

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th September, 2009

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.149

CAUSES OF POWER OUTAGES IN LODWAR

Mr. Deputy Speaker: Mr. Ekwee Ethuro is not with us now. He will ask the Question later on. He has already communicated that to the Chair.

Let us move on to the next Question!

Question No.140

CONFISCATION OF LAND FROM TELDET/KIBOROA RESIDENTS BY GOVERNMENT

Mr. Kapondi asked the Minister for Lands:-

(a) whether he confirm that residents of Teldet and Kiborua in Trans Nzoia West bought land but the same was subsequently reclaimed by the Government; and,

(b) when the Government will return the land, provide alternative land or compensate the residents.

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

(a) I confirm that the Government did not reclaim land bought by residents of Teldet and Kiborua in Trans Nzoia District.

(b) The Government cannot provide alternative land or compensate the residents of Teldet and Kiborua because the transaction was a private one.

Mr. Kapondi: Mr. Deputy Speaker, Sir, I beg your indulgence. This Question had been postponed twice because the Minister wanted to go and delve into the matter in detail. After consulting me, he realised that the answer to the Question was completely inappropriate. Unfortunately, the answer before the House today is the same answer that came up the first time the Minister requested to be given time to go and verify the documents.

Mr. Deputy Speaker, Sir, with your indulgence, I wish to table before the House details of the transaction among three groups in Teldet, that is, Chebogos Lolwot Farmers Co-operative Society which paid for land, LR No.11683; Kaitabos Youth Group which paid for land, LR No.6443 and Kokwo Multipurpose Co-operative Society which paid for land, LR No.6950/3. All the payments were made to the Ministry of Lands. The receipts are attached hereby and the bankers cheques paid to the Ministry of Lands.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I am surprised. The hon. Member must have discussed this with either Mr. Rai or Mr. Orengo. I am sure he has not discussed that matter with me. However, the facts I have are that Kiboroa Multipurpose Co-operative Society Limited which has 111 members was registered on 30th August, 1982. The society purchased land from an Indian in Kitale.

Mr. Kapondi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House? The details I have tabled in the House and the answer he has given us do not agree. If the Assistant Minister has not consulted his colleagues in the Ministry, it is wrong for him to come here unprepared and purport to answer the Question.

Mr. Deputy Speaker: Mr. Assistant Minister, this Question has been deferred a number of times and the Chair remembers this explicitly well. You seem to have come back with the same answer. You gave an undertaking that, and the HANSARD will bear me out on this, you would go to the ground, investigate this matter and come up with an appropriate answer.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to claim that he has not consulted the Minister, Mr. Orengo, who is supposed to have signed the answer to this Question?

Mr. Deputy Speaker: Mr. Assistant Minister, you are out of order! You have collective responsibility as the Ministry of Lands. You cannot come here and say that the hon. Member either talked to the Minister, Mr. Orengo or the Assistant Minister, Mr. Rai. We only know that there is the Ministry of Lands and you are all Ministers in that Ministry!

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I think you have got me wrong. With regard to the facts that I have, I do not have to consult people. I just look at the files. If the hon. Member discussed this matter and the Question was deferred, I would rather we defer it again so that I can go and consult them. However, if the hon. Member is interested, I am ready to table the facts now.

Dr. Khalwale: Mr. Deputy Speaker, Sir, before I ask my supplementary question, I would like to agree with you. The Assistant Minister should take this House more seriously than he is doing now.

Government Ministers, the Commissioner of Lands and the Permanent Secretary seem to have a private arrangement with regard to land issues in that when poor Kenyans like the ones whose names have been tabled here have been conned by rich people most of whom are the Assistant Minister's colleagues in the Cabinet and senior officers in the Government, they abandon them in the last minute and say that they were involved in private land dealings. This is the case and yet, they have formed a notion in this country that Kalenjins are land grabbers. This is not being fair to those poor people.

Is the Assistant Minister aware that whatever nature of land transaction whether by the Government or private parties, usually the last person to sign is the Commissioner of Lands?

Those receipts were issued by the Ministry of Lands to these people. How can you then feign ignorance when, in fact, these people were conned by your very same Government?

The Minister for Transport (Mr. Mwakwere): On a point of order, Mr. Deputy Speaker, Sir. Is Dr. Khalwale in order to intimate that Cabinet Ministers are conmen and conwomen? He said that people have been conned of their land by Cabinet Ministers. Is he really in order to intimate that Cabinet Ministers are conmen?

Mr. Deputy Speaker: Order, Cabinet Minister! I am afraid that you have to do better than you are doing right now, as Government. Indeed, it does not make any sense for a Question to be deferred three times. Mr. Kapondi has been trying to share the information he has tabled with the Minister.

Mr. Kapondi: Mr. Speaker, Sir, I did share the information that I have tabled here with Mr. Gonzi Rai. Twice, he requested, that he wanted to go to the bottom of the matter. That is why I accepted a request for the Question to be deferred. I find it very perturbing for the Assistant Minister to rush to the House with an answer in respect of which he says he never consulted.

Mr. Deputy Speaker: Mr. Assistant Minister, this answer is not satisfactory. There is a lot of information that is very relevant that is in the possession of the hon. Member, which has just been tabled. The Chair directs that this Question appears on the Order Paper tomorrow as the final time. For God's sake, do your job right, as a Ministry.

(Question deferred)

Next Question by Mr. Hassan Joho!

Question No.178

AMPUTATION OF MWANAKHAMISI KOMBO'S
ARM AT COAST GENERAL HOSPITAL

Is Mr. Joho out of the country on Parliamentary business?

(The Clerk-at-the-Table consulted the Chair)

(Question deferred)

Mr. Deputy Speaker: Next Question, Mr. Chachu Ganya!

Question No.232

SPLITTING UP OF NORTHERN WATER SERVICES BOARD

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

(a) when she will split up the Northern Water Services Board, which serves all districts in the three provinces, in tandem with her recent action of splitting up the large water companies for the purpose of enhancing service delivery ; and,

(b) what plans she has to carve out a new Water Services Board to serve the districts of Upper Eastern that are currently being served by the Northern Water Services Board from Garissa.

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

(a) The Northern Water Services Board is among the seven water services boards covering various regions that were established in accordance with the Water Act, 2002. The Board covered nine districts at its inception, which constitutes 43 per cent of Kenya's land mass and 75 per cent of Kenya's ASAL regions. In undertaking its mandate, the Board and the water service providers, under its jurisdiction, have faced several challenges, which include, among others, large coverage areas that have poor communication networks, high cost of water production due to pumping water supply systems, lack of adequate portable ground water potential, high evaporation rates for surface water reservoirs, insecurity, inadequate technical and skilled manpower due to harsh environmental conditions and lack of infrastructure. My Ministry will split the Northern Water Services Board and assess the viability of splitting other water services boards with due consideration to their sustainability, service provision levels, investment, infrastructure and staffing requirements.

(b) Curving out of new water services boards from the current boards will be undertaken upon completion of the assessment mentioned in (a) above.

Mr. Chachu: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for, finally, coming to the help of the people of northern Kenya by making the decision to split the Northern Water Services Board. Water is life. The drought is so devastating to the people of northern Kenya today due to lack of water. My question to the Assistant Minister is: When will they undertake this initiative?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we shall have a co-ordinating committee to do this work. The membership of the committee will be drawn from the Ministry of Water and Irrigation and the existing Northern Water Services Board, so that we can map out the area and do the actual assessment to ensure that the new board will be properly facilitated for it to give services to the people. This should be done in the next one month.

Mr. Letimalo: Mr. Deputy Speaker, Sir, while I appreciate the initiative being taken by the Ministry to split the Northern Water Services Board, could I also ask the Assistant Minister to ensure that, since this is the same water services board that serves the North Rift, he considers giving the North Rift its own water services board?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I was very categorical in my answer. I said that we are splitting the Northern Water Services Board. That is final! That is done! I have said that I will assess the viability of splitting other water services boards. I said that I am considering the following: sustainability, service provision levels, investment, infrastructure and serving requirements. Once I am satisfied that they can meet those requirements, I will split the Northern Water Services Board.

Mr. Deputy Speaker: Mr. Chachu, are you satisfied or you want to ask the last question?

Mr. Chachu: Mr. Deputy Speaker, Sir, I am satisfied. I thank the Assistant Minister. I hope that he will undertake the initiative as soon as possible.

Mr. Deputy Speaker: Next Question by Mr. Yusuf Chanzu!

*Question No.251*GOVERNMENT'S PLAN ON RE-AFFORESTATION
OF MARAGOLI HILLS

Mr. Deputy Speaker: Is Mr. Chanzu not here? We will come back to this Question!

Next Question!

Question No.256

BENEFICIARIES OF YEDF IN NORTH EASTERN PROVINCE

Hon. Members, Mr. Affey is out of the country on Parliamentary Business. So, the Question is deferred until he comes back to the country.

(Question deferred)

Mr. Deputy Speaker: Next Question, Mr. Danson Mungatana!

Question No.336

STATUS OF HOLA-GARSEN ROAD PROJECT

Mr. Mungatana asked the Minister for Youth Affairs and Sports:-

(a) whether she could provide status of implementation of the tarmacking of the Hola-Garsen Road;

(b) whether she could account for the kshs900 million that had been set aside in the previous Budget for construction of the road;

(c) whether she could explain why the contractor has taken so long to complete the road and when it will be completed; and,

(d) whether she could consider replacing the National Youth Service and engage a more efficient contractor in the project.

Mr. Deputy Speaker: Minister for Youth Affairs and Sports! We will come back to this Question.

Next Question by Ms. Millie Odhiambo!

*Question No.330*RATIONALE BEHIND POLICY ON LANGUAGE OF
INSTRUCTION IN LOWER PRIMARY SCHOOLS

Mrs. Odhiambo-Mabona asked the Minister for Education:-

(a) whether he could explain the rationale behind the policy that the language of instruction in lower primary schools is the local language

in rural areas and peri-urban areas, and English in city and town schools; and,

(b) what measures the Ministry has taken to ensure that two different sets of national examinations are developed to respond to the realities of each group, given that the policy gives an undue advantage to children in town schools over their counterparts in rural areas.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The language policy for Kenyan public schools stipulates that the language of the catchment area – that is the mother tongue – should be used as the language of instruction from Standard One to Standard Three in rural areas, where the homogenous communities exist. On the other hand, in cosmopolitan areas, urban, administrative headquarters, commercial and new settlements, where multi-lingual first languages exist, the language of instruction is English and Kiswahili.

(b) The Ministry has no plan of developing two sets of examination for children in urban and rural areas. In fact, pupils from rural areas have continuously performed better or at par with their urban counterparts in the Kenya Certificate of Primary Education (KCPE) national examination.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, with due respect to the Assistant Minister, I do not know whether he was actually a beneficiary of this policy which is evident in the way he has responded to my Question. In part “a” of the Question, I have asked him to explain the rationale behind the policy that the language of instruction in lower primary schools is the local language in rural areas and urban areas, and English in the city and town schools. What he has done is basically restate what I have told him in other words. That is why I am saying that he must be a beneficiary of this policy. Could he, please, explain the rationale of that policy? Children in rural schools speak, play and dream in their mother tongue. Why do they then go to school and learn in their mother tongue and yet, they do the same national examination? It beats logic.

Prof. Olweny: Mr. Deputy Speaker, Sir, it is unfortunate that the hon. Member has to bring in my personality in the question. This Question is addressed to the Ministry of Education and not to Prof. Olweny.

An hon. Member: Answer the question.

Prof. Olweny: Now I shall answer you and I think she owes me an apology.

Mr. Deputy Speaker: Order, hon. Assistant Minister. Proceed and answer the Question. Address the Chair.

Prof. Olweny: Mr. Deputy Speaker, Sir, the hon. Member said that children in homogenous communities speak, dream and do everything in their mother tongues from childhood until they are taken to school. We cannot give them a shock by teaching them everything in English. We have to teach them English while, at the same time, we teach them other subjects in the mother tongue until they are good in English, then we teach them everything in English. That starts from Class Four in this country.

Mr. Mwangi: Mr. Deputy Speaker, Sir, the best vehicle to enhance our culture is the language. I would have expected the Assistant Minister to explain that the mother tongue in our rural setups would give the children an opportunity to understand the three

major “Rs” in the teaching profession. In order to enhance our culture and our values, we need our children to understand our backgrounds. Nonetheless, why has the Ministry decided to have the examination set in the national language?

Prof. Olweny: Mr. Deputy Speaker, Sir, if the hon. Member is not aware, we have two official languages and national languages. We have English and Kiswahili languages.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead us regarding the language of instruction and the national language? My understanding is that English is the language of instruction and Kiswahili is the national language. Has the Ministry changed the policy? Is he in order?

Prof. Olweny: Mr. Deputy Speaker, Sir, I am in order.

Mr. Olago: Mr. Deputy Speaker, Sir, trying to assess the age of the hon. Assistant Minister, he must be---

Prof. Olweny: On a point of order, Mr. Deputy Speaker, Sir. I am not the subject of debate in this House. If an hon. Member has a question, let him direct it to the Chair, then I shall respond to it accordingly. I beg for an apology.

Mr. Deputy Speaker: Hon. Assistant Minister, you have made your point. Mr. Olago, the Assistant Minister is not the subject of discussion. His age and the system of education that he underwent are not under discussion. Could you, please, address the Question?

Mr. Olago: Mr. Deputy Speaker, Sir, what I was going to ask is this: The hon. Professor’s age and mine is about the same and we went to school around the same time. He must have read a book in lower primary school called *Tiko gi Rosa*. That was in vernacular. When we went to upper primary it became very difficult for many of us to translate all that into English to the extent that if one was asked to explain what had happened to something he would say:” My head forgot.” Is it fair for children in lower primary to be taught in vernacular and those in upper primary to be taught in English when they can hardly interchange?

