

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd June, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Papers were laid on the Table: -

Report of the Departmental Committee on Administration, National Security and Local Authorities during its fact finding visits to the Nairobi City Council and the Langata Women Prison on 24th October, 2008 and the Kamiti Maximum Prison on 4th December, 2008.

(By Mr. Kapondi)

NOTICES OF MOTIONS

ADOPTION OF REPORT ON FACT FINDING VISIT TO PRISONS

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

THAT, this House adopts the report of the Departmental Committee on Administration, National Security and Local Authorities during its fact finding visits to the Nairobi City Council and the Langata Women Prison on 24th October, 2008 and the Kamiti Maximum Security Prison on 4th December, 2008 laid on the Table of the House today, 3rd June, 2009.

ENHANCEMENT OF BUDGETARY ALLOCATIONS TO PUBLIC PRIMARY/SECONDARY SCHOOLS

Mr. Kaino: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

THAT, aware that children attending private academies in the country have continuously taken up most of the opportunities in prestigious national learning institutions and secured the most marketable courses in universities as a result of high quality education facilities;

concerned that public schools lack requisite facilities and manpower to guarantee quality education for children; appreciating the need to improve education for children from poor backgrounds in order to achieve equity; this House urges the Government to increase the budgetary allocation to public primary and secondary schools for enhanced quality education.

ADOPTION OF UNIFORM LAND TITLE POLICY

THAT, aware that the Government has granted leases for land in settlement schemes ranging from 99 to 999 years and freehold titles to others in the same localities; appreciating the need to harmonize land tenures in the same areas; this House urges the Government to adopt a uniform land title policy and convert all the leases for agricultural settlement schemes to freehold titles to facilitate enhanced agricultural output.

QUESTION BY PRIVATE NOTICE

DISMISSAL OF POSTMASTER- GENERAL

Eng. Gumbo: Mr. Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Could the Minister explain the circumstances leading to the termination of services of the Postmaster-General?

(b) What are the specific accusations leveled against him?

(c) Was he afforded the chance to defend himself as stipulated in the Employment Act?

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Speaker, Sir, I beg to reply.

(a) Following a forensic audit on Posta Pay Electronic Transfer (PET) system by Deloitte, a number of issues emerged pointing at several irregularities by the management. The forensic auditors stated that senior managers were not co-operating with investigators and that, more information was needed to make appropriate recommendations. The Board, acting on some of the conclusive recommendations, decided to send seven managers on compulsory leave and, at the same time, asking the Postmaster General (PMG) to show cause why his contract should not be terminated. The sending home of the managers was to allow for smooth investigations.

In their second presentation, Deloitte stated that the PMG was not co-operative and that the system was not profitable, as they had been misled earlier on. Several other findings implicated the PMG in imprudent decisions that were likely to cause financial losses to the Corporation. It is with this overwhelming evidence that the Board felt that the PMG had lost credibility and, therefore, could not be entrusted with the stewardship of the organization anymore.

(b) The Postmaster-General, Mr. Fred Odhiambo, was hired on 1st November, 2006, and his contract was to expire on 1st November, 2009. His services were terminated on 25th May, 2009, due to the following reasons:-

(i) Failure to implement directives from his seniors to stop all international money transfers with respect to Afripayments. He disobeyed the directives despite having been officially informed vide a letter dated 9th February, 2009, thus exposing the Corporation to financial risk. Indeed, some cheques covering some of the payments to the Corporation bounced.

(ii) His clear reluctance to assist the forensic auditors in accessing information useful in the exercise including intimidating public officers in the conduct of their duties.

(iii) Failure to implement audit findings on the Posta Pay system despite having been fully aware of the same.

(iv) Condoning theft by servant by the employees of the Corporation.

(c) The Postmaster-General, prior to his dismissal, had been requested to defend himself vide letter ref. No.PF:24148, dated 30th April, 2009, from the Board Chairman. Further, at the Board meeting held on 21st May, 2009, he was asked to defend himself. The Board was not satisfied with the defence citing various shortcomings on his part.

Eng. Gumbo: Mr. Speaker, Sir, I ask for the indulgence of the Chair to put this Question in context. In the last one year, four senior public servants from Rarieda Constituency have been summarily dismissed from the Government service, starting with the Commissioner of Lands, the Managing Director of Kenya Pipeline Company, the Managing Director of Kenya Tourist Board and now the Postmaster-General.

In the Minister's letter of dismissal to the Postmaster-General dated, 25th May, 2009, he said:-

"The Board has noted several instances of mismanagement on the part of the Postmaster-General".

The Postmaster-General was appointed on 22nd December, 2006. Article 4 of the terms of his performance states that:-

"In addition to the duties and responsibilities detailed in this letter of appointment, key tasks will be agreed between you and the Board and your performance will be reviewed and appraised regularly and documented in meetings with the Board".

How many times did the Board appraise the Postmaster-General during the period of his contract and to what extent did those appraisals inform the decision to dismiss him?

Mr. Khaniri: Mr. Speaker, Sir, as to the first part of the hon. Member's question regarding the issue of civil servants from his constituency being dismissed from the service, I do not have the answers. But I have answers for this particular case that he brought before the House. I am ready to answer any questions on this case.

I have said that we received numerous complaints from the staff of the Postal Corporation of Kenya and from the public in general through some anonymous letters. That is what instigated us to call for a forensic audit in that particular Corporation.

Mr. Speaker, Sir, we contracted Deloitte who have done a forensic audit on the Corporation. I am going to table a copy of the Report, which I have with me here. If the hon. Member can take his time to go through this Report, he will see the implications that I am talking about on the part of the Post Master-General (PMG).

The Board of the Postal Corporation of Kenya (PCK) sat and made their recommendations to the Minister as required by law. I have a copy of the letter from the Board making recommendations that we should institute disciplinary action against the PMG. Therefore, we acted on the advice of the Board of the PCK.

Eng. Gumbo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: You have a final opportunity, but let us hear if it is a point of order.

Eng. Gumbo: Mr. Speaker, Sir, I asked the Assistant Minister a specific question. I said Article 4 of the Terms of Engagement of the PMG requires that the Board reviews and appraises the performance of the PMG from time to time. How many times was the performance of the PMG reviewed and to what extent did it inform the action of the Minister? That was the question!

Mr. Khaniri: Mr. Speaker, Sir, I have stated what informed my action. However, as to how many times his contract was reviewed, I may not have the answer with me here.

Mr. Speaker: Order, Mr. Assistant Minister! Does "from time to time" tell you how many times? Does it tell you how many times you should do it?

Mr. Khaniri: Mr. Speaker, Sir, I went to the final appraisal that I received after the forensic audit.

Mr. Kapondi: Mr. Speaker, Sir, having listened very carefully to the answer given by the Assistant Minister, there is a serious contradiction. He has said very clearly that the PMG was condoning theft by servant. This is a very serious allegation, although he has not told us how many employees have been taken to court for prosecution. It is a serious matter---

Mr. Speaker: Order, Mr. Kapondi! It is Question Time!

Mr. Assistant Minister, please, proceed!

Mr. Khaniri: Mr. Speaker, Sir, if you remember, I stated that I have the draft copy of the report. We are awaiting the final copy of the Forensic Audit Report. Based on the information on this draft copy of the report, we have sent seven top managers on compulsory leave. We will take the final action after receiving the final report.

Mr. Speaker, Sir, I hereby table a copy of the draft report.

(Mr. Khaniri laid the document on the Table)

Mrs. Shebesh: Mr. Speaker, Sir, the Minister for Information and Communications wrote to the Chairman of the Board. In the letter, which I intend to table, he indicated that the people to be held responsible for interfering with the process of audit included the Vice-Chairman of the Board. He wrote a letter to him and asked him to explain this.

Could the Assistant Minister tell us if the Minister acknowledged, in his letter, that the people to be held responsible are Board members and wrote to the chair to this effect? How come this Board can again decide to take disciplinary action against the PMG who was not even discussed in the meeting?

Mr. Khaniri: Mr. Speaker, Sir, I would like to look at that letter she is referring to before I can respond to that question.

Mr. Speaker: Can we take the next Question in the meantime? Mr. Imanyara, please, proceed!

Mr. Imanyara: Mr. Speaker, Sir, I clearly sympathize with the people of Rarieda because it appears they have been targeted for political reasons. However, my concern is that the Assistant Minister himself says that the letter of appointment in Article 4, required appraisal and review from time to time. This is a condition of the contract. Before a contract can be terminated, at the very least, he should say they did review and appraise the contract on particular dates; once, twice or thrice. As a result of being dissatisfied, they took this action. The Assistant Minister says that he does not have that information.

Is it not proper that the Assistant Minister goes and does proper homework? We are talking about serious allegations leveled against him.

I have seen that letter and the language used in the letter is not the normal language that is used in dismissing civil servants. The Assistant Minister should come to the House with an answer that is satisfactory not only to the House but also to the particular individuals who have been targeted.

Mr. Khaniri: Mr. Speaker, Sir, as I informed the House, the action I took was as a result of the resolution of a Board meeting that was held on the 21st of May this year---

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. The question that is being repeated is: There was a contract, which required certain specific actions to be taken in relation to the termination of this contract. The Assistant Minister says he does not have those particulars yet he insists on answering this Question. Is he in order to insist on misleading the House on the basis of information that he does not have?

Mr. Khaniri: Mr. Speaker, Sir, the decision to fire was in itself an appraisal. This is an employee who has been found guilty of the allegations that I have stated in my answer. I do not know what other appraisal the hon. Member is asking for.

Eng. Gumbo: On a point of order, Mr. Speaker, Sir. Clearly this Assistant Minister is not prepared to answer this Question. Mr. Imanyara and I have stated that, there was a specific requirement in the contract that the PMG be appraised regularly---

Mr. Speaker: Order, Eng. Gumbo! Calm down! Please, relax! As I have heard it from the Chair, the Assistant Minister has in fact, answered that Question. The clause that you cited says that the organisation or the Board would review the PMG'S performance from "time to time" within the contract period. All right? You have said yourself that he was employed in the year 2006 and he was fired this year after a review. That one time is "from time to time". Yes! It does not say how many times. Therefore, the Assistant Minister has actually answered that Question. That is my finding and it makes good sense in law.

Mr. Mbadi: Mr. Speaker, Sir, the Assistant Minister, in his answer said that he acted on the advice of the Board. If you look at the forensic audit that was carried out, the Board is seriously implicated. The forensic audit questions whether due diligence was properly carried out. It is the Board that carried out due diligence way before the PMG whose service was terminated, was employed.

Could the Assistant Minister convince this House today that it was proper to act on the advice of the Board of Directors which had been implicated by the forensic auditors?

Mr. Khaniri: Mr. Speaker, Sir, indeed, it was proper. I followed the laws and rules as laid down. If you heard me clearly, I said we are waiting for the final report,

which should be out in the next week or so. I want to give assurance to the House that once we have the final report, we will take the necessary action as a Ministry.

Mr. Njuguna: Mr. Speaker, Sir, I thank the Assistant Minister for his answer. Why were the directives given by the Board not implemented by the Postmaster General? Finally---

Mr. Speaker: One question at a time!

Mr. Khaniri: Mr. Speaker, Sir, the Postmaster-General was instructed to stop any further foreign payments through the electronic pay transfer, but he did not abide by that instruction. Instead, he went ahead and continued with these payments that cost the Corporation to lose millions of shillings on day today basis. As per the time we got this Question, the company, Afri Payment, owed the Postal Corporation of Kenya close to Kshs114 million. That was just last week. By today, the figure has shot up to Kshs120 million. At this rate, you can see for yourselves that if we continue at this rate, this particular corporation will collapse.

Eng. Gumbo: Mr. Speaker, Sir, in my view, the issues involved here are very grave. The Postmaster-General comes from my constituency. The Assistant Minister is very economical with the truth. He refuses to tell the House that the pre-payment contract was signed eight months before Mr. Odhiambo was appointed as the Postmaster-General. He also refuses to tell the House that before the contract was signed, an incompetent Board, purported to conduct a due diligence study which did not identify situational weakness of the project. The Board did not do a business plan and did not even identify the calibre of staff required. He then comes here and says that the Postmaster-General was dismissed because the corporation was losing revenue. I want to read to you the conclusion of the forensic auditors and he has it. It is on page 73. In their conclusion, they had compared the performance of similar companies doing similar business in Kenya which are Money Gram, Western Union and the Posta Pay. Their conclusion on page 72 says that in the year 2008, Posta pay generated nearly Kshs300 million in profits. This compares to Moneygram which registered a loss of 18 per cent and Western union which only made Kshs18 million. How can he come here and tell us that the Postmaster-General was dismissed because the corporation was losing money?

Mr. Khaniri: Mr. Speaker, Sir, I do not know what truth I am hiding from the honourable House. However, I understand the reasons for the hon. Member being agitated because a number of top civil servants from his constituency have been fired. I would also be agitated if it was me. The date when this contract was signed is not in question. We are not arguing about that. We are arguing about the profitability of this particular contract. Yes, initially, when it started, it was very profitable. I want to assure this House that if it is properly run and managed, it will be profitable to the Corporation.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that this product was only profitable when it was launched when the figures which Eng. Gumbo has given are for 2008? These are audited accounts of the corporation.

Mr. Khaniri: Mr. Speaker, Sir, a little while ago, I gave the statistics. So far, corporation has lost about Kshs120 million. I do not know what other statistics the hon. Member wants me to table so that he can believe the corporation is losing money. As it is now, things are very bad. I am told that clients are almost going to the streets to demand

for payment. Therefore, if this contract continues to run the way it is, it will not be profitable to the organization and we may have to review it.

Mr. Linturi: On a point of order, Mr. Speaker, Sir. I would like to know whether the Assistant Minister is in order to say that the losses incurred by the corporation can only be attributed to Posta Pay.

The Posta Pay has come out clearly that it has made profits while the corporation operates several other products, including the letter boxes, the EMS and other services. That means that the other services may be making losses and not necessarily Posta Pay.

