

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6th August, 2008

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-

Report of the Committee on Agriculture, Lands and Natural Resources on the SACCO Societies Bill.

*(By Mr. Bett)*

### NOTICES OF MOTIONS

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

A BILL TO AMEND SECTIONS  
58/59 OF CONSTITUTION OF KENYA

THAT, this House do grant leave to introduce a Bill to amend Sections 58 and 59 of the Constitution of Kenya to provide for the National Assembly to control the calender of the Business in the House.

*(Applause)*

INTRODUCTION OF ANIMAL TECHNICIANS  
TRAINING, REGISTRATION AND LICENSING BILL

THAT, in view of the fact that agriculture remains the backbone of the Kenyan economy and that the livestock subsector contributes about 13 per cent of the Gross Domestic Product (GDP); aware that following the donor-led Structural Adjustments Programme in the late 1980s the Government stopped employing trained field extension officers; further aware that the country boasts of over 6,000 trained but jobless animal technicians, noting with concern that the Government is unable to provide the livestock herders in the Arid and Semi-Arid Lands (ASALs) which hold about over 80 per cent of the livestock population with qualified staff, leaving them at the mercy of the quacks; this House grants leave for the introduction of a Bill entitled "The Animal Technicians, Training, Registration and

Licensing Bill to regulate the training, registration and licensing of animal technicians and for matters incidental thereto and connected therewith.

### QUESTIONS BY PRIVATE NOTICE

#### MEASURES TO PROTECT UASO NG'IRO NORTH RIVER FROM DRYING UP

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I am the Member for Isiolo South Constituency and not Isiolo North Constituency as it appears on the Order Paper.

I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that Uaso Ng'iro North River is drying up for a stretch exceeding 100 kilometres between Malka Daka and Habaswein?

(b) Is the Minister aware that the above situation is largely due to illegal abstraction of river water by the large-scale farmers upstream?

(c) What measures is the Minister taking to protect the suffering of the pastoralists downstream Uaso Belt?

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I want to apologise for not supplying him with the written reply.

I beg to reply.

(a) Yes, I am aware that Uaso Ng'iro North River is drying up for a stretch exceeding 100 kilometres between Malka Daka and Habaswein.

(b) It is true that this situation is largely due to illegal abstraction of river water by the large-scale farmers who are irrigating.

(c) Certainly, we are now creating awareness to the farmers upstream, so that they do not draw water from the river as fast as they are doing, hence making the people downstream suffer. This is a result of climatic changes that we are all facing and, of course, the destruction of trees. We, as a Ministry, are putting up a team to study this situation, so that we can be allocated more resources in the next financial year to save the situation.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, as the Minister said, I do not have, of course, a written answer.

Mr. Deputy Speaker, Sir, this is a very serious matter. I have a lot of respect for the Minister. This is an issue similar to that of the Mau Forest. The only difference is that Mau Forest involves - in terms of people who are affected - international persons. It is an issue similar to that of River Nile. You know how Egypt has seriously guarded the River Nile. The only difference here is that these people are poor pastoralists who have no voice other than this voice in this House. As an advocate of the poor, I know how the Minister has cried over the issue of jiggers that she saw in young children in Mombasa and other places. I want to hear a very categorical and serious action that the Minister will take, as a matter of urgency to save this river. In this House before, we have been told about water sector reforms when this Question came up. The people of Samburu, Laikipia, Wajir districts and the entire north, are listening to this issue.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I really agree with the hon. Member and I want to assure him that I am personally going to make a visit to the place. With the technical team we have put in place, we will see what we can do as a matter of urgency.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, River Uaso Ng'iro used to be the only permanent source of water for Samburu East and Isiolo. That part of Kenya is important as a tourist destination. It is the only place where wild animals and domestic animals get water from. Could the Minister consider suspending the diversion of water so that the poor pastrolists can benefit from Ewaso Ng'iro?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, as I said, I personally want to visit the place so that I can see exactly what short-term and mid-term action I can take. I can then come back with a better answer for all of you.

**Mr. Bett:** Mr. Deputy Speaker, Sir, illegal obstruction of water from our rivers and lakes is so rampant. The Minister has agreed that this, indeed, is illegal. Since she now knows that there are people drawing water from that river illegally, is it possible for her to table a list of the names of the persons who are involved, so that we know who they are?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, since I have undertaken to do that, I have already put a team in place. I have requested the Water Services Regulatory Board to look into this. Therefore, I am going to come up with the names. If there are people using this water illegally, I can assure the House that we will stop them from doing so.

**Mr. Affey:** Mr. Deputy Speaker, Sir, this is a very serious matter just as hon. Members, have said. It has denied the people of Wajir District the opportunity to survive. It is, therefore, very clear that a crime has been committed. The Minister is talking about awareness. Why has the law not been followed? What is the Minister going to do, immediately we finish with this Question, to implement the law as it is? There is greed upstream!

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, the day before yesterday, I did inaugurate the Water Services and Regulatory Board. That Board is going to look into this. I will get a report from the Board. Once it is done, I am certainly going to deal with it.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, as a number of colleagues have pointed out, this is a very important Question to all of us. I appreciate the Minister's concern for now and we expect her to do something. However, I would kindly ask her to consider making a comprehensive plan, not just finding out the causes of this problem, with regard to trying to start some irrigation schemes over there.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I want to promise the hon. Member that, that will be done.

**Mr. Deputy Speaker:** Last question, Mr. Bahari!

**Mr. Bahari:** Mr. Deputy Speaker, Sir, while appreciating the fact that the Minister will visit the area personally, I would like her to take into account the issue of land grabbing around the catchment area and deforestation. She should visit Lake Olbolosat, the Liki area, the Nanyuki area and the Homegrown Farm around Nanyuki. These are the areas that are affecting the river. I want her to consider this when she visits the area.

When will the Minister visit those areas?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, since this is a very important issue to deal with, I want to ask the hon. Member to come to my office and we will set a date when we can visit the area.

*(Applause)*

**Mr. Deputy Speaker:** Next Question, Mr. David Koech!

SITATUNGA GAZELLES  
MENACE IN KAPSABET

**Mr. Koech:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that farmers around River Kingwal at Toretmoi swamps in Kapsabet have lately suffered immense losses of crops as a result of invasion by Sitatunga

Gazelles?

(b) What steps will the Government take to end the menace?

(c) Could the Minister indicate when the affected farmers will be compensated, including the type of compensation?

**Mr. Deputy Speaker:** Hon. Members, I am made to understand that the Minister has sought indulgence of the Chair that this Question be asked a little later because he is on his way to the House.

Next Question, Dr. Julius Kones!

NUMBER OF PEOPLE ALLOCATED  
FM RADIO/TV FREQUENCIES

**Dr. Kones:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Could the Minister table a list of persons assigned FM Radio and TV frequencies in Kenya, indicating the number of frequencies assigned to each of them and amount paid by each to the Government in fees and other revenues to date?

(b) Could the Minister also confirm that one person has been assigned more frequencies than the State owned Kenya Broadcasting Corporation (KBC) and give the justification for the situation?

(c) When will the Government commission the Digital TV and FM frequencies?

**The Minister for Information and Communications** (Mr. Poghisio): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The number of frequencies assigned to each broadcaster are as indicated in this document here which will be tabled. I hope that the hon. Member has copies.

(b) From the data in Appendix I which is in that document, the KBC has been assigned 84 FM frequencies and 47 TV frequencies which is more than any other broadcaster. The broadcaster with the second highest allocation of frequencies is Royal Media Services Ltd.

(c) First, I wish to clarify that transition to digital broadcasting is not affecting FM broadcasting but is limited to television broadcasting only and in the frequency bands of 174 to 230 megahertz and 740 to 862 megahertz. The current FM broadcasting is in the 87.5 to 108 megahertz frequency bands and shall not be migrating to digital.

However, up to the full migration of TV from analog to digital, a new service shall emerge for digital sound broadcasting. This new digital sound broadcasting is called Terrestrial Digital Audio Broadcasting (TDAB). There shall be many benefits of migrating to digital television. The two major benefits are;

(i) There will be compression of spectrum in digital and thus more frequencies shall become available for TV broadcasting.

(ii) One frequency will be able to accommodate up to eight broadcasters as opposed to one broadcaster per frequency as is the case today with analog television broadcasting. This is a major benefit, the first point above notwithstanding.

(iii) A new value added service by the name of TDAB shall become possible for digital sound broadcasting as a result of that migration. The transition to digital broadcasting is scheduled to be realised in the year 2012. In preparation for the introduction of digital broadcasting, the CCK discontinued the assignment of analogue frequencies in October, 2006. A public notice was issued to this effect.

In order to prepare and manage this migration, the Government has established a Digital Television Committee (DTC). This Committee has its membership drawn from the private

broadcasters, Kenya Broadcasting Corporation (KBC), CCK, National Communications Secretariat and Ministry of Information and Communications. The following are the major milestones for this migration:-

Activity is switched on digital and commencement of Simulcast, that is, Simultaneous Broadcasting. This will be on 30th August, 2009. The Simulcast period will be 30th August, 2009 to 30th June, 2012. We will have the end of Simulcast period and Switch-Off days of the analogue period being 1st July, 2012. That means that for sometime until that date, we will carry both analogue and digital frequencies.

**Dr. Kones:** Mr. Deputy Speaker, Sir, I want to thank the Minister for that comprehensive reply to the Question. However, I would like to know what criteria is used to give one individual more frequencies than the rest as is the case with Royal Media Services?

**Mr. Poghio:** Mr. Deputy Speaker, Sir, Royal Media Services is not an individual. It is a corporate entity, but be that as it may, I will give a little background to this story. The Royal Media Services got its frequencies a long time ago, in fact, in the days of the Kenya Posts and Telecommunications (KPTC). It was issued with a broadcast permit on 22nd April, 1997 to broadcast on FM Radio and Television in Nairobi, Nyeri and Mombasa. Subsequently, the then KPTC assigned the company the necessary frequencies to broadcast in these areas. However, these frequencies were cancelled by the CCK on 17th April, 2001 for reasons of non-payment of spectrum fees. The Commission's decision was challenged in court by Royal Media Services who were awarded an injunction for the status quo to remain. These things happened a long time ago. They have these frequencies. In fact, based on this, there was an application by the company to cover other areas of the country. In February, 2003, the Minister then gave the company more frequencies which they hold to this day.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, could the Minister confirm that it costs Kshs130,000 per frequency and yet the Royal Media Services pays a mere Kshs30,000 per frequency?

**Mr. Poghio:** Mr. Deputy Speaker, Sir, there are no special fees for any media house. All fees charged are the same. They are also reviewed from time to time by the CCK.

**Eng. Rege:** Mr. Deputy Speaker, Sir, this is a very serious issue and the Departmental Committee on Energy, Communications and Public Works has summoned the Minister, sometime in September, to investigate this matter further.

I would like to ask the Minister where he is aware that after having given KBC seven frequencies for television. some parts of this country are still not covered by television? If so, could he give this House the dates when those areas will be covered by television?

**Mr. Poghio:** Mr. Deputy Speaker, Sir, I agree with the House because, whenever it wants to investigate any matter further, it is at liberty to do so. However, the Chair can direct in any way. I have herewith attached an appendix showing all the fees paid by all the companies. It might be true that some of the companies are not up to date with their payments. That is very true and these are issues that need to be dealt with because the companies have to pay for the frequencies. The House can then go further and investigate the matter. I do not need to give any permission for that to happen. That is the business of the House.