Prof. Olweny: Mr. Deputy Speaker, Sir, I do not understand the problem here. I have indicated to the hon. Members that we cannot teach kindergarten children all the subjects in a language they have never been exposed to. First of all, we have to expose them to English if they are from homogenous communities. Learning is a process and it is done stage by stage. For those who have been teachers, they know that, that is the way teaching is done. They have to learn English stage by stage before they are taught all other subjects in English language. All teachers know about it. I am sorry for those who have never worked as teachers. Maybe lawyers like my colleague there understand what I am trying to say.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, what we are hearing here is very interesting. When children go to Standard One, they know nothing. So, even if they are taught in French, they will speak French. If they are taught in Kiswahili language, they will speak Kiswahili language. So, this is a very simple thing. Why can we not start using English language as the language of instruction? Let them learn from Standard One in English whether they are in the village or in urban areas. It is as simple as that.

Prof. Olweny: Mr. Deputy Speaker, Sir, let me remind hon. Members that the human brain is not a computer; you just punch things into it and then it responds. It takes

time for a ten year old child to learn. So, we have to teach the child English first. That is true, whether hon. Members like it or not.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister who is my good former teacher to mislead this House that the brain of a child in rural Kenya is not a computer, but that of a child in urban Kenya is a computer? The question is: Why is he employing two different standards in urban Kenya and rural Kenya?

Prof. Olweny: Mr. Deputy Speaker, Sir, could the hon. Member withdraw the remarks I did not say that he claims I said? I did not say that the brain of a child in the rural areas and urban areas are different.

Mr. Deputy Speaker: Order, hon. Assistant Minister. You certainly made a comparison in the sense that you addressed the rural children and you want them to study in the vernacular. Your answer says that urban children will be instructed in other languages; English and Kiswahili, for that matter. The rationale is what the hon. Members are interested in. Could you address the question?

Prof. Olweny: Mr. Deputy Speaker, Sir, I have said it and it is very clear that rural children live in homogenous communities where the language which they are exposed to in the first years of their life is their mother tongue. When children in urban communities start growing up, they mingle with children from other communities. They live in a multilingual society. They learn Kiswahili or English language before they even go to kindergarten. This is a very clear case. I do not understand why hon. Members cannot see it.

Mr. Mungatana: Mr. Deputy Speaker, Sir, we are living in the East African Community. The other day, Rwanda which was a French speaking country made a very serious policy change towards speaking English, so that the entire East Africa can speak English and Kiswahili languages. Can the Ministry of Education consider changing this policy, so that it can keep in tandem with the rest of East Africa? This is to ensure that we train our children in the same way that everybody else is doing, whether they are in urban or rural areas?

Dr. Khalwale: Mr. Deputy Speaker, Sir, I have been listening to both sides of the House and it looks like we are missing something fundamental and very important, namely; language is the basis of culture. Secondly, it is a proven fact of science by us doctors, that a child who has been exposed to only one language in the first five years of life, when you teach him or her a second language, that child is usually a better student. So I just thought I would help the House by saying that, let us not be so excited about English to the extent that we forget the language which is the basis of our culture. Secondly, let us allow our children in the first five years of life to enjoy their mother tongue and then they go to school and learn better.

Mr. C. Kilonzo: The hon. Assistant Minister answer and even the point of information by Dr. Khalwale is totally misleading. In our neighbouring country, from nursery, they use a national language; Kiswahili. They do not have a system where we use our vernacular; using Kamba to teach English, or using Luhya to teach English. What we are asking the Assistant Minister is very simple; why do we have two systems for urban areas and rural areas?

Mr. Deputy Speaker: Who do you want to inform?

Mr. Bifwoli: On a point of information Mr. Deputy Speaker, Sir. Mr. Deputy Speaker, Sir, this question calls for professionalism. As a teacher, I want to inform the House that in Uganda, half of the school population learns in Kiganda and on the eastern part, they learn in Kigisu . So, when a child is young and he is learning-- The purpose of a child going to school is to be given instructions so as to understand why he or she has gone to school. For our children to be subjected to English just because it is an international language is not important in this matter.

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

Mr. Deputy Speaker: What is your point of order?

Mr. Mungatana: My point of order is that I had brought in---

Mr. Deputy Speaker: Your question has not been answered!

Mr. Mungatana: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Assistant Minister, could you answer the question by Mr. Mungatana?

Mrs. Odhiambo-Mabona: On a point of order Mr. Deputy Speaker, Sir. I am the one who has raised this question and I am listening to all the information that we are receiving which is very good and healthy, but it is very irrelevant for this purpose. If you look at the gist of my Question, it is about discrimination and equalization of opportunities. If we are teaching children in the rural areas in their mother tongue; if you are teaching people in my rural Rusinga in Suba, why can we not teach the children in Nairobi in Suba, Kisii, Kiluhya or Kigiriyama? It is unconstitutional and it is about equalization of opportunities.

Could the Assistant Minister address himself to that? It is not about culture. I am also cultured, that is why I am a proud Suba.

Mr. Deputy Speaker: Hon. Assistant Minister could you answer that? I think Mrs. Odhiambo-Mabona has asked her last question! Also answer Mr. Mungatana's question.

Prof. Olweny: Mr. Deputy Speaker, Sir, Mr. Mungatana wanted to know why we cannot do what other countries do. This is Kenya and we shall do it the Kenyan way. We do not have to change our system to suit the Tanzanian system. After all, we are using both languages; English and Kiswahili.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the Assistant Minister should take this issue very seriously. He cannot say that we do things the Kenyan way, when in fact we have signed a pact for East African Community (EAC) integration. Let us be serious and address the issue!

Prof. Olweny: Mr. Deputy Speaker, Sir, I do not think the issue of the EAC addresses the issues, ideas or practice of teaching kindergarten children. It does not come in. Those people know nothing about the EAC. Someone only knows one language as a kid. You cannot teach a two-year old kid mathematics in English and yet you have not exposed that kid to English.

With regard to what Mrs. Odhiambo-Mabona has raised, if you teach all those languages in Nairobi, then you will be subdividing the City into all the tribes and sub tribes we have in this country which is not practical.

Mr. Ethuro: On a point of Order. Mr. Deputy Speaker, Sir. Does the Assistant Minister really understand what we are trying to ask in this Question?

Prof. Olweny: Yes I do!

Mr. Ethuro: Mr. Deputy Speaker, Sir, he does not! We are the consumers, hon. Assistant Minister!

You can still teach the languages if you so wish. But why use another language as the official language of instruction, in one part of the country and use a different one in another part of the country? If part of the education policy is to get a united country, that is a commitment by this Government.

Prof. Olweny: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order hon. Assistant Minister! Just for the clarity of the Chair itself. Let us assume a standard three pupil wants to transfer from Garissa Primary School to Nairobi, how do you expect that child to study and adapt?

Prof. Olweny: Mr. Deputy Speaker, Sir, it is very simple. First when a Garissa child was born, what was the first language of communication? It is the mother tongue! When you take this kid to school the first day, would you introduce this kid to Kiswahili or English? That is what should be clear to the hon. Members.

Mrs. Odhiambo-Mabona: On a point of Order, Mr. Deputy Speaker, Sir. In reference to the Assistant Minister's answer, would I be in order to request him to Table before this House the results from Nyanza province and Nairobi Province?

Mr. Deputy Speaker: Are you asking for the Question to be deferred?

Mrs. Odhiambo-Mabona: Yes Mr. Deputy Speaker, Sir. Would it be in order to ask that the question be deferred until he gives a comprehensive answer because he has not answered appropriately?

Mr. Olago: On a point of order. I think we are discussing a very serious issue. In formulating policy on language of instruction in our primary schools, it is important that the Ministry compares the best practices in the world. For example in Sweden, there is an official language of instruction, but in any school where there are at least five foreign students, the Government is obligated to get a teacher for those five. Why can we not look at other practices in the whole world and come up with---

Mr. Deputy Speaker: Is that a point of order!

Mr. Olago: Mr. Deputy Speaker, Sir, is it in order for the Ministry not to look at the best practices in the world?

(Loud consultations)

Mr. Deputy Speaker: Order hon. Members! Hon. Members, the Chair is satisfied that the passions and the context in this issue which has been raised is all very relevant. The result of the answer which was given by the Assistant Minister is not adequate. Consequently, the Chair defers this Question to next week on Tuesday afternoon. Hon. Assistant Minister, come with a comprehensive answer.

(Question deferred)

Prof. Olweny: But it will be the same stuff!

Mr. Deputy Speaker: Assistant Minister, you are grossly out of order! When the Chair gives a ruling and a direction on a matter like this, you have to do what has traditionally been done by Ministers. You go back to your Ministry and come back with

an answer that is appropriate and adequate. Given the fact that you have already been arrogant, could you apologise?

Prof. Olweny: I apologise to the Chair.

Mr. Deputy Speaker: Next Question!

Question No.370

REHABILITATION OF KIMENDE-KAGWE ROAD

Mr. Njuguna asked the Minister for Roads:-

(a) what steps he is taking to rehabilitate Kimende/Kagwe Road (D402), which is in a very deplorable condition, impeding transport of goods and causing insecurity in the area; and,

(b) what budgetary allocation the Ministry has factored for the road during the 2009/10 Budget Estimates.

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry, through the District Roads Committee (DRC). is going to carry out routine maintenance of the Kimende/Kagwe Road this financial year, 2009/2010.

(b) The road is a class D road and therefore, under the purview of the DRC. I want to inform this House that my Ministry is working out a new classification of roads. In one month's time, I will be releasing a report on the new classification of roads.

Mr. Deputy Speaker, Sir, the DRC has set aside Kshs6, 045, 011 for routine maintenance of this road this year. This road is 23 kilometres. The current condition of the road is categorized as follows: 3.6 kilometres is fair, 18 kilometres is poor and 2 kilometres is very poor. The money we have set aside this year should be able to handle the very poor sections to the fair side.

Mr. Njuguna: Mr. Deputy Speaker, Sir, I would like to take this opportunity to thank the Ministry for this very positive response. Secondly, I want to reckon that this is one of the Ministers who keeps official appointments when he invites Members of Parliament in his office.

The other question I wish to raise is that, most of the grounds that I would have liked to venture on have been dealt with in the reply given by the Minister. Routine maintenance and the money allocated really gives the people of my constituency some confidence. The Minister has already expressed a strong desire to visit my constituency to review and inspect this road. With this critical observation and commitment, I would like to terminate further interrogation on this Question.

Mr. Deputy Speaker: Are you satisfied?

Mr. Njuguna: I am satisfied, Mr. Deputy Speaker, Sir.

Mr. Baiya: Mr. Deputy Speaker, Sir, the road in question is shared between Lari Constituency and Githunguri Constituency, could the Minister confirm whether this repair or maintenance is going to extend to Githunguri and not just to the junction between the two constituencies?

Mr. Bett: Mr. Deputy Speaker, Sir, Mr. Baiya has said the road is shared between his constituency and Lari Constituency. I have already indicated that we have set aside Kshs6 million for routine maintenance this year as confirmed by himself. We, definitely,

will be in Githunguri doing maintenance so that the road is passable in both constituencies.

At this juncture, I want to inform the Member that we will be disbanding DRCs and in their place, we will have Constituency Roads Committees (CRC) where Members of Parliament will have a greater responsibility of prioritizing roads in their constituencies.

(Applause)

(Mr. Mwathi stood up in his place)

Mr. Deputy Speaker: Mr. Mwathi, do you have a question on the same?

Mr. Mwathi: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! Much as the Questioner is satisfied, you can ask your question.

Mr. Mwathi: Mr. Deputy Speaker, Sir, in relation to this road and similar ones in the rural areas that have previously been tarmacked and currently it looks like the Ministry is downgrading them to earth roads, is it the policy of the Ministry to downgrade or is the Ministry going to maintain them as tarmacked?

Mr. Bett: Mr. Deputy Speaker, Sir, I want to assure the House that it is not the policy of my Ministry to downgrade any road. However, I want to indicate very firmly that the availability of resources is the main impediment in undertaking those works. If there was little competition for resources from the Exchequer, I can assure the Member that, that road would quickly be re-carpeted, resealed or redone for smooth use by residents of rural areas.

Mr. Deputy Speaker: Next Question by Mr. Olago Aluoch!

Question No.428

MEASURES TO MITIGATE HIGH PRICES
OF ESSENTIAL COMMODITIES

Mr. Olago asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he is aware that the violent upheavals in early 2008 have resulted in serious shortage of food and other essential commodities in the country with a consequent steep rise in prices;

(b) what short-term measures the Ministry has put in place to mitigate the harsh consequences of the same on the ordinary Kenyans; and,

(c) whether the Government has considered initiating restricted legislation to control the prices of essential commodities, including fuel.

Mr. Deputy Speaker: I am made to understand that the Deputy Prime Minister and Minister for Finance is out of the country. Is that so?

The Minister for Roads (Mr. Bett); Mr. Deputy Speaker, Sir, the Deputy Prime Minister and Minister for Finance and the Minister for Agriculture are out of the country. They are on official duty in Rwanda.

Mr. Deputy Speaker: Can we have this Question deferred to a time when the Minister will be back? Have you had a communication from the Minister himself on the same?

Under the circumstances, the Question is deferred until the Minister comes back. The Chair has been made privy to a communication from the Minister on his absence today.

Mr. Olago: Mr. Deputy Speaker, Sir, under the circumstances could we have a definite day?

Mr. Deputy Speaker: When will the Deputy Prime Minister and Minister for Finance be back in the country? Could this Question appear on the Order Paper on Tuesday next week!

(Question deferred)

Mr. Ethuro: Mr. Deputy Speaker, Sir, I apologise to the House for coming late.

Question No. 149

CAUSES OF POWER OUTRAGES IN LODWAR

Mr. Ethuro asked the Minister for Energy:-

(a) whether he could explain the causes of the frequent power black-outs in Lodwar which have caused damage to electrical appliances in business premises, posing a health hazard to the mortuary; and,

(b) what urgent steps he is taking to rectify the current situation and to ensure a reliable and steady supply of electricity to the residents.

The Assistant Minister for Energy (Mr. Keter): Mr. Deputy Speaker, Sir, I want to also apologise for not being here yesterday to answer this Question. I had some commitments elsewhere.

I beg to reply.

(a) The state of generators in Lodwar has been poor and could not meet the maximum demand of 600 kilowatts. The situation improved in February 2008 when a new diesel generator of 400 kilowatts capacity was commissioned and at the same time, the entire distribution board was replaced with a new one. Load shedding ceased as the total installed capacity was 941 kilowatts against a maximum demand of 563 kilowatts.

