge such issues, we wake up to find out that there are Permanent Secretaries who have increased their salaries by over 200 per cent. They awarded themselves a salary increase of Kshs200,000 per month.

Mr. Temporary Deputy Speaker, Sir, that budgetary allocation should be made by this House to serve Kenyans! Kenya's interests should be decided by a Committee and its recommendations will serve Kenyans! Look at the issue of pre-primary teachers. We keep on talking about it here and money is being allocated to the Ministry of Education. There is no suggestion or proposal whatsoever to cater for pre-primary school teachers! They have no job classification or income whatsoever and yet, they are expected to build and mould the brains of our young children who are supposed to go to primary schools! There is no job creation! If we have a Committee, that issue will be presented to it and, since it will be coming from this Parliament, it will be taken seriously.

Mr. Temporary Deputy Speaker, Sir, that does not end up there. The Budget is proposed by the Executive sitting somewhere. It is the Executive which decides what is to be given to Kenyans. Those people make the Budget based on the needs that serve them! You will find that in the allocation of fuel to the Government officials. It is more than what should be given! They are doing that because they are the users of the vehicles; they are the users of those facilities. But those who do not have the capacity and opportunity to propose for themselves, they do not have the chance to get an increment on those proposed budgets! It is wrong for this House just to be told: "Approve this loan which is being given by the Japanese Government to go and improve the Kenya Ports Authority"! It is not in details. This has been cushioned somewhere. It is just brought to this House to be passed. Probably, had they consulted such a Committee, they would have come out with firm issues that would have enabled this country to move forward. Probably, we do not need to put that money there. We need to put it in water, so that Kenyans can be able to grow food and stop importing food from outside! We may suffer for three months, but that Port has been there for the last many years! It has been the same! It has been generating business but, currently, Kenyans do not need to service the Port. They need to build dams. They need to have clean water for their people and medical treatment.

Mr. Temporary Deputy Speaker, Sir, this Motion is very important and I urge my colleagues to pass it with the strongest ways and means possible, so that the Bill can be drafted and brought to the House to be passed.

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

Mr. Ngugi: Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Motion. It is very well known that in the governance of the country, there are always three arms: the Executive, the Legislature, which is Parliament, and the Judiciary. Unless those three arms check on each other and work in harmony, there is bound to be some imbalance. In the making of

the Budget, what has been happening is that the Government has been the one that has been making the Budget. It has been deciding for the people. Parliament, which is the peoples' representative, is used just to rubber-stamp or endorse. But it has nothing really serious to contribute.

Mr. Temporary Deputy Speaker, Sir, I was very disappointed the other day when we were debating the taxation measures here. We spent a whole day, as a Committee of the House, making suggestions on how we could improve the taxation measures. For example, we said that to zero-rate gym equipment for hotels is not enough. Gym equipment is not only used by hotels, it is also used by clubs and people in their homes. It caters for the health of the people. But to just restrict it to hotels is a bit narrow. When we made our proposals to the House, they were not taken into account. We were just told that the taxation measures are passed without amendments. The proposed Fiscal Analysis and Appropriation Committee will address such matters.

Mr. Temporary Deputy Speaker, Sir, you can compare this Committee with the CDF Committee. Since the introduction of CDF, you can see how the country has been transformed. The people are involved in deciding the priorities of their projects. It has helped to improve this country. What we are asking for in this Committee is almost similar to the CDF, where the people are the originators of the projects to be funded. When this is done, then, the process will be more transparent. It will involve more people and better suggestions will come in instead of only a few technocrats sitting in a room year in, year out with the same minds. These technocrats do not even consult others and they come up with a Budget. This is why this country has been following policies that sometimes are not in tandem with the wishes of Kenyans. If we have such a Committee it will not only be a window to open up the Budget-making process, but it will enrich both the ideas that can be brought into the Budget and the priorities that Kenyans can make.