Mr. Speaker: Mr. Assistant Minister, you have to be very specific.

Mr. Khaniri: Mr. Speaker, Sir, I am very specific. This particular amount I am talking about, of Kshs120 million, is specifically through Posta Pay transactions.

Eng. Gumbo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Eng. Gumbo! We have given that Question 20 minutes because I considered it important. We have had adequate ventilation on it. If you have further issues, then look at the Standing Orders. You will find provisions which will enable you to pursue this matter further, if you so desire.

ORAL ANSWERS TO QUESTIONS

Question No.084

ACUTE WATER SHORTAGE IN MOMBASA

Mr. Joho asked the Minister for Water and Irrigation:-

(a) what practical steps the Ministry is taking to address the acute water shortage facing Mombasa City and its environs; and,

(b) if she could explain why it has taken an inordinately long time to implement the Mzima Phase II Water Projects and indicate when it will be completed.

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

(a) The Ministry is aware of the water shortage in Mombasa City and environs. However, to address the problem, the Ministry is taking out the following measures:-

- (i) Four boreholes located at Tiwi have been drilled, equipped and rehabilitated to provide an additional 4 million litres of water per day.
- (ii) Baricho Water Works are being installed with new pumping equipment to deliver more water.
- (iii) Rehabilitation of Mzima Pipeline is due to start from October 2009 and the works are scheduled to be completed by May, 2011.

(b) My Ministry is currently preparing technical proposals for a major capital development programme for Mzima Phase II Pipeline Project which is estimated to cost Kshs40 billion and thereafter will liaise with the Office of the Deputy Prime Minister and Ministry of Finance for the purpose of identifying a development partner to fund the project.

Mr. Joho: Mr. Speaker, Sir, I want to thank the Assistant Minister for his answer. However, I do not know whether he is aware that, currently, the new Mombasa Water Company has been running for the last one year, without a Board. I am wondering how a company can be run competently without a sitting Board and what procedures are used to deliver services.

Mr. Kiunjuri: Mr. Speaker, Sir, it is true that we have a problem in appointing the Board. However, I think this problem is more than appointing the Board. This is because we are talking about an acute water problem that can be fixed by pumping in over Kshs50 billion. To show the hon. Member how seriously we have taken this issue, we have already taken up the rehabilitation of Mzima Water Project at a cost of Kshs3.1 billion. Everything is ready. The project appraisal has been completed and the bank's board approval of funding has already been done. The project is supposed to be effected in the next three years.

At the same time, we are negotiating with other donors so that we can, at least, get Kshs40 billion to make sure that over 160 million cubic metres of water are received everyday by the people of Mombasa. This will cut across the whole of Coast Province. I can discuss the issue of the Board with Mr. Joho. Even the political leadership at the Coast is a problem. This problem will be sorted out. However, I wish the hon. Member could concentrate on the Kshs40 billion which will serve the whole of Coast Province.

Mr. Yakub: Mr. Speaker, Sir, the pumping equipment at Baricho Water Works has not been working for the last one year. Could the Assistant Minister tell us when they will install the new pumping equipment?

Mr. Kiunjuri: Mr. Speaker, Sir, if the hon. Member listened to my answer, I said that pumping equipment is being installed at Baricho Water Works. This means that we are in the process of doing that.

Mr. Yakub: On a point of order, Mr. Speaker, Sir. I asked the Assistant Minister when the Ministry will install the pumping equipment at Baricho Water Works.

Mr. Speaker: Mr. Assistant Minister, you have not answered the question well!

Mr. Kiunjuri: Mr. Speaker, Sir, procurement of the pumping equipment has taken place and because of the water shortage in Coast Province, we will make sure that the pump is properly installed in the next two months.

Mr. Speaker: Last question, Mr. Joho!

Mr. Joho: Mr. Speaker, Sir, I wonder how the Mombasa Water Company will handle the amounts of monies that are being talked about single-handedly. I know that, in order for us to deliver and be accountable for what we do, laws and procedures must be followed. There must be a working Board. So, I want the Assistant Minister to be very clear. When shall we put aside political issues and put a working Board in place?

Mr. Kiunjuri: Mr. Speaker, Sir, let me inform the hon. Member that the money we will receive will not be handled by the coast water provider because this is just one of our water providers in the whole of the Coast region. We have more than 15 water providers and the coast water provider is just one Board. However, the Kshs3 billion and Kshs40 billion I have talked about will be handled by the Coast Water Service Board, which is the mother of all the other water providers, which are only licencees of this Board.

Mr. Speaker: Next Question by Mr. Ruto!

Mr. Ruto: Mr. Speaker, Sir, before I ask my Question, I seek your guidance. I had directed this Question to the Office of Prime Minister because it touches on policy.

Mr. Speaker: Order, Mr. Ruto! Ask the Question!

Mr. Speaker: Order, Mr. Ruto! Do you want to ask Question No.194?

Mr. Ruto: Yes, Mr. Speaker, Sir.

Mr. Speaker: We have previously given directions on this matter. It is not the intention of the Chair to revisit directions earlier given. So, you will have to hear the Minister!

Mr. Ruto: Mr. Speaker, Sir, it is on the policy of the Grand Coalition Government. Now that it is one Government but the parties had separate manifestos, it is only the Prime Minister, as one of the two who signed the Accord, who can answer this Question!

Mr. Speaker: Order, Mr. Ruto! Let us hear the Minister's answer! You are being preemptive!

Question No.194

NEW HARMONIZED PER CENTUM OF CDF

Mr. Ruto asked the Minister of State for Planning, National Development and Vision 2030:-

(a) what the harmonized per centum of the Constituencies Development Fund (CDF) is given that during the last general election all the parties in the Coalition Government promised to raise the percentage;

(b) if the new per centum will be factored in this year's Budget; and,

(c) why this year's CDF allocation was less than 2.5 per cent and when the Treasury will release the balance.

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Speaker, Sir, let me start by assuring Mr. Ruto that the Ministry answering is a Ministry in the Grand Coalition Government and, therefore, is not a Ministry in one of the political parties!

I beg to reply.

- (a) I am not aware of any harmonized per centum CDF rate agreed after the general election by the Grand Coalition Government. I am also not aware that in any of the manifestos of the political parties – and you are a senior Member of one – there was any increase on percentages on the CDF written there by any political party.
- (b) In view of “a” this cannot be factored because it was not projected there.
- (c) In the current Financial Year, 2008/2009, the amount of money allocated by the Ministry of Finance was Kshs10.1 billion for the CDF as reflected in the Printed Estimates. However, dependent on the financial audit as at the end of 30th June, 2009, if there is any shortfall – and we anticipate there will be any due to CDF - the CDF Board will then request for that shortfall in terms of percentage. In our thinking, in view of the estimates of what was to be collected, there will be a shortfall due to the extent of Kshs1.5 billion to the CDF at the end of this financial year.

Mr. Ruto: Mr. Speaker, Sir, the Assistant Minister is, definitely, not aware. That is why I indicated that he was not the right person to answer this Question. Nevertheless, this Grand Coalition is made up of two to three political parties. One of the parties is carrying yet another party. The ODM had promised 10 per cent to the CDF kitty while the PNU had promised 7.5 per cent. The ODM(K) promised 7.5 per cent to the CDF kitty. When they merged into one Grand Coalition Government, we expected that they were going to merge all these percentages and, therefore, present to Kenyans a figure that is merged. It is obviously not within the province of Mr. Kenneth whom I respect a lot. The Prime Minister is here! He is back in town with all the Ministers he had travelled with. I am sure he can answer this Question!

Mr. Speaker: Order, Mr. Ruto! Can you come to your supplementary question?

Mr. Ruto: Mr. Speaker, Sir, there is a figure that they had, definitely, agreed on. I beg your indulgence to allow the Prime Minister to answer this Question!

Mr. Speaker: Order, Mr. Ruto! Could you ask your supplementary question?

Mr. Ruto: Mr. Speaker, Sir, is the Assistant Minister aware that in the Financial Year 2007/2008, there was a shortfall of Kshs1.1 billion disbursed to his Ministry for further disbursement to the constituencies?

Mr. Kenneth: Mr. Speaker, Sir, in consideration of the obsession that the hon. Member has with the Prime Minister and in view of the fact that this Ministry is under the Prime Minister---

Mr. Speaker: Order, Mr. Kenneth! Answer the question you were asked about the shortfall of Kshs1.1 billion.

Mr. Kenneth: Mr. Speaker, Sir, I will answer the question. The Kshs1.1 billion shortfall was actually released to the CDF. The same has been disbursed from the last financial year.

Mr. Ruto: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Ruto? You have had an answer already!

Mr. Ruto: Mr. Speaker, Sir, the Assistant Minister has said that I am obsessed with the Prime Minister when I am putting across a valid question. Is that in order?

Mr. Speaker: It is certainly out of order!

Mr. Ruto: Mr. Speaker, Sir, I was even unable to listen to his answer! Could he, therefore, repeat it?

(Laughter)

Mr. Speaker: Mr. Assistant Minister, could you repeat your answer while withdrawing the words "the hon. Member is obsessed with the Prime Minister"?

Mr. Kenneth: Mr. Speaker, Sir, I withdraw and apologize. The point that I was making was that it is true there was a shortfall in that financial year of Kshs1.1 billion but the same was released. It has been released to the constituencies.

Mr. Speaker: Last question, Mr. Ruto!

(Several hon. Members stood up in their places)

Mr. Ruto: Mr. Speaker, Sir, I am donating that last chance to my colleagues because they are very interested in this issue!

Mr. Ethuro: Mr. Speaker, Sir, by the time the Budget came, the minimum by law, of 2.5 per cent – That is the minimum and the Assistant Minister can go even up to 10 per cent or 100 per cent; as a part of the ordinary revenue of Kshs646 billion. The Assistant Minister was under obligation to allocate Kshs11.6 billion to the Constituencies Development Fund (CDF).

(Applause)

But, instead he allocated Kshs10.1 billion, which he has confirmed, leaving a shortfall of Kshs1.5 billion. When did he release the Kshs1.5 billion when he has not even released the Kshs10.1 billion in its entirety?

(Laughter)

Mr. Kenneth: Mr. Speaker, Sir, the Question being asked is entirely different and I had alluded to it. The Question Mr. Ruto asked was on the Financial Year 2007/2008 when the Treasury did not release Kshs1.1 billion out of the Kshs10.1 billion. I confirmed that the same was released in this financial year. Earlier on while answering his Question---

(Mr. Ethuro stood up in his place)

Let me finish! He had better listens! He has just come in!

Hon. Members: Eeh!

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. You need to protect us! I have been here since this Question was asked and yet he claims that I was not here!

Secondly, I am the Chair of the CDF Committee and I want to confirm to the Assistant Minister – unfortunately he has never appeared before the Committee because his senior comes – that the Kshs1.1 billion is yet to be released!

(Laughter)

Mr. Speaker: Mr. Assistant Minister, are you aware that that money is yet to be released?

Mr. Kenneth: Mr. Speaker, Sir, this is what I was saying and I am surprised that, as the Chair, not only is he not listening to what I say but he is also not comprehending it! I said, and I repeat, that the amount of money allocated this year is Kshs10.1 billion and that at the end of this year there would be a shortfall, in that amount due to the CDF, of Kshs1.5 billion that will be remitted as at 30th June, 2009. That is what I said!

Mr. Speaker: Very well! Order, hon. Members! That brings us to end of Question Time. The last three Questions are deferred to tomorrow afternoon at 2.30 p.m.

Question No.128

PROVISION OF WATER/TOILET FACILITIES TO
MOMBASA PRIMARY SCHOOLS

(Question deferred)

Question No.035

DISCHARGE OF RAW SEWAGE INTO INDIAN
OCEAN BY COAST HOTELS

(Question deferred)

Question No.157

DEPLOYMENT OF CLINICAL OFFICER/AMBULANCE
TO SERICHO HEALTH CENTRE

(Question deferred)

Mr. Speaker: Hon. Members, if you acquaint yourself with your Standing Orders, once again, on Wednesdays, not later than 3.00 p.m. we are supposed to proceed to Prime Minister's Time and we have already exceeded that threshold by 20 minutes. So, we will move to the next Order!

PRIME MINISTER'S TIME

STATEMENTS

INTRODUCTION OF PRIME MINISTER'S
ROUND TABLE MEETINGS

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, there were no Questions on notice today. So, I am happy to be back here in the country and to address this House on an issue that I think is of importance. In the Executive, we decided to introduce what we call Prime Minister's Round Table Meetings. These meetings were introduced in August last year. The purpose is to try to introduce dialogue between the public and private sector. In these meetings, the Government is represented by Ministers, their Permanent Secretaries and senior officials from those Ministries. The private sector is co-ordinated by the Kenya Private Sector Alliance (KEPSA) and brings in organizations from across the board; manufacturing, agriculture and the services sector. At these meetings we try to create an understanding between the private and the public sectors for better service delivery to the people. We believe that the private sector is the engine of development and that it is necessary to remove the barriers that have existed between the public and private sector. We have so far held three of these meetings. At those meetings, Ministers and their staff respond to questions that are raised by the private sector.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. The silence in the House could indicate attention but it could also indicate that the Prime Minister has ambushed us with his Statement because on our side we have the courtesy of writing to him and telling him what we are going to be asking. Would it also not be courteous of him to tell us in advance about his Statement so that we prepare how to interrogate him?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the Standing Orders do not state that the Prime Minister has to state in advance what he is going to be talking about. It says that the Prime Minister uses the time to talk about policy issues---

(Mr. C. Kilonzo stood up in his place)

Mr. Speaker: The Prime Minister is responding to a point of order!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I have the discretion to choose what I want to talk about and which I think is current and topical that the House needs to listen to. So, I think I am perfectly in order!