Mr. Deputy Speaker, Sir, on the issue of covering the country, it is true that the Minister for Information and Communications does not have television in his constituency. However, he is not the only person who does not receive television transmission in his constituency. It is true that some of my colleagues from the remote areas of the northern part of this country do not have television cover. It is the policy of the Government that the public broadcaster begins to think in terms of covering the entire country. In fact, when we go digital, I suggest that it begins in areas where there is no coverage today. They should be the first ones to enjoy that.

**Dr. Kones:** Mr. Deputy Speaker, Sir, the Minister has said that KBC has the highest number of frequencies followed by the Royal Media Services. He has given a list of all broadcasters who have been assigned these frequencies. However, the Minister has chosen not to show the number of frequencies assigned to the Royal Media Services. Could he tell us how many frequencies have been assigned to Royal Media Services and the fees it has paid so far?

**Mr. Poghio:** Mr. Deputy Speaker, Sir, I think this document has not been scrutinised very well. The hon. Member needs to scrutinise this other document because I have not left out--- Do you have this one? You should have it! It is somewhere.

**Dr. Khalwale:** Where? It is not here!

**Mr. Poghio:** Mr. Deputy Speaker, Sir, I am sorry. The list of all the frequencies is given in Appendix I.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has given us the list he is talking about as Appendix I.

**Mr. Deputy Speaker:** Has he laid it on the Table?

**Dr. Khalwale:** Yes, he did, Mr. Deputy Speaker, Sir. When we peruse the list, we realise that Royal Media Services is not there. However, he has another list which he purports contains Royal Media Services. Is he in order to give us a list that is different from the one he is using as a point of reference?

**Mr. Poghio:** Mr. Deputy Speaker, Sir, no Minister intends to be out of order when the Chair is properly in its place. If there is anything missing, then it must be by mistake. However, if you look at the document that they are talking about---

**Hon. Members:** Which one? It is not there!

**Mr. Poghio:** Let me not take the time of the Chair in scrutinising this document. If it is not there it is not because we intend to remove it. Probably, it is by mistake. I have to look at it again, but the full list is in this other document. The number of frequencies given to Royal Media Services are shown here.

**Mr. Deputy Speaker:** Could you, please, table the full list?

**Mr. Poghio:** Yes, Mr. Deputy Speaker, Sir.

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

The list they are talking about and which they are holding is about payments and frequencies. So, I will correct that issue. If it is not there, it is not the intention--- In fact, then, I would not have given you the information that Royal Media Services has the second highest number of frequencies. The intention was not to remove them from the list. I will have to look at the list again.

**Mr. Deputy Speaker:** Order! Order! Hon. Members, through their relevant Committees, do not need a directive from the Chair for them to institute appropriate investigation, or scrutiny, on matters like the one on the Floor now.

Next Question!

**Dr. Kones:** On a point of order, Mr. Deputy Speaker, Sir. I want direction on the Question!

**Mr. Deputy Speaker:** What direction are you seeking, Dr. Kones?

**Dr. Kones:** Mr. Deputy Speaker, Sir, could you rule that the Minister tables the list, maybe, tomorrow?

**Mr. Deputy Speaker:** Order! The Minister has already tabled another list which, presumably, has all the names!

**Dr. Kones:** We have not scrutinised it!

**Mr. Deputy Speaker:** Order! You can scrutinise the list and if you feel that the information on it is misleading, you can come back to the House at an appropriate time.

Next Question by Mr. Chachu!

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

**Mr. Deputy Speaker:** Mr. Namwamba, the House has taken ample time to interrogate the Minister on this particular Question. We have other Questions to dispose of, and other business to transact.

Next Question, Mr. Chachu!

CLOSURE OF POLICE POSTS ON  
KENYA/ETHIOPIA BORDER

**Mr. Chachu:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Minister confirm that two strategic Administration Police (AP) Posts in Buluk and Daradhe in Chalbi District have been closed down since January, 2008?

(b) What were the reasons for the closure, considering the endemic livestock theft in the area and its close proximity to the Kenya/Uganda border?

(c) What prompt action will the Minister take to ensure that the lives of Kenyans living along the Kenya/Ethiopia border, as well as their livestock, are protected?

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is true that the two strategic AP Posts at Buluk and Ravid in Chalbi District have been closed down.

(b) The reason for the closure of the two posts was understaffing. The strength of the personnel in the two posts fell below the required number and, therefore, keeping them in the posts was not sustainable.

(c) Arrangements are being made to re-open the posts in September, 2008. Meanwhile, AP Posts at Dakana, Gale and North Horr District Officer's office are providing security in the region.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, I appreciate the Minister's response. If there is one part of this country that is insecure it is northern Kenya. The Minister said that the reason for closing down the camps is under-staffing. On Saturday, a police officer was killed in Gas. On Sunday, a ten-year-old Standard Two child was killed in Forole, along the Kenya/Ethiopia border. I want the Minister to tell this House and the nation what the priority of the Government is in terms of providing security to northern Kenya, if police posts are closed due to under-staffing. That is the most insecure zone in this country!

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, as I said, the point of the matter is that there was very serious under-staffing. Some posts had as few as one or two officers, who could not do the work. For that reason, it had been arranged that, indeed, there would be a combined force of AP officers, Kenya Police officers and Kenya Wildlife Service rangers, who would patrol the general area. What I have said is clear. We will be rolling out a number of AP officers from the training college in the third week of this month. We will ensure that adequate security personnel are posted to those posts.

**Mr. Gabo:** Mr. Deputy Speaker, Sir, the Minister is talking of patrols in North Horr Constituency. In that area, police stations are about 300 to 400 kilometres apart. Having known that area very well, security patrols cannot do anything. So, could the Minister guarantee to us that those police posts will be re-opened after security personnel have graduated?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I promise to do that as soon as the security personnel, who are undergoing training, complete their course and graduate. They have almost

completed the training. They will come out of the training colleges in the third week of this month. Adequate personnel will be sent to those posts then.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, I appreciate the Minister's assurance to re-open those strategic AP posts. On Saturday, when an AP officer was killed, it took 17 hours for his body to be transported from Gas to Marsabit, due to lack of serviceable vehicles and fuel. While we appreciate the increased number of security personnel in northern Kenya in the last two years, lack of serviceable vehicles and fuel have become a major impediment for them to be effective. What will he do to ensure that there will be enough serviceable vehicles and fuel in that region for security to be restored?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, a substantial amount of money has been factored in my Ministry's budget for the current financial year, for purchase of vehicles. The Ministry is in the process of acquiring vehicles. Once we have the vehicles, the police posts in question will be given first priority. That will happen fairly soon.

**Mr. Deputy Speaker:** Let us go back to Mr. Koech's Question by Private Notice!

#### SITATUNGA GAZELLES MENACE IN KAPSABET

**Mr. Koech:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that farmers around River Kingwal at Toretmoi Swamps in Kapsabet have lately suffered immense loses to crops as a result of invasion by Sitatunga Gazelles?

(b) What steps will the Government take to end the menace?

(c) Could the Minister indicate when the affected farmers will be compensated, including the type of compensation?

**Mr. Deputy Speaker:** Is the Minister for Forestry and Wildlife in?

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Speaker, Sir, we will bring this to his attention, so that he can answer the Question tomorrow.

**Mr. Deputy Speaker:** Very well. Let the Question appear on the Order Paper tomorrow afternoon.

**Mr. Koech:** On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question. The Assistant Minister was in the House. Tomorrow, I will be away on official duty. This Question needs urgent attention.

**Mr. Deputy Speaker:** The Assistant Minister was here, and he did indicate that the Minister was coming with the answer. Nonetheless, we will have to put this Question on the Order Paper, at a time when you will be around, Mr. Koech. On behalf of the Government, Mrs. Ngilu, you need to make an undertaking to answer this Question. The Minister for Forestry and Wildlife needs to take his work seriously!

**The Minister for Water and Irrigation** (Mrs. Ngilu): I will do so, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Very well! Question deferred!

*(Question deferred)*

### ORAL ANSWERS TO QUESTIONS

*Question No.178*

IMPLEMENTATION OF REPORT



OF PRESIDENTIAL ACTION  
COMMITTEE ON MUSLIM CONCERNS

**Ms. A. Abdalla** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could confirm that the Presidential Action Committee on Specific Concerns of Muslims established in November, 2007 has presented its report to the appointing authority;

(b) whether he could table the report of the Committee; and,

(c) what administrative and policy measures he is taking to implement the report.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Deputy Speaker, Sir, you will recall that, yesterday, I did attempt to give an answer to this Question. I said that there were two aspects of this Question. The first aspect was the final report. Since yesterday, I have been able to get the Kenya Gazette Notice which set up the Committee. According to the Terms of Reference, the Committee was supposed to submit an initial progress report on 15th November, 2007.

The final report was to be handed over to the President after 12 months. The final report which is, as I said, at the heart of this matter, has not been handed over to His Excellency the President, who is the appointing authority. You will also recall that Ms. A. Abdalla tabled a copy of a letter dated 15th November, 2007 which was addressed to His Excellency the President at State House. I undertook to carry out a thorough investigation to get down to the root of the matter and find out what it is. It is, indeed, true that on 15th November, 2007, the initial progress report was submitted - and not handed over - to His Excellency the President. You will appreciate that when such a letter is sent to His Excellency the President in State House, it does not automatically mean that the Minister in charge of internal security has that copy. I want to, therefore, state as follows:

First, I would wish to be given a little bit more time so that I can be able to get hold of that initial progress report, so that I can come and table it here. Secondly, because the final report has not yet been presented to His Excellency the President, I will undertake to facilitate a date when the Committee can present its report to the President.

**Ms. A. Abdalla:** Mr. Deputy Speaker, Sir, I wish to thank the Minister for appreciating that this House is no longer operating on a "business-as-usual" attitude. I appreciate that the Minister is going to facilitate the presentation of that report. Just because the left hand and the right hand in his Ministry do not speak to each other, I would like him to go to his Ministry and find out whether the report dated 31st March, 2008, and signed by all Members of the Committee, has finally reached his Ministry.

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I will definitely try to do the best I can to enlighten myself. But the fundamental thing here is to make the necessary arrangement and ensure that facilitation is made for the presentation of the final report.

**Mr. Affey:** Mr. Deputy Speaker, Sir, first, let me also thank the Minister for the assurance that he will facilitate the date when that report will be submitted. But the Minister has confirmed that the initial report was received. It must have contained certain recommendations which the Government is expected to implement. Could he confirm whether those recommendations were implemented? Secondly, how much money did the people of Kenya pay in order to finance the work of that Committee?

*(Prof. Saitoti consulted with*

*other hon. Members)*

**Mr. Deputy Speaker:** Order, Mr. Minister! You are consulting with your colleague when the hon. Member is asking a question! Could you repeat the question again because the Minister did not hear it? Be attentive, Mr. Minister!

**Mr. Affey:** I hope the Minister will be more careful this time! I was saying that some money was paid to finance that Committee which sat for nearly six months. Could he tell us how much money the Government spent on that Committee? When will they implement the recommendations as contained in the interim report that the Minister alluded to?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, it is true. But I will try to consult my predecessor. On the matter of the amount of money spent, I do not have the figures now. That is something that I can get later. Once the final report is presented to the President, who is the appointing authority, I will move as quickly as possible thereafter!