Mr. Temporary Deputy Speaker, Sir, developed countries, such as the USA, Australia and Germany, have such committees. Even in Africa, two of the most progressive countries; Uganda and South Africa, have such a committee. Yet, ourselves here and we are supposed to be a regional leader, we do not have such a committee. This is why it is so important that the Kenyan Budget-making process should be in line with what is happening in the rest of the world. This Motion is so important for this House because hon. Members spend 65 per cent of their time in this House discussing finance matters. They spend so much time discussing matters related to the Budget but in most times, they are not well informed because the matters have not been researched. The Estimates are presented to Parliament two days before the Budget is read on Thursday. We have no time to scrutinise and critic them. This is not fair to this House and country. This is why this Motion is trying to liberate the Budget making process. The 65 per cent of the time that hon. Members spend discussing matters of finance and Budget, they can do so from a point of knowledge. This is the only way to provide equity. We have been crying in this House and country that we want equitable distribution of resources. There is no other way other than through a transparent and open process; a process that starts right from the village and comes up. When it is all done by the technocrats, it goes to such a committee. This Committee can then examine what has come up. The wishes of the country can be prioritised. There is no other way.

Mr. Temporary Deputy Speaker, Sir, if we want to get equity and properly distribute the resources of this country, or to maximize our resources, this is the only way. Any other way is what we have tried and experimented with in the past, but it did not work. This is why this Motion is so important. Even the Minister for Finance himself found out that this is important and timely. When he was reading his Budget, he felt that this Motion was coming in order to bring a Bill and liberate that process. He alluded that he wanted to bring an organic Bill to liberate the Budget process, but the Bill that could be brought by the Ministry of Finance is not necessarily the same as that one which could emanate, or come, from this House. This is a home-grown solution, which is

transparent. This is what will give this country what it wants.

I would like to say that bringing this Motion and the Bill that is intended does not take away the responsibility of the Ministry of Finance. The Ministry of Finance and the Minister will remain with their core mandate. This will only be giving help to the Minister, the Ministry, and will even be helping the country, so that nobody can point a finger that this or that region is favoured, or not taken care of, because the Budget making process will have involved all and been scrutinized and agreed upon. So, it will make the work of the Minister for Finance much easier.

That is why all of us ought to rise and say that this Motion is timely. I know that it was there during the last Parliament; It went to through the Second Reading but did not see the light of day. We cannot afford to lose any more time, especially when our people are clamouring for openness, transparency and involvement in deciding the destiny of their lives. That is why all of us should support this Motion, and ask that the intended Bill be brought to the House as quickly as possible.

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

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion on the Budget making process. In fact, When I got to this House, I was very surprised to find that we had no say in the making of the Budget. When you meet your constituents out there, they all tell you that they want this or that. They imagine that when you get to Parliament, you participate in the formulation of the Budget. When you get here, you realise that, that is not the case. I do hope that in the course of this

year, we will be able to accomplish that mission.

When a Budget is prepared elsewhere and brought here for us Parliamentarians to just rubber stamp it, we actually negate the whole point of our representation here, since we spend more than 60 per cent of our time debating the Budget in this House. The way the Budget has been made before, up to this year, is why there is inefficiency, inequity and impunity in this country. It has created inefficiency in the sense that certain Ministries or departments have been allocated funds, but they fail to utilize them mainly because they do not have the capacity to utilize those funds. Yet, they receive those funds and end up returning them to the Treasury or misusing them. In so doing, we end up with inefficiency in the Government system.

The current system of formulating the budget has introduced inequity. I think many hon. Members have mentioned why that inequity has come about, in the sense that some of the people deciding what is allocated to what are known, while some are not known. They decide that this will go here and this will go there. Like the Minister for Finance stands here and says Kshs1 million will be allocated to every constituency for football. We are all very happy about that. But what informed that decision? What did he base that decision on, considering that constituencies are not the same geographically or demographically? They are quite different. So, when you allocate Kshs1 million to each constituency, what you are saying is that you actually have a good idea, but you do not know how to implement it and, therefore, you need help. So, in a situation like that, Parliament should be involved. This has gone on and on. For example, you will find that under the Youth Enterprise Development Fund, they allocate Kshs1 Million per constituency where the youth can apply for Kshs50,000 each. Constituencies are not the same. The number of youth in constituencies are different. For example, in my constituency that money only covers about 20 youth groups. So, this kind of budgeting actually introduces inequity in the country. We have usually perpetuated that inequity using this kind of budget formulation method.

The other thing that the current budget formulation process does is that it introduces impunity. For very many years Kenyans have suffered at the hands of impunity, where funds have been hidden somewhere in the budget to pay for "ghost" projects, Anglo Leasing type of contracts and things that should actually not be paid for. So, the Treasury just ends up leaking money to

unknown people and paying bills that Kenyans are not aware of, because all these are hidden in the budget. So, this way of formulating the budget actually introduces impunity in the country. It has actually led to the country losing a lot of money. This money that would have helped to develop the country has gone into people's pockets instead.