To improve the generation capacity further, a second generator of 400 kilowatts was installed and commissioned on 8th June 2009. However, its starter broke down soon after. The damaged starter was repaired and put back into service on 27th July this year. This brings the total generation capacity in Lodwar to 1.3 megawatts against the current demand of about 600 kilowatts. Thus Lodwar and its environs have sufficient generation as we are talking now.

Damage to business premises has been occasioned by faulty wiring on meter boxes that cause short circuits. Repair of the same is the sole responsibility of the client

and not the Kenya Power and Lighting Company (KPLC). However, if there are clients who have lodged complaints, we are ready to follow it up so that we can ascertain where the blame can be apportioned.

(b) Mr. Deputy Speaker, Sir, the situation has been rectified by the installation of a second generator, which I said was of 400 kilowatts, in June, 2009, which has enhanced the generation capacity in Lodwar and its surroundings to 1.3 megawatts. Consequently, the residents can now enjoy a reliable and steady supply of electricity.

We are also doing an upgrade in Lodwar Town at the cost of Kshs7.6 million. We are also doing the same at Nadikonye Market, which is within that area, at the cost of Kshs8.9 million and at Nakwamekwi Market, at the cost of Kshs10 million. Finally, we are also working on Nabet, Akwanga, Nakujula shops, Naiwatoron Secondary School at the cost of Kshs6 million so that it can enhance the access to electricity within Lodwar.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I wish to thank the good Assistant Minister for a good answer. You will appreciate that he had some difficulty in pronouncing the names. If we had a language policy where some languages are taught in urban areas, the Assistant Minister would understand some of the words. However, while genuinely thanking him for the capacity that has been installed of 1,341 kilowatts, the consumption in Lodwar Town is still small, not because we do not want to consume electricity, but because it has not been taken to all the suburbs of Lodwar Municipality. When will the Assistant Minister ensure that all the suburbs of this municipality are connected to the national grid?

Mr. Keter: Mr. Deputy Speaker, Sir, I said that currently, the capacity is 1.341 megawatts against a demand of 600 kilowatts. So, there is an extra of about 700 kilowatts. I had mentioned some of the centers that we are working on. However, I want to assure the hon. Member that there are three centers which he had forwarded to our offices, and by next month they will be connected so that we can use the extra 700 kilowatts.

Mr. I. Muoki: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister will appreciate that a big part of this country is made up of the rural areas. Therefore, it is not easy for the national grid to access those areas. What is he doing to ensure that those constituencies that are far from the town centers are catered for in terms of electricity?

Mr. Keter: Mr. Deputy Speaker, Sir, as a Ministry, we will provide stand alone generators to constituencies which are off the grid. In terms of the schools, health centers and other public facilities, we are doing solar installation. We have done a lot in some of the constituencies. This financial year, as you may be aware, in our budget, we have Kshs600 million, which we will use to install solar panels in some of the areas.

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. I want to appreciate the Assistant Minister for being pro-active, because since the question was asked he has been talking about a second generator by June 2009. My final question seeks a clarification. One, will he compensate the business losses which came about as a result of the frequent power outages? When will he ensure that the urban centers in Turkana Central, particularly Lorgum, which is the new headquarters of the new district, Loima, Kerio and Kalapol, which have secondary schools, acquire power generating plants?

Mr. Keter: On the first part of the question, I said that we want those clients to lodge their complaints, so that we can ascertain where the problem is. At times, the problem can be on the customer side and, therefore, KPLC does not have responsibility.

So, if the hon. Member has a list of their names, he can write on their behalf and we will respond to those issues of compensation. With regard to the other three centres, I had mentioned earlier that we would work on them by October, which is next month.

Mr. Joho: Mr. Deputy Speaker, Sir, before my question I want to apologize for coming late.

Mr. Deputy Speaker: Hon. Joho, you came late.

Mr. Joho: Yes, and I do apologize.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker. Is that the real Joho or is it another one?

(Laughter)

Mr. Deputy Speaker: The Chair is satisfied that the Joho who is in the House is the real Joho.

Question No.178

AMPUTATION OF MWANAKHAMISI KOMBO'S ARM
AT COAST GENERAL HOSPITAL

Mr. Joho asked the Minister for Medical Services:

(a) what circumstances led to the amputation of Mrs. Mwanakhamisi Kombo's arm at the Coast Provincial General Hospital in early 2009; and,

(b) whether negligence was a factor, and if so, what action has been taken against the doctors responsible.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, hon. Joho has taken a worthy step which most hon. Members, who are males should follow.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mwanakhamisi Kombo was brought to the casualty section of the Coast General Hospital on 17th January, 2009 at 11.00 pm. She looked very sickly and pale on arrival. She also had a severe chest pain, hence a diagnosis of pneumonia and anemia was made. The clinical officer on duty unsuccessfully attempted to remove a blood sample and thereafter sought the assistance of the doctor on duty where a rubber glove tonic kit was tied on the patient's upper left limb. While the patient was admitted at the female ward, it was observed that the limb was slightly swollen and had change of colour due to blood circulation problems. The medical staff proceeded to treat the patient to improve the blood circulation. Unfortunately, the arm became gangrenous leading to amputation on 25th January, 2009 after getting consent from both the patient and her brother. This was regrettable but the medical officers managed the patient to the best of their ability under the circumstances.

(b) Following the incident, the Ministry, in conjunction with the Kenya Medical Practitioners and Dentists Board, sent an investigative team of senior doctors in the hospital. The team interviewed all hospital staff involved in the management of the patient at the casualty and observed that the patient required specialized treatment and management. They directed the doctor to be retrained at the Kenyatta National Hospital

for a period of six months to enhance skills in handling emergency cases at the casualty to avoid recurrence of such incidences.

Mr. Joho: Mr. Deputy Speaker, Sir, I want to thank the Minister for a very candid answer. Could he, however, indicate how many such cases have been reported in the last two years, particularly from the Coast General Hospital and if there is any action that has been taken?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the hon. Member is right. I cannot remember the exact number of cases that have been reported from the Coast General Hospital. However, I am aware of two. I have raised this issue with the Director of Medical Services and his staff at the Coast, and they have taken steps to ensure that the doctors and the clinical officers do not repeat such incidents. That is why I said that in this particular case, the doctor was referred to the Kenyatta National Hospital for further training to ensure that the senior doctors supervise the clinical offices and the trainees properly in the casualty ward in particular, and in specific cases of taking blood samples from people, clinical officers, or nurses, do not leave the tonic kit in anybody's arm for longer than is necessary.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the Minister has told us that the action that was taken after the negligence was the re-training of that doctor at Kenyatta National Hospital (KNH) by senior doctors. The problem is that when ordinary *wananchi* suffer because of negligence by doctors, there is no compensation. When will the Minister establish a compensation scheme for ordinary *wananchi* who are wronged by doctors and medical personnel, so that they can be paid? The kid lost her arm and there is nothing on the table for her. Instead, the doctor is being re-trained. When will the Minister set up that fund so that, in an obvious case like that, where a doctor has been found negligent, money can be paid to *wananchi* who have suffered?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the hon. Member's proposal is right. In that instance, in my own judgment, the hospital must be held responsible for the loss of limb of a patient. The Medical Practitioners and Dentists Board should cap upfront in their report, not only to recommend compensation, but future penalties in case negligence is proved. This is a case that I should take up with the Medical Practitioners and Dentists Board and report to the House accordingly.

Mr. Joho: Mr. Deputy Speaker, Sir, I would like to find out from the Minister whether he is considering continuous training for medical practitioners to prevent such negligence from occurring from time to time.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, you will find out that doctors rarely take blood samples from patients, as Dr. Khalwale will confirm. That job is usually done by nurses, clinical officers and, in certain cases, even by trainee nurses. What is important is that the doctors in charge must make sure that those nurses and the trainees are properly instructed on what to do, especially when they are taking blood samples from patients. In that regard, the person who should be held responsible is the doctor in charge because the trainee may not have been properly trained. When we say that doctors are referred to KNH for further training after such incidents, it is only to train them in the manner in which they should manage a facility like a hospital to prevent such incidents from occurring. But the other thing which is very important is to ensure that clinical officers and nurses, be they trainees or not, who perform such functions, receive prior instruction by a senior doctor, before they are let loose on people's arms, buttocks or legs.

Question No.251

GOVERNMENT'S PLAN ON RE-AFFORESTATION AT MARAGOLI HILLS

Mr. Chanzu: Mr. Deputy Speaker, Sir, I sincerely apologize for coming late. It was because of some difficulties with the traffic outside here.

Mr. Chanzu asked the Minister for Forestry and Wildlife what plans he has to undertake re-afforestation at Maragoli Hills in Vihiga.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has already embarked on a reforestation programme aimed at rehabilitating the degraded Maragoli Hills Forest Reserve in Vihiga District. Specifically, the Kenya Forest Service in partnership with other stakeholders is undertaking the following measures to ensure that the forest reserve is rehabilitated for environmental and biodiversity conservation:-

(i) Rehabilitation of the hills by planting indigenous trees. During this year's tree planting season, a total of 187 hectares of land have been planted with trees.

(ii) The process of preparing a participatory management plan for better management of the forest reserve with emphasis on conservation and rehabilitation of the water catchment areas is going on.

(iii) The re-afforestation exercise will be scaled up during the next planting season through allocation of more resources and the involvement of other stakeholders.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I appreciate what the Ministry is doing and, particularly, the Minister, himself - Dr. Noah Wekesa. But the answer to part "(i)" of the Question is not right. It is not true. This year, we have not had a planting season. So, nothing has been done there. I would like the Assistant Minister to ascertain that, that is not true. If he says that, that is true, how much money has been spent on that? What modalities has he put in place to cover the 187 hectares?

Mr. Nanok: Mr. Deputy Speaker, Sir, from the information that I have, the planting of tree seedlings in the 187 hectares is true. It has been done by four different stakeholders. They are Water Resource Management Authority, Green Zones Development Support Project that is funded by the African Development Bank, *Kazi kwa Vijana* Programme and the National Resource Management Project, which is funded by the World Bank and the Kenya Commercial Bank. I do not have the actual estimates in terms of how much money that translates to, but I can supply that information to the hon. Member.

Mr. Mwathi: Mr. Deputy Speaker, Sir, in this country, many forests have been destroyed and yet, they are gazetted. Does the Ministry have a policy on re-afforestation? If it does, what time-frame are we looking at to re-afforest all the destroyed forests?

Mr. Nanok: Mr. Deputy Speaker, Sir, the Ministry has a plan for re-afforestation of all forests and water catchment areas. One of the things that we have to appreciate and, indeed, we pointed this one out when we were presenting the budget for this year, is the under-funding that the Ministry has experienced. That is going to limit the amount of work that we are going to do.

Mr. I.M. Muoki: Mr. Deputy Speaker, Sir, as we discuss the issue of Maragoli Hills, it is true that almost all the forests and hills have seriously been deforested. What policy does the Assistant Minister has in terms of educating *wananchi* to conserve forest cover, whether in grasslands, hills and gazetted forests? Could he consider supplying indigenous seedlings to arid areas, so that we can plant them during the coming planting season?

Mr. Nanok: Mr. Deputy Speaker, Sir, indeed, the proposal from the hon. Member is a good one. I have taken note of it and we will look into it.

Mr. Ochieng': Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister is aware that there is a type of a tree that matures in three years. Could he consider importing such seedlings into this country, so that they can be planted in the dry areas? That way, we can re-afforest all our forests and mountains within three years?

Mr. Deputy Speaker: What is the name of the tree?

Mr. Ochieng': Mr. Deputy Speaker, Sir, it is upon them to find out because that is their line.

Mr. Mungatana: Mr. Deputy Speaker, Sir, following what hon. Ochieng' has raised, there is the issue of the eucalyptus tree. We have seen the Minister for Environment and Mineral Resources asking people to uproot that particular tree in certain areas. I would like to know whether that is an official Government policy. We are made to understand that, that tree consumes a lot of water. Could we know from the Assistant Minister today, whether it is an official Government policy that Kenyans should uproot all eucalyptus trees? If that is so, what is the reason?

Mr. Nanok: Mr. Deputy Speaker, Sir, I appreciate that question. Indeed, the issue of the eucalyptus trees has been debated. The Ministry of Environment and Mineral Resources and the Ministry of Forestry and Wildlife have said that it depends on where you plant the eucalyptus trees and the amount of rainfall in those areas. No eucalyptus tree should be planted in water catchment areas. The advice we have got from the experts is that there are specific species that could be planted in other areas. I would like to inform the hon. Members that we are now finalizing the Forest Policy where we will make a number of things clear, including the issue of eucalyptus trees. We will bring this policy to this House as soon as it is debated so that we can tell hon. Members the position of the Government.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I come from this part of the world and I am aware that an average of 500 families live on these hills. In his second answer, the Assistant Minister has told us that they wish to have participatory preparation of the forests during this exercise. Given the fact that the forests were never adjudicated, it, therefore, means that the 500 families do not have title deeds. Therefore, they will not enjoy the other benefits of participating in a piece of land which is not theirs. Could the Assistant Minister tell us whether or not it is possible for him to take the 500 families and settle them in one of the Agricultural Development Corporation (ADC) farms? If he allocates each of these families an average of five acres, it amounts to a mere 2,500 acres.

Mr. Nanok: Mr. Deputy Speaker, Sir, to be exact, there are about 450 families that occupy 66,000 hectares. The entire Maragoli Forest block has been identified as a water catchment area. This issue has been discussed by the local District Development Committee and the families have shown willingness to relocate from the water catchment area. The Government is looking into ways to move them humanely.

Dr. Khalwale: When?

Mr. Nanok: It is still under discussion.

Mr. Deputy Speaker: Order! Ask the last question, Mr. Chanzu!

Mr. Chanzu: Mr. Deputy Speaker, Sir, I said that I appreciate what the Ministry is doing, in my first question. However, the first part of the answer is not correct. This is an issue where the left hand does not know what the right hand is doing. The Assistant Minister has said that there are Non-Governmental Organizations (NGOs) which have been involved in the re-afforestation exercise. I would like to say that, that is not true. I would like the Assistant Minister to give an undertaking to this House that he will follow up this matter and find out the truth. This is how money is misappropriated because nothing happened there under the *Kazi kwa Vijana* programme. Let the Assistant Minister give an undertaking to this House that he will follow up the matter, because it is sensitive. We need to do this collectively.