(Applause)

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it Mr. C. Kilonzo? Mr. Prime Minister, there is a further point of order.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. We have a lot of respect for the Prime Minister. The issue we are raising here does not concern the Prime Minister. It concerns the operations and the way we are handling the Prime Minister's Question Time. The same Standing Orders do not require us to give notice to the Prime Minister but the Chair found it necessary. We have a lot of reservations because the Prime Minister's Question Time has been mellowed down; it is even less interesting than the normal Question Time. What we are pleading for is if, indeed, we are required to give notice to the Prime Minister, then the Chair also rules – because that was your ruling – that the Prime Minister needs to also give us notice! Otherwise, we are requesting that we forget about the issues of notices!

(Applause)

You have seen the Government Spokesman – we may not like him – but he is not given any notice by anybody when he is addressing the media. He receives questions from anybody and he is able to answer them. The Prime Minister's Question Time in the House of Commons is a very interesting moment because the Prime Minister is deemed to know the operations of the Government. For us to give the Prime Minister notice, he is saying that he is not up to date on what is happening and he said he would be dealing with issues of policy. What we are pleading with the Chair for is to review the policy on the Prime Minister's Question Time to make it more provocative and for the House to interrogate the Prime Minister. As things stand today, we are finding it very difficult to operate because we have forwarded Questions but they are directed to other Ministries! We expected the Prime Minister to know what is happening in all the Ministries. I have forwarded Questions which have been directed to other Ministries. Indeed, we know the

Prime Minister has the capacity to deal with most of these Questions. We are pleading with the Chair to rule that we do not need to give notice on what Questions to ask the Prime Minister.

Mr. Speaker: Mr. Prime Minister, do you have any response at all before I give directions?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I fully understand the sentiments being expressed by the hon. Member. However, if he really wants to look at the procedure in the House of Commons, he will find that an hon. Member does not just rise and ask the Prime Minister questions. There is usually a notice that is given to the Prime Minister in advance. You said that hon. Members can give notice as late as 11.00 a.m. the same day; that is today. By 11.00 a.m. no Question had been brought to me to deal with. That gives me only three hours before the House sits if the Question will require some information. Yes, the Prime Minister co-ordinates the running of the Government but there would be some Questions which would require facts and figures and will need a little time to look around to get that kind of information before we come to the House.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. The Prime Minister has stated here that there were no Questions or request for Statements forwarded to him by 11.00 a.m. today, yet the Chair directed a Question today morning to the Prime Minister's Office. Even when he was away, there were Questions which were answered by his office. Would I be in order to request the Chair to let us know where the problem is? Where is the disconnect? Is it the office of the Clerk or the Office of the Prime Minister? Clearly, there are Questions and Ministerial Statements which have been requested!

Mr. Bahari: On a point of order, Mr. Speaker, Sir. The issue raised by the hon. Member is genuine. This Standing Order is new and I think it is good to perfect it and add value. The point that I wanted to raise is that since the Prime Minister is going to address the House and the nation on policy matters, in most cases and as the practice has been, all the policy documents that are brought to this House are laid on the Table of the House in advance. It is, therefore, in order if the Prime Minister could do the same so that hon. Members can have an opportunity to look through and seek any clarifications as they deem appropriate.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. With all due respect, the Prime Minister should not view this as personal. The Statements that he issues here are about the agenda of the people and, as representatives of the people, we must be adequately prepared to be able to interrogate him on behalf of the people.

I want to inform the Prime Minister that the real reason why he does not have a Question today is because hon. Members have become disenchanted. They do not see the need because they direct Questions to his Office but they are referred to the Ministries. Some Ministers come here and are unable to answer the Questions as it was the case this morning with Mr. Kosgey! So, it is important that you give the benefit of the thought to our request so that the real value for the Prime Minister's Time is seen to be earned by the taxpayer. Otherwise, we shall start treating the Prime Minister's Time just like any other Ordinary or Private Members Question Time.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. You sent some of us to the United Kingdom the other week and I spent a week at the House of Commons. Since the Prime Minister has raised this issue, as you consider the practice in the House of

Commons, it may be useful to note that in the House of Commons, the Prime Minister's Question Time, even the media discussed it. If you watch Sky News or the British Broadcasting Corporation (BBC) before the Prime Minister's Time, you will see extensive interviews and comments about what the Prime Minister will issue in the House. Indeed, the Prime Minister issues a Press release to the media and to the House so that when he comes to the House in the afternoon, he is aware and the entire country is aware that he will be addressing certain issues.

That is only fair because we are now experimenting with new rules. If we pick the best practices all over the world, and subject to your direction, it would only be fair that the Prime Minister should be indicating to the House in a summarized Press Statement and a communication, so that when he addresses the House in the afternoon, he would be covering certain broad areas so that the country and the hon. Members can be prepared.

This is not personal! It is not directed to the person of the Prime Minister. We are trying to develop a rule that will be applicable for a very long time. I am pleading that we borrow from other practices. In the House of Commons, the Press discusses what the Prime Minister will be addressing the nation on the whole morning. So, the practice there is quite different from what the Prime Minister was suggesting just a few moments ago.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, in my response, I confined myself to the question of hon. Members giving notice or notes to the Prime Minister. I did not respond to the question of the Prime Minister giving notice to the House. I do know, as Mr. Imanyara has said, that, that is done in the House of Commons. Therefore, I totally have no objection to give notice in advance to the House about the subject that I will be addressing the House on the Prime Minister's Time.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Mungatana! I want to give direction. We will have to respect some procedure for this House and ensure that at all times, there is decorum and that this House conducts itself in a manner that upholds its integrity. So, hon. Members, some matters raised are completely new and this is a scenario that was previously not provided for in our Standing Orders. The practice pertaining to the Prime Minister's Time is, therefore, new.

As I did direct earlier, we are in the throes of defining how we will conduct the Prime Minister's Time. Therefore, I will want to take time to consider what else to bring on board in our conduct and practice of Prime Minister's Time. I want to be able to bear in mind the proposals which have been made by hon. Members. I also want to look at other jurisdictions and see if they will give us any guidance so that we can derive maximum utility from that time. I want, as much as possible, to bring on board best practices in this area. So, I will want to give further directions on this matter on Tuesday at 2.30 p.m. next week. I will give directions on this matter on the lines that I have indicated.

For the moment, we will treat the Statement by the Prime Minister as a Statement which is brought on the Prime Minister's own Motion because it has not been requested for nor has it been called for. Just like we practice with respect to Ministerial Statements where Ministers bring Statements on their own volition, we will proceed with these Statements in that fashion.

Mr. Nyamweya: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Nyamweya! I will take your point of order, subject to it being on a new perspective other than perspectives on which I have given directions.

Mr. Nyamweya: Mr. Speaker, Sir, it is indeed new. Whilst we are going to have that consideration, it might also be useful to the country and to the House, to also - in the light of our new Standing Orders - understand the purpose of the Leader of Government Business. I can say this quite openly and frankly, that from our days of the Democratic Party (DP) we always said that the Prime Minister be the Leader of Government Business in the House. This is because he is the coordinator and supervisor of the Government. So, he ought to be able to lead the Government Business in the House. As you are going to give this consideration, and because it is new, it might be useful for you to also--- Because it will not help us to have a situation which we have now; where we have specific time for the Prime Minister and specific time for the Leader of Government Business, who we even do not know how he is appointed. That is the point that you might want to clarify.

Mr. Speaker: Order, hon. Members. For whatever it is worth, I will embrace that contribution in the Communication that I will make on Tuesday. But bear in mind that I will not revisit the Communication which I made three and half weeks ago.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, of course, the House will await the ruling that you are going to make on this matter.

Mr. Speaker, Sir, the issue that I want to raise is of serious national importance. I felt that hon. Members ought to have an opportunity to get more information in advance. I, therefore, want to request that I make that Statement next week. Today, my attention was drawn to the fact that there was a Question which was raised in the morning and answered by the Minister for Industrialization. I am told that, that Question was referred to the Office of the Prime Minister because the Minister did not have sufficient information.

Mr. Speaker, Sir, with your permission, I will go on now and answer that Question.

Mr. Speaker: Order, Mr. Prime Minister! Mr. Prime Minister, although the Speaker's Chair is collective in its responsibility and we adhere to that very strictly, myself now presiding, I am not aware as to what the HANSARD exactly says with respect to that Question which was deferred and referred to the Prime Minister to answer. So, I need time to acquaint myself with the HANSARD records before I can give any further direction. The most and best I can do, hon. Prime Minister, is that I direct that you prepare yourself to answer that Question on Wednesday after I will have given my directions on Tuesday.

The Prime Minister (Mr. Raila): Thank you, Mr. Speaker, Sir. As so directed. These round table meetings that I have been talking about have---

Mr. K. Kilonzo: On a point of order, Speaker, Sir. I thought I heard the Prime Minister very clearly say that he would want this Statement deferred until next week when Members have had time to look at it! Now that you have made a ruling, and if he continues reading it, then it means we will not have that benefit which he earlier accepted to grant us.

Mr. Speaker, Sir, would I be in order to ask the hon. Prime Minister to hold his horses until we have had an opportunity to look at his Statement?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I will provide the information now. If the hon. Member has a question to ask, he can do so, next week.

Mr. Speaker: Fair enough! That may be the best way to proceed.

Let us hear the Statement and keep your clarifications to be made on Wednesday after you have had time to consider this matter. I think that is the tidier way of dealing with it. So, Prime Minister, proceed and those hon. Members who want to clarification will keep them for Wednesday, next week.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I was saying the Government has identified the need to attract investments in our country. The following have been identified as impediments to investment in the country:-

One, is infrastructure, which includes roads, water, energy and communications.

The other one has to do with insecurity or lack of security. The other one is governance issues which include licensing, bureaucratic red tape and corruption. These are issues that we have tried to deal with over the past few months. Very substantial progress has been achieved to date.

These include improved flow of goods at the Port of Mombasa. We have also introduced a 24-hour operation at the port. We now have a smoother flow of traffic from the Port of Mombasa inland and to the border with Uganda. This includes reducing the police roadblocks from 58 to 15.

We have streamlined licensing requirement for business. We have reduced the number of licences that are required in this country from 1,325 to 600. We have also improved Enterprise Road in Industrial Area.

Mr. Speaker, Sir, all these have drastically improved the way of doing business in our country. We have not achieved our objective. But within the period that we have operated this system, there has been a lot of improvement and satisfaction. We would like to see a situation where the weighbridges in the country are fully liberalized and operated by the private the sector. We want to reduce the police roadblocks from the current 15 to only seven or eight, so that goods can flow much more smoothly in our country. The dialogue that we have created with the private sector has created a lot of confidence among the private sector. The signs are very bright out there, that Kenya is becoming a good destination for private investments.

We need to work together; that is the Executive and the Legislature, in promoting the image of this country, so that we do not only encourage foreign investments in our country, but we also encourage and support local investors. This is something that is needed. There is a need for some kind of harmony in the country. We do not need to be very alarmist. Alarming statements scare away investors, just like the high levels of corruption scare away investors.

Mr. Speaker, Sir, the reforms which this House is being called upon to introduce, including the reforms in judiciary and police force will help us to introduce a much more harmonious and health environment to attract investments in this country.

With those few remarks, I beg to move.

*(Messrs. C. Kilonzo and Mungatana
stood up in their places)*

Mr. Speaker: I did direct that those Members who have clarifications to seek from that Statement will hold their horses until Wednesday, next week. Those are the directions I gave, hon. Mungatana and hon. C. Kilonzo!

(Mr. Mungatana remained standing in his place)

Order, Mr. Mungatana! I have given directions! Do you want to challenge the directions which I gave?

Mr. C. Kilonzo: No, Mr. Speaker, Sir. This is on a different issue.

Mr. Speaker: On a different issue? What is it?

Mr. C. Kilonzo: Mr. Speaker, Sir, I want to raise an issue or, perhaps bring to your attention, an issue which took place in this House last week. It is the duty of the Government to answer questions in this House.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir.

Mr. C. Kilonzo: I am on a point of order. You are not new in this House, any way.

Last week, the Leaders of Government Business; that is Messrs. Midiwo and Thuo, brought Questions in this House regarding the issue of Nyayo Stadium.

Mr. Speaker, Sir, I am seeking a ruling from your Chair. Could the Leader of Government Business ask a question in the House on the affairs of his own Government?

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

Mr. Speaker: On the same issue?

Dr. Khalwale: No, Mr. Speaker, Sir.

Mr. Speaker: Proceed!

Dr. Khalwale: Mr. Speaker, Sir, the matter raised by hon. C. Kilonzo was so perplexing to the extent that, while the Temporary Deputy Speaker of the moment was in that Chair, he allowed the two Assistant Ministers to disagree on the Floor of the House. Maybe, you would want to make a ruling on that.

Mr. Speaker: Yes. Yes. Hon. Members, the Chair will want to acquaint himself with what transpired from the record of the HANSARD. I will then give directions as will be necessary.

What is it, Mr. Kiunjuri?

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Speaker, Sir, I wish to issue a Ministerial Statement as requested by hon. Mohamed, a nominated Member of Parliament.

Mr. Speaker: Hon. Members, we will take that Statement because the nature of business that is before the House is such that we have a little more time to take two Statements.

MINISTERIAL STATEMENTS

INCREASE OF WATER TARIFFS

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I was supposed to address the following questions. One of them was on the increase of water tariffs by 100 per cent. The tariff that was being used in billing consumers under the Coast Water Service Board (CWSB) until December, 2008, was the National Water Conservation and Pipeline Corporation (NWCP) Tariffs Amendment Regulations of 1999 that came into operation ten years ago, from 30th November, 1999 to early this year, 2009. No adjustment has been made, considering the rising cost of water chemicals, operations and maintenance materials, labour and electricity. Hon. Members will recall that the cost of electricity and petroleum products has been increased substantially in the last ten years, whereas the water tariffs have remained unchanged. That has made it impossible for water service providers to maintain and deliver the services.