So, if we are looking at the future, where we want to have a devolved system and end up with a devolved fund, then the House has to be involved in formulating the budget. However, I will support this move, but with caution. We should remember that the budget is a tool for the ruling party to fulfil its manifesto and ideology. Probably, that is the reason they would have won the election in the first place. The budget is one of the ways the party that would have won elections will use to fulfil its manifesto. So, insisting that the House should have total control might be counter-productive to the party that would have won the elections. So, while I support the Motion, we need to handle it with caution, so that we do not remove that bit from the party that would have won elections, to use the budget to actually push through its manifesto transparently. So, I think if we took that into perspective, we can actually come up with a policy that will help us formulate the budget in a better way.

With those few remarks, I beg to support.

Dr. Kones: Thank you, Mr. Temporary Deputy, Sir, for giving me this opportunity to support the Motion. I want to thank my colleague, Mr. Mbau for bringing such a very good Motion.

We know that over the years, Parliamentarians have had very little or no role actually in the Budget process. This probably explains why year in, year out, there has been a discrepancy between what the House approves and what is actually spent by the various Ministries. I would like to support this Motion because this will give an opportunity to hon. Members to give their input in the Budget Statement that the Minister presents before this House during the Budget Day.

Mr. Temporary Deputy Speaker Sir, Sir, allocation of resources is a very critical component for the development of any nation. If we allocate resources badly, then we will not have development at all. This has, probably, been the case in our country. This Bill is supposed to ensure that financial resources are allocated to key priority areas, especially key developmental activities in our constituencies and the country. There are those programmes which are very key at the local level. However, there are those that are important at the national level. By having this law in place, hon. Members will have an opportunity to identify those key areas at the local level, that is, in their respective constituencies, and also look at national issues which we must also prioritise.

I hope that the Financial Management law will give strength to the Fiscal Analysis and Appropriation Committee of this House to not only scrutinize the Budget, but also to fully participate in the Budget process so that at every stage of the Budget implementation, that Committee should be able to brief the House on the appropriations of the finances given.

Mr. Temporary Deputy Speaker, Sir, a number of hon. Members have talked about equitable distribution of resources. This is an issue which also came up during the debate on the National Ethnic and Race Relations Commission, Bill. If we are to develop as a country and if peace is to prosper, we must ensure that there is equitable distribution of national resources. This Bill is an opportunity for hon. Members to ensure that resources are, indeed, equitably distributed.

When it comes to democratization, the Budget-making process is not just the domain of a few people in the Ministry of Finance. We must open it up for the public so that they can also give their input to the Budget. I want to believe that this Motion is going to give an opportunity to members of the public to have more say in the Budget-making process.

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

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion, because politics is about equity.

We have to distribute resources in the whole country equally. That is the only way we can develop. We need to have equity in all sectors. Therefore, it is important that Parliament participates in the fiscal management of the Budget.

It is us the representatives of the people who know where the shoe pinches. The farmer in this country is actually one person who has suffered. It does not matter whether it is a dairy farmer, cash crop farmer, cereal farmer and so on. It is Parliamentarians who can actually see where we can give subsidy. As a representative of the people, it is very important for Parliament to participate in the issue of the Budget. It is ironical that we talk about overseeing how taxes are used, but the same Parliament that oversees that does not participate in the issue of the Budget. We, therefore, feel, as hon. Members, that we are the right people who should have an input in Budget-making.

Mr. Temporary Deputy Speaker, Sir, we need equity in the education sector, infrastructure and the health sector. This country needs equity in all the sectors, and that is basically why we are in politics. There is no reason why we are in politics if we are not fighting. I am a Member Parliament for West Mugirango and I need to fight for equity for West Mugirango people. It is, therefore, important that we support this Bill and give control of budgetary issues to Parliament. There is no shortcut. This is a Motion that we must pass.

Recently we learned that in the road sectors, some areas are given many billions and others very little money. If we were participating in the budgetary issues, then one of the key things would have been to make the Mombasa-Malaba Road properly passable. If today you go to Gilgil, you will not be able to continue to western Kenya, yet that is the lifeline of this country. That is why we feel that budgetary issues should be taken seriously by Parliament.