**Mr. Keynan:** On a point of order, Mr. Deputy Speaker. First of all, for purposes of this House, I want to confirm that, indeed, on 11th March, 2008, the Office of the President wrote to that Committee to submit its report latest by 31st March, 2008. I also want the Minister to acknowledge that, indeed, we have a copy of the complete report that was handed over to the Office of the President and, therefore, no attempt shall be made by any quarter to either delete, amend or interfere with any recommendations because we have the details. Therefore, the only undertaking we expect from the Minister is to facilitate the earliest possible time for the Committee to submit its report to His Excellency the President. That is because the contents of the report affect 30 per cent of the population of the Republic of Kenya - that is the Muslim community.

**Mr. Deputy Speaker:** I think the Minister has given us an undertaking, but he could just repeat for the benefit of the hon. Members again.

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, absolutely! I know how sensitive that issue is, and I want to assure Mr. Keynan that I will do the best I can to facilitate the actual presentation of this report to the appointing authority as soon as possible.

*Question No.260*

REHABILITATION OF DARAJA MOJA BRIDGE

**Mr. Ombui** asked the Minister for Roads:-

- (a) whether he is aware that Daraja Moja Bridge on Kisii-Keroka Road which, by reason of its narrow and poor status, led to the death of thirty (30) people on 30th September, 2007, has not been repaired; and,
- (b) what steps he is taking to repair the bridge.

**The Minister for Public Works** (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Daraja Moja Bridge near Kisii town is only 5.5 metres wide, as opposed to the standard width of seven metres. However, the bridge, itself, is in sound structural condition and has footbridges on both sides.

The death of 31 people last year was not as a result of the bridge being narrower than it should. The 31 people died because a large commercial truck hauling a trailer lost control as a result of break failure and rammed into three vehicles at the bridge side. Due to that accident, one of the foot bridges was completely destroyed.

(b) The Ministry of Roads intends to construct a new and wider bridge measuring seven metres with walkways measuring two metres on both sides to accommodate both vehicles and pedestrians. The design for the new bridge is nearly ready and tenders for the construction of the

new bridge will be advertised next month.

**Mr. Ombui:** Mr. Deputy Speaker, Sir, I would like the Minister to clarify why it has taken too long to repair the bridge and its environs. Secondly, could the Minister confirm how many foot bridges are now in operation? I only know one that is operating. Secondly, could the Minister specify the exact dates when that bridge will be repaired? Is it possible to construct permanent foot bridges which will assist the heavy traffic---

**The Assistant Minister for Finance (Dr. Oburu):** On a point of order, Mr. Deputy Speaker, Sir. It has become a practice that when an hon. Member is asking questions, he asks one then the second one and so on. The Standing Orders say that an hon. Member should ask one question at a time.

**Mr. Deputy Speaker:** Order! Mr. Ombui, ask one question at a time!

**Mr. Ombui:** Mr. Deputy Speaker, Sir, could the Minister specify the date when this bridge will be completed?

**Mr. Obure:** Mr. Deputy Speaker, Sir, as I said, the tenders will be advertised next month. The processing will take approximately two months after which the contract will be awarded to a contractor. We expect that the construction works for this bridge will be completed in September next year when the bridge will be opened for use by the public.

**Mr. Mwathi:** Mr. Deputy Speaker, Sir, I appreciate what the Minister has said that the bridge is going to be constructed to the standard width of seven metres. But if you look around the country, there are so many of these narrow bridges. Could the Minister inform the House what plans his Ministry has to ensure that most of these bridges are of standard size of seven metres wide?

**Mr. Obure:** Yes, Mr. Deputy Speaker, Sir. Indeed, that is one of the priority areas of the Ministry to make sure that construction of bridges is standardised. In cases where bridges are narrower than they should, efforts are being made to identify these areas and take corrective action.

**Mr. Ombui:** Mr. Deputy Speaker, Sir, could the Minister specify why he is going to take one full year to complete a small bridge and yet it is very clear that this bridge is serving a lot of people within the town?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I am aware that the then Minister for Roads and Public Works made a promise that the bridge will be constructed but at the time when the promise was made, there was no budgetary provision and the funds are now available. We shall take a shorter time to ensure that the bridge is constructed and made ready for use by the public.

**Mr. Deputy Speaker:** Next Question by Mr. Letimalo!

*Question No.181*

BENEFICIARIES OF COMMONWEALTH  
SCHOLARSHIPS FROM SAMBURU

**Mr. Letimalo** asked the Minister for Higher Education, Science and Technology:-

- (a) what is the criteria used in awarding the Commonwealth scholarships; and,
- (b) whether he could give the number and names of Commonwealth scholarship beneficiaries from Samburu District in the last ten years.

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Mr. Deputy Speaker, Sir, I beg to reply.

- (a) The criteria used to award commonwealth scholarships is the following:-

- (i) First, of course, the candidate has to apply before he or she is shortlisted for the interview.

(ii) You must meet certain qualifications. The first one being that if you have a first degree you must have a first class honours or an upper second class honours for the masters degree. For the Phd, you need to have a proposal and do well in the interview.

(iii) With regard to age, for the masters degree, you must be 34 years or below and for PhD, you need to be 44 years and below.

(iv) You have to be employed in the public sector or State corporation and those who have done so must have served at least two consecutive years since the last degree and graduated within the last ten years.

(v) We also make every effort to address the issue of regional balance to the full extent possible given that the scholarships are very few.

(vi) With regard to areas of study, there are those areas that are of priority and include those related to gender issues, poverty alleviation and so on.

(b) Very unfortunately, no candidate from Samburu District has benefitted from the commonwealth scholarships in the last ten years. It is very unfortunate but that is the case.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, the fact that there is no single candidate from Samburu District that has been nominated for the commonwealth scholarship for the last ten years is an indication that there is total discrimination in the Government and further marginalisation of the marginalised communities.

However, considering the high poverty and illiteracy levels in that part of the country, could the Assistant Minister consider giving an affirmative action to ensure that the candidates who merit and are interested in such scholarships are not left out?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, the fact that no candidate from Samburu has not got that scholarship for the last ten years is not necessarily an indication of discrimination. If you consider that there are about ten to 12 scholarships that are awarded every year in 152 districts, that is a total of 100 scholarships, at least 40 districts in this country in the last ten years would not have got that scholarship. So, the first issue has got to do with the numbers.

Mr. Deputy Speaker, Sir, we also realise the disadvantages Samburu and other marginalised communities have got to with education achievements at the lower levels of education. If there are problems at the basic level that is primary, secondary and univeirty, it is unlikely that there will be candidates from those commuities to apply or take advantage of masters and Phd programmes.

So, yes, I do agree that we need to have affirmative action, but more importantly we need to support lower levels of education so that there will be candidates from those communities who will be able to compete for these scholarships in addition to affirmative action, so that the issue of having to take---

**Mr. Ethuro:** On a point of order, Mr. Deputy Speakr, Sir. While appreciating my good friend and an able Assistant Minister, is he in order to continue misleading this House that the children from Samburu, Turkana, Pokot and all those marginalisd areas including Mandera, Moyale and Wajir do not qualify for scholarships, when I can demonstrate to him that Turkanas have obtained first class honours in these universities including my good self?

*(Laughter)*

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, he knows that he is one of the very few from that region who have got that far.

*(Laughter)*

I am not sayig that they do not have persons that are qualaified; I am saying there are many

disadvantages that make it much more difficult to get to that point and those are the issues---

**Mr. Chachu:** On a point of order, Mr. Deputy Speaker, Sir. I want to inform the hon. Assistant Minister, that the only two students who got a first class honours from the Catholic University of Eastern Africa (CUEA) were from North Horr District. There are many students from northern Kenya who have done extremely well not only here but also in many universities all over the world. Is he in order to claim that our students are not good enough?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, the hon. Member is completely out of order to say that I have implied that their students are not qualified. Obviously, there are many students from north eastern Kenya that get first class degrees and so on but the question is: Given the number of scholarships which I spoke about which are only ten and given that we have to take care of issues of balance, is it possible for 152 districts to benefit from ten scholarships every year?

**Mr. Bahari:** Mr. Deputy Speaker, Sir, with regard to the issue of performance in schools, I think the Ministry is responsible for not putting the facilities in place in the first instance to ensure that students from northern Kenya have equal opportunities to face the exams that they sit every year. The Ministry takes the sole blame for discriminating them by not providing them with the right equipment.

Now, that my good friend, the Assistant Minister who is normally straight shooting has appreciated the problem, could he undertake to organise an airlift for people of northern Kenya like it was done at the time of Independence by the forefathers of this nation which has even borne fruit in America since one of the beneficiaries is a presidential candidate?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, in fact, I would like to say that issues of marginalised communities and education have been addressed and if you go back to the Ministry of Education, there is a lot that is being done to support marginalised communities with respect to special programmes, better facilities and so on.

Having said that, about airlifts and forefathers, you can appreciate I am not a forefather but airlifts were necessary when we did not have our own institutions. Now, we have up to nine public universities and the intention of this Government and the Ministry is to open up opportunities so that we do not have to go to America when we can do it in this country.

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House because airlifts were being done! In the last Parliament, the then Minister for Foreign Affairs airlifted, out of 40 scholarships from Morocco, 35 students from his own constituency! Why not from northern Kenya? These Ministers, whatever scholarships they get, they use them for their own political gains! That is a fact! They only come here to mislead the House!

*(Applause)*

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, you know this matter is becoming much more interesting than I had expected. But it is all right! Your point has been taken!

**Mr. Deputy Speaker:** Order, Dr. Mwiria! Answer the question!

**Dr. Mwiria:** That is a preamble, Mr. Deputy Speaker, Sir. I am very surprised that hon. C. Kilonzo thinks the 35--- They are from which constituency? Are they from one constituency?

**An hon. Member:** They are from Rarieda!

**Dr. Mwiria:** There has not been--- The total number of scholarships from Morocco in the last ten years would not amount to 35. But I would like to propose the following, so that we could have the truth to play around with! Could he lay the list of the 35 people who were airlifted to Morocco on the Table?

**Mr. Deputy Speaker:** Order! The hon. Member said "scholarships" that were given to the Government of Kenya. He did not necessarily ask about the Commonwealth scholarships, although

that is the gist of the Question itself.

**Dr. Mwiria:** Exactly! The point is that he should substantiate! That is the point I am making because I am pretty sure because I was---

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. We do not want to waste the time of the House. This matter is already before the Departmental Committee on Defence and Foreign Relations. So, why should I waste time on the obvious?

*(Applause)*

**Mr. Deputy Speaker:** Dr. Mwiria, you will appreciate that all the airlifts were not from the Commonwealth scholarships! So, when hon. Members are asking about scholarships, they are talking about the general scholarships.

**Dr. Mwiria:** Yes. But you see, Mr. Deputy Speaker, Sir, I think the hon. Member is not right to say that he does not want to substantiate the obvious. It is only obvious when--- It is clearly not obvious today to a lot of other people.

Mr. Deputy Speaker, Sir, the point I am making is that I was in the Ministry of Education in the last Government. There was no time when there were that many scholarships to one country! I can tell you that, for the last five years, there cannot have been even five scholarships to Morocco! So, for the sake of record, I would like him to substantiate whether there have been those scholarships at any given time, so that we can make it clear to them.

**Mr. Deputy Speaker:** Last question, Mr. Letimalo!

**Mr. Letimalo:** Thank you, Mr. Deputy Speaker, Sir. What assurance is the Assistant Minister giving to those who are interested and merit to be considered in future?

**Dr. Mwiria:** I do not need to make that assurance here. We have always ensured that those who merit are considered. But we want to have a data bank. If, in the last ten years, there are communities that have not benefitted, then they will be the first ones to be given the opportunity. We will do that until we reach every district in this country, as long as there are qualified candidates who apply.