Mr. Nanok: Mr. Deputy Speaker, Sir, that point is noted. I will make a follow up and give the hon. Member feedback.

Mr. Deputy Speaker: Fair enough!

Let us move to the next Question by Mr. Mungatana!

Mr. Mungatana: Mr. Deputy Speaker, Sir, for the second time I beg to ask Question No.336.

Question No.336

STATUS OF HOLA-GARSEN ROAD PROJECT

Mr. Mungatana asked the Minister for Youth Affairs and Sports:-

(a) what the status of the implementation of the tarmacking of the Hola-Garsen Road is;

(b) to account for the Kshs900 million that had been set aside in the previous budget for construction of the road;

(c) why the contractor has taken so long to complete the road and when it will be completed; and,

(d) whether she could consider replacing the National Youth Service and engage a more efficient contractor in the project.

Mr. Deputy Speaker: Is the Minister for Youth Affairs and Sports still not here?

The Question is deferred to tomorrow afternoon and the Minister had better give a good reason for not being present in the House to answer this Question. Otherwise, she will not be allowed to transact any other business in the House!

(Question deferred)

Let us move on to the next Order!

POINTS OF ORDER

SAFETY OF JETLINK EXPRESS AIRCRAFT
AND OTHER AIRLINES OPERATING IN KENYA

Eng. Gumbo: Mr. Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Minister for Transport on the safety of Jetlink Express aircrafts and other airlines operating in Kenya.

Over the weekend, passengers flying the Nairobi-Kisumu route were subjected to harrowing moments and extreme anxiety following a mechanical fault with one of the Jetlink Express aircrafts. This is not the first time passengers on this route are being subjected to this kind of experience. The view emerging, therefore, is that unless urgent major steps are taken, the Kisumu-Nairobi route and other domestic routes by extension, may simply be an air disaster waiting to happen.

Mr. Deputy Speaker, Sir, arising from these incidents and the above concerns, I seek a Ministerial Statement from the Minister for Transport to address among others the following: On Jetlink Express, I request him to give the details of the number of aircraft this airline operates in Kenya. I also request him to tell this House and the country the circumstances under which two flights aborted on 7th and 8th September, where on one occasion the aircraft was forced to make an emergency return after take-off and on another occasion, it aborted take-off on the runway.

In the Statement, when such incidents occur how long should it take for the concerned airlines to report to the regulator? In this particular case, how long did it take Jetlink to lodge this incident with the Kenya Civil Aviation Authority (KCAA) which is the industry regulator?

I would also like the Minister to state to the House the safety precautions being taken to avoid major air accidents in Kenya, more particularly with reference to Jetlink Express. I would also like him to tell us when Jetlink had their last flight safety audits on all their aircrafts. Could the Minister also table before the House a maintenance record/history of and Jetlink aircrafts in the past 18 months from the KCAA? He should also table before the House the qualifications and experience of the Chief Engineer and Chief Pilot of Jetlink Express. In the same light, does Jetlink Express have a training programme for its crew? If yes, when was the last time this programme was audited by the industry regulator, the KCAA?

Mr. Deputy Speaker, Sir, the industry requirement is that an airline of this size should have a hangar to maintain and service its aircrafts. Does Jetlink Express have a hangar to maintain their aircraft? If not, how do they do the servicing and maintenance of their aircrafts? What steps has Jetlink Express taken to compensate all the passengers for the anguish and losses occasioned by these incidents of 7th and 8th September? I would also like the Minister to table before the House the age of all the aircrafts in the Jetlink fleet. He should also confirm to the country to what extent this airline adheres to the consumer protection rules and regulations issued by the KCAA.

It is noted with a lot of sadness that even after greatly inconveniencing passengers on Sunday, Jetlink Express in the name of saving costs, lied to stranded passengers who stayed in Kisumu overnight that they could not get any more seats as the available space in the substitute aircraft which they loaned from a competitor had been taken up. However, the truth was that when that airline eventually took off there were 20 empty seats. What part of Jetlink's licence allows for this "dukawallah" approach to high safety and risky business like operating a commercial passenger airline?

Mr. Deputy Speaker, Sir, lastly, it is on record that Jetlink Express recently leased some aircrafts from a certain former Eastern bloc country. Could the Minister tell the

House and table evidence in this House to show that these aircraft were inspected and certified safe to carry passengers by the KCAA before they were allowed to fly the Kenyan airspace?

Mr. Deputy Speaker, Sir, I want the Minister to lay on the Table a list of all civilian passenger airlines in the country, the number of aircrafts, the fleet size operated by each airline and the service history of each of the aircrafts in the fleet in the past 18 months. The Minister should also lay on the Table of the House the qualifications and experience of the chief engineer and the chief pilot for each of the airlines, their crew training programmes and the last time those programmes were audited by the Kenya Civil Aviation Authority (KCAA).

The Minister should also indicate how regularly each of the airlines undertakes flight safety audits and the last time such audits were undertaken by each of the airlines. I also want to know from the Minister, how many airworthiness inspectors/aeronautical engineers the KCAA, the industry regulator, has among their staff. What is their training, qualification and experience?

Mr. Deputy Speaker: Order!

Eng. Gumbo: There are only two more, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is not a question of the timing, it is a question of what you are asking for. You are asking for the entire aviation industry in the country and that is a lot of information. I thought you were specific to Jetlink Airline.

Mr. Gumbo: Mr. Deputy Speaker, Sir, I said it is Jetlink and the other airlines because the issue of safety is a major concern. I beg your indulgence to complete.

Mr. Deputy Speaker, Sir, I also want to know from the Minister what the International Civil Aviation Organization standards are on the recommended ratio between the number of aircraft operated by an airline and the number of airworthiness engineers and technicians the airlines should have. How many flight operation inspectors does the KCAA have? What are their training, qualification and experience and how long has each of them been at KCAA?

Finally, how many airlines, if any, has KCAA reprimanded in the last five years on account of questionable safety operations and if so, what was the nature of the reprimand?

Lastly, could the Minister confirm to the citizens of Kenya if the KCAA has been granted, and does have, the capacity to oversee air safety in Kenya?

Thank you.

Mr. Deputy Speaker: Eng. Gumbo, you understand the practice in seeking Ministerial Statement. It is supposed to be a matter that is urgent, current and essentially of policy nature. There is no doubt that you have asked for a lot of information which is very relevant and very important. But are you sure that you can be addressed just through a Ministerial Statement?

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. I cannot hear you.

Mr. Deputy Speaker: Order, Mr. Ogindo! If you cannot hear, you better come somewhere closer to the Chair. Maybe you can also not see!

Eng. Gumbo, my fear is that under the circumstances, maybe your problem might not be addressed in just one Ministerial Statement. Do you still wish to have it as you put it? The Chair is seeing a situation where the Minister is going to come up with a very big

bundle and lay it on the Table. But you want the Minister to give you a Ministerial Statement which he will read and then you could seek clarifications and interrogate.

Eng. Gumbo: Mr. Deputy Speaker, Sir, the issues involved here are extremely grave.

Mr. Deputy Speaker: It is understandable that they are extremely grave but under the circumstances, I am just trying to see how you can be helped on this.

Eng. Gumbo: Mr. Deputy Speaker, Sir, while I stand guided, I would not mind as long as the Minister tables the Ministerial Statement in the format requested.

Mr. Deputy Speaker: Do you want him to basically address everything the way it is now?

Eng. Gumbo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! Any Minister who can give an undertaking when the Ministerial Statement will be available?

The Minister of State for Public Service (Mr. Otieno): Mr. Deputy Speaker, Sir, we shall pass the information to the Ministry.

Mr. Deputy Speaker: When will the Minister issue the Ministerial Statement?

The Minister of State for Public Service (Mr. Otieno): Give them next week Wednesday. One week will be satisfactory.

Mr. Deputy Speaker: Morning or afternoon?

The Minister of State for Public Service (Mr. Otieno): Afternoon, Sir.

Mr. Deputy Speaker: Fair enough! It is so directed.

Hon. Members, I had directed earlier on, that Question No.140 by Mr. Kapondi should appear on the Order Paper tomorrow. The Assistant Minister has approached the Chair and I am satisfied that he will not have the kind of answer that you need tomorrow. So, the Chair rescinds that direction and directs that the Question appears on the Order Paper on Tuesday, next week afternoon.

Next Order!

BILLS

Second Readings

THE CHIEFS (AMENDMENT) BILL

Mr. Wamalwa: Mr. Deputy Speaker, Sir, before I move that The Chiefs (Amendment) Bill be read a Second Time, I have consulted with the Assistant Minister, Ministry of State for Provincial Administration and Internal Security and he has shown me a draft that the Government had worked on which is quite similar to the Bill that is before the House. In my considered opinion after consulting with the Assistant Minister, I have found that the matter needs further consultations so that we see the possibility of marrying the two draft Bills.

Perhaps, he should indicate the willingness of the Government to take over the Bill to look into the issues of remuneration of village elders, appointment, qualifications and other matters that will bring about a comprehensive amendment of the Chiefs Act. So, I seek the guidance of the Chair on the issue. The Minister is in the House and we have compared notes but we need further time for consultations.

Mr. Deputy Speaker: Are you withdrawing the Bill for the time being?

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I need the guidance of the House whether to withdraw it or defer it for further consultations. I have also looked at the Minister's draft and it is quite comprehensive and in line with what is before the House. It would add value.

Mr. Deputy Speaker: Essentially, you are worried that by withdrawing the Bill, it might take a long time before it comes again to the Floor of the House. Assistant Minister, what do you have to say on the same?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, we do have a comprehensive draft Bill to overhaul the Chiefs Act and obviously, looking at it, the part dealing with the engagement, remuneration and duties of the elders are included in that draft. But it does not prevent the hon. Member from proceeding on his own aspect of elders only. But we are coming up with a comprehensive overhaul of the Chiefs Act to consider various other matters.

The other aspect, which I will comment on later, is what we think about this Bill, but this may not be the appropriate time. I am not encouraging him to withdraw. We just discussed that in our draft, we also have views on elders which we can bring as amendments, if the House allows, which are not very radical.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. When we sit here, we need to make optimal use of the time of this House. If indeed, there is a possibility of the Government marrying the views of the hon. Member, then it would help us to save on time. The Bill will just come as one and we debate it and agree. So, I urge that you probably re-arrange the order under your power in the Standing Orders or ask the hon. Member to withdraw because we need to spend the time in an optimal manner.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. While I wish to agree with the sentiments of the House, I just want the Assistant Minister to confirm that when he consults with the hon. Member, then the Bill will surely come to this Floor because we have had instances in the past where Ministers have volunteered to assist the House and they run away with the Bill forever.

Mr. Kioni: It is in my opinion that the Minister will not withdraw this Bill. We need to be careful here because the issue of village elders has been with us for a very long time. It is a bit intriguing to see the Minister coming in at this late hour to get involved in this Bill. While we would want him to get involved, we also do not want this thing to drag on for another 20 years, without ever thinking about these village elders. I agree there are many other issues that also need to be looked into. These include risk allowances and other allowances for the chiefs. As my colleagues have said, it is important that we get that assurance that this Bill will be brought to this House very soon, but not in the coming 20 years.

Mr. Deputy Speaker: Fair enough. Under the circumstances, the Chair uses its own discretion now which is provided for in the Standing Orders. This Bill is deferred to Thursday, next week

(The Bill was accordingly deferred)

Mr. Ethuro: Mr. Deputy Speaker, Sir, I beg to move that the Office of Ministers Bill be read now a second Time.

Mr. Deputy Speaker, Sir, in moving this Bill, I want to first and foremost, thank the Members before me who have made serious attempts to bring Motions of this nature to this House; Motions that never saw the light of the day and never translated into a Bill as we are witnessing today. I have in mind the hon. J.B. Muturi who brought this Motion to the House in the last Parliament. I also want hon. Members to appreciate that we are standing here in order to correct that anomaly that this House failed to address by not performing its duty. Section 16 of the Constitution where this Bill is drawn from provides that there shall be such offices of the Government as may be established by Parliament or, subject to any provisions made by Parliament, by the President. The Constitution has qualified, not just once, but twice, that the offices of Ministers shall be established by the President subject to provisions made by Parliament. However, the Parliament did not do its job. We are here because we want Kenyans to know that the Tenth Parliament is prepared and ready to do its job. This is one of our jobs and we will do it to the best of our ability and understanding. In bringing this Bill, I had in mind the constitutional obligation that I have just read.

The second objective which is even worrying is that if Parliament allows the Executive to continue poaching from the Legislature, you really run the real risk that a House of 222 Members can be composed of 120 Members on the Government side. It will be a travesty of justice and democracy to have such a scenario. We would have returned to a one party State and dictatorship if we do not put the numbers properly. This is actually the mischief that we want to address because there is real danger. Whenever there are problems in the country, the tendency of the Government is to expand the Cabinet so that they poach Members from the Back Bench.

The third objective of this Bill is that a country that is poor like ours cannot afford an expanded Cabinet. We can make serious savings if we reduced the size of the Cabinet. In fact, the memorandums are saying there would be no additional expenditure that the Bill would incur. It is not even a matter of additional expenditure, we are actually going to reduce the current expenditure because on average every Cabinet Minister, will make a saving of about Kshs350,000 which is just personal emoluments. We are still talking about vehicles, running the cost of those vehicles, chase cars and bloated security. The cost is enormous. But hopefully, we will save this money. In so doing, the people of Turkana and many other places who are dying from famine and, cholera, among other diseases, will be able to get sufficient supplies to handle their issues.

I, therefore, wish to urge my colleagues Members of the Tenth Parliament, because they occupy a special and unique role in the Kenyan society, to pass this Bill. They should stand with me and the nation to ensure that this is the way to go. We must limit the number of offices.

This Bill has four parts and eight clauses. It is a very small Bill. It is a Bill because of the confines of the Constitution. Our neighbours, Uganda, have actually limited the number of Ministers in their Constitution to 21. Our neighbours, Tanzania, have also limited their own Ministers in their Constitution. It is only Kenya because of the imperial Presidency that never limited the numbers of Ministers. This Bill has nothing to do with removing Members from the Coalition Government. This has nothing to do

with targeting individuals because we seem to have a tendency to think we are targeting somebody.