The issue of a civil servant - by the way I just recently left the Civil Service - deciding that he is going to allocate a few millions to the road going to his home is something that we must come out of. This is one sure ingredient for chaos. We need to look at our sectors equally all over the country, participate, debate and agree that this is the way we want budgetary allocations made.

This is an important Motion, and with those few remarks, I beg to support it.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I will take very few minutes. I rise to support this Motion that we actually need a Bill, so that we can all be able to participate in the fiscal management of this nation.

It has been mentioned by many others in the past, but I would like to also say it, that one of our roles in this Parliament, as the representatives of the people, is to be involved in the management of affairs in terms of the money that is collected by way of taxation, how it is allocated and how it is eventually used. We should also be seen to participate, or talk more authoritatively, in the reporting process. The current way of budgeting that we have seen in this House is totally exclusive. We only come in towards the end of it to be asked whether we say "yes" or "no". To use others' words, it is really a rubber-stamping process that we need to bring to an end. We can only do that if we come up with this Bill that will enable us to participate in it, so that we can, in a more useful manner, say what we think will be useful to areas that we represent, and this nation as a whole.

Mr. Temporary Deputy Speaker, Sir, again, the issue of unequal distribution of resources has been talked about by many people in the past. I would want to mention resources are not equally distributed in this country. There is the perception that there is a region in this country which has continued to receive more resources than others. It is important that these issues are now discussed across the board, so that we can establish the truth. Some of these issues are more of perception than reality. I come from Ndaragwa Constituency. We are also complaining, Just like any other place where people have been complaining about unfair distribution of resources in this country.

We are in a region which has been considered, in the past, as having been favoured in terms

distribution of resources. However, I come from Ndaragwa Constituency, which has not seen any form of development. So, if we have an opportunity to sit in the Budget making process, we will be able to articulate more clearly what it is that we are facing in our own constituencies.

Mr. Temporary Deputy Speaker, Sir, in the recent past, we created Ministries targeting specific regions of this country. I believe that it is for a good cause. It is, however, important also to note that some of the climatic conditions that may be experienced in areas being targeted by those particular Ministries do exist in some of our constituencies. If we do not take part in this process, our constituents will easily be marginalised, because there is the thinking that they do not suffer those harsh climatic conditions. It is important that we are allowed to have a say in this process, so that we can articulate issues prevailing in our areas.

Another important thing is that quite a big portion of the resources in this country are now being channelled to areas through institutions. We have money being given to the districts, so that it can get to Kenyans from whatever point of this country. We also have resources being given through the constituencies, like the Constituencies Development Fund (CDF) money. We have the HIV/AIDS control funds being channelled through the same institutions. We have the Local Authorities Transfer Fund (LATF) money, which is being channelled through the local authorities. This is the criteria we are now using to get the resources to the people.

Mr. Temporary Deputy Speaker, Sir, common sense would tell you that if you are from an area which has many districts, then you will receive more of the national resources than people in areas with bigger districts. Equally, we have constituencies which do not match in terms of population. It is important that we articulate these issues. We have constituencies which have registered voters numbering as few as 15,000. Other constituencies have registered voters numbering 249,000. If resources are being given on an equal basis to these areas, then the issue of unequal distribution of resources will certainly emerge.

I support this Motion, because we need to be involved. If we are not involved, we will continue saying that there is unequal distribution of resources, which is more of a rhetorical position as opposed to what is happening at the moment. Those areas that have dense population in this country are receiving less of the national resources as opposed to other areas. So, when we talk about unequal distribution of resources, it is more of a rhetorical position. We need to bring out the truth. The truth is that, until we are involved in this process, the nation and the whole world will continue being told that we have unequal distribution of resources, which is not the position any more. Perhaps, it is the case, but skewed in a different manner than it was done in the past.

Mr. Temporary Deputy Speaker, Sir, another thing I would want to bring out is that when Members of Parliament are allowed to participate in the Budget making process, the Ministry of Finance and its officers will be more responsive. They will be more careful to listen to what people say. We will not experience situations like the one we experienced last week, when we were being called to contribute to the Business on the Budget, when those who were supposed to listen to us were absent. It made no sense for any of us to continue speaking when those who were supposed to take notes were not there. Reforming this process will make the Ministry more careful and listen to what we will say. By so doing, they will be able to respond to the issues that we will raise.