**Mr. Deputy Speaker:** Next Question by hon. Lekuton!

*Question No.189*

DELAY TO COMPLETE EL-MOLO  
WATER COMMUNITY PROJECT

**Mr. Lekuton** asked the Minister for Water and Irrigation:-

- (a) whether she is aware that a water project designated to benefit the El-Molo community in Laisamis District in 2006 has stalled;
- (b) whether she could confirm that there is an increase of health abnormalities among the El-Molo as a result of the concentration of flourine and other chemicals in Lake Turkana water which is used for domestic purposes by the community; and,
- (c) what she is doing to complete the project and provide clean water to the El-Molo community.

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

(a) Yes, I am aware that the water project designed in 2006 to benefit the El-Molo community in Laisamis District has stalled. My Ministry, through the National Water Conservation and Pipeline Corporation (NWCPC) undertook detailed designs and feasibility studies to provide

clean water to Laisamis from Kuwencha Videge and other nearby stream sources from Loiyangalani Market Centre. The scope of the works which were completed after the studies included laying down the 21 kilometre pipeline and the construction of two water storage tanks of 48 litres cubed. However, that project was delayed due to the breakdown of the drilling rig in September, 2007.

(b) I am aware that the waters of Lake Turkana have high flouride and dissolved salts concentration due to the hydro-geological nature of the lake catchment. However, I am not in a position to confirm whether there is any relationship between those physiochemical parameters and increased health abnormalities. I undertake to get in touch with the Ministry of Public Health, so that they can check that for me.

(c) My Ministry has budgeted for the works in this financial year, 2008/09, and a suitable drilling rig has been identified to replace the one which broke down. Completion of the remaining works is expected by October, 2008.

*(Mr. Mututho sat on the armrest of his chair)*

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member here in order to sit on the armrest of the chair, showing his back to the House?

**Mr. Deputy Speaker:** Proceed, hon. Lekuton!

**Mr. Lekuton:** Thank you, Mr. Deputy Speaker, Sir. While I appreciate the Minister's answer, I think she has been misinformed. In Loiyangalani, the National Water Conservation and Pipeline Corporation (NWCPC) did not do any feasibility studies to know where they will get the water from. So, how can you lay down a 21 kilometer piping when you have no idea where you will get the water from?

Mr. Deputy Speaker, Sir, the NWCPC is totally wrong and it has never intended to finish the El-Molo project. It does not take a rocket scientist to understand that high levels of calcium and flouride lead to tooth decay due to swollen bones.

Mr. Deputy Speaker, Sir, when you visit the El-Molo, you will be very sympathetic. A 15 year-old kid can barely walk now! Those people rely on fishing. If you are a healthy kid, you can fish. If you do not have strong bones, you cannot even walk a kilometre to go and get food for yourself!

So, Mr. Deputy Speaker, Sir, NWCPC should be held accountable. I would like to request the Minister to actually make sure that she visits those areas and look at that project. Those people are suffering and their population growth has stalled as a result of that water issue.

Mr. Deputy Speaker, Sir, I would like the Minister to tell us how much money she has budgeted this year for that water project. I would also like to discourage her from sending a rig because we have enough spring water there. All she has to do is to make sure that they tap the right springs in the right place.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I appreciate the problems that the people of Laisamis are going through as a result of not taking clean water. But I also want to say that it is true that when people take water with high flouride concentrate, it means, obviously, that their teeth are not going to be white. It is worse if they are girls. However, I want to assure the hon. Member that we are going to look into that issue. I am going to see to it that the water is actually right for the people.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I am not sure whether the Minister understands the gravity of that problem. The El-Molo community lives around Lake Turkana. Their population stagnated for a long time at 99 because of that problem. It is only recently that their population

increased.

Mr. Deputy Speaker, Sir, could the Minister confirm--- Last time, she had three bottles of water! There was no bottle from Lake Turkana because she could not even obtain the dirty water to show to the Minister for Finance. Given her skills as a great fund raiser, could she put up a special programme for areas that do not even have a single drop of water, including the El-Molo on Lake Turkana?

**Mrs. Ngilu:** Yes, it is true that I have not visited this area to see for myself the suffering of the people. If El-molo people stagnated at 99, I expect that they will be about 150 people now. I would rather give water to 150 people who are in need than a million who are not. Let me assure the hon. Member that I am going to look into this, as I said and ensure that they get water. Let me also share with hon. Members that we have got some money in Water Services Transfer Fund that maybe a lot of Members do not know and are not aware of. We have actually surplus of money that should be spent and it is in grants. Members should encourage their people to apply for this money. I will maybe hold a *Kamukunji* to share with them and show them how they can access this money. It will help you all a lot. We have up to now not received one project proposal and I am sure it is because they are not aware of it. So, I will let them know how they can access some of these funds.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I have had benefit of visiting this area; that is, Loyangalani. I know a number of hon. Members have not visited this area. In view of the health implication, which is very obvious when you go there and talk to anybody, when the people of this area smile, you will see the health implications. Could the Minister now, because they have some money, kindly consider providing a water boozier while these issues are sorted out so that these people can have clean water? It is a health matter.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I do not know exactly the number of water boozers that I have in the Ministry and where they are at the moment. I can only say that I am going to check. Let me say that I really know the importance of water. Therefore, I will check and see what we can do immediately on this matter.

**Mr. Lekuton:** Thank you, Mr. Deputy Speaker, Sir. I appreciate the Minister's answers and keenness of helping Kenyans to get water. We thank her very much for that. As we speak, the El-molo people drink the water directly from Lake Turkana. I do not know whether there is any other group in this country that does drink water from an extremely salty lake. I am pleading with the Minister to spare some time and visit these poor people who are decreasing in number in Loyangalani and listen to them. That way, she will understand the real issue. Could the Minister tell us when she will be able to do this?

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, since the hon. Member has made me aware of the problem, I think the first thing that I need to do before I visit the community is to ensure that we have some resources somewhere. The hon. Member can make me know what can be done immediately so that when I go there, I can go with an answer. Otherwise, going there will be a joy for me to see what the community is doing. So, I will take time to do that.

**Mr. Deputy Speaker:** Next Question, Mr. Mwachhi.

*Question No.198*

NUMBER OF PTA TEACHERS  
IN LIMURU

**Mr. Mwachhi** asked the Minister for Education:-

(a) whether he could give the exact number of teachers employed by



Parents/Teachers Association (PTA) in all public primary schools in Limuru Constituency;

(b) whether he could give the cumulative amount of money paid to these teachers per year; and,

(c) what steps he is taking to ensure these teachers are absorbed in the Teachers Service Commission and indicate when this will be effected.

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

(a) The approximate number of teachers employed by the PTA in Limuru Division is 60 in public schools.

(b) The cumulative amount of money

(c) The Teachers Service Commission (TSC) has advertised 4,264 vacant posts in the Print media on 21st July, 2008 to address teachers shortage in the learning institutions in the country. Ten vacant positions are for primary school teachers and 3,768 are for secondary schools and 148 for technical institutions and 41 for teacher training colleges. Kiambu West District was allocated 68 posts for primary school teachers. Currently, the recruitment is ongoing under the direction of Kiambu West District Education Board. The District Selection Panel will submit the list of successful applicants to the Teachers Service Commission by 18th August, 2008 after ratification by the Kiambu District Education Board. The TSC will use the merit list submitted by DEB to appoint the 68 candidates to fill the advertised vacancies in all primary schools in Kiambu West. The PTA teachers in Limuru will, therefore, be employed if they apply and qualify in the merit list submitted by the District Education Board. Successful applicants will be deployed by October, 2008.

**Mr. Mwathi:** Mr. Deputy Speaker, Sir, I appreciate that the Question came before the recruitment exercise commenced. However, we realise that in public schools, Kshs2.4 million per year is paid by the parent. Could the Minister confirm that those who will be recruited will be enough for the slots that are currently available in Limuru so that parents do not pay a single penny to these teachers any more?

**Prof. Ongeru:** Mr. Deputy Speaker, Sir, I would like the hon. Member to appreciate the fact that we have a shortage of primary school teachers in the order of 47,200. The number that we have been allowed to employ this year through the provisions of the Budget in the Printed Estimates is 6,000. Therefore, it will be virtually impossible to satisfy the vacant positions in every constituency and District Education Board level until such a time we have enough financial provisions. However, I think the hon. Member should appreciate that out of that 68, he has a fair share of the teachers to be employed in Limuru Constituency.

**Mr. Wambugu:** Mr. Deputy Speaker, Sir, could the Minister confirm the role to be played by the District Education Boards in the recruitment of teachers in the process that is ongoing?

**Prof. Ongeru:** Mr. Deputy Speaker, Sir, the process of employment is already a criteria which has been established by the TSC based on the number of years a candidate who was qualified has been out there. That has attracted a particular percentage point that is assigned to that individual. For instance, if somebody qualified in 1992 and 1993 and has not been employed, he will score 40 to 50 points. If somebody qualified 2006, he will obviously score lower points. The instructions to the District Education Boards is that they will be in order of merit and based on the criteria which has been established, they will recommend three names from the District Education Board to the TSC. Looking at the entire panorama of the whole nation and on that basis, given the slots that each District Education Board has been given, they will make a determination who qualifies to be employed as a teacher.

**Mr. Mwathi:** Thank you, Mr. Deputy Speaker, Sir. I am still not satisfied with the issue of employment of these primary school teachers. This is because parents have been paying Kshs2.4

million to these teachers. I need to tell parents what to pay if the Minister is not going to employ enough teachers. Could the Minister tell us, out of the 68 teachers, how many will be sent to primary schools in Limuru?

**Prof. Ongeri:** Maybe I should praise the hon. Member that in Kiambu West there is a total of 71,000 pupils and specifically in his constituency, we have a total of 24,000 teachers. Looking at Kiambu West District shortage of 267 teachers, in his constituency the shortage is hardly 343. There are other areas and constituencies where the shortage is as high as 2000. Therefore, priority is based on a formula which takes into account that deficit of teachers in a given area over the national deficit multiplied by the number of pupils in the class. I think the Member has got me for now. I want to encourage that the other deficit be employed by the school management Board or by the Board of Governors, as the case maybe.

**Mr. Deputy Speaker:** Questions Nos.202, 208, 258 and 273 will appear on the Order Paper tomorrow afternoon.

*Question No.202*

SAFEGUARD PUBLIC UTILITY LAND  
ALONG GARISSA ROAD-KENYATTA  
HIGHWAY JUNCTION

*(Question deferred)*

*Question No.208*

CHRONIC WATER SHORTAGE IN  
MACHAKOS TOWN

*(Question deferred)*

*Question No.258*

SACKING OF POLICE CONSTABLES

*(Question deferred)*

*Question No. 273*

COMPENSATION TO FAMILIES  
EVICTED FROM MARIMANTI

*(Question deferred)*

**NOTICE OF MOTION FOR  
THE ADJOURNMENT UNDER  
STANDING ORDER NO.20**

KILLING OF TURKANA SOUTH  
RESIDENTS BY BANDITS

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I rise on a point of order under Standing Order No.20. I wish to submit my request to the House to suspend the rest of its business to discuss a definite urgent matter of national importance. This is the matter of the killings in Turkana South. Ordinary citizens of this Republic were attacked by bandits and killed in cold blood. They lost their lives and their livestock, which is their entire livelihood in a single raid.