One of the provisions that Members have brought to my attention, which I am willing to consider is on Clause 4, which specifies the qualification for appointments to the Offices of the Minister. There is a provision where no person shall be appointed to the Offices of the Minister unless such a person is a Member of Parliament, holder of a university degree or its equivalent and is a person of integrity. We cannot occupy the privileged position of being an advisor to the President, that is essentially what the Cabinet is all about and you cannot even make a claim to personal integrity. This is something that needs to be done. The hon. Justice Ringera used to say that we need to know the fidelity of Caesar's wife. I am wondering why he is not exercising the same. We need Ministers of the Cabinet to have the integrity similar to the fidelity of Caesar's wife. A mere driver being employed in the Public Service is required to produce a certificate of good conduct. How many of our Ministers can pass a test of getting a certificate of good conduct from the police? We will be surprised that most of them fly the flags and they fly them to courts. Most of them still occupy the positions of Ministers and if we do a background check on them, they cannot even qualify to be village elders. To me, this is extremely important. There are valued arguments that maybe one does not need a degree to be appointed a Cabinet Minister. But we cannot put it as "high school equivalent." What is the point of committing ourselves, as a nation, to take our children to school, extol them to work very hard, but at the end of the day, they see Ministers without degrees. We are discouraging these children. It shows we are not committed to their education. We are not saying that the quality of people who elect hon. Members, who are exceptionally good, will remain the same. We need to be an adult and literate. So, if such persons can find their way to this House, they can still make their contribution just as I am trying to do mine. However, in order to be appointed a Cabinet Minister, you must have a degree, so that when you attend international conferences, on behalf of the Republic of Kenya, you can stand among other people in the whole world and people will know that this is Kenya talking.

(Applause)

Mr. Deputy Speaker, Sir, in Clause 5(b), the Minister will be in charge of the policy formulation for his or her Ministry. Is it possible for this Minister to really enter into policy dialogue, to initiate policy seriously when he may not have seen a university? Yes, it is possible, but that is an exception to the general rule. I do not think we are in the business of creating exceptions; we are in the business of creating generalities that should conform to the wider spectrum of our system. I would imagine that if I aspire to be appointed to the high office like a Minister of the Republic of Kenya, I would want my credentials to be impressive. I would not want to be discussed in terms of an exception. I want my credentials to be impeccable. I would want my achievements to be known by everybody. That is why these provisions were made in these particular clauses. Yes, I concede, late Thomas Mboya was a great politician; a great Statesman, he did very well. Mr. John Major in the UK had no degree, but he did very well. At the time of Independence, how many of us had acquired the degrees in order to make it a requirement? Can we speak of the same in this day and age? Definitely not! The

circumstances are different. I would imagine that if you are gifted enough, you will not only have one degree, but many degrees.

I have looked at two issues; we have given 24 Ministries and specified them. But we have also given an alternative that if the President so considers, and does not like my schedule, he is at liberty to configure the Ministries the way he would wish, but subject to the number 24. So, anybody thinking that we are tying the hands of the President in creating these positions needs to be advised properly because we have provided for those provisions. You will notice in that schedule the Office of the Vice-President is not there. This is because the Constitution provides that the Vice-President shall be a Minister in the first place. So, it is already provided for in the Constitution. That is why we did not put it here as a listing because the Vice-President will be a Minister. One of these Ministers is the one who will be appointed the Vice-President.

It is important to appreciate that what we would like to do in this House and what we will expect the Government to do is to have a trim Cabinet. We do not want the existing “classrooms.” We do not want to see what we have just witnessed this week and yesterday afternoon where Ministers cannot subscribe to Section 17(3) of the Constitution which provides for collective responsibility and coming here to contradict themselves. This is happening because the Cabinet is bloated. We have given a number that we think is manageable; a number that we think, in my view, we need this number to be reduced to 20. I invited various stakeholders and we negotiated on this thing, so I conceded to the number of 24. We cannot argue about the population. Philippines has almost 100 million people. With a population of 91 million, it has only 20 Cabinet Ministers. The great United States of America (USA) has only 15 Ministers. So, we cannot argue about our population! We want to argue about a number of offices. We want a small number so that when you are a Minister you are a real Minister. Sometimes I wonder when departments are made Ministries whether these Ministers are responsible for Ministries or small departments. I want a Kenyan who can rise to that position of a Minister to be somebody we can all appreciate, uphold and know, yes, here is Mr. Minister!

We have also addressed the issue of what happens when a vacancy falls in position of a Minister or when a Minister is out of the country. The position we have now is that the Assistant Minister cannot even act and another Minister is appointed. Sometimes, for a position, you will have another acting Minister in another Ministry for eternity. We have asked the President that he needs to know his homework and to do his job properly; that you cannot be acting for a very long time. You can only act for a limited number of days. During that time, the President should make up his mind to appoint another substantive Minister to hold that position, so that the work of Government business does not suffer.

Mr. Deputy Speaker, Sir, in Clause 8, we have made provisions for transitional clauses because I did not want hon. Members and the current Cabinet to think that we are targeting them. We are looking at this country into the future. We are not interested in today; we are interested in the posterity of this nation. We can bear with the existing arrangement because we appreciate the circumstances in which the current bloated Cabinet was formed. It was formed as a result of post-election violence. Indeed, part of the mischief we are trying to address in this Bill is that this country does not have to go to war in order for Mr. Ethuro to be accommodated into the Cabinet; that Cabinet positions

become a solution to political crisis. A Cabinet position is for a different reason: It is not for addressing political contest. It is not for addressing the poverty in this country. We have, therefore, allayed the fears of my friends on the Cabinet side, so that my good friend Mr. Muriithi and ole Metito who are present, have no worry about their place in the Cabinet for the remainder of this Parliament. We want this Bill to be passed, but to take effect in the next political dispensation. It is good practice and good habit that we anticipate that in future this will be the number of positions. Secondly, we are factoring sufficient time and notice for people to know that not all of them will be accommodated in the future. Thirdly, they need to prepare themselves well enough to meet the qualifications of being appointed a Minister of the Republic of Kenya. Let us give this job the dignity and decorum it deserves.

So, I really do not want to dwell much on this subject because I would like this Bill to pass like yesterday. This Motion has been here for the three Parliaments that I have been a Member. I would like this House to make me a proud Kenyan by passing this Bill; that the Member for Turkana Central Constituency will retire for having brought a Bill bearing his name in my own time. The final contribution is about why can we not wait for the new Constitution? We have been waiting for that Constitution for the last 25 years. We cannot wait anymore! Let us do what we can do. If the new Constitution comes, so be it. I am hoping it will come, but this matter has been on; the Constitution has been on. Let them move together. They will come at their own time and convenience. But for now, we, as a Parliament, have a duty in the current Constitution to provide for the Offices of Minister. This one we shall do and do it today.

With those few remarks, I beg to move. I am a very gender sensitive man, so I urge my good friend, nominated Member, Mrs. Odhiambo-Mabona, to second this Motion.

Mrs. Odhiambo-Mabona: Thank you, Mr. Deputy Speaker, Sir. I wish to second this Motion. One of the most obvious reasons for my support is because a bloated Cabinet is too costly for this country. I think a lot has been said in the past about the expenses pertaining to a bloated Cabinet. The Mover has actually alluded to some of those expenses and I will not go into that. I would, however, say that some of those resources could be invested in more worthy causes that this country needs, including famine relief. We know that we are facing a food crisis in this country, and it is not a one-off situation. It is a situation the country goes through every time. It can also be used in ameliorating the effects of diseases such as Malaria, HIV/AIDS and Cancer that are widespread in this country. It could be used in fighting crime, especially crimes against the people. We know that the rate of crime has gone up significantly; especially sexual and gender-based violence. It could also be used to address the needs of the marginalized and the vulnerable; like persons with disabilities, youth and people from pastoralist communities. It could also be used to address some of the issues that would actually enable us attain the Millennium Development Goals such as reduction of high child and maternal mortality rates in this country.

Mr. Deputy Speaker, Sir, I would also urge hon. Members to support this Motion because many times, as the Mover has indicated, we end up with a bloated Cabinet because of the need for political expediency. We want to reward persons who voted for us and, thereby, we compromise on competence. I would want to link this to one of the provisions that actually provide that holders of a Cabinet position must be graduates. This

is a very noble provision that I support and even as the Mover has indicated, we are actually at a time that education has become more open and accessible and even, within the House, there are several hon. Members who are actually undertaking degree courses and other bridging courses. Therefore, there is actually no need for us to have Ministers that are not able to articulate issues that relate to their Ministries. I have actually had an occasion once, before I joined Parliament, to attend a United Nations Conference where a Minister was the head of the delegation. The issues that he addressed were actually very embarrassing for this country. That is because he did not have the competence in the areas that they were dealing with. I have also more recently accompanied the Government on a UN Meeting where the Minister had competence in the area. I was proud to be a Kenyan because of the way he handled those issues. That is why it is important for us to have Ministers who can carry the flag of this country high wherever we go, and can be able to deal with the issues that confront this country in a more appropriate manner.

Mr. Deputy Speaker, Sir, I wish to support this Motion for the very basic reason of management. Within this House, the issue of collective responsibility has come up so many times. I think one of the challenges that we face in dealing with the issue of collective responsibility is that the Cabinet is over-crowded. I know there are other challenges to do with it, but one of them is that they are not able to bond. They are not able to claim ownership because with such a big a Cabinet, it is not really easy for anybody to manage. So, for very practical reasons of management--- I have been a manager and I know that. Even when you sit in board meetings and you have a board of more than seven people, it is a nightmare! But when you are dealing with over 40 Members, that is a choir and people will sing with all manner of voices.

Mr. Deputy Speaker, Sir, I am happy with the provision that provides for the consolidation of Ministries. If you can actually look at one of the issues that has recently been a challenge to us, it is the Mau issue. You can see that there have been attempts to address this issue from the Ministry of Forestry and Wildlife, Ministry of Lands and Ministry of Environment and Mineral Resources. Why? It is because it cuts across all those Ministries. I know that even with the consolidation, there may still be overlapping factors. But we can minimize them. If you actually look at the schedule where certain Ministries have been consolidated, they have similarities of duties. I would strongly urge that we go in that direction. I would only put one rider. I have noticed that in the Schedule, the bit on children has disappeared. I would urge that as it goes to the relevant committee--- When it goes to the Third Stage, we have an amendment that the docket about children be put under the Ministry of Youth Affairs and Sports. I know that traditionally in this country, we have put children under the Ministry of Gender and Children Affairs. That, to me, actually enhances stereotyping about the roles of women. I know that women have the core role of caring and nurturing, but in terms of management of resources, that caring and nurturing role does not really apply at the national level. Therefore, I would urge that the issue of children be placed under the Ministry of Youth Affairs and Sports because there are overlapping issues. Under the Children Act, a child is up to the age of 18, whereas the youth go up to age of 25. That, therefore, means that some children are youth and some youth are children.

Mr. Deputy Speaker, Sir, I also would want that we specifically provide, either within the Schedule under consolidation, or where we are describing the roles on the

issue of equalization of opportunities--- We know that we have a law that deals with equalization of opportunities and yet, it keeps on getting lost. That is one of the reasons why we keep on having marginalization within this country.

Mr. Deputy Speaker, Sir, finally, I want to address myself to the issue of transitional arrangements. It is, indeed, very positive that provisions have been made for transitional arrangements under the Bill. It will not take effect under the life of this Parliament. For me, one of the reasons is that, actually, this Parliament is a unique one because it is a Coalition Parliament and, therefore, the arrangement under this Parliament is very different from any normal Parliament. That is actually one of the reasons why the issue of collective responsibility becomes a challenge. Why? It is because we amended the Constitution by annexure and provided for consultation between the President and the Prime Minister. Within that sort of arrangement, it becomes very difficult to effect some of the provisions of this Bill. But it will be easy to effect those provisions once we go back to a proper choice of Government that is not the current Government; either a Parliamentary or Presidential system of Government.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to second.

(Applause)

(Question proposed)

The Assistant Minister for Industrialization (Mr. Muriithi): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Bill. The Mover and the Secunder of this Bill have referred to this point that the practical aspect of managing a meeting of 50 or 60 people is difficult. The meeting will be lengthy if each speaks for, say, five minutes. So, it is very difficult from the practical point of view to manage a large team.

However, there are more fundamental questions that this Bill seeks to resolve. One of the biggest questions in Kenya today is the issue of reforms, be it in the Judiciary or the Police force. In the law enforcement system, the biggest question of reform is our ability to pay people. The establishment of the Judiciary provides for 501 magistrates. Right now, we have 250 magistrates. So, we are powering a system with only half the number of people allowed in the establishment. Why is this so? It is because we cannot pay people enough. On the prosecution side, we should have 458 prosecutors but right now, we have barely 60 prosecutors. It is only last month that we hired an additional 65 prosecutors. Why are we unable to identify and retain talent in these critical areas of the system of law enforcement in this country? The reason is that we are unable to pay people. We have to pay people competitive wages so that lawyers and other professionals find it acceptable to serve in the public sector.

Mr. Deputy Speaker, Sir, as this is happening, we need to ask ourselves how we spend our money. We spend our money on a rather large Government. So, we have to decide as a nation whether it is better to have 40 or 50 Ministers with no prosecutors or magistrates. Is it better to have 60 Assistant Ministers with no magistrates or prosecutors, if truly we mean to take this country forward? Personally, I would choose to reduce the wage bill at the Front Bench and use that money to get the key processes right. I, therefore, support this Bill.

One needs to see that the duplication of roles of Assistant Ministers, Ministers, Permanent Secretaries and Directors, by and large, is what results into waste. This is because each time you establish an Office of an Assistant Minister or Permanent Secretary or Director or Senior Deputy Secretary, it comes with a variety of things be it stationary, vehicles, routine issues of operations and maintenance that go with specific departments.

From 1997 or 1998, as a country, we could not afford Development Expenditure and that is why we never built any roads or hospitals. In fact, those days, there was a common language. People would say, "We will do it when money becomes available." Therefore, if we have to move forward, we must put our resources in Development Expenditure. We must put our resources in providing infrastructure and the right level of health care. In my view, any effort that seeks to re-allocate or move the bulk of expenditure from Recurrent Expenditure to Development Expenditure is the way to go. We cannot expect to register a 10 per cent growth rate if we will use most of our money to pay salaries, buy fuel and travel overseas.