Mr. Speaker, Sir, to address that problem, the Ministry of Water and Irrigation, after a thorough analysis of cost and consultations, approved a tariff adjustment that was gazetted on 28th November, 2008, and was applied across the country. The tariff regime is graduated to allow---

(Loud consultations)

Mr. Speaker, Sir, there is a lot of consultations and I believe---

Mr. Speaker: Order, hon. Members! Lower the level of consultations, please, so that we can hear the Assistant Minister!

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Speaker, Sir, I believe the question of tariffs does not only affect Coast Province, and hon. Members will be here again asking Questions about the same, while we are addressing a national issue! I then wonder what else can be serious to hon. Members if they cannot listen to issues of water tariffs across the country!

I want to repeat again, Mr. Speaker, Sir. To address this problem, the Ministry of Water and Irrigation, after a thorough analysis of cost and consultations, approved a tariff adjustment that was gazetted on 28th November, 2008, and was applied across the country. The tariff regime is graduated to allow close subsidy and cushion of low income groups so that they can access water services.

Mr. Speaker, Sir, may I inform hon. Members that, in fact, the water rates covering the lowest income groups have not really been changed and that those affected are mostly the high income brackets. The poor who reside in informal settlements are served mainly through water kiosks and communal water points where the water tariff has been set, considering their economic plight. The increase in the graduated tariffs resulted in an average increase of 58 per cent and not 100 per cent as stated by the hon. Member.

Mr. Speaker, Sir, on part "b" with regard to the monthly statutory standing fee, I wish to inform hon. Members that the residents of Mombasa and parts of Coast Province do not regularly receive water because they rely on water delivery from four sources; namely, the Mzima Pipeline, Sabaki, Malele Pipeline and Tiwi Boreholes, which are currently inadequate. The Mzima Pipeline which supplies most of the water is currently not operating properly because it is run down in a number of sections. However, that pipeline, together with the Baricho Pumping Station and Malele Pipeline will, in the near future, undergo a major rehabilitation program funded by the World Bank (WB) and the

French Government to the tune of Kshs7 billion. Procurement of tenders for the project is already underway and the project is expected to be completed by the year 2012. Upon the completion, the water consumers at the coast will have a constant and reliable supply throughout the month, thereby, justifying the payment of statutory standing fees.

In this regard, Mr. Speaker, Sir, I wish to advise water consumers that, in metered cases where there is evidence of non-consumption, the complainants should raise the matter with the concerned water service provider to be attended to.

Mr. Speaker, Sir, on the issue of refuse bin collection and sewer charges, I concur that some of the water companies collect refuse bin charges, but purely on behalf of the local authorities which offer the said services. The collected money is, in turn, remitted to them. The sewerage system in Mombasa Municipality covers about 30 per cent, whereas other areas use on-site sanitation. The water company only levies sewerage charges to consumers who are connected to the sewerage system and not to those on the on-site sanitation. Therefore, if there is any water consumer who is paying sewer charges and is not connected, he should report the matter to the management of the water companies in Mombasa for corrective measures.

Lastly, Mr. Speaker, Sir, regarding the proposed Mzima II Water Project, I concur that a feasibility study funded by the WB a while ago was completed. Subsequently, my Ministry is now in the process of reviewing the report so that a bankable project can be designed and financing mobilized. When this project is finally implemented, it will serve all the towns along the pipeline and the rural areas in the proximity. That is in line with the Ministry's policy.

Mr. Mungatana: Mr. Speaker, Sir, I want to thank the Assistant Minister for that Statement.

But, Mr. Speaker, Sir, the Coast Water Services Board (CWSB) has been making profits since its inception and the Assistant Minister has said that, for the last ten years, the water rates have not been increased. We appreciate that, maybe, there is a reason for it to be increased. But in these hard economic times, and given that the CWSB itself was not running any losses, what justification was there to gazette new water rates, making the water more expensive at this time? Why could the Assistant Minister not wait, at least, for one or two years for the economic situation to improve? It is like the Government is becoming insensitive to the plight of Kenyans!

Thank you, Mr. Speaker, Sir.

Mr. Yakub: Mr. Speaker, Sir, I thank the Assistant Minister for his response. According to the Water Act, it is clear that the water boards are not supposed to increase charges until they make reference to the consumers. The Water Board did not do that in the Coast Province. Secondly, the Assistant Minister has agreed that the people of Mombasa do not get water frequently. There are areas in Mombasa where people do not get water up to five months and yet, the Water Board still requires them to pay the monthly meter charges. Could the Assistant Minister make sure that during that time, consumers are not charged the monthly meter charge?

Mr. Speaker: Finally!

Mr. Yakub: The Assistant Minister has said that they were collecting funds on behalf of the municipality. I want him to assure this House that the money is transmitted to the Municipal Council of Mombasa. This is because I know the money is not remitted to the council.

Mr. Wambugu: Mr. Speaker, Sir, when the Assistant Minister was responding, he said that he was doing so because it was a matter of national concern. At one time, he said that the consumers who are in the low income bracket were not affected. I would like him to specify what he exactly means by "low income bracket". In Mathioya, we were affected by the same and most of the people he is talking about live below a dollar a day. Most of the increases were over 250 per cent; that is from Kshs200 to Kshs500. We would like to know what he exactly means by "low income bracket" and why there was that increase of 250 per cent.

Mr. Gunda: Mr. Speaker, Sir, when the Assistant Minister was answering a Question earlier on, he said that rehabilitation of the Mzima Pipeline would take a shorter period. However, when reading his Statement, he has given us the year 2012. Which is which? When will the rehabilitation of Mzima I take place?

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Speaker, Sir, I would like to tackle the first clarification by Mr. Mungatana alongside the one of Mr. Yakub, which is about the justification of the tariff increment. As I said, this was not about Coast Province. The rates that were gazetted were for the whole country because of the reasons that I gave.

I would like to inform Mr. Mungatana that if there is no adjustment whatsoever, we cannot meet the maintenance cost of the projects across the country. It is important in commensurate with the hardship, we adjust our tariffs although not in an oppressive manner. Therefore, that is why we have taken into consideration, the low income earners. That answers the question by the Member of Parliament for Mathioya.

I said clearly that the increment was not 100 per cent. The highest was supposed to be 56 per cent. If there is any water company that has taken advantage of that, we should be informed. As per the gazette notice, it is 56 per cent.

For those in the informal sector, for example, those people living in Kawangware and Kibera, we provide water only through water kiosks or points. This is completely subsidised. For those who live in Muthaiga or Kileleshwa like the hon. Member for Mathioya, they should bear the cost so that they assist us in supplying water to the poor in the country. That is how we have balanced this.

Mr. Speaker, Sir, the truth of the matter is that in the formal sector, we have not increased the water rates. What we are even trying to do is to see whether we can give them some free litres of water per day. As the Minister said, we could give them 20 litres to 40 litres of water free per day and then they can buy the rest according to their needs.

On the issue of when the Mzima II will be completed, I have been very consistent. There are two issues. There is the rehabilitation of Mzima Water Project which is 218 kilometres. Here, we are dealing with pipe replacement and other construction works that require Kshs3.1 billion. We then have the actual Mzima II Water Project which is coming up. These are two different projects.

On the issue of funds collected on behalf of the council, the truth of the matter is that, that is what is supposed to be happening. In fact, I do not believe that there is any council that can allow a water company to keep the money. This is because the wars that we have today are between the councils and the water companies. By separating the water sector from the councils, we pulled out the cash cow from the councils. Therefore, any funds collected on behalf of the councils, they are very keen on them. They could even demonstrate countrywide if those funds are not remitted. However, there are

councils that are taking advantage. They collect money for the collection of refuse but they are not doing anything. There is nothing practical to justify the collection. We would like to be notified about those councils so that we can take appropriate action.

CAUSE OF KAPSABET HELICOPTER CRASH

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, the hon. Member for Vihiga, Mr. Chanzu, had sought a Ministerial Statement from the Ministry of State for Provincial Administration and Internal Security on the circumstances leading to the air crash in Kapsabet on 11th May, 2009. I apologise in delaying to issue this Statement because Mr. Ojode and the officers who were supposed to prepare the Statement were traumatized for some time. I had been requested to issue the Statement on his behalf.

Mr. Speaker, Sir, the helicopter, registration number 5Y-UKW is owned by the Government of Kenya. The aircraft was manufactured in April, 1999. It was, therefore, 10 years old before the crash. The aircraft was grounded after seven years of use on 23rd November, 2005 as this type of aircraft is required to be overhauled after 1,500 hours of use or seven years, whichever comes first. In this case, the aircraft was overhauled after 1,360 hours and 54 minutes. The Israel Aerospace Industries which has been contracted by the Government commenced overhaul and avionics upgrade in July, 2007 and completed the exercise on 27th July, 2008.

Mr. Speaker, Sir, the aircraft was overhauled together with three other M1-17 helicopters at a contract sum of Kshs1,025,660,240 by Israel Aerospace Industries. This is approximately Kshs256, 414,800 per aircraft. The overhaul and servicing was satisfactory and inspection was conducted after overhaul on 12th January, 2009 for 100 hours which is considered satisfactory. By the time of the accident, the aircraft had done 95 hours and was due for service after another five hours.

The procurement of the services of the company which carried out the overhaul was done through restricted tender after an initial open tender was found to be known responsive according to Section 73 of the Public Procurement and Disposal Act.

The Kenya Police Airwing continues to operate within the stipulated aviation standards while ensuring the highest degree of safety. The captain of the flight in question is a holder of Airline Transport Pilots Licence, which is the highest qualification of a pilot.

Mr. Speaker: Mr. Chanzu, would you like to seek a clarification from the Assistant Minister?

Mr. Chanzu: Thank you, Mr. Speaker, Sir. I would like the Assistant Minister to clarify whether this aircraft was comprehensively insured. Secondly, there is information that the Ministry is planning to buy three aircraft for the Police at Kshs1.1 billion. Could he explain why it was necessary to spend Kshs1.25 billion on overhauling those aircrafts, instead of buying new ones?

Mr. Speaker: Is there anybody interested in seeking clarification?

Mr. Ochieng: Mr. Speaker, Sir, could the Assistant Minister confirm that the helicopter actually became obsolete as soon as the original manufacturers closed shop, and whether the spares for the service that was carried out recently were purchased from the original manufacturers?

Mr. Speaker: Fair enough! Mr. Charles Kilonzo!

Mr. C. Kilonzo: Mr. Speaker, Sir, it is in the public domain that the Administration Police will be acquiring three used choppers. When will the mainstream police acquire aircraft and helicopters? Have you budgeted for the regular police to buy six-winged aircraft and helicopters?

Mr. Wambugu: Mr. Speaker, Sir, I would like the Minister to clarify a few things. Especially, on aircraft training, he said that the pilot had an ATPL. I would like to know how he did his training, where and exactly how many hours he had on that particular type of helicopter. That could have been the cause of other things that followed. I would like to know the exact number of training the pilot had on that particular helicopter, and how many hours he had in command on that helicopter itself.

Mr. Speaker: Mr. Assistant Minister, let us have your responses.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I will begin with the last one. I said that the pilot has got the best qualification, and that he had the necessary training for this particular aircraft. I have his certificate here. It will take time for me to verify the number of hours but I want to confirm that the pilot was, indeed, qualified to pilot this particular aircraft.

Mr. Speaker: Could you table the certificate, if you are unable to get the figures?

(Mr. Lesrima laid the document on the Table)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, at this time, I am not privy to information on preparation by the Administration Police to buy helicopters. That information was not part of the requirements for this Ministerial Statement. I also wish to confirm that obsolete spares were not used for this particular overhaul. Indeed, Israeli Aerospace Industries is a reputed aviation organisation that mobilises various sub-contractors who dealt with the various parts of the aircraft during the overhaul of the airframe and aviation components.

The other question was why buy another aircraft when we already have four aircraft. The fact of the matter is that the four aircraft are personnel carriers. The aircraft that is proposed for purchase is to carry about six people.

Mr. Wambugu: Mr. Speaker, Sir, from the statements that the Assistant Minister is giving, it looks like he is not conversant with whatever he is reading from that piece of paper. I asked that question because there have been a few incidents in the Kenya Police Airwing of late. One helicopter's engine has been burnt down. The other issue was somewhere down Coast, where a police helicopter also wrote off another helicopter. There is also this issue. This has been happening because of the training that is being undertaken by the pilots in that place. Formerly, the Government used to take pilots through a proper training programme. However, over the last three or four years, everything has changed. People are being sourced from elsewhere to come and take over positions in the Police Airwing. Could he, please, go to the Police Airwing, study the situation and come up with a good solution? There are very many problems facing the Police Airwing.

Mr. Speaker: Mr. Assistant Minister, that comes from an expert – a very well qualified pilot.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, the issues he is raising concern other aircraft. Mr. Chanzu had specific questions, which I will address. If I am required to come with answers with regard to other aircrafts, then I require more time.

Mr. Speaker: Order, Mr. Assistant Minister. Mr. Wambugu is an expert, and he is making certain recommendations that he wants you to look into, with a view to implementing. Why do you not give that undertaking and it will be done?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I will do so. I had not understood his question properly.

Mr. Speaker: Well done!

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. There is one aspect to which the Assistant Minister has not responded. It had a very weighty matter, namely, the issue of insurance. Apparently, there were passengers in that aircraft.

Mr. Speaker: Order! Mr. Assistant Minister, can you respond to whether or not there was insurance cover for that aircraft?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I am not privy to information as to whether there was insurance or not. There are questions I am not able to answer because investigation on the accident is just starting. I do not want to compromise the investigation that is ongoing.

Mr. Speaker: Can you undertake to furnish the hon. Member with that information as soon as you have it?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I will do so.

Mr. Speaker: Fair enough!

Mr. Ochieng: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to tell us that confirming to us whether the helicopter had an insurance cover is subject to investigation?

Mr. Speaker: Order, Mr. Ochieng! That matter has already been dealt with. I have given directions and the Assistant Minister has undertaken to furnish the hon. Member and even yourself, if you are interested, with that information as soon as he gets it.