This took place in Lesti in Pokot District and Takas in East Baringo. They killed 46 herdsmen, injured 13 and 15 are unaccounted for. The death toll is still rising. The magnitude and scale of these killings can only lead to an impoverished community and the genesis of its demise both in terms of numerical and economical strength. If this is not a definite urgent matter of national importance, then what is it?

**Mr. Deputy Speaker:** Hon. Ethuro, do you have some 15 hon. Members to support your request?

*(Several hon. Members stood  
up in their places)*

Fair enough! The Chair takes note of that urgent matter of national interest. Consequently, it will slot this debate for one hour from 11.30 a.m. to 12.30 p.m. The Motion starts at 11.30 a.m. and ends at 12.30 p.m.

## MINISTERIAL STATEMENTS

### STAFF CHANGES IN WATER SERVICES REGULATORY BOARD

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, hon. Kioni requested for a Ministerial Statement on the staff changes that we have made in the Ministry of Water and Irrigation. I wish to read the Statement.

I changed the membership of the Water Services Regulatory Board, which is under my Ministry, for the following reasons:-

(i) Incompetence and mismanagement of financial resources allocated to the Board on recommendations made by the Inspector-General of State Corporations on June, 2008. I have a copy of this report. Any hon. Member who would like to look at it, can do so.

*(Mrs. Ngilu laid the document on the table)*

(ii) Serious weaknesses and omissions in corporate governance that have manifested themselves in the Board for a period of close to five years. There were persistent problems, wrangles and feuds between members of the Board and the management.

(iii) Inability to prepare and present a performance contract for the year 2008/2009.

(iv) Uncontrolled expenditure on Board allowances that exhausted the Budget six months before the end of the Financial Year, rendering it unoperational.

(v) Persistent interference of the management by the Board as evidenced by high turn-over of the Chief Executive Officers. We have had five Chief Executive Officers in five years. That is a Chief Executive Officer every year.

Mr. Deputy Speaker, Sir, the membership of the Board was changed in accordance to the powers conferred to the Minister under Section 46 of the Water Act, 2002. With regard to the staff

changes, I want to clarify that no staff member was sacked as alleged by the hon. Member. The staff changes, which I instructed, was a temporary measure to facilitate comprehensive transparent and competitive recruitment of Chief Executive Officers. This was done in consultation with the Board members, as provided for in Section 54 of the Water Act, 2002.

I have given instructions that the process of recruitment must be completed within the next two months. I have to see to it that these institutions are run properly and deliver on their mandate. For instance, in the National Water Conservation and Pipeline Corporation, a crisis was already unfolding with many cases of unaccounted for expenditure and high level of indebtedness with a pending bill of over Kshs800 million as at 30th June, 2008. In fact, I have instituted an audit to be undertaken immediately in this regard.

Another example is the National Irrigation Board. I want to inform the hon. Members that irrigation is one sub-sector that will liberate Kenyans from the cycle of famine and food imports. Therefore, my Ministry will be on the spot in this regard. However, with the current efforts and strategies that I found in the National Irrigation Board, I am not convinced that results can be achieved without having to effect some changes. We need to focus on new strategies and thinking. The Ministry plans to increase the acreage under irrigation from the current 114,000 hectares to 600,000 hectares.

Mr. Deputy Speaker, Sir, the hon. Members will agree with me that with the current increase of 250,000 hectares per year, it will take close to 200 years to achieve these goals. Evidence of poor performance can be witnessed in Ahero Irrigation Scheme, which is not functional today. The relevant Departmental Committee visited the Ahero project. In other irrigation schemes like Mwea and Bura, farmers are not benefiting despite the large investments by the Government. I do not think this is what Kenyans are expecting from the Ministry of Water and Irrigation.

Mr. Deputy Speaker, Sir, the hon. Member also wanted to know the expertise of the staff that we have put in place. I want to share the following information with the hon. Members. First, Eng. Robert Nduati Gakubia, was posted to act as the Chief Executive Officer of the Water Services Regulatory Board. He has 25 years of experience. He holds a Masters Degree in Water and Sanitation Engineering. He is a registered professional Civil Engineer.

Eng. Daniel Barasa was posted to act as General Manager, National Irrigation Board. He has 25 years of experience. He has a Masters Degree in water engineering and he is a registered professional civil engineer.

Mr. Peter Olum was posted as acting Chief Executive Officer, Water Resources Management Authority. He has 30 years experience and a Masters Degree in irrigation. Eng. Meshack Moku Saboke was posted to act as Managing Director, National Water Conservation and Pipeline Corporation. He has 21 years experience and a Masters Degree in water and sanitation engineering. He is a registered professional civil engineer. Eng. Robinson Gaita was posted to act as Director of irrigation and drainage at the Ministry headquarters---

**Mr. Deputy Speaker:** Order, hon. Minister. That is a very long Statement. Why do you not table it?

**The Minister for Water and Irrigation** (Mrs. Ngilu): Yes, it is but I have got to give their names and qualifications because that is what the hon. Members wanted. This is to show that they are very qualified because they were saying they are not qualified.

**Mr. Deputy Speaker:** Madam Minister, under the circumstances because there is a lot of business of the House---

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, it is long. So, do I go on or do I table it?

**Mr. Deputy Speaker:** You table it!

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I will table it here but I want the hon. Members to know that the people we posted in these places are very, very qualified. I want to also say that this exercise is not over. As long as people are not delivering in the Ministry of Water and Irrigation, there will certainly be change.

*(Mrs. Ngilu laid the document on the Table)*

**Mr. Deputy Speaker:** Mr. Kioni, you can seek a clarification of the Statement.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, those who do not perform must give way for those who may be deemed to be performers. It is important that this is done within the laid down legal framework so that we do not have a cyclic affair of things. I have a letter here addressed to the PS, Ministry of Water and Irrigation. This letter deals with some of the appointments that the Minister has just alluded to.

This letter clearly states:-

"...the board of the statutory corporations. The water sector should, therefore, be advised to initiate recruitment of their respective Chief Executives through competitive process, following which each board should recommend to the Minister. The earlier position clearly points out that the purported appointments vide your letter referred above are irregular and contrary to standing procedures and so the matter should be rectified urgently."

This letter serves to inform this House that the intentions may be right for the Minister, but the way it has been done, has been questioned by the head of Public Service and the letter has been sent to that effect. We have more details that we would ask if we had time but it is indicative that while the intentions may be good, the way that they have been executed leave a lot of doubts both within and from without.

Mr. Deputy Speaker, Sir, I want to point out one aspect, with your permission, for example, there is one appointment that has been done under Section 83 of the Water Service Act. This deals with the position of the Water Services Trust Fund. The person appointed here is Eng. Jackline Musyoki. According to what the Minister has said, we are supposed to address ourselves on the issue of performance. Those who have been brought on board are those who should be helping this country do better in the water sector.

I think it is instrumental to note that this particular officer was twice removed from another board for non-performance. She has now been entrusted with yet another position of Chief Executive in the Fund that the Minister has just told us that the Trust has a lot of money that needs to be given to this country.

If this person had been sacked in two other previous positions for non-performance, why do we expect her to perform in that given role? This is just one of the examples.

**Mr. Deputy Speaker:** Order, hon. Member! You did seek clarification. Allow the Minister to clarify that issue.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, it is true that, that officer has been removed from one board but as a result of what has been happening with the Water Services Regulatory Board. The Board has not been functioning. She is not the only one. The Board has changed five CEOs in five years. So, she was just a victim of a bad Board which we changed.

I want to share again with the House that this Water Services Trust Fund which is a grant and not a loan from the Government has surplus money and unless we engage people who can be effective in that place, surely our people will continue to suffer. Therefore, as I said---

*(Mr. Kioni stood up in his place)*

**Mr. Deputy Speaker:** Is it a further clarification or a point of order? Why do you not allow the Minister to clarify that point then you seek your clarification?

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, as I said, I have started the process of recruiting new CEOs. The Board will do recruitment. They will advertise, interview and present to me those who need to be hired. Once I have those names, I will hire them.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, the Minister is talking of a Fund that is controlling a lot of money that needs to be given to this country. The person who is appointed has managed other boards. The fact that others have come on board does not mean that this particular one needs to get cover to go and mismanage yet another board. We have also been told of Eng. Gakubia who has been appointed as one of the directors of water services. Eng. Gakubia has been appointed and he will supervise people who are much senior than he is.

Section 54 of this Act provides on how the CEOs should be appointed. It is important to know whether these sections were observed when these appointments were being done.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, the hon. Member needs to understand that, that position that we have given to Eng. Gakubia is the most senior one in the whole Board. However, two wrongs do not make a right. The reason why I did this is that there has been some irregularity before where some very qualified officers within a higher grade than some of them had been given jobs at lower grades than others. So, I tried to regularise this peacefully within the Ministry.

Finally the hon. Member also said that he has a letter that is written to the PS by Amb. Muthaura. I think I have a copy of that letter that he is referring to. I do not know what position Amb. Muthaura is holding because I also have instructions from the Prime Minister's office, who should give me instructions. Therefore, that is the one I am using.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, in the last Parliament, most of us never got any money from the Water Trust. Could the Minister appoint more women in those boards? For example, in the National Irrigation Board and clarify that this time round we will get water. The biggest town in my constituency which is Matuu Town has no water! Could she take immediate action? Whatever changes she requires to do, could she do them yesterday?

**Mr. Deputy Speaker:** Hon. Members, we have other Ministerial Statements. If you want to prosecute this like a Motion, you have a provision in the Standing Orders. You can bring this as Motion. For now, I think the Minister has clarified and if you need--

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir!

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

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir. It is not a matter of where one comes from. I come from Ndaragua Constituency where we have no water. I also want services delivered so that we can also get water in my constituency.

We have a clear letter here from the Head of the Civil Service. If we have a conflicting position from the Prime Minister's Office and another one coming from the Head of Civil Service then I submit that this issue needs to be investigated well. We should either refer it to a Committee or I get permission to bring a proper Motion to discuss this matter.

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

**Mr. Deputy Speaker:** Order, hon. Members! This matter seems to be generating a lot of interest. What is your point of order, Mr. Litole?

**Mr. Litole:** Mr. Deputy Speaker, Sir, my point of order does not concern the issue of water, because I think that it has been answered well.

I also demanded a Ministerial Statement from the Minister for Regional Development Authorities---

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I think we, probably, need to go back to Safari Park Hotel again, to be educated on the practice of the House itself. I think you have tools. The relevant Departmental Committees and Select Committees of the House do not need a direction or directive from the Chair for them to perform the duties for which they were constituted in the first place. The relevant Committee can summon the Minister or any officer in that Ministry and deal with matters that they feel they have a duty to investigate. They can investigate properly and come back to report to the House. So, use the instruments and tools that are provided for in the Standing Orders!

Next Ministerial Statement by hon. Michuki!

THE ROLE OF PRIVATIZATION  
COMMISSION IN SAFARICOM IPO

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Deputy Speaker, Sir, I wish to respond to a number of issues raised in the House last week by my friend, hon. Okemo, regarding the constitution of the Privatization Commission and its involvement in the Safaricom Initial Public Offer (IPO) and other privatization transactions.

Mr. Deputy Speaker, Sir, with regard to a statement made by hon. Okemo, that the Minister for Finance constituted the Privatization Commission without reference to the relevant Committee of Parliament as provided for in the Privatization Act, I wish to respond as follows and request that hon. Okemo becomes attentive.