Mr. Deputy Speaker, Sir, this Bill will resolve many of those questions. I know that the Mover proposed that, perhaps, those of us in the Government side might feel some discomfort and ask: "Why can we not wait for the new constitutional dispensation in order for us to deal with this matter?" In project management, all those things that can start should start today! There is no reason for us to pretend that we can only resolve key pressing issues in this country when the new constitutional dispensation comes into place. As Parliament, we should accept that all those things that can be done today should be done today. If it is the question of dual citizenship, we should dispense with it. This is because we have agreed as a nation that this is the direction we are supposed to go. There can be no reason to argue that this matter needs to wait for a new Constitution. The time is now to send the right signal.

Mr. Deputy Speaker, Sir, as this Bill goes to the relevant Departmental Committee, it is my submission that we must also consider the key question of whether Ministers can or should be drawn from outside Parliament. We have been grappling with the issue of separation of powers in order to move this State forward. One of the roles of the National Assembly is that of an oversight role on the Executive. So, if the Executive is drawn from the same Parliament are we not checking on ourselves? Is it practical or possible for this to be effective? That question needs to be looked at critically. For us to achieve the objects of this Bill, we will have to accept, perhaps, that Members of the Government can be drawn from outside Parliament.

Finally, as a country, we have the opportunity to build a State that works, rejuvenate this society and make things right. As a National Assembly, we must take every single opportunity available to make sure that we build a Kenya that we and generations to come will be proud of.

Mr. Deputy Speaker, Sir, with those many words, I beg to support this Bill.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the Departmental Committee on Administration and National Security was seized of this Bill, and it came before us for scrutiny. On behalf of Parliament, we looked at every clause of this Bill and gave our considered Report, which I will present on behalf of our Chairman, Mr. Fred Kapondi. The Committee supported this Bill wholeheartedly. We would want to just say a few things that we underpinned.

In congratulating Mr. Ekwere Ethuro for bringing this Bill, we also thought that, particularly in Clause 4, we would want to strengthen the standards that are required for a person to be appointed to the Cabinet to include a clause that a person will not have been adversely mentioned in any previous Government Reports or been imprisoned by a court of law in matters related to misappropriation of public resources.

Mr. Deputy Speaker, Sir, we have had Ministers, particularly in the current Grand Coalition Government, whose names are in Parliamentary Committee Reports such as the Public Accounts Committee (PAC) and Public Investments Committee (PIC). Those persons are actually sitting in the Cabinet. This particular clause is meant to deal with this to prevent it from happening in future. So, we support this Bill and we want to stipulate stricter qualifications for those who will aspire to the Office of Minister in the Republic of Kenya. Also, in supporting this Bill, we thought that we should add, under Clause 5, the following provision:-

“A Minister shall be responsible for-

(e) all matters, administrative or financial, pertaining to the Ministry and shall cede office in the event of any financial mismanagement of public funds in the Ministry or parastatal under him during his tenure.”

We thought that by having this provision, we would strengthen the responsibilities of the Minister, so that when something goes wrong within the Ministry, the Minister does not stand up and say: “It is my officers who were responsible. I am not responsible. It is the Permanent Secretary who is responsible. I am not responsible.”

Mr. Deputy Speaker, Sir, we would want to make Ministers fully responsible and accountable to the people of Kenya, so that if money is lost in any particular Department in any Ministry, the Minister shall, without question, and notwithstanding their political standing, be required to surrender their offices.

Currently, the practice has been that the President gives responsibilities to Ministers through *Kenya Gazette* Notices. The situation as it currently obtains is that if a Minister is away, or for whatever reason he is unable to discharge his duties, the President appoints any other Minister in the Cabinet to exercise the functions of that Ministry. So, we have had a situation where a Minister in the Cabinet is holding two offices, yet there are Assistant Ministers within the same Ministry.

Mr. Deputy Speaker, Sir, as a Committee, we did not want a Minister who, maybe, is in charge of defence, to be also appointed by *Kenya Gazette* Notice to exercise the functions of the Minister for Health in the absence of the Minister for Health. We thought that temporary transfer of Ministerial duties should be limited to a Minister within the same Ministry, and should not go to a Minister who is outside that Ministry.

We considered these issues and thought that the whole nomenclature of Assistant Ministers should be done away with in this Bill, so that we can have Ministers of State, like we have in neighbouring Uganda, so that the President would then temporarily transfer Ministerial duties to a Minister of State within the same Ministry and, upon the return of the substantive Minister, automatically responsibility reverts back to the substantive Minister who has returned.

Mr. Deputy Speaker, Sir, we thought, finally, that in the schedule, we should remove the necessity of having two Deputy Prime Ministers, so that we have only one Deputy Prime Minister, and that out of the 24 Ministers, the President can have two extra slots to allocate to Ministries as he wishes. This will create one more Ministry, so that we

still maintain the same 24 Ministries that Mr. Ethuro wanted as we will do away with one Deputy Prime Minister.

In general, the Committee really supports this Bill. We think that it is time we made a statement, as Parliament, that things need to be done better, in a more efficient manner. So, we entirely support this Bill.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Mr. Mungatana, are you moving amendments? You have said a lot of things that are not in the Bill now. You spoke on behalf of the Committee?

Mr. Mungatana: Yes, Mr. Speaker, Sir.

Mr. Deputy Speaker: The issue of Ministers of State is not in the Bill. Also, the issue of having only one Deputy Prime Minister is not in the Bill. So, are you moving amendments or are you are basically supporting the Bill as it is?

Mr. Mungatana: Mr. Deputy Speaker, Sir, we have supported the Bill the way it is, but we are laying a foundation because at the Committee Stage, we will be proposing certain amendments.

Mr. Deputy Speaker: Very well!

Mr. ole Metito!

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to also support this Bill.

I would really want to thank the Mover of this Bill because this Bill is long overdue. I am sure that a similar attempt was made in the Ninth Parliament but it never saw the light of the day. This is the time when Parliament is really asserting its authority in terms of playing its legislative role. This is a piece of legislation whose time has come. I agree with him that this Bill should have been passed yesterday.

Mr. Deputy Speaker, Sir, I am really happy with one of the proposals contained in this Bill – a lean Cabinet. I do not need to dwell so much on the merits of a lean Cabinet, because my colleagues who spoke before me have addressed the real issue of cost-cutting.

More importantly, it is also good to have defined Ministries so that if you become President tomorrow, you will really know the existing Ministries in the Government of Kenya. This has happened all over the world. So, the aspect of defined Ministries, where we know the number of Ministries and the assignment of functions to each of them is very important.

Mr. Deputy Speaker, Sir, the proposal made under Clause 3(2), that there is need for the approval of appointments by the National Assembly, is also very good. In other democracies like the United States of America (USA), when the Head of State makes appointments of great nature, they always go to the Senate for approval.

So, we are now giving the people's representatives a good job by mandating them to approve appointments. That way, Parliament can verify whether certain parameters and conditions that should be considered when making such appointments were, indeed, considered.

Mr. Deputy Speaker, Sir, having said that it is good to have a lean Cabinet, I would even propose to the Mover that when it goes to the Committee stage, we can make it even leaner. He has said in Section 3 paragraph 4 that the President shall appoint the Vice-President from among Ministers established by this Section. The two Deputy Prime

Ministers should also have some portfolios. We can up the number by assigning those two Deputy Prime Ministers certain Ministries. This will actually reduce the size of the Cabinet by two. There will be no need to retain the numbers at 24. We can still have the last one where the President may consider it appropriate to appoint, but the number goes down by two. Currently, each Deputy Prime Minister is a Minister of a certain portfolio.

Mr. Deputy Speaker, Sir, I would also suggest that maybe, the mover could consider as we go to Committee Stage, Ministry No.17; that is the Ministry for Development of Northern Kenya and other Arid Lands. It will really serve great concerns if we make that Ministry the Ministry for Development of Arid Lands. When we talk about development of northern Kenya, that looks more discriminatory. We want a Ministry that can cover the whole country. There are so many arid lands which are not part of northern Kenya. So, it is my suggestion this Ministry be referred to as Ministry for Development of Arid Lands.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we are saying that for one to be appointed as Minister, first of all, he must be a Member of Parliament. I would really also wish to go the way my colleague Mr. Muriithi suggested that we have the possibility of Ministers coming outside Parliament because Parliament is supposed to check the Executive. When you are a Member of Parliament and you are also a Member of the Executive, it becomes very difficult to check yourself.

Nevertheless, Clause 4(b) states that once you satisfy paragraph "a" that you are a Member of Parliament, then you must have at least a university degree. I would suggest that all of us and other colleagues when we campaign to be Members of Parliament, we should also have more aspirations that you would wish to be a Minister. Nobody campaigns in his or her constituency just to end up being a Member of Parliament. We would really wish to satisfy all those conditions and criteria that can up your stakes for you to be appointed to the Cabinet. Why can we not say that all Members of Parliament must at least have university degrees, so that we all qualify to be appointed as Members of the Cabinet. It becomes discriminative when you come to this House, you know you do not have a university degree, so you are so certain that you will not be appointed to the Cabinet. I think it is good we say that every Member of Parliament must have at least a university degree. Those other issues are at the periphery.

That is why I did not need to say that regional balance must be considered. When we have those appointments being approved by the National Assembly, we do not need to put those things because I am sure those are the considerations that will be taken into account when approving or disapproving the appointments.

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

Mr. Mbadi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also support this Bill. I would like to thank the Mover of this Bill, Mr. Ethuro for bringing a timely Bill. This is the right time to bring this Bill. If possible to have this House pass it as fast as possible.

Over 70 per cent of our annual budget goes into financing Recurrent Expenditure. This is basically because we have too huge a Government. This Government is not sustainable. It is a drain to this economy and a burden to taxpayers. Therefore, there is need to cut the size of this Government.

We can only reduce the size of Government by starting with the Cabinet. If we have a leaner Cabinet, then obviously, the effect will trickle down to the lower cadre of staff then we will have a leaner Government.

Mr. Temporary Deputy Speaker, Sir, if we want this country to progress, there is need to run it as a company. There is no company without a structure. We cannot have a company where any chief executive who comes in is the one who will have the powers to decide what the structure of that company will be. That is what is actually taking place at the moment. The President that is voted in will be the one to decide how many Ministers he needs. To me, this is wrong. I blame the previous Parliaments for not doing their job because this is clearly spelt out in the Constitution.

When the mover moved this particular Bill, he did indicate that he borrowed heavily from the provision of the Constitution of this country. This constitutional provision has been there, but this Parliament has never taken it as their responsibility to follow the Constitution and define the Cabinet as is provided for.

Mr. Temporary Deputy Speaker, Sir, I am sure the constitutional review process is addressing the issue of whether we should be a parliamentary system or a presidential system of Government. We really need to be clear in our minds that, are we a parliamentary system or a presidential one. If we are a parliamentary system, then we will still have the Ministers appointed from Parliament.

The Ministers need to have powers. At the moment, we have a mixed and confused system where the Ministers are supposed to be the spokesmen and spokeswomen of their Ministries, but we have Permanent Secretaries calling the shots. It is a bit confusing. I hope that this will be addressed.

This Bill attempts to reduce politicising the appointment to the Cabinet. As I mentioned earlier, if a President wants to play politics, he will increase as much as he wishes, the number of Ministers. At the moment, the President can even have all the 222 MPs in the Cabinet. Nothing will stop him from doing so.

Mr. Temporary Deputy Speaker, Sir, I would like to urge that this House quickly passes this Bill, so that we can trim the Cabinet.

I would also like to address the issue of education and integrity of Members who are to be appointed to the Cabinet. Some of us have argued about the requirement of a degree. As Mr. ole Metito said, in fact, we should even go a step further to insist that Members of Parliament should be degree holders.

At the moment, Kenyans have embraced higher education in this country. We have so many people going for further studies. If we have a lazy leadership that does not want to advance their education, then that leadership should not lead in the first place.

Maybe, at one point, you were not lucky enough to get a degree but nothing stops you from getting that degree later on. We can advance our education and become better educated. As far as I am concerned, that provision is perfect; we need to have it there. We should even move further to provide that even Members of Parliament need to have at least one degree as a requirement.

Mr. Temporary Deputy Speaker, Sir, the issue of integrity is very critical. It is not right even for Parliamentary Committees like the Public Investments Committee (PIC) and the Public Accounts Committee (PAC) to have names of Cabinet Ministers in their reports. People who still sit in the Cabinet are named in Committee reports and yet they still do not see it fit to resign. If this provision of integrity is in our laws, then we will have a more responsible and accountable Cabinet.

Mr. Temporary Deputy Speaker, Sir, I also wanted to talk about the provision for transition in this Bill. This is the point where I totally disagree with the Mover of this Bill. As a matter of fact, the moment we pass this Bill, after the Presidential assent, we need to give it only one month before it is implemented. The current Government is heavy. We know the Grand Coalition Government was supposed to bring back peace and we have that peace today. Therefore, let the ODM bring their ten or twelve Ministers and PNU bring their ten or twelve Ministers. I remember for my party, we took some time to form---

An hon. Member: Which party?

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I belong only to one political party, and that is ODM. We took time to get into the Grand Coalition Government. One of the reasons for this was that we did not want a big Cabinet. We wanted a lean Cabinet. I therefore, think I will just be following what my party wants by insisting that---

An hon. Member: Lead by example!

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, we should lead by example, as one hon. Member is shouting at the back.

We should lead by example by having this Bill passed. Once it is an Act of Parliament, it should be implemented immediately. Let us have a leaner Cabinet so as to cut on the cost of running this Government. I do not see anything wrong with that. We have played politics and now it is the time to work. Let us work by offloading some Ministers.

At the moment, there is a lot of political bickering. There is a lot of confusion in some Ministries. For example, the Ministry of Medical Services and the Ministry of Public Health have been quarreling because their duties are not clearly defined. To make it worse, the two Ministers come from the two different sides of the political divide. Each one of them wants to exert influence over the other. To avoid all these, let us merge those Ministries as proposed in this Bill.