Mr. Assistant Minister, could you add Mr. Ochieng to your list of hon. Members who must be furnished with that information?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): I undertake to do so, Mr. Speaker, Sir.

Mr. Speaker: Thank you.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF PROCEDURAL MOTION AND
MUTUAL LEGAL ASSISTANCE BILL

Mr. Speaker: Hon. Members, before we move on to Order Nos.8, 9 and 10, information has been given to the Chair to the effect that Order No.10, which pertains to the Mutual Legal Assistance Bill (Bill No.5 of 2009), which was committed to the Committee on Administration of Justice and Legal Affairs, had not yet matured for debate this afternoon, because the Committee has not yet finalised its Report. So, it will not be possible for the House to proceed with this business. In those circumstances, therefore, Order Nos.9 and 10 are deferred until after the Budget Estimates are dealt with.

POINTS OF ORDER

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. The Chair ordered last week that the Deputy Prime Minister and Minister for Local Government would be responding to a request for a Ministerial Statement concerning councillors. I can see that the Assistant Minister is here. He is sitting very comfortably and smiling. I believe that means he has the Statement ready. The Chair can, therefore, order that the Minister delivers the Statement.

Mr. Speaker, Sir, on the same point of order but on a more serious note, I am going to invite you to find the Deputy Prime Minister and Minister for Finance out of order. Under Standing Order No.98, I am inviting the Speaker to name him. The Chair has continuously given direction that the Ministerial Statement on the question of forward payments that Kenyans give to companies that start operating in this country, like the GTV and the lack of policy to protect Kenyans be answered. Now, is the third time he is neither here nor any explanation given. No Minister is volunteering to give information on his behalf. The Deputy Prime Minister and Minister for Finance is completely out of order.

Mr. Speaker, Sir, for the Deputy Prime Minister and Minister for Local Government, this is the first time. If he is ready, he will tell us. If he is not, we can give him the leeway. But, the Deputy Prime Minister and Minister for Finance is failing to come to this House with the Ministerial Statement for the third time.

I invite you to find him out of order and name him.

Mr. Speaker: Order! I will reflect on that matter and deal with it in a little while. In the meantime, once again, given the nature of business that the House has this afternoon, I think we have time to take one more Ministerial Statement.

The Deputy Prime Minister and Minister for Local Government, you may proceed!

MINISTERIAL STATEMENT

REVOCATION OF NOMINATION OF COUNCILLORS

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I got wind of the concerns raised by Mr. Mungatana regarding the nomination of councillors and revocations of nominations. I wish to state as follows:

The legal position with regard to the nomination of councillors is provided for under the Local Government Act Sections 26 and 27 for municipal councils and Sections 39 and 40 for county and town councils. The responsibilities and powers of the Electoral Commission of Kenya (ECK) in the nomination of councillors is provided under the Local Government Act Cap.265 Sections 26(2), 28(2) and 46(2) (a) and under the Constitution under Sections 33(4) and 33(5).

Mr. Speaker, Sir, under the above provisions, the ECK is empowered to apportion the vacancies amongst contending Parliamentary parties and inform them. The political parties are then solely empowered to nominate their candidates and forward the names to the Interim Independent Electoral Commission (IIEC). The IIEC then checks if these are duly qualified for nomination. The Commission, if satisfied with the information provided by the Parliamentary party, forwards the names submitted by the parties and vetted by the IIEC to the Minister for Local Government for publication of the nominations in the Kenya Gazette. The law then requires the Minister to appoint these same persons and gazette them. I want to state that the law does not permit the Minister to substitute or remove the names given to him through the IIEC.

The IIEC wrote severally to my Ministry advising for the revocation of some councillors' names for reasons that their nominations were unprocedural or their sponsorship had been withdrawn by their parties. Following that communication, the Ministry, through my action gazetted the nomination and revocation of nomination of some councillors on 6th August 2008. Following this action, some persons challenged the same in the High Court which in its ruling upheld the law that the Minister has the powers under Section 27 of the Act, to revoke the nomination of a councillor provided he follows the law.

Mr. Speaker, Sir, the current Gazette Notices are therefore, meant to give effect to the powers of the Minister as reaffirmed by the High Court of Kenya in Nairobi in the Miscellaneous Civil Case application No.480 of 2008 which was the Republic versus the Minister for Local Government and *experte* Joel Mugesu. With other orders, the delivery of written notices of revocation have been done. Basically, they said, you could do it but you have to make sure that those people are served physically with the notices of that revocation. This is because previously, notices had not reached them and that is why the court overturned the Gazette Notice of 6th August 2008. Therefore, the role of the Minister with regard to the nomination of councillors was purely statutory.

Mr. Speaker, Sir, I now want to point out a few other things. The legal position with regard to the term of office of nominated councillors is provided under the Local Government Act Sections 27 and 39, which provide that the term of office of nominated councillors is five years or such shorter period as the Minister may at the time of nomination, specify. My predecessor as the Minister for Local Government nominated councillors for a term of 14 months and 16 months, respectively. The assumption by the then ECK when forwarding the names to the Minister for gazette of nomination was that such persons were to serve as councillors for a period of five years. Please, note that they had been gazetted to serve for 14 months to 16 months.

Mr. Speaker, Sir, the criteria and principle for the nomination of councillors is the same as applies to nomination of Members of Parliament in terms of the amended Section 33 of the Constitution *Mutatis Mutandis*. Therefore, in the absence of any other

communication from the IIEC to the contrary, the Minister is still within his powers to extend the term of office of such persons in order to serve for a period of five years as envisaged in both the Local Government Act and the Constitution.

However, it is also important to note that while the criteria for removal of Members of Parliament by their Parliamentary parties are stipulated in the Constitution, there is no clear provision for the removal of nominated councillors who have been sworn in by the parties under the Local Government Act. This has made it possible for nominating parties to revoke the nomination of councillors at any time, at their whim.

Mr. Speaker, Sir, among the proposals I am bringing forward under the Local Government (Amendment) Act, which will hopefully find an opportune time to be debated in this House is to deal with this awkward situation, so that clarity can be put in law with regard to the removal of these councillors.

In addition, I want to clarify to this House that the Gazette Notice that they came across is not different as it were, from the one that had been issued in August 2008. If there are, indeed, any alterations, they are minor. As of now, the term of 14 months or 16 months is coming to an end and therefore, if indeed, there is a political party that feels so strongly about any councillor as previously gazetted, this would be the time to deal with it when I am providing the extension for the remainder of the five years term.

Mr. Speaker, Sir, I believe those are the comments I wanted to make.

Mr. Mungatana: Mr. Speaker, Sir I want to thank the Deputy Prime Minister and Minister for Local Government for a very clear Statement on this matter. However, I would like to get a few clarifications from him.

Mr. Speaker: Please, restrict yourself to three.

Mr. Mungatana: Yes, Mr. Speaker, Sir. I agree with him that the High Court demanded of him that he serves those notices personally to the councilors affected before he could effectively exercise the powers of the Minister. This procedure was followed. However, those councilors have not been paid their salaries for the time they have been in the office. I want him to clarify because he did not touch on the question of their salaries which is pending to-date.

Secondly, there is the question of the excess councillors. In my statement, if you look at the HANSARD, I stated very clearly that in the last gazette notice that the Minister gazetted, there were ten excess councillors. So, where will he get money to pay these people? Why is he passing excess councillors to councils that never request for those 10 excess councillors?

Thirdly, specifically, I raised the issue of public officers. I asked him to tell us the criteria that he uses for selection of public officers. It was very clear that there is capriciousness. First of all, there was an excess number of public officers who were chosen. There is no clear criteria. In his statement today, again, he has evaded to tell the House what criteria he is using. That is why I asked if he is just loading the councils with his friends.

Mr. Speaker: Fair enough!

Mr. Manyara: Mr. Speaker, Sir, I wish to thank the Prime Minister and Minister for Local Government for putting the record straight because he is the one who has been involved in handling most of these cases concerning councillors who were illegally removed from office or where there have been an over-nomination. It is refreshing to hear a Minister who follows the law. He has indicated that he will be proposing

amendments to the Local Government. Given many areas of reforms that are required in the Local Authorities law, would he not be better served by bringing a Sessional Paper which has taken into consideration all the views of councilors and public hearings rather than amendments that only relate to nomination, leaving out key reform areas which need to be attended to urgently? In particular, with regard to the creation of new local authority areas, given the very capricious manner in which new districts have been created, so that we have situations where four districts are served by one local authority, do you not think that it will be wiser to bring a Sessional that has taken into account public hearings within all the areas of the country, so that we do not have to go back to piecemeal amendments of the law?

Ms. A. Abdalla: Thank you, Mr. Speaker, Sir. The Deputy Prime Minister and Minister for Local Authority admitted in his Statement that some of the councillors who took you to court, were reinstated by the court. Those who were reinstated, at least in Nairobi, have not been paid for the period between when they were reinstated and your new revocation of last week. When do you intend to pay them for the work they did between August and May this year?

Mr. Ethuro: Mr. Speaker, Sir, I also want to associate myself with the good compliments that the Deputy Prime Minister and Minister for Local Government has received this afternoon. In doing so, I would like to seek further clarifications on what happened in the case of Lodwar Municipal Council where there was a name given to him and he did not gazette it as required. When will he consider the Motion that was passed by this House where councillors will be paid a salary and not relying on allowances depending on the income of their local authorities?

Mr. Speaker: Mr. Deputy Prime Minister and Minister for Local Government, your responses on those clarifications are restricted to four.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, where a council is affected, especially in terms of allowances and salaries, this will be settled up to the date the revocations were properly served on them. So, the question of talking about Nairobi or any other place where salaries are pending, this is a matter that I will pursue, so that their dues are properly settled. Legally, they were there, until the time comes to an end. The issue of---

Mr. Mungatana: Mr. Speaker, Sir, with a lot of respect to the Deputy Prime Minister, it is not enough to say that they will be settled. When will this be done? Is it this year, next year or after the next general election? We want a specific time. These people have rendered services. When will they be paid? Surely, he can give directive. You are the Deputy Prime Minister of the Republic of Kenya!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, when I say that the dues will be settled, I really do not have to pronounce my title. I am very clear that when I say that the dues will be settled, that communication will go to the respective councils to make sure that their dues are given as required and accurately.

Mr. Mungatana: When?

Mr. Speaker: Order, Mr. Mungatana! I heard what you said! Your clarification, as sought earlier, was whether or not they will be paid. What you have done is to misuse the privilege to raise a point of order to push that question further. However, the Deputy

Prime Minister has given his undertaking that they will be paid. I think that is good enough.

Mr. Deputy Prime Minister, proceed!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. As I extend the term of councillors, I will make sure that I clean up the system, so that there are no excess councillors nominated anywhere. The problem we had earlier which is known to this House and part of the litigation process is what led to some confusion, and in some instances, you find that you had excess councilors. However, this is now being cleaned out.

On the public officers, I did not appoint my friends. I wish I had an opportunity to have many friends nominated. The public officers' names are proposed from different angles. This does not have to come from a political party. This is strictly at the discretion of the Minister. The law relating to the nomination of councillors does not affect public officers. The Minister can undertake consultations in many different ways and then he arrives at preposition and names that person.

I also want to address myself to an issue which has been raised by hon. Imanyara which is very important. I want to say that the Bill we propose to bring forward is one that has really undergone a lot of consultations by various stakeholders over the years. In fact, the talk about amending the Local Government Act is not a new thing. It is something which has been on the table for a long time. Various organizations such as the Association of Local Government Authorities of Kenya (ALGAK) and many other institutions have made proposals. Therefore, the preposition we want to bring forward does not confine itself to nomination alone. It is a fairly broad and comprehensive proposal on amendments to that Act. I wish that when it comes forward, hon. Members look at it critically, so that we can refine it even more. This also takes into account, aspects about remuneration of councillors, the criteria for upgrading and creating local authorities in a more scientific approach or thorough approach rather than making it a political division at a platform. All these are issues that are properly incorporated in the proposals that we will be bringing forward. I am sure the House will look at them and enrich them further.

Regarding the clarification sought by Mr. Ethuro, I will find out why there was an omission in the gazette, so that we can correct that in the second phase.

COMMUNICATION FROM THE CHAIR

NAMING OF DEPUTY PRIME MINISTER AND MINISTER FOR FINANCE FOR DISORDERLY CONDUCT

Mr. Speaker: Hon. Members, before we move to the next Order, Mr. Mungatana has asked the Chair to, in accordance with Standing Order No.98, name the Deputy Prime Minister and Minister for Finance for disorderly conduct.

Hon. Members, Mr. Mungatana has cited three instances which are not precise and clear to the Chair. Action envisaged under Standing Order No.98 is drastic and with far-reaching consequences. Under those circumstances, therefore, the Chair would like to acquaint itself with the three occasions that the hon. Member has referred to, before I make a decision as I should, under Standing Order No.98, which is explicit that the

decision whether or not to name a Member shall remain with the Speaker. So, the decision is entirely mine in accordance with the provisions of Standing Order No.98.

I, therefore, would like to acquaint myself with the incidents alluded to before I give direction on this matter.

The Minister for Nairobi Metropolitan Development (Mr. Githae): On a point of order, Mr. Speaker, Sir. As you ponder and update yourself on what was happening, I think we must also take cognizant of the fact that soon, we will have a Budget Day on 11th June this year. Normally, the Ministers for Finance hide themselves at this time as they write the Budget Speech to avoid leakages.

Mr. Speaker: Order, Mr. Minister! I want this matter to rest there because I have undertaken to give direction as soon as I acquaint myself with the incidents alluded to by Mr. Mungatana.

However, Mr. Githae, the fact that the Deputy Prime Minister and Minister for Finance is preparing a Budget does not insulate him against disorderly conduct. All Members are busy doing something that is for the public good.