1. Through a letter No.CONF351/03 dated 24th September, 2007, addressed to the Chairman of the Committee on Finance, Planning and Trade, the Minister for Finance requested the Committee to approve the seven Members of the Commission who were supposed to be approved by the Committee of Parliament.

2. The Committee approved the list of the Members as per the Committee Chairman's letter Reference No.NA/DCF/FTP/2007(57) dated 5th October, 2007 and another letter of the same reference, except that at the end it is (58), dated 16th October. I wish to table copies of these letters before this House. It is attached to a copy of this Statement which I will hand over to the Clerk of the National Assembly.

With regard to the statement made by the hon. Member that there is no evidence whatsoever that the Commission was involved in the privatization process as required by the law, I wish to clarify that as required by the Third Schedule of the Act, the Commission took over the preparation of the Safaricom IPO as an on-going transaction. Indeed, to bring the Commission on board, the Treasury team, during the Commission's first meeting held on 27th February, 2008, adequately briefed it on where the team had reached in processing the transaction. The Commission subsequently held meetings at various stages of the transaction and the Chairman of the Commission addressed various public fora, such as the announcement of the offer price on 14th March, 2008. The launch of the offer on 28th March, 2008 and the commencement of the trading of the Safaricom shares at the Nairobi Stock Exchange (NSE) on 9th June, 2008 was also announced by the Chairman. Similarly, the Chairman also addressed the Press on various occasions.

Mr. Deputy Speaker, Sir, it is worth emphasizing that the Commission fully participated in the international roadshows and provided approval as required. I wish to table the remarks made by the Chairman of the Privatization Commission during the launch of the offer, as evidence of the Commission's participation.

Mr. Deputy Speaker, Sir, the hon. Member also requested that the House be informed about the involvement of the Privatization Commission in any privatization that has either taken place, or is contemplated to take place in the future. As I have already stated, the Privatization Commission has been involved in the Safaricom IPO transaction and will take over the privatization of the National Bank of Kenya (NBK), which was recently approved by the Cabinet.

Mr. Deputy Speaker, Sir, I also wish to inform this House that as required by Section 17(1) of the Privatization Act of the year 2005, the Commission has prepared and submitted a privatization programme to the Treasury to facilitate the required Cabinet approval and subsequent gazettelement. Upon the approval and gazettelement of the programme, the Commission will proceed to prepare, as required by the law, detailed privatization proposals for each transaction to be approved by the Cabinet. The Commission will then proceed to implement the approved transactions. I trust that Mr. Okemo has been very attentive.

Mr. Deputy Speaker, Sir, in the spirit of accountability and service to Kenyan people, I wish to reiterate my Ministry's commitment to keep this House fully briefed on this future privatization transactions and other important matters pertaining to the management of the economic and financial affairs of our beloved country. Indeed, I intend to initiate, at my own motion, discussions with the Committee of this House on a variety of matters that are within the purview of the Treasury, so that we move forward with the same frequencies.

Mr. Deputy Speaker, Sir, I hope that this brings to rest this matter. I wish to lay the documents on the Table.

*(Mr. Michuki laid the documents on the Table)*

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I appreciate the long and detailed Statement by the acting Minister for Finance. The issues that I really want clarifications on are: The Act is very clear on how privatisations are supposed to be carried out. We have heard in the public domain a number of assertions about proposed privatisations. The Minister is talking about planning to work out a privatisation programme which he will then discuss with the Committee of Parliament. The law is very clear and I have a copy here which I have read very carefully.

The Privatisation Act was passed in the year 2005. To be exact, 13th October, 2005. The commencement of this Act was only gazetted in December, 2007. I want the Minister, in the first place, to clarify why an Act so important, assented to by the President on 13th October, 2005 has to take effect on 1st January, 2008. You know there are a number of controversial privatisations that have taken place between the time this Act was passed and the time it started operation; which is January 2008. One among many is the privatization of Telkom (K) which has a number of questions. Right now, as I stand here, there is the Fibre-Optic Project which has too many questions. We will be bringing this to the House at a later stage.

Mr. Deputy Speaker, Sir, as I speak now, the Kenya Wine Agency (KWA) Ltd. is in the process of being privatised and we do not have a privatisation programme! The Minister is standing here, telling me to be attentive yet he has no programme before the House, and neither has it been gazetted as provided for in the Act.

*(Applause)*

Mr. Deputy Speaker, Sir, I would like, my good friend the Minister - I hope he is being attentive the same way I was - to address me on the issue that if there are privatisations planned, why do we not have the privatisation programmes? He has talked about the National Bank of



Kenya (NBK). We know that the Cabinet has approved its privatisation yet it is not part of the privatisation programme. That it is only in the hands of the Minister and NBK. Could he clarify that?

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Deputy Speaker, Sir, obviously, Mr. Okemo has raised several issues. One of them is already dealt with in this Statement, namely, that when the Government decides which institutions are to be privatised, they are then handed over to the Commission to finalise the intended activity of handing over the institution to other shareholders. That I have dealt with here.

As to why the Privatisation Act which was passed in 2005 took so long to come to effect, the hon. Member knows that this issue has already been dealt with in this House. It even had to take the Speaker in the previous Parliament to require the then Minister to bring the Act into effect. This of course, is what happened thereafter. So, I need not revisit that because it is already in the public domain. The hon. Member knows what happened thereafter.

Mr. Deputy Speaker, Sir, all these matters are going to be handled under the Act which he was waving to you this morning. I can do no more than to assure the hon. Member that this is what is going to happen.

At the same time, I think I should mention here that we are also working on a policy which will come even before the Committee the hon. Member chairs regarding the public and private partnership proposal. This, again, will be another way of getting the general public to own assets which are now in the hands of the Government because the Government is better governing rather than trading.

**Mr. Namwamba:** Mr. Deputy Speaker, Sir, I think it is critically important for it to go on record that what the Minister has attempted to indicate here that the Privatisation Commission did participate in the Safaricom Initial Public Offer (IPO), is manifestly misleading.

Part (iii) of the Privatisation Act is very clear as to how the privatisation programme is to be generated by the Privatisation Commission, approved by the Cabinet and then implemented by the Commission itself.

Mr. Deputy Speaker, Sir, what the Minister has attempted to tell us this morning is tokenism. Tokenism that has resulted in the emasculation of important institutions in this country leading to the virtual mortgaging of the assets of this nation, like the case we dealt with yesterday, regarding Rift Valley Railways (RVR). Therefore, I think it is important for the Minister to acknowledge and place it on record that, the Privatisation Commission has not participated in any substantive way in the privatisation measures that we have witnessed since this Act came to force and give this House a tacit commitment that no further privatisation will proceed before this Commission takes full effect in accordance with the Privatisation Act.

**Mr. Deputy Speaker:** Order! The very nature of a Ministerial Statement is that, you can only rise to seek a clarification on the content of the Minister's Statement. Should you want to go beyond that, I repeat again, use the other instruments that are available to you. Right now, all you can do is seek clarifications from the Statement that the Minister gave. Let us not turn this into a debate!

In any case, we have another two Ministerial Statements and another very important matter of national importance that has to be debated on the Floor of the House.

Mr. Okemo, the very last question!

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I would like the Minister to assure the House and indicate when we will get a privatisation programme.

I also want to get a clarification from the Minister that Section 21 of the Act is very clear and that the Commission will be allowed to do its job. Section 21 provides and says:-

"The Commission has the exclusive authority to manage and implement the

privatisation programme".

I want an assurance from the Minister that, that indeed, will be the case and as to when the privatisation programme will be gazetted and presented to the Committee of Parliament.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Deputy Speaker, Sir, at the risk of repeating myself, could I, please, quote myself?

**Mr. Deputy Speaker:** Proceed, Mr. Minister!

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Deputy Speaker, Sir, I said that as required by Section 17(1) of the Privatisation Act, 2005, the Commission has prepared and submitted a privatisation programme to the Treasury to facilitate the required Cabinet approval and subsequent gazetting. Can I be clearer than that?

**Mr. Deputy Speaker:** Mr. Minister, degazetting is, probably, the only thing that you have not tackled in this matter. If I got you right - I do not want to turn this into a long debate - the hon. Member asked you about degazetting. When will that be done?

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Deputy Speaker, Sir, as soon as this consideration is completed.

**Mr. Okemo:** Mr. Deputy Speaker, Sir, we know that the Ministry is very notorious for not following up many of these things. So, if he gives us an undertaking as to the time frame--- As soon as possible is not good enough.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Deputy Speaker. The hon. Member appears to be angry about something I do not understand. Could he, please, withdraw that word, "notorious" because it is not so.

**Mr. Deputy Speaker:** Hon. Member, you will have to substantiate such classification or adjectives. You better desist from that. You have asked your question and the Minister has taken note of that and so has the House. Let us proceed to the next Ministerial Statement. You made your point very well.

#### REVOCATION OF SALE OF GOVERNMENT HOUSES TO CIVIL SERVANTS

**The Minister for Housing** (Mr. Shitanda): Mr. Deputy Speaker, Sir, on 29th July, 2008, Dr. Khalwale stood on a point of order requesting to know why the Government had changed its mind about the sale of non-strategic Government houses in the districts to civil servants. I wish to respond to that request as follows.

Prior to July, 2001, the Government provided subsidised housing to its employees through allocation of Government owned or leased houses or paid them house allowances. This arrangement provided a number of challenges that included inequity in the provision and distribution of housing which led to only 12 per cent of the civil servants benefitting leaving out 88 per cent looking for private housing arrangements.

Mr. Deputy Speaker, Sir, in order to address this problem, the Government, on 18th June, 2001 issued guidelines on the implementation of a new housing policy for the public service aimed at harmonising terms and conditions of service with respect to housing for civil servants. The major changes introduced by the new policy were that the Government would commence paying house allowances guided by rates of rent charged in the market. Public servants occupying Government-owned houses were charged market-based rents as from July, 2001. Except for constitutional officer holders, that is, Ministers, Assistant Ministers, and Permanent Secretaries, the Government stopped leasing of housing accommodation for all civil servants as from 31st December, 2001.

One key objective of the new policy was to divest the Government of the responsibility of

direct housing of its employees except those involved in essential services and instead encourage home ownership by public servants. A major drawback to the realisation of this policy had been lack of affordable finance for civil servants.

The Civil Servants Housing Scheme Fund was established under Legal Notice No.98 of 15th September, 2004, which also stipulates the rules and regulations governing the administration and operation of the firm. The objectives of the Fund include provision of housing; loan facilities to civil servants for purposes of either purchasing or constructing residential houses; development of housing units for sale and for rental by civil servants; and, to raise funds for the implementation of objectives stated under (1) and (2) above.

Mr. Deputy Speaker, Sir, in November, 2002, the Government embarked on a programme under phase 1 to sell non-strategic Government houses to civil servants and 1,081 houses were sold in Nairobi in September, 2004. This has empowered 1,081 civil servants in Nairobi to own houses through the CSHSF. The Government has to date received Kshs1.7 billion from the initial payment of the sales and tenant purchase repayments in respect of these houses. Similarly, 71 housing units in Nairobi which had been irregularly alienated were offered for validation through payment of the true value of such property by the allottees. Most of the affected beneficiaries have since paid the Government the full value of the properties. Out of the 71 housing units offered for validation, only 11 units have contested the validation offered through court action. The Government has to date received Kshs177 million from validation of these units. The amount would have been foregone were the validation exercise not implemented.