Mr. Temporary Deputy Speaker, Sir, at times, we have to sacrifice. Those Ministers who are not willing to sacrifice are not even qualified to be Ministers in the first place. Whoever is going to complain or walk out of his or her political party because he or she has been dropped from the Cabinet, to me, the party should not regret losing such kind of a Minister.

In conclusion, it is really a shame that some of the Ministries--- I even wonder, if I was appointed a Minister, I do not know what I would have done. Probably, I would not resign because if I do, I would disappoint the appointing authority. So, maybe, I would stick there. Of what benefit is there for you flying a flag and running a department, then claiming you are a Minister? I would rather you were relieved from that position so that you participate as a Back Bencher. You can then bring Questions to Parliament to probe the functioning of the Government rather than doing a lot of nothing, sitting on the Front Bench and then you will be forced to vote with the Government even when you do not

want to. Sometimes you are forced to break ranks with the Government, yet you are just running a department. Then you are told that you are not obeying the rule of collective responsibility.

Mr. Temporary Deputy Speaker, Sir, if I had the choice and I was appointed a Minister to run a department, probably I would have told the appointing authority, "Thank you".

I am being reminded there is a very good example, why do we not follow that very good example?

I beg to support.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill.

I have a number of reasons for supporting this Bill. First of all, I want to thank Mr. Ethuro for his foresight and timeliness in bringing this Bill to Parliament at this crucial hour. We are in an era where we want to assert the authority of the legislature. We want Parliament to take its role. We are taking this country towards a parliamentary democracy. Each and every one of us in this House went out to our respective constituencies to campaign in order to become a Member of Parliament. None of us went to campaign to become a Minister or an Assistant Minister.

Mr. Temporary Deputy Speaker, Sir, I beg your indulgence to tell Mr. Ethuro, the Mover of this Bill, to give me his ears.

We went out and campaigned to be Members of Parliament; nobody, including myself, went out to campaign to become a Minister. We have seen that in every Government appointment to public office, starting with the Cabinet, the Kenya Anti-Corruption Commission (KACC) and other senior public officers, Parliament must give its approval and authority. It is only Parliament that represents the people of this country.

Mr. Temporary Deputy Speaker, Sir, you have seen the politics of this country. During campaigns, the big boys will lead the big political parties and those who come from the big tribes. They will go out and cheat politicians saying that, "You join my party, build my career, and vote for me, we will give you a Cabinet post. That should end. Once the communities and regions vote for their political parties as President, what do they do? They go back to their tribal cocoons and, dish Cabinet posts to members of their tribes. They dish Cabinet posts to their friends overlooking education and integrity, which this Bill is talking about.

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

*[The Temporary Deputy Speaker
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, even this bloated Grand Coalition Government Cabinet, which I am a Member--- We have set a precedent where Members of the Cabinet will come to the Floor of this House and challenge the authority of the President. I am not the first one. Even this Grand Coalition Government Cabinet has people whose character and integrity is in question. We have Members of the Cabinet

whose education level is in question. We must set the ball rolling. We must say enough is enough! Parliament must assert its authority.

Parliament must set the rules, procedure and process of appointing people to higher offices. Those we appoint to big posts, including the Cabinet, must be answerable to this House and not individuals in the Executive as has happened with Justice Aaron Ringera.

Those of us who come from marginalized communities have been the punching bags of political parties. Even after the vigorous elections, after they take votes from our people, when they come to form the Government, we are given lesser departments like the Ministry of Livestock and the Ministry of Development of Northern Kenya and other Arid Lands, when their people and communities take crucial Ministries like the Ministry of State for Provincial Administration and Internal Security.

Mr. Temporary Deputy Speaker, Sir, the Minister of State for Provincial Administration and Internal Security and all those people who are responsible for the security agents come from one region and one community. Those who are in the Office of the Deputy Prime Minister and Ministry of Finance, which is supposed to distribute resources in the Grand Coalition Government, come from one region, one community and from one village.

If Parliament had the authority to vet their appointments, as this Bill stipulates, then that unfairness would have been corrected. I want to agree with my friend, hon. Ethuro, that days have come when the resources of this country, the political leadership and power has to be equitably distributed. Every Kenyan, irrespective of his religion, background and race should be given fair hearing and judgment as a Kenyan. That can only be done by this august House, but not by somebody who sits in State House or by somebody in the name of the Prime Minister or the Vice President of this country.

Time has come when this country must walk the talk and put in place a constitutional dispensation that supports setting up of institutions that will give us checks and balances. On the issue of Part III of this Bill, Section 6(2)(a), the Bill has a provision that any transfer in the Cabinet that the President will make has a time limit of 90 days. That is why from the time when hon. Mungatana resigned as an Assistant Minister for Medical Services, more than 90 days later, the Executive still feels that the Ministry of Medical Services does not need an Assistant Minister. Yes, if the Bill comes into existence, we will know whether we needed it or not.

Finally, the most fundamental of all this is the Clause that talks about integrity. Some of us joined politics not by default. Some of us are in this House because the people who chose us felt that we had what it takes. However, when you come to this House, you find Ministers, Assistant Ministers and other senior positions in Government being headed by people whose integrity, morally and ethically, is in question. We then wonder where the rain started beating this country.

Today, we have reached a stage where--- I want to thank my colleagues in this House, because of what has been going on for the last 10 days. Days have come when Parliament that represents the people of this country must say that it has the moral authority to scrutinize people who want to hold Cabinet offices in this country. The integrity of those people, both morally and ethically, must be put on the Table of this House for us to give a clean bill of health.

With those few remarks, I beg to support.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Bill. I want to commend hon. Ethuro and to say that what the National Assembly has failed to initiate in the last 40 something years has finally been initiated by this Private Member's Bill.

Section 16 of the Constitution is clear; that, there shall be such offices of Ministers of the Government of Kenya appointed by the President as may be established by Parliament or subject to any provision made by Parliament. The President has been establishing Ministries without any provisions made by Parliament. That is why we have been having varying numbers of Ministries at different times. The current number of 42 is the most bloated Cabinet we have had since Independence. This Bill will end that by providing for the specific number of Ministries.

I have been looking at the proposed Clause 3 and I think that Clause 3(2) ought to give a free hand to the Government of the day to determine the names of the Ministries. Yes, there should be a guide that is there in the schedule; if a Government comes in, it will stick to the number provided by Parliament, but will want to cluster the Ministries differently according to its policies, we should have that leg room. I am persuading the Mover, that at the Committee Stage, we look at this to ensure that there is enough leg room for the Government of the day to see how to cluster Ministries.

This Bill sets out that the number of Ministries should not exceed 24. If you look at the definition of Ministers in the Constitution, you will see that they include Assistant Ministers. Therefore, this Bill will see to it that Kenya does not have more than 24 Members of the Executive sitting in Parliament.

Parliament is made up of 222 MPs, and ex-officio MPs, but it should not be executive heavy. In this Parliament almost half of its Members are Members of the Executive. That undermines the independence of Parliament and no wonder, Parliament appears in most occasions to be toothless. This Bill will put a stop to that. I have heard contributions from other Members about the constitutional review that is going on. This Bill is talking about today and not tomorrow. It is remedying the situation as our Constitution is today. The Constitution provides for Ministers to be appointed from among Members of Parliament. We shall cross the bridge of whether we should have Ministers appointed outside Parliament when we are dealing with the new constitution. However, noting from the outcry of Kenyans and also the economic circumstances a majority of Kenyans are undergoing, and I dare say, harsh economic circumstances, there is an urgent need to trim the current bloated Cabinet. That can only happen with the passage of this Bill.

I have heard an hon. Member lament about the bloated Cabinet and absolve one of the Coalition partners of blame for the bloated Cabinet. This is a fallacy. Each Coalition partner provided 21 Members of Cabinet. That means that they have consciously entered into a coalition with a bloated Cabinet. Any Member of the Coalition, or any side that did not want very many Ministers could have given fewer cabinet members. Just as we have seen the President and the Prime Minister go together to make the necessary changes in the police force, they could as well get together and trim the Cabinet. But because both are not willing, it is incumbent upon this Parliament to pass this legislation so that we can force the necessary steps to be taken. We can also arrest the situation in future, where any other President or Head of Government can come and burden Kenyans with a bloated Cabinet.

Mr. Temporary Deputy Speaker, Sir, one of the things that we have seen with this bloated Cabinet is that Kenyans are not getting better service delivery. They are being treated to a theatre of the absurd; quarrels and wrangles over this and that. When you try to divide existing Ministries to accommodate more Members in the Government, service delivery is actually affected for the worse. It is not for the better. It is better when people act from a need basis, and create only Ministries that are necessary. One of the good things that will come about is that we will have a clustering of Ministries that are doing things that overlap. I have seen the proposal that the Ministries of Agriculture, Lands and Forestry be lumped together. I would even add Ministry of Water and Irrigation. That is because where you have agriculture and you do not want to rely on rain-fed agriculture, water becomes a very important component. Where you are talking about water issues, the environment cannot be left behind. Where you are talking about water and environment, you cannot avoid talking about forests because they form the water catchment areas. That is why I am agitating that there should be room for an incoming Government to form its own clusters and to decide the names and the clustering of Ministries, so long as they do not exceed 24. But this is a good guide to any Government on how it can reduce the Ministries to the desired number. I need not go on and on. This is a Bill that is necessary. It should be passed now because it should have been implemented like yesterday.

With those very many remarks, I beg to support.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I see hon. Duale has gone out. I wanted to hand over to him a list of Ministries that are manned by people from the same area. We have the Tana and Athi Water Services, Ministry of State for Special Programmes, Ministry of the East African Community, universities like Maseno, Masinde Muliro and Moi. When you look at the District Commissioners (DCs) and Provincial Commissioners (PCs) in some of those areas, they all seem to be coming from the same area.

But, more importantly, Mr. Temporary Deputy Speaker, Sir, Clause 7 talks about a code of conduct and ethics for Ministers and Assistant Ministers. As I support this Bill, I want to congratulate hon. Ethuro for this brilliant piece of work. As we talk about Ministers under Clause 3, we should also address the number of Assistant Ministers. That is a loophole that can be used to have a bloated group of Assistant Ministers as it is the case now. It is important to specify that when we are talking about 24 Ministers, do they include Assistant Ministers or we are talking about another 24 Assistant Ministers. If we do that, we will still have a bloated Cabinet.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill. I thought that the relevant Ministry and Leader of Government Business should be represented here.

Ms. Karua: What if they do not want to work!

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, is it in order for the Government not to be represented here?

The Temporary Deputy Speaker (Prof. Kaloki): Order! Hon. Bahari, what are you asking?

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, this is a very key Private Member's Bill. I thought that the relevant Ministry or the Leader of Government Business should be here to take notes and respond accordingly.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Bahari, there are three Ministers here. I think they are sufficient enough to take notes and pass them to their colleagues. So, thank you for bringing that up. I just want to remind you that three Ministers are already in the Chamber. Proceed, hon. Kioni!

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, that is another reason why the Cabinet needs to be trimmed so that it can be able to respond to issues like this one. Because of their huge number, they do not know where they should be at any given time. If you witnessed, when we started debating this Bill, the Front Bench was virtually empty. But now, when we have three Assistant Ministers---

I want to support this Bill because the number of Cabinet Ministers has made it difficult for them to serve the people. We have had occasions in this House where Ministers have said that they are guided by their conscience to vote against specific Government decisions. It is important to ask whether, at the point when they took an oath of office and undertook to defend the Constitution, that conscience was still there. It is important for us to know whether that conscience is switched off and on like we do with electricity power in our houses. Because these Members of the Cabinet are so many, they do not quite know what is expected of them. I support the idea that this Bill does not need to be implemented in the next Government. At the Committee Stage, it is important for us to amend Clause 8 that requires that this be done in the next Cabinet meeting and implemented now. Kenyans want changes now and all of us are agreeable to that fact.

Having said that, I have looked at the number of Ministries as listed at the back. There is need to link that to the provisions of the Bill, either in form of schedules or a sub-section. That is because I cannot get the link between the list of Ministries and what is provided for in the Bill. I can see the Ministry of Water and Irrigation. The Department of Irrigation should be put under the Ministry of Agriculture, Fisheries and Livestock Development. Without spending a lot of time, other speakers have said that many Ministers are heading departments. It must be depressing for them to just manage a department. People who have been very busy before they joined Parliament are now charged with the responsibility of just managing departments like the Department of Fisheries and Department of Livestock Development, which are now Ministries. The Ministry of Housing has been a department all along. We have the Ministry of Education, which has been split into many small units, so that we can create more Ministries.

With regard to health, at times, we do not know which Minister we should ask Questions. Many of us will go through the five-year term without knowing the difference between the Ministry of Prof. Anyang'-Nyong'o and that of Mrs. Mugo. It is difficult to understand their different roles. We also have the Ministry for Development of Northern Kenya and other Arid Areas. In my opinion, it is not proper to have a Ministry that is dealing with a given region. It is important to have a Ministry that is cross-cutting. One hon. Member said that it is like we are discriminating against a given area. We understand that there may be specific issues that need to be addressed in a given region like northern Kenya, but the wording of this Ministry should come out in such a way that it is not deemed to serve a specific number of people or a group. It should serve the whole country even if it is to address specific issues from a given area.

Mr. Temporary Deputy Speaker, Sir, it is important for us to have 24 Cabinet Ministers. I support the view that we need to allow some form of clustering by any President, but not beyond 24 Cabinet Members. It is also important to include the

trappings that go with those Ministries. The Deputy Prime Minister and Minister for Finance attempted - and I think that attempt is still there - to request Ministers to move away from Four-Wheel-Drive vehicles to smaller cars.

(Hon. Gumo entered the Chamber)

(Loud consultations)

The Minister for Regional Development Authorities has just walked in. He is not listening to my contribution. He is consulting loudly and I seek your indulgence. He needs to get acquainted with the Standing Orders.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order, the Front Bench!

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, he was not here yesterday and he is now in the House. Welcome back, *Waziri*.