POINT OF ORDER

TABLING OF 2006/2007 AND 2007/2008 EXTERNAL DEBT REGISTER

Mr. Imanyara: Mr. Speaker, Sir, with your indulgence, I rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance. As my friend, the new “Minister for Justice, National Cohesion and Constitutional Affairs”, says, we are entering the Budget Season. As preparations for the Budget go on, I would like the Deputy Prime Minister and Minister for Finance to lay on the Table of the House, the External Debt Register for the years 2006/2007 and 2007/2008 before the Budget Day. Could he assure me that this will be laid on the Table of the House by next week, because there are serious issues that arise out of that register, which I would like to raise when he is in the House?

Mr. Speaker: Mr. Githae, are you holding the Deputy Prime Minister and Minister for Finance’s brief?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, first of all, I am not the Minister for Justice, National Cohesion and Constitutional Affairs. However, the Minister has requested me to help him in the House. The same case applies to the Attorney-General. In effect, you can say that I am the Acting Attorney-General and Minister for Justice, National Cohesion and Constitutional Affairs on temporary basis until they come back.

Mr. Speaker, Sir, I will provide the information to the Deputy Prime Minister and Minister for Finance so that he can come and table these documents requested by Mr. Imanyara.

Mr. Speaker: Fair enough!

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Could I get an indication that this can be done on Tuesday, next week? There is more than enough time for the Deputy Prime Minister and Minister for Finance to table the register on Tuesday.

Mr. Speaker: Hon. Githae, could you convey that information and concerns to the Deputy Prime Minister and Minister for Finance? Let him endeavour to discharge that responsibility at the earliest opportunity.

The Minister for Nairobi Metropolitan Development (Mr. Githae): I will, Mr. Speaker, Sir.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. The new Minister for Nairobi Metropolitan Development has made a statement here that needs serious challenging. He has said that he is an Acting Attorney General and Minister for Justice, National Cohesion and Constitutional Affairs. These offices have Ministers in the Republic of Kenya. The Constitution is very clear. For him to act as a Minister, the President must appoint him. What evidence can he adduce to the House do demonstrate that the President has such confidence in him that he can appoint him to act in two offices at the same time?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, I said that I was requested by the Attorney-General to assist him in matters that are raised in this House concerning his docket.

Mr. Speaker: You have not been appointed to act.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, I have not been appointed and I did not say so.

Mr. Speaker: You are holding their brief?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Yes, Mr. Speaker, Sir.

Mr. Speaker: Mr. Ethuro, I hope you understand what holding brief means. You do not take over the responsibility of whoever you act on behalf of as an agent. He still remains the principal.

Next Order!

MOTION

ADOPTION OF 119TH IPU ASSEMBLY REPORT

THAT, this House adopts the Report of the Kenya Delegation to the 119th Inter-Parliamentary Union Assembly and Related Meetings, Geneva, Switzerland, from 13th to 15th October, 2008, laid on the Table of the House on Tuesday, 16th December, 2008.

(Mr. Wambugu on 2.6.2009)

(Resumption of Debate interrupted on 2.6.2009)

[Mr. Speaker left the Chair]

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

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, I would like to continue with the Motion which was interrupted yesterday due to lack of quorum. I request hon. Members that we proceed with this Motion so that we can dispose it. The Paper was laid on the Table of the House in October, 2008.

Mr. Temporary Deputy Speaker, Sir, I had just finished introducing the Members of the Committee who attended the conference. We are grateful for the exposure and experience that we gained during the conference. On behalf of the Members of the Delegation, I would like to submit the 119th IPU and related meetings findings together with the attached resolutions in accordance with the provisions of the Article of the IPU Statutes which state that it is the duty of the National Group to submit the resolution of the Union to its respective parliaments in the most appropriate form, communicate them to the Government, stimulate their implementation and inform the Secretariat of the Union as often and fully as possible, particularly in its annual reports, as to the steps taken and the results obtained.

Mr. Temporary Deputy Speaker, Sir, the IPU is the sole international organization that represents the legislation branch of government of a global scale, established in 1889. Currently, the IPU has a membership of over 154 national parliaments. In addition, eight international parliamentary assemblies and organizations are associate Members.

The Union is the focal point for a worldwide parliamentary dialogue. Its main mission is to strive for peace and co-operation amongst peoples of the world and for the firm establishment of representative institutions. The Inter-Parliamentary Union (IPU) is funded by its members through annual subscription. The Assembly which officially opened its proceedings on the morning of 13th October, 2008, was officially inaugurated by the President of the IPU, Mr. Pier Casini. He was, thereafter, elected the President of the Assembly and the Vice-President of the Executive Committee while Mr. A. Radi, was elected the Vice-President.

Mr. Temporary Deputy Speaker, Sir, the conference was attended by 1,197 delegates, associate members, observers and representatives of various organs of the United Nations. We had over 134 countries represented, including Kenya. The objective of the IPU is to promote globalization of democracy and assist parliamentarians to exercise their shared responsibility for the world in which we live in. The IPU has also become an organization of parliamentarians who wish to foster through permanent dialogue, not only universal establishment of human rights and democracy but also the joint global elimination of undesirable developments, organized crimes and international terrorism which national governments are no longer able to counter on their own.

The other objectives include fostering contact and co-ordination and exchange of experience among parliamentarians of all countries and many more. The IPU has also over the years, served to provide the backdrop for parliamentary diplomacy and on numerous occasions when relations between the executive branches of government have reached a stalemate, parliamentarians have managed to negotiate a way out of the impasse.

It is also good to report that at the conference, there were various topics, three major while others were emergency items which were discussed. One of them which was discussed by the council and thereafter resolutions were passed, was advancing nuclear proliferation and disarmament and securing the entry into force, of the Comprehensive Nuclear Test Ban Treaty. We also had discussion on climate change; sustainable

development models and renewable energies; freedom of expression and the right to information.

For the executive committee report, there were various reports which were discussed. There was one in particular which I would like to mention which is of importance to this House that was considered on the venue for the 122nd and 124th Assemblies. It recommended following a unanimous vote that the 122nd Assembly be held in Thailand which was the only potential host whose invitation had already been received. The Governing Council (GC) after sitting, also elected an African member into the council, Mr. Theo-Ben Gurirab as the President of the IPU for a three-year term ending in October 2011, replacing Mr. Casini.

Mr. Temporary Deputy Speaker, Sir, in the context of the consideration of the reforms of the IPU, the GC was informed of the recent IPU activities. In the field of development and efforts underway to start transforming them into a more comprehensive programme of activities, the council gave its general endorsement to the plans to establish a programme to mobilize parliamentarians on development issues, with special focus on such issues as attainment of the Millennium Development Goals (MDGs) and I am happy that the Speaker organized for a conference recently to discuss that. It also gave the endorsement on the reduction of child mortality and poor maternal health, the fight against HIV/AIDS and other pandemic diseases; poverty eradication or reduction, environmental sustainability and promotion of global partnership for development.

The GC also took note of a report of the Secretary-General on the activities undertaken by parliaments and the IPU to celebrate the first International Day of Democracy which was held on 15th September, 2008. The day was proclaimed by the UN in November 2007 and coincided with the 11th Anniversary of the adoption of the IPU Universal Declaration of Democracy in September, 1997. Unfortunately, the Kenyan Government did not celebrate this day and I would request that when we have such programmes which are universal, they should also be celebrated all over the world, including Kenya.

On the agenda of promoting and defending democracy, the council took note of a comprehensive report by the Secretary-General on activities carried out recently by the IPU in the area of democracy. The work continued to be inspired by the 1997 Universal Declaration of Democracy and the 2006 Handbook on Parliament and Democracy in the 21st Century. That is a guide to good practice. For the plans that could be affecting our country, there were four specific initiatives which had been launched recently. The first sought to facilitate the involvement of Parliament in the least developed countries (LDCs) in the implementation of the 2001 Brussels Programme and Plan of Action which set out a comprehensive poverty reduction strategy tailored specifically to the needs of the LDCs. The second consisted of helping a number of French-speaking African parliaments to promote and ensure implementation of major human rights treaties. The third, which I think was applicable to our Parliament was aimed at assisting English-speaking African parliaments to promote national reconciliation. I believe sometimes towards the end of last year, we had an IPU conference which was hosted here in Kenya to discuss about the issue of reconciliation and healing.

In the area of human rights, the IPU Committee on Human Rights of Parliamentarians was working to protect the ever-growing number of parliamentarians who came under threat merely for exercising their rights to freedoms of expression. The

IPU at the request of the Committee was intended to carry out an in-depth study of freedom of expression and the ability of hon. Members to freely carry out their popular mandate. In an earlier conference which was in Cape Town, we had a topic which had been covered on the human rights of parliamentarians because you realize in some countries, their parliamentarians are constantly under threat from the Press, other bodies operating and even the civil societies. That issue was being looked into.

Mr. Temporary deputy Speaker, Sir, on the issue of IPU policy on the participation of persons with disabilities, the GC approved the policy to ensure the participation of persons with disabilities in the work of the organization, whether as delegates, candidates for employment, employees or as public interlocutors. The policy which was premised on the Convention of the Rights of Persons with Disabilities set out objectives to raise awareness and promote inclusion.

Mr. Temporary Deputy Speaker, Sir, the Inter-Parliamentary Union (IPU) undertook to make its meeting accessible, provide public information that could be understood by all, provide barrier-free access to facilities, ensure equal employment opportunities and accommodate disabled employees. I hope that our Parliament is almost going that way.

We had debate in other areas like the emergency item which was on the global financial crisis and its impact on both developing and developed countries. The Kenyan delegation was represented by:-

The hon. Marende, Speaker

The hon. Wambugu, MP

The hon. Midiwo, MP

The hon. Ms. Chepchumba, MP

The hon. Dr. Nuh, MP.

Mr. Temporary Deputy Speaker, Sir, one of the points that came out strongly is that they all called for a greater transparency in financial markets, for regulation of the financial sector so as to prevent financial crisis, for oversight of financial institutions and for central banks and currency control agencies to implement precautionary policies.

As I conclude, I would like to say that we also sat in various committees. In the Committee on Peace and International Security dealing with the advancing of nuclear arms and disarmament, our delegation was represented by Mr. Wambugu and Mr. Midiwo. On the Committee on Sustainable Development that was dealing with climate change, sustainable development models and renewable energies, our delegation was represented by Mr. Wambugu and Dr. Nuh. In the Committee on Democracy and Human Rights, our delegation was represented by Mr. Marende, the Speaker and Ms. Chepchumba. That is the committee that was dealing with freedom of expression and the right to information.

Mr. Temporary Deputy Speaker, by then, the next event on the calendar, which has already taken place, was in April, 2009. For 2010, the IPU conference, is expected to be in Bangkok, Thailand.

Lastly, I urge that we should have a permanent group of hon. Members who will be representing Parliament in IPU so that we can have continuity in what is happening in the outside world in IPU conferences.

I beg to move and ask Dr. Nuh to second.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, I beg to second this Motion moved by the leader of delegation to the IPU Conference in Geneva, in 2008. Whilst IPU held its conference in 2006 in this country and a follow up for the meeting in Geneva, a workshop was held under the auspices of IPU on the role of Parliamentarians in peace and reconciliation at Safari Park Hotel, where we spent two days. There seems to be little or less awareness among hon. Members as to what IPU really stands for. This Parliament is a member of the IPU and by virtue of that, every hon. Member in the Kenya National Assembly, becomes a member of the IPU.

The Kenyan delegation would not wish to be going to the IPU conferences just for the sake of it or just because other countries are sending delegations. It would add value if the recommendations and resolutions that are made in that conference are brought in earnest to this House and adopted. There should be awareness that such a conference took place and these were the resolutions. Parliamentarians are supposed to put this Government on its toes to make sure that the recommendations and resolutions carried in the IPU Conference are implemented to the letter. It would not be of much benefit if we send delegations and come back with report on the IPU resolutions. Delegations are mandated to table such reports in their respective Parliaments and make sure that their respective parliaments follow them to the letter. However, it takes eight to nine months since the conference took place for the House Business Committee (HBC) to find space when there is not much business in the House. I want to appeal to them to prioritize the reports from the IPU as soon as the delegations come back so that the issues which were discussed are fresh and hon. Members can know that this is the delegation that came back two or three weeks ago from a conference and would want to listen to the issues that were discussed in the conference.

Mr. Temporary Deputy Speaker, Sir, the IPU Conference did take place again in Addis Ababa in April, 2009. But it is now that we are adopting the Report of the Geneva Conference that took place in 2008. The other IPU conference will be in Geneva in October, 2009 and we might not be in a position to adopt the report from Addis Ababa until the Geneva conference is over. It would not be of much value for us to go to these conferences if the HBC would not be taking cognizance that these reports need to be adopted and ratified by Parliament.

Mr. Temporary Deputy Speaker, Sir, there are so many issues which were covered in the IPU Conference in Geneva. The same thematic issues or topics were again covered in Addis Ababa including the overall role of the IPU towards effective peace keeping and prevention of conflicts. At the moment, when there was so much talk of threats from other countries, like the wrangles at our border with Uganda, this is the time to raise such issues. The hon. Members are urging the Kenyan Government to seek the assistance of United Nations (UN) in resolving some of the issues that seem to impact on our Statehood. This is the time that Parliament is supposed to take more seriously issues on IPU where matters of nations co-existing peacefully and harmoniously are discussed in detail.

One of the topics that was discussed at length and which came up again in Addis Ababa was about nuclear arms proliferation and the Test-ban Treaty. We wondered how countries that are nuclear empowered were going at length to make sure that they protected their rights or measures. Kenya may not be envisaging a nuclear threat from countries that are nuclear armed because we are miles and miles away. But this is a real

threat. We had the opportunity to see how nations that had nuclear arms were arguing and making frantic efforts here and there to make sure that their interest of attaining nuclear power was entrenched in whatever resolutions that were passed. That is the reason you would have realized that we are not far away from getting a disaster from a nuclear power. At the moment, Pakistan is facing a problem from insurgents fighting the Talibans in so many of its provinces and yet, it is a nuclear-armed country.