With regard to the cancellation of the Phase II of the houses in the districts, in January and February, 2007, the Ministry of Housing invited applications from civil servants for the purchase of 1,365 houses in 30 districts. The houses had been identified and classified into strategic and non-strategic categories by district committees led by respective DCs. In addition to the Houses offered for sale 337 houses and 218 hived and developed plots started illegally and irregularly alienated in prior years were offered for validation also. Between 31st January, 2007 and 31st March, 2007, applications for the houses and plots were received at the respective districts. Thereafter, the 4,856 applications were forwarded to the Ministry headquarters for analysis. The demand for houses by civil servants far outstrips supply as evidenced by many applicants for each house on offer. Due to unique characteristics of the district houses, sell criteria were developed to give higher weight to those civil servants who hail or are permanently domiciled in the districts where such houses were offered.

Mr. Deputy Speaker, Sir, as the sale process proceeded, various concerns and observations were made by both the civil servants and the public. Occupants felt that they should be given preference over other applicants while non-occupying civil servants argued against this. It is worthy to note that as this exercise went on, we also discovered at the Ministry that very many non-civil servants were colluding with serving civil servants to purchase these houses. They were making deposits through serving civil servants to acquire some of the houses.

**Mr. Deputy Speaker:** Mr. Minister, if your statement is too long, please, table it.

**The Minister for Housing** (Mr. Shitanda): Mr. Deputy Speaker, Sir, I am finishing.

There were also objections raised by local authorities, which argued that the houses in their municipalities should be transferred to the local authorities which were holding them in trust for the residents of those areas.

Mr. Deputy Speaker, Sir, finally, in line with the objectives of the Civil Servants Housing Scheme Fund, we have, to date, constructed 296 houses in Nairobi, which have already been sold. In addition, we have 526 housing units under construction. These houses are not confined to senior civil servants alone. They are being sold to all cadres of staff in the Civil Servants, from junior civil servants to senior civil servants.

We are just about to commence construction of 1,500 housing units in Shauri Moyo area, of which about 700 houses will go to low-income civil servants and the remaining 750 houses will go to middle-income civil servants and senior civil servants. This housing project will cost a total of Kshs3.8 billion. We invite all civil servants, including those serving outside Nairobi, to take advantage of this programme.

We have also availed Kshs600 million to all civil servants in the country, through Kenya Commercial Bank and the Housing Finance Company. They can take loans of up to Kshs5 million at an interest rate of 5 per cent to either buy houses or buy land to put up houses.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Dr. Khalwale, can you seek clarification on the Ministerial Statement? Please, do not turn it into a debate.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I would like to seek the following clarifications:

(1) What has the Minister done to cushion the Government from serious and expensive legal process by civil servants who would feel aggrieved by that decision?

(2) Regarding the issue of compensation, is the Minister aware that some civil servants have done further developments on the plots where those houses stand? They have actually put up flats. What will he do to address that particular aspect?

(3) Could he confirm to this House whether it is true or not that part of the reason - which is, probably, the main reason - as to why the Government rescinded this decision was because powerful politicians, some of whom are in this House, and some business people, had actually grabbed those houses?

**The Minister for Housing** (Mr. Shitanda): Mr. Deputy Speaker, Sir, I do not foresee any legal issue arising where the Government has not made any offer yet. What we did is that we advertised the houses for sale, and people submitted applications. We have not made any offer to any civil servants. The decision to rescind the sale of Government houses was guided more by the need to have these houses reserved for serving civil servants and future civil servants.

On the second issue, it is true that some civil servants have developed the houses in which they are living, or invested in them. In such cases, we are prepared to look at the works that somebody may have done on the Government house. If need be, we will compensate such civil servants. We are aware of such cases. We are prepared to look at them favourably.

Mr. Deputy Speaker, Sir, on the the issue of grabbing, in the last 15-20 years, especially in the 1980s and 1990s, more than 700 Government houses were grabbed by politicians, business people and all manner of people. Some of the politicians who grabbed those houses are in this House. There are cases where people have not obtained title deeds for those houses. We are following up the issue. We want to repossess those houses. There are cases where people have obtained title deeds. We would like to go through a validation process, so that they could pay the value for those houses.

**Mr. Deputy Speaker:** Last clarification, Mr. C. Kilonzo!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I would like the Minister to clarify the following: This was a contract between civil servants and the Government. The Government is now in breach. Why did it take over one-and-half years for the Government to make a decision on whether to sell the houses or not? Secondly, the remarks made by the Permanent Secretary, Mr. Tirop Kosgey, and one of the Assistant Ministers, have really demoralised the civil servants in question. They said: "It is not the concern and business of the Government to know how you raised the monies." Some of the civil servants in question took loans. Since the Government has rescinded the decision to sell the houses, those civil servants will incur losses. Is the Government willing to consider refunding the money with interest?

**The Minister for Housing** (Mr. Shitanda): Mr. Deputy Speaker, Sir, first of all, I want to

apologise to civil servants for the long duration we took before we made the decision not to sell the houses. Secondly, I know that there are some civil servants who took loans and paid deposits for the houses. The consolation is that there is money available for them to take in form of loans and build houses. We are also building houses in Nairobi. Any civil servant can buy a house in Nairobi, irrespective of whether one is working in Mombasa or Kakamega. So, the issue of locking out civil servants from owning houses does not arise. Otherwise, I want to apologise to the civil servants for having taken such a long period of time before we made the decision against selling the houses to them.

**Dr. Eseli:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Dr. Eseli! We have some serious business to discuss - a matter of national importance.

Mr. Gumo, could you issue your Ministerial Statement very fast? Together with clarifications to be sought, it must not take more than ten minutes.

ALLEGED SALE OF TURKWEL POWER  
PROJECT TO KENGEN

**The Minister for Regional Development Authorities (Mr. Gumo):** Mr. Deputy Speaker, Sir, I would like to issue a Ministerial Statement requested by the Member of Parliament for Sigor Constituency, Mr. Wilson Litole, on the alleged sale of the Turkwel Power Project to Kenya Electricity Generation (KenGen) Company.

Mr. Deputy Speaker, Sir, Kerio Valley Development Authority (KVDA) was established through an Act of Parliament, Chapter 441, to undertake long-range integrated planning and implementation of projects in its area of jurisdiction. In order to enhance sustainable and optimal utilisation of the resources in the region to the best advantage of the community, the KVDA is mandated to:

(1) Carry out resources and development studies and undertake long-range planning.

Consequently, in order to enhance utilization of the scarce water resources of the river basin, and as part of the poverty elevation strategy, the Authority undertook the construction of the Turkwel Project from 1986 to 1991. That was a major development achievement. The hydro-power component of that project was meant to provide a revenue base for the development of the other phases of the project, as well as initiating other projects on an integrated basis, that is, irrigation upstream and downstream, and the overall development of the Authority's area of jurisdiction.

Mr. Deputy Speaker, Sir, the take-over of the Turkwel hydro-power generation and transmission aspect from Kerio Valley Development Authority (KVDA) to Kenya Power and Lighting Company (KPLC) and transfer to KenGen was not sanctioned by the Government through any formal due process, and neither was it effected through the consent of the Board of Directors of KVDA. In this regard, it is important for the House to note that KVDA did not identify KenGen or sell the power generation asset to KenGen. During the re-organization of the power sector in the country in 1992, the Government was supposed to re-organize KPLC so that a new company is formed to deal with power generation, and KPLC to handle distribution and transmission. Subsequently, KenGen was formed to handle power generation and public assets. That re-organization was meant to avoid any conflict of interest. KPLC was doing both generation and transmission. It is at that time that the power generation facilities and transmission of the Turkwel Project were administratively signed to KenGen, while KVDA retained the dam. During the take over of the assets, the power generating assets and transmission lines were valued at Kshs7,000,825,000 and the dams were valued at Kshs5.7 billion. That valuation was carried out and documented by the PriceWaterHouseCoopers.

Mr. Deputy Speaker, Sir, KenGen, and its predecessor KPLC has since 1994, been paying an annual amount of Kshs45 million to KVDA. That amount was not based on the real value of the water released from the reservoirs to generate hydro-electric power, and it is inadequate for the activities that it is intended for. In fact, in effect, the Authority has been denied a source of revenue to implement development projects within her area of jurisdiction, including catchment conservation and environmental conservation. The take over of the assets from KVDA to KenGen without commensurate compensation has had a devastating effect on the performance of the Authority in planning and resource mobilization and implementation of viable multi-sectoral development projects, employment creation and poverty eradication.

**Mr. Deputy Speaker:** Mr. Minister, you have less than five minutes!

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Deputy Speaker, Sir, the local people - the Pokot and the Turkana - have not benefitted at all from losing their grazing land and gold mining areas along the 40 kilometre stretch dam. That is evidenced by the fact that they were not compensated for the loss, as was expected.

Further, the irrigation component of the project that was meant to be implemented downstream from the proceeds of the power sales has not been undertaken.

Mr. Deputy Speaker, Sir, in addition to the above, the Turkwel Project's noble objective of creating food security in the region through irrigation was undermined, leaving the Turkana and the Pokot communities viewing KenGen as an imposter in their area. I would like the House to note that ever since the power generation commenced in Turkwel in 1991, the power lines are now being extend to Wei Wei in West Pokot and Amkwe in Turkana.

In conclusion, the asset power generation and transmission ought to be reverted to KVDA, so as to realise revenue to enable it implement integrated multi-sectoral development projects that will have a positive impact on the people of the North Rift region and beyond or, alternatively, we can negotiate with KenGen to manage the affected assets on an agency basis. I have also written to the Minister for Energy as regards that issue.

**Mr. Litole:** Mr. Deputy Speaker, Sir, now that the Government has agreed that the Pokot community has not benefitted from that project even after losing their land, which is over 40 kilometres, what action will the Ministry take so that the Pokot could benefit? Secondly, when is the Government going to revert it back to KVDA, so that the Pokot can benefit?

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Deputy Speaker, Sir, I have already written to the Minister. We have to re-negotiate. As you heard from my Ministerial Statement, those assets were just transferred illegally. As you are aware, KenGen is now a private company. They never invested in any of those assets. So, we are requesting them either to pay back or compensate KVDA, accordingly.

**Mr. Litole:** Mr. Deputy Speaker, Sir, the Minister should tell us how much time he has given to the Ministry of Energy.

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Deputy Speaker, Sir, I am now waiting for the response from the Ministry of Energy, so that we can form a committee to look into that matter.

**Mr. Deputy Speaker:** Is there any other hon. Member who wants a further clarification on the same? Since today is Private Members time, Mr. Ethuro, you can move your Motion. If it is the Government's day then, normally it is the Government Minister. But today, it is a Private Members day. So, you can move your Motion and the Minister will respond. Move your Motion.

**MOTION FOR THE ADJOURNMENT  
UNDER STANDING ORDER NO.20**

KILLING OF TURKANA SOUTH  
RESIDENTS BY BANDITS

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn to discuss the rising death toll in Turkana South District.

Mr. Deputy Speaker, Sir, as I alluded in the morning, it is sad for this country to keep on losing lives because of banditry. On that particular incident that we want the House to discuss, the raid happened on 29th July, 2008, where 46 herdsmen, who were running away from the ravaging effects of the devastating drought and famine from various places in Turkana South - mainly Lokui, Lotubai, Morulem and Lokori - and they were all grazing in Lapeito---

Mr. Deputy Speaker, Sir, 1,237 head of cattle were stolen and driven by the bandits towards the direction of Baringo East. Many might think this is a traditional and primitive mode of acquisition of wealth. Many might tempt us to think about communities fighting or inter-tribal warfare. It is none of the above. I want to be extremely categorical that the communities in northern Kenya deserve development as *bona fide* citizens of the Republic. What we are witnessing each and every time there is a raid is neglect, marginalisation, chronic poverty, under-development; where parts of this nation do not have a presence of Government.