I think the issue of qualification is also important. We were out recently and I came across a Minister in this country. What the Minister did in the conference that we were was really embarrassing to this country. Before long, the Minister found himself in the wrong place and went shopping. The Minister was not there when we were required to make interventions on behalf of the country. This is because one feels inadequate when he or she sits among people who know their fields very well. When we say that one needs a university degree or its equivalent for him or her to be useful in the Cabinet, it is coming from a point of knowledge. We are informed by what we have already seen.

Again, we have Ministers here who feel inadequate in the presence of Assistant Ministers, and this is not useful to this country because we cannot get value for our money and services. This also makes Kenyans not to be served well. Again, the issue of having a limit of 90 days within which the President must fill a vacant position is important because these vacancies have been used in the past to create some anxiety and perhaps, buy loyalty from Members of Parliament. It is important that we know that within 90 days this positions must be filled, we move on as a country and do what we were elected to do.

Mr. Temporary Deputy Speaker, Sir, I also concur that Cabinet positions should come from outside Parliament. Although the Constitution states that one must be a Member of Parliament in order to be appointed a Cabinet Minister, it is important that we move towards that direction where we have the Cabinet coming from outside Parliament, so that we do not have Members of Parliament who are appointed to the Cabinet and the first thing they do is to serve their areas of representation as opposed to the bigger picture that should be carried by a Member of the Cabinet. It is also important that the Cabinet is composed of 24 members drawn from outside Parliament.

Mr. Temporary Deputy Speaker, Sir, since many of the things I will say have been said, I need not repeat them.

I beg to support this Bill.

Mr. Wamalwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I also rise to support the Bill.

Recently during the Prime Minister's Question Time I asked the hon. Prime Minister whether he and the other Principal could also consider reducing the number of Assistant Ministers, as part of the austerity measures the Government is taking to reduce

the number of vehicles that the Ministers and other public office holders drive. I think the answer was non-committal. However, we have about 40 Ministers and close to 60 Assistant Ministers in this Government. We are talking about an Executive of about 100 Members of this House who have been appointed Ministers and Assistant Ministers. Almost half of this House is in the Executive. If you look at what it costs the country to run the bloated Government even for a day, you will find it unbelievable. The number of vehicles driven by the Ministers, Assistant Ministers and Permanent Secretaries are many. The expense is a heavy burden on the taxpayer.

We are saying that last year was a necessary evil, because we had to bring this country together and, therefore, accommodate as many people as possible in terms of competing interests from different political parties. It was clearly a necessary evil. However, time has come – and we are hoping that after we pass this Bill, because we intend to pass it – for the two Principals to re-look at the issue. What was a necessary evil last year, is it a necessary evil now? Must we continue living with the bloated Cabinet and continue burdening the Kenyan taxpayer? I think it is an issue we need to look at.

Mr. Temporary Deputy Speaker, Sir, this Bill has wonderful suggestions on how we can trim the Cabinet from the current number to just about 24. However, proposals have already been made and I hope that the Mover is here to note what we are saying; that, we can even scale it down to 22 members. Ms. Karua and Mr. ole Metito have already made that proposal. We propose that from the list of 24 members, the two Deputies should also hold Ministries and this will bring the Cabinet to 22. We should also do away with the 24th one which is “any other”. That will also bring down the number. We propose that apart from the Ministry of Water and Irrigation being merged with the Ministry of Agriculture, which will bring the number to 20, the Ministry of East African and Regional Co-operation which is No.6--- This Ministry was created from the Ministry of Foreign Affairs. If we go for a lean Cabinet, we can do away with this Ministry because the Minister for Foreign Affairs deals with all foreign affairs, whether in East Africa, the rest of Africa or the whole world. So, we can bring this down to a Cabinet of 20 members. We need to be clear so that apart from the Ministers, we also have 20 Assistant Ministers. Like it has been proposed previously, so that these Assistant Ministers do not feel inferior to other Ministers, who are Assistant Ministers basically in Uganda and elsewhere, they should be called “Ministers of State” who have general duties. However, we should have 20 substantive Ministers and 20 “Ministers of State”, so that once it is defined and provided for in our laws, we cannot have a situation where anyone who comes into power can create a bloated Cabinet like the one we have now and, therefore, put a heavy burden on Kenyans.

It is very important that we look at the future in terms of constitutional amendments and the kind of leadership we want in place, and which we want to provide in our Constitution. On our future, I think we have all agreed that we want devolution to be the centerpiece of the Constitutional review that we will have. If we devolve funds in the manner that we are already doing – and I congratulate the Deputy Prime Minister and Minister for Finance for what he did in the Budget for the current Financial Year – to the constituency, each district becomes a constituency and the basic unit of development, then we will not have a situation where we will need to have Members of Parliament also being Cabinet Ministers.

Mr. Temporary Deputy Speaker, Sir, we could actually be getting Ministers from outside who are technocrats and who will be dealing with Ministries that they are versed in. This would add value in terms of running these Ministries. We will also not have elected leaders trying to pull resources to their regions. Of course, if you are a Member of Parliament and you are a Minister in a certain Ministry, as they say, charity begins at home; naturally even if you are an angel, you will find a way of trying to use your Ministry to benefit your people in the constituency and in the region. That would change in future when Ministers are appointed from outside Parliament. So, the work of the Member of Parliament would be strictly to serve his people in his constituency. With all the devolved resources, you do not need to be a Minister. That is the future that we want to work towards.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, thank you for the opportunity to contribute. I want to congratulate the hon. Member for Turkana Central for bringing this important Bill and for doing something that we should have done long time ago. Since there is a constitutional obligation to allow the Cabinet to be appointed this year, it is also very critical to give this House the opportunity of having a say in the selection and the size of the Cabinet. I do share the sentiments expressed by Mr. Wamalwa.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! Are you contributing as a hon. Member or are you responding on behalf of the Government?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Can I do both?

The Temporary Deputy Speaker (Prof. Kaloki): No, you cannot do both! Just contribute on the Motion.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, we support this Bill brought by the hon. Member for Turkana Central---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! Say "you" support and not "we". That way, you are not representing the Government.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, this is a Coalition Government. This is a good Bill. It sets out the responsibility of Parliament and the qualifications of certain office holders. I think it is very critical that we have technocrats who are also qualified. There is also good provision here for temporary transfer of duties because very often, it is not clear even for the country to know who the acting Minister is, when the other one is out of office for whatever reasons.

The provision for the code of ethics is also very critical for the smooth operation of the Government so that we do not get Ministers disagreeing publicly or even releasing Cabinet secrets.

Mr. Temporary Deputy Speaker, Sir, regarding the question of transitional issues, we also agree because we have very little choice because this is a Coalition Government. I think it is significant that the application of this law comes in the next immediate Parliament.

With regard to other details of numbers of Ministers and their deputies, I want to leave that for the Committee Stage when we may have some proposals.

With those few remarks, I beg to support.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, I stand here to strongly support the Bill because it a very important Bill.

It is about time this country took control of running its affairs. As I stand, the kind of Government and Ministries that we have now are a heavy burden to the nation. As I speak, the number of Government Ministers is almost equal to the Backbenchers. This, indeed, as I said, is a heavy burden. No wonder this country is experiencing a lot of problems in terms of poverty and other areas.

Mr. Temporary Deputy Speaker, Sir, we, as a country, have now turned our attention to managing the Ministries which are far too many and have failed to address the issues affecting this country. We have failed to address poverty in this country because the little resources we have are maintaining the Cabinet Ministers. We have failed to address even the IDP issues and plight of Kenyans. We have failed to address the important issues of education simply because we have bloated Government Ministers which we must cater for. So, it is extremely important that we support this Bill and ensure that it passes for the good of this country. In this regard, I want to congratulate hon. Ethuro for bringing this Bill, so that we can debate it and address these issues accordingly.

Mr. Temporary Deputy Speaker, Sir, due to the size of the Cabinet that we have, many Ministers are not even doing their work. The issue of collective responsibility is no longer there. Everybody is doing what he wants to do. It is about time that we fixed the number of the Ministries in this country. I do not feel that it is important for us to wait until we have the new Constitution in place to do so. It is urgent and we should go ahead and do it. It is also important that we enshrine it in the Constitution, so that any Head of State who comes thereafter, will be guided accordingly. The situation we have now in the country is such that whoever is the Head of State and Government can even have the whole House being Ministers simply because he wants to supervise. This is a situation that we cannot allow to continue. The kind of Ministers that we have is just like mere heads of departments. We want to empower them so that they can do the kind of work expected of them.

Mr. Temporary Deputy Speaker, Sir, I want to address the issue of the Assistant Ministers that we have now. Assistant Ministers are not being given the kind of responsibilities that they should have. I want to support strongly that we should change, so that they become Deputy Ministers with full responsibilities of acting capacity in the event the Minister is not present for one or other reason. They should be given that mandate, to feel like they hold that Ministry, so that they are the principle deputies of the Ministers in the event the Ministers are not there.

The issue of education is extremely important. I want to say here now, that it should be mandatory for any Minister to have a minimum of a university degree before he or she is appointed. For that matter, I think we should even go further and say that any person who qualifies to be a Member of Parliament should be a graduate. This is because education now is affordable and anybody should get it. More so, once you become a Member of Parliament, you aspire to be a Minister and even to be Head of State. If you cannot articulate your issues because of limitation of education, then you cannot do your

work efficiently. We have instances here where Ministers cannot even represent this country effectively because they do not have the basic education that is required. So, it is extremely necessary that a Minister must have a basic university degree before he is appointed as a Government Minister. It is important that we legislate this because with a basic university degree, he will be more effective in his work. He would be expected to read, research and grasp all the issues as presented to him. So, I want to suggest that as opposed to saying that only Ministers should be having basic university degrees, all hon. Members must be degree holders for them to effectively do their work.

Mr. Temporary Deputy Speaker, Sir, as I conclude, it is the responsibility of this House, this country and the Kenyan people to ensure that we do not just give whoever is going to be Head of State an open cheque to appoint whoever he wants to become a Minister or create whichever Ministry. We want anybody who comes in to know that these are the Ministries that we have and that he will have to fit them accordingly. The situation that we had at the beginning of this Parliament was different. But even though it was different, still, the two principals, if we had clearly said that we need not more than 24 or 22 Ministries, they would fit Ministers within that number. So, I strongly support this Bill and I hope that we will pass it.

With those few remarks, I beg to support.

Dr. Otichilo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity to support this Bill. This is a very important Bill; it is a Bill that should have been brought to this House 46 years ago. Our Constitution gives provision for this Parliament to determine the number of Ministers that the Executive should appoint. But for many years, we have abdicated our role. So, I want to take this opportunity to thank the hon. Member for Turkana Central, Mr. Ethuro for bringing this Bill. I want to congratulate him for that.

Secondly, I want to note that given that free time that is given to the Executive, we have seen a situation where we have a very bloated Government which is spending a lot of money in Recurrent Expenditure. So, with the approval of this Bill, this will curtail the expenditure, particularly the recurrent.

The other issue that is of great concern and important is the issue of integrity of the Ministers we have in the Government. We need to have Ministers of high integrity. We need to have Ministers who can be vetted in this House as in other Parliaments where Ministers are vetted because we have, in our case, as my colleagues have said, Ministers who have various cases in court, but they are still Ministers. This is an issue that is of great concern. We need Ministers of high integrity.

As regards education, it is important that any Member appointed in any Government must have minimum degree training; anything less than that cannot warrant somebody to become a Minister. A Minister is somebody who represents our Government in key decision and policy making processes. Therefore, he must be somebody who is knowledgeable. Also, on the issue of appointment of Ministers, we must look into the issue of appointing Ministers with competence in their respective Ministries. As of now, you will note that we have many Ministers who have been appointed in different Ministries and they have no idea or real qualifications or training in those disciplines. So, when it comes to discussing or articulating issues for those Ministries, they find themselves at a loss. So, it is important to put in place a system that

allows the Executive to appoint Ministers who have competence in the relevant Ministries; they should not just be appointed for the sake of it.

Mr. Temporary Deputy Speaker, Sir, as regards the issue of transition, once this Bill is passed into an Act, it should become effective as soon as possible. We cannot wait until the next Parliament because, already, this Government has a bloated Cabinet. We cannot continue to spend so much money on the bloated Government while *wananchi* are suffering. I would like to propose to the Mover that when this Bill goes to the Committee Stage, we should consider the issue of its implementation. It should be implemented as soon as it is passed.

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

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Onyancha: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill. I thank hon. Ethuro for introducing this very important Bill which, actually, is long overdue. Parliament has ceded its powers to the Executive for too long. We should have done this since Independence because it is provided for in the Constitution. We have abdicated our responsibility until this point in time. I am pleased to see that this has now come to the Floor of the House.

Mr. Temporary Deputy Speaker, Sir, the issue about numbers of Ministers has been a thorn in the flesh of Kenyans. The numbers have always been bloated and inefficiency has been rampant, mainly because the Ministers do not even know their duties; they do not know where their boundaries lie and the definition of “responsibility” has been a problem. I am very, very happy that the limitation of the number of Ministers will put a check on the Executive, to the extent to which they can misuse public resources by making unnecessary appointments to those positions which, actually, at the end of the day, do not perform at all.

Mr. Temporary Deputy Speaker, Sir, I am also happy to note that, as a result of this Bill, Parliament will be stronger because we do not want half of Parliament being in the Executive. With all due respect to my friend the Assistant Minister, hon. Munya – my brother sitting across on the Government Bench, it has always been very embarrassing, as it is now, to look around and see that on the Government Side, there is not a single hon. Member other than my brother, who has just walked in now. It is just a reflection of the state of irresponsibility prevalent in the Executive, and I am happy that we are going to be able to check this now.

Mr. Temporary Deputy Speaker, Sir, I support the previous speakers---

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Mr. Temporary Deputy Speaker, Sir. My colleague has said that I have just walked in, when he actually found me in this House!

The Temporary Deputy Speaker (Prof. Kaloki): Indeed, the Assistant Minister has been here for a while now.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise.

Mr. Temporary Deputy Speaker, Sir, on the issue of qualifications, I wish to support the previous speakers that, indeed, it is important that we have qualified hon. Members to serve in those executive positions to be able to deliver effectively to *mwananchi*. I also support the notion on the implementation of this Bill. As soon as it is enacted, rather than wait for 2012 or the next Parliament, it should be implemented straightaway.

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

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now 12.30 p.m. I will interrupt the business of the House. The House will resume this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.