Mr. Temporary Deputy Speaker, women representation in Parliament is an issue that is usually taken very seriously at the IPU Conference. Members of our delegation were so much worried that maybe our country had not attained the representation for women that would be required and be at par with other countries. A country like Rwanda that has just come from the brink of war, has more than 50 per cent female representation in their parliament. We have less than ten per cent just because, maybe we, do not have an affirmative action for women. They are not able to fight for political representation like men.

The member states of IPU were urged that at least they should effect some ways and means of ensuring that disadvantaged communities or groups are catered for, so that they are represented in national parliaments. These were issues that were discussed at length at the IPU Conference. Maybe, Members of Parliament would like to acquaint themselves with those deliberations. So, as we go to the conferences, we should domesticate the issues that were discussed in the conferences at our national levels or parliament.

With those few remarks, I beg to second.

(Question proposed)

The Minister for Nairobi Metropolitan Development (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my contributions.

First, I would like to thank the Leader of the delegation hon. Wambugu and his team for coming up with this very exhaustive and well covered topics. It is clear that we have a lot of potential in this House if only Members are given an opportunity to shine. I think the Leader of the delegation was given an opportunity and he has performed fully in this mission.

Mr. Temporary Deputy Speaker, Sir, when I look at the composition, yes, it is within the one-third rule that of every delegation, a third must be women. But I notice that this was done through staff of the National Assembly in order to attain the one-third rule. My view is that there should be right composition. Yes, we can top up with members of staff. But I think women Members of Parliament should be given a chance.

Mr. Temporary Deputy Speaker, Sir, I know there is one thing that is missing from this list of delegation. That is there is not a single Minister or Assistant Minister in this delegation. There are Ministers and Assistant Ministers who are fond of the IPU who like to participate in the deliberations. Therefore, there should be the right mix as you take on the Backbenchers; you should also take one Minister or Assistant Minister, so that they learn the operations and deliberations of the IPU.

Mr. Temporary Deputy Speaker, Sir, the three topics covered were very opportune. I am particularly interested in the climate change. We are the cause and

perpetrators of the climate change. We are the ones who are destroying forests and rivers. We are the ones who are cultivating on the riparian reserves. As a result of our activities, the whole planet is going through a climate change. We have just come out of drought. But we do not seem to have learned any lesson. The destruction of the Mau Forest is still continuing. This will have very adverse effects on the surrounding areas and countries. Two rivers that emanate from Mau Forest are also used in Tanzania. This matter is already causing the Tanzanian Government a lot of concern. It is a pity that we are unable to look after our own forests.

Mr. Temporary Deputy Speaker, Sir, there were other people who invaded forests, but were evicted. As recently as last week, squatters who were in Marakwet forest were evicted without any compensation. Probably, the only difference between this forest and Mau Forest is that there are some people in Mau Forest who have got title deeds. That is as far as it should go. Only those with title deeds should be compensated. Anybody else is a squatter. The squatters in Mount Kenya forest were evicted more than 15 years ago, with no compensation. What is good for the goose is also good for the gander. The same treatment should be given to all. There should be no favoritism and discrimination. Unless we take very quick action on these issues, I do not know what legacy we will bequeath to our future generations. People are still using charcoal which is also contributing to depletion of forests. If you travel on any high way, you will find people selling charcoal by the road sides. I thought this should have been banned long time ago because it encourages production of charcoal.

Mr. Temporary Deputy Speaker, Sir, yes, we understand firewood is used by 80 per cent of Kenyans. But one thing we can do and I encourage Members of Parliament to do, is make sure that on the boundaries of our farms, we will plant gravaria trees, so that the shamba owners will have enough firewood for their daily use. This is what we are doing in my constituency. This has helped to a large extent in the preservation of forests in our areas. So, it is something that needs to be done.

Mr. Temporary Deputy Speaker, Sir, climate change also includes pollution. We have polluted our rivers and lakes. The Europeans camped at Nairobi because of the Nairobi River. We are told at that time it was clean and had cool waters. We are even told that El Nairobi means the place of cool waters. We should go there and look at Nairobi River. My predecessor said that he was looking forward to the day that he will go and swim in the Nairobi River. For me, I am looking forward to the day I will have a cup of water from Nairobi River. I must commend the actions being taken by the Nairobi Metropolitan Ministry, Ministry of Environment and Mineral Resources and the Nairobi City Council to clean up Nairobi River using *Kazi Kwa Vijana* programme, which is working very well. The river has now been cleaned up to Machakos Country Bus Station. The intention is to go all the way up to Athi River. This is because Nairobi River is polluting Athi River. Athi River is used by a number of Kenyans for domestic purposes.

Mr. Temporary Deputy Speaker, Sir, as we do that, there is one thing that we need to accept. Yes, we have the riparian reserve. But a riparian reserve in the urban areas! I think that policy needs to be handled in a more systematic manner. If you go to the City of London, they have canalized River Thames and, as a result of that, that river is clean now. You can actually drink water from it. So, yes, we need to protect riparian reserves, but those ones that are outside urban areas. In urban areas, what is required is

canalization so that, then, we can be able to protect it both from surface water and also from soil erosion. So, we need to re-look at that policy.

Mr. Temporary Deputy Speaker, Sir, the other thing that the Committee discussed was the freedom of expression and right to information. Yes, I, for one, believe in the right to information. I believe in the freedom of the Press. I was one of the people who condemned Section 88 in the Communications Act which empowers the Ministers of State for Provincial Administration and Internal Security to impound, confiscate and destroy broadcasting equipment. But that must also be followed by responsibility.

Mr. Temporary Deputy Speaker, Sir, I was shocked yesterday to read in the newspapers that the only two people who attempted to disrupt or heckle the President during Madaraka Day were a journalist and a photojournalist. That, to me, is not freedom of the Press. That is actually misuse of the Press. National occasions are patriotic days. They are serious occasions. In fact, in other countries, they have passed laws protecting national days. You cannot misbehave on a national day because it belongs to the State. It belongs to the country. It does not belong to an individual. I think we should come up with some laws to preserve the dignity of our national days. I think there is nothing more ridiculous than a national day not being given the dignity that it deserves.

Mr. Temporary Deputy Speaker, Sir, people say that vernacular radio stations should be controlled because they incite Kenyans. I am one of those people who totally disagree with that. A radio station does not incite. It is the speaker in the radio station who incites! The vernacular radio stations play a very important role. They educate our people. They entertain Kenyans and, therefore, what we need to do, in fact, is to encourage the operators of the radio stations to incorporate even more languages, particularly the ones that they say are uneconomical. I would like to see a radio station broadcasting in Pokot. What is the smallest tribe in Baringo called? El-Molo! I would like to see a radio station broadcasting in the El-Molo language and even the languages of the other smaller communities which the radio stations say are uneconomical to run. Even if it means giving those radio stations Government subsidy so that they can incorporate them, it would be good. I am saying that because we need to reach out to all the communities.

Mr. Temporary Deputy Speaker, Sir, the other topic that was discussed was advancing nuclear non-proliferation. As we advance nuclear non-proliferation, we must also accept that there are some good attributes of nuclear technology. For example, nuclear energy. There is nothing wrong with having a nuclear power station. I do not see anything wrong with it. In fact, we should encourage it. We were told that if we had one nuclear power station in the country, it could supply power to this country for the next 30 years. We should proceed with those plans. What we should prohibit is the creation of a nuclear bomb. That is because a bomb is a bomb. I know that Pakistan has said that it has detonated the first "Islamic" bomb. There is nothing like an "Islamic" nuclear bomb. It remains a bomb! There is nothing like an "African" nuclear bomb. I am told that South Africa wants to be the first to detonate a nuclear bomb in the name of the first "African" nuclear bomb. There is nothing like an "African" nuclear bomb. It is still a nuclear bomb! So, we must not baptize those bombs so as to give them some credibility. But I am saying that there is nothing wrong in making use of the good attributes of nuclear energy and nuclear study.

For example, in Kenya, we have the first and only nuclear physicist, Prof. Hillary Ng'weno. He came to this country and he could not get a job. So, he had to start a magazine, *The Weekly Review*. What a waste of talent! But he also proved to be very good in journalism, although he had not trained in journalism. So, we need to do some studies in nuclear science so that we can also give our people something to do.

Lastly, Mr. Temporary Deputy Speaker, Sir, as a matter of emergency, they discussed the financial crisis facing the world. Initially, we thought that Kenya would be insulated from the financial crisis. Yes, it is true that our banks did not give out unsecured loans. All the loans in this country are secured. So, initially, we thought that this country would be insulated from the financial crisis. But we forgot that when those workers are declared redundant by General Motors (GM) and the other companies, that would affect our tourism. Indeed, it has affected our tourism and foreign remittances. Tourism used to be the biggest foreign exchange earner. Now, it is no longer the case. Indeed, it has affected investments in this country. Many people in the diaspora were doing a lot of investments in this country, particularly in the real estate sector.

Mr. Temporary Deputy Speaker, the only industry that seems to be growing is the piracy industry in Somalia. It seems to be getting a lot of money but, in the process, it is also affecting our country. Ships are incurring a surcharge on piracy and they have to travel a longer distance to reach Mombasa to avoid piracy. So, as we talk about the financial crisis, we must also talk about piracy, because it is also having a negative financial impact on this country.

Lastly, Mr. Temporary Deputy Speaker, Sir, as we talk about the financial crisis, we must also come up with innovative products, particularly those that will enable the youth to engage in profitable businesses. It amazes me when you go to apply for a loan, particularly when you have just been employed. Let us say this is your first month of employment. If you apply for a loan to buy a house, you are told to pay a 20 per cent deposit. Now, if it is a house worth Kshs1 million, if they still exists, a 20 per cent deposit is Kshs200,000. How can somebody who has just been employed this month or even this year be able to save Kshs200,000? In addition, you have to pay legal fees and Stamp Duty, which is 2.5 per cent to 4 per cent. It means that, really, it is not possible for a newly employed youth to borrow money to buy a house.

Mr. Temporary Deputy Speaker, I am challenging our banks to come up with innovative products. That is happening in India where, even on your first monthly salary, you can get a housing loan.

These loans should be based on the amount you will earn. It should be projected to give you what you will earn in five or ten years. The repayment, therefore, should start with low figures of Kshs2,000 or Kshs5,000 a month. This is an amount someone who is new in employment can afford to pay. The amount should be projected to increase so that the following year you pay Kshs7,000 or Kshs10,000 because you would have got some salary increment. This will enable a person recently employed to purchase a house. I call upon our banks and financial institutions to come up with innovative products.

At the moment, if you are in salaried employment, you can get unsecured loans, but what about those who are not employed? How will they get these loans? This is why we have proposed to the Deputy Prime Minister and Minister for Finance that in the next Budget, all the money in the Women Enterprise Development Fund (WEDF) should be taken to the constituency. The money that was taken to the banks has not helped

wananchi because they are still insisting on securities and guarantors. We have proposed to the Minister that in the next Budget, the money in the Youth Enterprise Development Fund (YEDF) should be remitted to the constituencies. This is because the money that was taken to the constituencies has already been borrowed, but the one taken to financial institutions is still lying there. If this is done, our youth will be uplifted.

Mr. Temporary Deputy Speaker, Sir, once again, let me commend the leader of the delegation for this Report. It has covered all the topics that were discussed.

With those remarks, I beg to support the Motion.

Ms. Chepchumba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I would like to thank the leader of the Kenya delegation for giving a very comprehensive Report about the 119th Inter-Parliamentary Union (IPU) Assembly that was held in Geneva.

I participated in this delegation and it gave me a wide experience because I interacted with other Parliamentarians. This is very important. I wish that those of us who attended the IPU Assembly be given another chance to attend future IPU programmes so that we can be conversant with the matters that are raised. Another group was selected and this may have disappointed some of us who attended this particular Assembly.

Mr. Temporary Deputy Speaker, Sir, important topics were covered. One of them, which I would like to comment on, was on maternal health and reduction of child mortality. We should lay more emphasis on this matter here in this country. Many women still pass on because of being unable to access maternal services. The Ministry of Medical Services should put more emphasis on protection of women by putting in place preventive measures. The Ministry should provide health facilities closer to every woman in the country. That way, we will reduce maternal deaths and child mortality. The IPU Assembly discussed this matter alongside the Millennium Development Goals (MDGs). You will realise that we have embarked on a mission to achieve the MDGs in this country. We would like to protect the health of our women and children.

With regard to poverty reduction, our leadership should focus on ways and means of reducing poverty amongst Kenyans. There are so many people in this country who live below a dollar a day. After 45 years of Independence, to have people who cannot afford a meal a day is alarming. We should ensure that our youth are not idle. For example, the *Kazi kwa Vijana* Programme is a good initiative by the Government. We should have proper ways of channeling employment opportunities to the youth. Right now it is the Government officials who do this. If this initiative could have fallen under the Members of Parliament, it could have been better. I still commend the Government for that because the youth are now getting some income out of this initiative.

We also looked at a topic on people with disability. Even in this Tenth Parliament, we do not have a single Member of Parliament with disability who was elected or nominated and yet these are people who live with us. The way Parliament Buildings have been constructed, I wonder whether all the offices are accessible to people with disability. The Government should consider employing people with disability. Being a disable person does not mean you cannot perform. People with disability can perform just like normal persons.

Mr. Temporary Deputy Speaker, Sir, during this Conference, we nominated the President of the IPU from Africa. He is Mr. Pio Ben from Namibia. That was motivating to all of us from Africa. It showed that we were recognised by the other continents. At

least, we were given a chance and it boosted our morale. To have the President of the IPU coming from Africa was a realisation that all is not lost. It means that our continent is equal to others.

Climate change should be a responsibility of all Kenyans. Our forests are being destroyed. The people who are being evicted from Government forest are asking why they are being evicted and where should they go. Right now there are people with no homes. It is the responsibility of the Government to take care of all the people. It should be the concern of all of us to conserve the environment. If every Kenyan knew the importance of trees, we would tackle global warming.