With those few remarks, I beg to support.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I want to thank you for granting me this opportunity to air two points or so, on this very important Motion, which has been ably moved by hon. Mbau.

There are two reflections that I need to dwell on. One issue concerns the ownership of this intended Fiscal Management Bill. This Bill will give an avenue for this House to own the Budget. When we own the Budget, it will be possible for us to market the issues that will be contained in the Budget. We are the representatives of our people. In our fora, we will give them hope and

direction regarding the national Budget. With regard to the taxation mechanism, this is another issue that creates a lot of tension, if it is not addressed properly. We have noted one single element that has been introduced in the current Budget. If this is not really considered and accommodated properly, it may create some kind of instability.

Mr. Temporary Deputy Speaker, Sir, every year, Kshs500 million is allocated to the Youth Enterprise Development Fund. It has also been increased during this Budget. This money is meant to be disbursed to the youths in our constituencies, but they cannot access it because of the stringent conditions. Therefore, this money is allocated in every financial year and it does not reach the beneficiaries. Therefore, instead of reducing poverty, poverty continues to be there. If the hon. Members are involved in the disbursement of these funds, proper modalities and regulations would be considered and implemented.

Mr. Temporary Deputy Speaker, Sir, the Kshs1 million Sports Fund that has already been considered for every constituency is inadequate. There are other issues that would have been considered along with it. There is no need of giving Kshs1 million without having a trainer to utilise the funds in the constituencies. So, an additional amount of money would have been considered to employ a person who would utilise that money in the best interest of the youth in each constituency. The issue of the activities to be carried out would have been considered in a wider range, for example, athletics and netball. It would be paramount for this House to be engaged actively in the Budget-making process. Again the House will also get a chance to interrogate the Budget in the best way possible.

Regarding the distribution of natural resources, outcries have already started filtering in. The newly created Ministry of the Development of Northern Kenya and Other Arid Lands is crying about the little funds that have been allocated to it. The Ministry of Nairobi Metropolitan Development is also crying. If these two issues were debated in this House, adequate funds would have been allocated to those Ministries to meet the needs of Kenyans. Mr. Temporary Deputy Speaker, Sir, if the Budget is not considered well, it may cause instability and disharmony in the nation because representatives of the people are not fully involved in it. So, in my view, as I conclude, it is high time that this Bill is given room to come to the Floor of the House.

With those few remarks, I beg to support.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion because the budget-making process should be all inclusive, consultative and hon. Members, being excluded in that process, is a major omission. Parliament is made up of all the representatives of the people. We are the voice of the people. So, it does not make sense that Parliament only comes to approve what has been done outside. Hon. Members are asked to approve strange things, so that the Government can continue. Yet, what Parliament is asked to approve is done outside its knowledge. Parliament is not consulted. It does not give its input. If you recall, we were elected on 27th December, 2007. We have been in Parliament from January to 12th June, 2008 when the Budget was read and none of us knew what was coming. We do not know how it was done and presented to this House.

Mr. Temporary Deputy Speaker, Sir, the major work of Parliament is to impose taxation on its citizens, and to see how that taxation is used. The Budget that we are reading now has money which has been set aside for quite a number of Ministries, both infrastructural and service. The kind of infrastructure that we are having in the various constituencies is different from constituency to constituency. The irony of it is that the constituencies that have better infrastructure are the ones which are getting even more money for the improvement of their infrastructure. The constituencies that have very poor infrastructure are the ones that get the least allocations. That is because Parliament has not been consulted.

To minimise that imbalance, it is vital that Parliament is consulted and involved. Given the

fact that constituencies also differ in size, population and demographic situations, it is only vital that when money is given per constituency, it reflects all those factors.

Mr. Temporary Deputy Speaker, Sir, for example, if the Youth Development Fund that was given Kshs1 million per constituency came to North Imenti, is like Kshs20,000 per Sub-location. That is very little money to run youth organizations from January to December! It is like Kshs1,000 or Kshs2,000 per month. If we start the youth activities, they have to be continuous. They should not be seen to have a time when they cannot continue.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ruteere. You will have five minutes next Wednesday. Mr. Mbau will have ten minutes to reply.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members, it is now time for the interruption of Business. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.