Mr. Githae has said that he has embarked on a mission to plant the gravelia type of trees. If all of us, as Members of Parliament, can pass the same message to our constituents, it could be a solution to the problem that we have. For those who are living in the forests, the Government should provide an alternative settlement so that they can live like others. There are those who have been evicted and in the process lost their property. Their houses and granaries have been burnt. The Government should compensate them. For example, the people who were evicted from Embolut Forest in Marakwet are now in the cold.

Mr. Temporary Deputy Speaker, Sir, as I heard, some of the squatters who were evicted in my constituency in 2006 - the Ogiek from Kipkurer Forest - they have no homes. These are Kenyans like any other Kenyans. The Government should provide alternative settlement to these people, because they have children. They have to lead a normal life like any other person. They should not be harassed. They should be treated with dignity. Again, I would wish that we should partner with the Government, especially on planting of trees, conserving the forest and avoiding cultivation along rivers, because doing so will not help the situation. It would create more problems.

Another topic on human trafficking was also discussed. This is also practised in our country. Why do we have human trafficking taking place? This is more so because of poverty and unemployment. Why should people be traded? We should look into this matter with emphasis, especially where women and children are trafficked. Is it because they do not have money? Why and who is involved? I am happy that a Motion on this matter has been brought to this House. As Parliamentarians, we should give a lot of support to this matter, so that we can stop the habit of human trafficking in Kenya.

Mr. Temporary Deputy Speaker, Sir, we also looked into the issue of freedom of expression. Indeed, it is the right of every citizen to have information. As much as we appreciate what the Press is doing, there should be internal controls to ascertain the kind of information that people get. There are people in this country, who do not have any information, probably because they cannot even read newspapers. I will echo the sentiments of the hon. Member who said that we should not criticise the vernacular stations like Kass FM and Inooro, because people should get to know what is happening in the country. However, the kind of information being disseminated should be looked at.

It is a good move to have the vernacular radio stations, because people need information. The Press contributes a lot. So, we should support them, because they pass information to the people.

With those few remarks, I beg to support.

Mr. Baiya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate in support of the Motion.

The issues and agenda covered by the Report are very relevant to our country as well as to the entire world as a whole. They range from issues of human rights, which are obviously very relevant. In our case, the country appears much divided on issues of human rights. We had the recent visit by Prof. Alston from the United Nations, who came and made a report and an assessment about the country. Unfortunately, as a country, we cannot take a common position. It is very unfortunate that we have actually sent a team that will take two parallel positions.

Mr. Temporary Deputy Speaker, Sir, Kenya would, indeed, have been better off without any representation rather than sending a team that we will be speaking in different terms. It is a big challenge to the two principals. The moment we talk about a coalition Government, it does not mean effectively splitting the country when we go out there. If we do not have the maturity to resolve or compromise on a position when we go outside this country, then we cannot, really, say that the Grand Coalition Government is taking a leading role. It is actually leading a splitting role for this country.

Touching on matters of human rights, it is also true that the way some of these institutions handle human rights issues, especially the ones outside the country, is not necessarily applicable to a country like Kenya. I am not talking about us having any lesser standards but the circumstances obtaining in our countries are very different. If you talk about the situation in some developed countries, the threats to law and order are so minimal that it is even possible to uphold the rule of law, uphold human rights, uphold dignity, *et cetera*.

Mr. Temporary Deputy Speaker, Sir, coming to third world countries, which have suffered a lot of economic deprivation, there is a lot of poverty. There are social causes leading to these threats to the rule of law. Therefore, when we talk of human rights or even enhancement of human rights, the resources available on the part of the Government are certainly very inadequate.

I have in mind the case of organised crimes in Central Kenya, for instance, where we have actually seen that as much as we may not want to attribute poverty levels to the emergence of these crimes, at the same time, it is a strong motivating fact that the unemployment levels in this country are acutely high. This makes it acutely imperative that in order to talk about human rights and justice, you must, first and foremost, focus on the issues of unemployment, poverty and so on.

Mr. Temporary Deputy Speaker, Sir, therefore, good as some of these resolutions are, even at the international level, it is very important that there is emphasis on the peculiar situations obtaining in generally under-developed countries such as Kenya.

Another issue that has been clearly deliberated on is that of nuclear proliferation and disarmament. My view is that the world faces a big threat of a nuclear war. As a country, we are not directly involved in this threat. Nonetheless, we will be in the line of fire, if there is proliferation of a nuclear warfare. However, again, this threat is not so much from nuclear armament as it is from the relationship between countries.

Mr. Temporary Deputy Speaker, Sir, I have in mind the fact that in the modern so-called "civilised world" today, at the level of state inter-relation, the diplomacy of "the mighty take everything" at the international level still prevails. When we talk about things like rights of nations and human rights of other countries, they are easily relegated when it comes to the interests of the mightier ones.

For example, a country like Pakistan has nuclear arms but, on account of its poor economic status, it is actually being compelled to engage in a war it would otherwise, on its own choice, not engage in. What about countries like North Korea? They embark on nuclear ammunition purely as bargaining chip to draw some of the more powerful countries to conference tables. When we talk about countries like Iraq, they do not even have the threat of nuclear weapons or weapons of mass destruction. Was that, really, the cause for them to be attacked? This is a case where the Iraqi people have suffered so much. Over one million people died. So, the basic cause of insecurity, instability and threat to stability in the world is still the kind of diplomacy being applied.

The emphasis on the disarmament of certain countries that do not have nuclear weapons is unfair. This is because they want to disarm those without nuclear weapons yet they allow powerful countries to remain with the weapons. That is a very unfair situation. I would not say that it is workable. I would not hesitate to urge that we also invest in nuclear weapons. You cannot allow a neighbour to equip herself with nuclear weapons and hope that you can negotiate with her not to use it against you. This cannot work as long as the diplomacy of “the mighty takes it all” and the gun reigns.

Mr. Temporary Deputy Speaker, Sir, on the issue of climate change it is also true that we find the same contradictions are again applicable here. As a country, we are now a victim of global climate change. We have seen rain patterns change. We are affected because we are an agricultural based economy. Our agriculture is also rain reliant. When we have interference with the weather patterns, our means of livelihood gets affected. Unfortunately, when we look at the causes of these, it is the rich countries with industries that have interfered with the global weather patterns. On the other hand, the victims are under-developed countries who are least able to cope with the problems and challenges. So, at the end of the day, this is a very unfair world. It is even unfair when the country is weak. This position should be canvassed more in international fora like this.

We have seen how some of these countries have actually committed themselves in some of these international fora to make contributions to assist the poor countries of the world to, at least, close the poverty gap and so on and so forth. However, they never live up to what they promise.

Mr. Temporary Deputy Speaker, Sir, when it comes to public appearances, the rich countries make it appear that they are concerned with the plight of the poor countries. However, in reality they are not. The situation is even worse for those who are very rich.

This leads me to the last issue I want to talk about, which was also deliberated at length at this meeting. That is about the current global financial crisis. As Members of Parliament, we are urged to take an active role in addressing issues of global financial crisis. Once again, it is my conviction that the crisis, as it is unfolding, is the outcome of all the policies which have been pursued for quite a long time by the most powerful countries of the world. While the policies were still working internationally, they did not want to hear about anybody else. However, with the current financial crisis, they are directly on the receiving end. We have seen what is going on in the United States of America (USA). This is right in the centre of all these policies being pursued. The crisis actually started there. At first it was mortgage crisis, it went to financial crisis and now it is going to an economic crisis. We have seen giant companies like General Motors (GM) which was one of the biggest corporate enterprises in the world in the 1950s, go under.

This is a demonstration that the General Motors Company is taking the right direction. Unless all the big players in the world recognize that we have only one planet, we can only resolve the way forward and address all these crises by recognizing the equal rights of everybody. There is a lot of posturing and maneuvering behind the scenes. At the end of which, they are degenerating into all these crises. Therefore, I will support this Report subject to those comments that I have made. I hope our Parliament will pursue those agendas and issues bearing in mind the scenarios outside the country.

With those comments, I beg to support.

The Minister for Transport (Mr. Mwakwere): Mr. Speaker, Sir, given that we have almost exhausted a number of issues, I beg to request the Mover to reply.

The Temporary Deputy Speaker: If there is no other person who wants to speak, I call upon the Mover to reply.

Mr. Wambugu: Thank you, hon. Temporary Deputy Speaker, I rise to reply.

First and foremost, I thank the hon. Members who have contributed positively to this Motion. They have put a lot of input into the document that we laid before this House. There are a few things that came out very positively. The IPU is very important. We need to have positive representation at all the times. We also need to have continuity of the proceedings of that body, so that we can be at par with other countries.

There are also issues about the composition of the delegations. It was noted sadly that the delegation did not consist of Ministers and Assistant Ministers. Since it is the discretion of Speaker to nominate Members to this delegation, I know he will look into it in the forthcoming conference. I would also like to urge all the Members of this House to read all the publications which come from the IPU because they contain a lot of information. However, more importantly, I urge all Members to be familiar with the resolutions that have come out of the IPU. We should have a follow up of the resolutions. We need to check whether they are being followed to the letter in our country.

On the issue of the Millennium Development Goals (MDGs); it is good to highlight that Kenya was not able, at the two conferences, to report on its progress. This is an issue that should be taken seriously, so that we have an annual report on the procedure of the progress we have made in this country. I would also like the hon. Members to check how far they are at attaining the MDGs at their constituency levels.

On the issue of child mortality and improvement of maternal health, I would also request the Government to take it seriously. We should start by staffing our dispensaries which have been constructed using CDF money. Most of the them are lying idle due to lack of staff.

Mr. Temporary Deputy Speaker, Sir, the issue of HIV/AIDS is serious in this country. However, you will find that all the programmes that are being implemented in this country are not visible because most of them have been turned into money-making machines. At the constituency level, you will find so many groups that have been given this money to fund projects to assist or even educate people living with HIV/AIDS but you cannot identify any single project or programme that is going on, on the ground.

Mr. Temporary Deputy Speaker, Sir, the issue of poverty in this country is alarming, because we went through a very difficult time last year. Most of the fighting we experienced in this country was mainly due to poverty. Unfortunately, the Government is not taking this issue seriously. Take an example of a place like Central Province, where we have the *Mungiki* and vigilante groups. These groups have come up because there has

not been any source of livelihood for a long time. All the factories that were in Central Province collapsed. The coffee industry has collapsed and the tea industry is almost following the same route. This is the case and yet the Government has not even taken any initiative to re-establish or even start other factories in the same place. The same applies when it comes to harnessing of the water resources that we have.

Recently, when the President was giving his Speech, he did not mention even a single dam or project that has been established in Central Province. You will find all the water which comes from the Aberdares and other places flowing into the Indian Ocean. We would like the Government to look into that issue seriously and start irrigation projects along the rivers that we have in Central Province.

Mr. Temporary Deputy Speaker, Sir, although the *Kazi kwa Vijana* programme was established with good intentions, I think somebody felt that there was some money left in the kitty and they needed to spend it quickly before the end of the year. Most of the programmes that have been undertaken under the *Kazi kwa Vijana* are being done through the Provincial Administration. The people's representatives, especially parliamentarians, were never consulted. I feel that, that money could have been put to proper use by even establishing factories which could be sustained for long rather than create employment for six months and thereafter, there will be nothing else for these boys. It is going to be very sad after six months, when these boys do not have anything to do. We could have invested that money in other farms and continued farming for a long time or even started factories or other enterprises, which would have helped our boys for a long time.

Mr. Temporary Deputy Speaker, Sir, I believe that poverty in this country has come about because of our country's over-dependence on foreign aid. This is because Kenyans do not think of anything else except what they will get from donors and Non-Governmental Organizations (NGOs). We are unable even to be innovative and know how we can utilise the resources that we have. I urge the Government to stop borrowing every time there is a problem. We are running round asking for funds from other countries, when we have got a very good country which, if properly managed can prosper.

The issue of women representation was discussed in this House. Recently, when we had our National Prayer Breakfast and were going through our guests' speeches, you heard what they are doing in a place like Rwanda, a country which was at war, and just coming out to re-establish itself--- That country has been able to cater for her women. They are now at 50 per cent. It is sad because even when we go to other fora, we still face the same challenge. Like one of the speakers said, we had to raise the number of women to come to the delegation, who were not Members of Parliament or the Clerks so that we could achieve that number. It is a shame to this country and Parliament that we cannot offer the same to our women, so that they can come and also contribute to the growth of this nation.

Nuclear power generation is a very good programme. I remember recently we had a discussion with the Minister for Energy as the Departmental Committee on Energy, Communication and Information. There was very good talk about what we can do. But the biggest challenge is not the power but the management of the nuclear waste, which I think most of our scientists are looking into. I know that if we are able to introduce

nuclear energy into this country, the cost of power bills and related things will come down.

Mr. Temporary Deputy Speaker, Sir, lastly on climate change, we have destroyed our country through deforestation, charcoal burning, over-grazing – I know most of us have big ranches; Kenyans only think of farming as a way of making money. I would request that Kenyans, from now on, start looking into other ways of creating employment, even investment and doing other businesses. I believe countries like Dubai do not rely on farming. They have created their own tourism industry, which is attracting very many visitors to that country. I know most of the people will say that they rely on oil, but they have not touched their oil yet. They have developed their country in such a way that they are attracting very many tourists to Dubai.

With those many words, I beg to move.

The Temporary Deputy Speaker (Mr. Imanyara): You all supported the Motion; so, formality demands that I put the Question.

(Question put and agreed to)

ADJOURNMENT

The Temporary deputy Speaker (Mr. Imanyara): Hon. Members, that brings us to the end of business today. The House is, therefore, adjourned till tomorrow, Thursday, 4th June, 2009, at 2.30 p.m.

The House rose at 6.05 p.m.