Mr. Deputy Speaker, Sir, this House needs to indict the Ministry of State for Provincial Administration and Internal Security. When you look at the mission statement of this nation, it states:-

"To provide quality police service to meet the expectations of the public by upholding the rule of law, creating and maintaining strong community partnerships and to secure an environment for prosperity and the development of Kenya."

These are not my words; these are words that were crafted by a government that has made itself very clear to the nation that this is the direction in which to go. I am just wondering, when we are looking at this kind of mission statement and you look at the actions on the ground, there is no prosperity and development in northern Kenya.

Mr. Deputy Speaker, Sir, Naiton where this raid took place is about 45 kilometres from the nearest place known as Lokori Division. It is about 50 kilometres to Kapedo where we have the next division. If you take this dimension, you go towards the Suguta Valley. If you move from Suguta Valley to Lokorio all the way to Kainuk and through Lochakula, you are talking of another 200 kilometres.

The newly created district of Turkana South does not have an Officer Commanding Police Division (OCPD) as we speak. The OCPD for Turkana South with headquarters in Lokichar is the one for Turkana Central District. The distance from Lodwar to Kapedo is about 300 kilometres. How do you expect one OCPD without a vehicle to even purport or pretend that he is providing security not only to the urban centres but also to the herdsmen in the grazing fields?

Mr. Deputy Speaker, Sir, we are talking about famine. As we speak, hunger is biting and this House, with concern, has raised a number of questions about food supplies to the people of Turkana and other people in northern Kenya. When famine is biting, the few surviving herds are usually taken to where we have more water and pasture. Unfortunately, in this corridor where you find pasture and water during times of famine is where you are also at the boundary point and this creates potential conflict.

Towards the turn of the century, the British coloniser put up a very major operation in these areas. The post-independence governments have always attempted to address this problem by knee jerk reactions like saying: "We want to do disarmament, we want to provide you with food and so on". They even attempt to rush a Provincial Police Officer there from Nakuru or maybe the Minister from Nairobi. What is needed are not these joy rides to go and prevent bloodshed when

people have already done it and lives have been lost.

Mr. Deputy Speaker, Sir, I am hoping the good Minister will today rise to the occasion. That the weakness of previous administrations will not be used as an excuse for making our areas to be ungovernable and not to appear as part and parcel of Kenya. This is not just about Turkana; this is about Samburu District, the new Laikipia District, Baringo district and our border with Uganda. We demand as Members of this House who represent systems of the Republic, that the Government needs to stamp out cattle rustling and ensure a heavy presence of police in these areas.

This should not be an issue of just going there for a while and running away. This must be an issue where the Government and the military will be able to recruit enough personnel to take to these areas. I do not know what kind of management responsibility the Government thinks or has, when we know people are moving and migrating, reports are being obtained that are sufficient early warning systems in place. We expect the Government and the Minister in particular, to ensure that officers who are sleeping on the job get fired and not just transferred.

Mr. Deputy Speaker, Sir, for how long will we cry because we have lost our young people and other citizens of the Republic? Every time there is a famine, drought or raid, the Minister will just be relaxing in Nairobi and does not even make an appearance, at least, to condole with the bereaved and the victims. I thought that when we got the Grand Coalition Government, we said that this is an opportunity for service per excellence and accountability in Government systems. *Huduma bora ni haki yetu*. That is the Public Service Week slogan. Then there is the Rapid Results Initiative (RRI) in 100 days, which is only three months. Where are these slogans? Are they meant for Nairobi only and other provinces or are they equally applicable to all the corners of the Republic, including northern Kenya?

We demand action from the Government, that it shall no longer be business as usual in Turkana, Pokot, Samburu and Moyale. We want the Minister to investigate some elements who are accused even in this House of propagating this vice through our people commercialising cattle rustling. This House - I want to assure the Minister - will remain alive and will monitor the actions by the Minister on this particular incident and many others. Indeed, even in the afternoon, I have a Question which is on our international borders on the same issue.

Mr. Deputy Speaker, Sir, Ministers need to take issues brought by hon. Members seriously. That matter, particularly even before the raid, was presented to the Government and there was no action! Now, we have a Police Commissioner, a Provincial Commissioner and a Provincial Police Officer whose task is just to deny. Those days are gone! We are sorry! The days of living in self-denial are gone! If you cannot access the place, how can you even deny? One hon. Member is just bringing denial reports here.

Mr. Deputy Speaker, Sir, in Chinua Achebe's *Things Fall Apart*, old women always become uneasy when dry bones are mentioned in a proverb. Let us not be jittery about that issue. I want our credentials to remain intact. I do not want to condemn a single community. Those are equally Kenyans! I want to condemn the inaction by the State operators! Why am I not condemning a community? I am also hoping that my colleagues from some of those communities that are just prone to fighting can take the time and liberty to go and talk to their communities and preach peace! They should be messengers of peace for this nation!

Mr. Deputy Speaker, Sir, I want peace that comes from the heart; not peace that is being done for the sake of publicity; not peace that we have to do because we want to be seen to be good, while the inside is rotten!

Mr. Deputy Speaker, Sir, at the very minimum, I expect the Minister to tell Kenyans, today and now, what permanent solutions he is going to put in place to resolve the issue of cattle rustling. What equipment and personnel are you going to give to the Officer Commanding Police Division (OCPD) of Turkana South District, Turkana Central District and all the other neighbouring districts



that are confronted with that problem? That is what we expect! We expect action! We do not expect sympathy! We appreciate that we can have a little sympathy for the victims. But we want action! Action that will serve for now and the near future!

Mr. Deputy Speaker, Sir, some of us are tempted to believe that the place is like a pedal. It is being taken away by different communities. That is why we have those incessant killings in order to discourage our people from grazing in a land that is rightfully ours! If you can remember, I brought the Question about the boundaries and the Government could not commit itself to when it is going to make very clear declarations and demarcations on the boundary between Turkana and Pokot. That is an abdication of responsibility!

Mr. Deputy Speaker, Sir, the rule of law demands that we get what is rightfully ours and that the law cannot fear or favour. So, why are we shy to be categorical on things that are so obvious? I am not going to entertain--- Because I know the Minister will come and say: "We want elders". Elders are not paid by taxpayers to manage peace! We pay civil servants and politicians! They can only play a supportive role. Let the Minister take the bull by the horns.

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

**Mr. Deputy Speaker:** Order, hon. Members! With the leave of the House, the Chair is of the opinion that debate or contributions by other hon. Members should be limited to just five minutes, because of the interest that this issue is generating on both sides of the House.

My presumption is that, because there is no objection raised, so be it!

Proceed, hon. Wamalwa!

**Mr. Wamalwa:** Thank you, Mr. Deputy Speaker, Sir. I beg to support the Motion. Indeed, it is a sad day for this nation. It reminds us of previous days in which, as a nation, we have lost many people. The day we had the bomb blast in Nairobi, we lost 200 people! It was a sad day. The day that a Kenya Airways plane went down in Abidjan in 2000, we lost 87 people. It was also a sad day. In 2007, there was another loss when a Kenya Airways plane went down in Douala and we lost about 100 people. We declared a national day of mourning. As we speak, the death toll in Turkana is going up. We were told that only 44 people died. But, as of this morning, we heard that there were 50 casualties. The reports we are getting now is that there are about 70 or 74 Kenyans who have died as a result of that raid.

Mr. Deputy Speaker, Sir, it is a very sad day. It is a day that we should have declared a national day of mourning. Losing members of our nation to the extent that we have, raises questions as to the role of the Government. It is the cardinal duty of any Government worth its salt, constitutionally, to protect the lives and properties of its citizens. For our brothers and sisters who have died in Turkana, it was and remains the cardinal duty of this Government to protect the lives of the people of Turkana and their property, whether it is their cattle or houses. It is the cardinal duty of the Government to protect our people of Turkana!

Mr. Deputy Speaker, Sir, that problem is not happening for the first time! It is a perennial problem! The problem of cattle rustling has been there since Independence. It is also as old as the problem of flooding in Budalangi, which has been there year in, year out! The question is: What is the Government doing to ensure that, that does not keep on recurring? What policy has been put in place to ensure that, that perennial problem has been addressed and that remedial measures are put in place?

Mr. Deputy Speaker, Sir, I would agree with the honourable Mover that what we have in place are knee-jerk reactions! Every time there is a raid, we are told that the elders will meet and the issues will be sorted out. But we need action to be taken and remedial measures to be put in place now and in future, to address that perennial problem.

Mr. Deputy Speaker, Sir, we have been told that over 1,000 heads of cattle were taken. We have been told that over 70 people are dead. Whether we like it or not, it is not just a habit. It is an

issue of food shortage that has resulted in neighbours raiding other neighbours to look for food. It is a matter that we must address because, without sufficient food and proper policies being put in place to ensure national food security, we cannot be a stable nation! Our security is not guaranteed as long as our national food security situation is not guaranteed. This is the year that we must address those issues, because we are likely to see much more happening. When hunger strikes in Baringo, neighbours will shift to other districts to find greener pastures and we are likely to see more deaths.

Mr. Deputy Speaker, Sir, there is an old saying that goes: "When your neighbour is hungry, your chicken are not safe!" The situation in the North Rift, particularly in Trans Nzoia--- We are having similar problems. We have been having raids, particularly from our neighbours on the East. In Cherangany and Kwanza, cattle rustling has been there. In the West, we have also been having problems from our neighbours in Mt. Elgon. We are asking the Government to boost security in the North Rift area. As we are talking, we have heard of the intention of the Government to withdraw the military from that area. We had an operation in Mt. Elgon which has acted as a deterrent measure against the Sabaot Land Defence Force. We have had our neighbours from West Pokot raiding, stealing cattle and killing people. We urge that action be taken. As long as there is no sufficient security in the area, we expect that we will suffer similar incidents in this region.

With those few remarks, I beg to support.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I support the Motion.

Mr. Deputy Speaker, Sir, this is a very serious matter and it has taken this country a long time to address it. The cardinal responsibility of any government is to provide security and protect the property of its citizens. The Government is doing that. But we have a problem of leadership from the concerned communities. The concerned communities are prone to cattle-rustling. It is the high time that a policy is formulated to ensure that these communities are held responsible. We cannot continue to have communities killing each other on a daily basis. We have elected leaders, parliamentarians, councillors and chiefs all along. At the same time, we have security committees at the district level whose members even include elected members. So, for us to stamp out this problem, we should start peace initiatives at the grassroots level. That is the only time that these communities will abandon this practice. It is a shame for our country to continue losing citizens through crooks, cattle rustlers, Mungiki and the Sabaoti Land Defence Force (SLDF). It is a shame. We have the security forces, the intelligence, the police and the Provincial Administration. We cannot allow this to continue. A policy should be formulated so that even elected leaders from those communities are held responsible any time their tribesmen cause loss of life of other communities. This is very important. Once cattle are stolen from a particular community, the district security committee should be held responsible until that livestock is produced. That is the only time we can tame these people. That is the only time they can stop this menace.

Mr. Deputy Speaker, Sir, I believe the other factor which this Government must take into consideration is the issue of small arms and light weapons. I am the Vice-President of the International Parliamentarians organisation on small arms and light weapons. Our country should not be allowing communities to own small arms and light weapons. We should disarm them even by force. The Turkanas lost their lives due to the use of small arms and light weapons. I insist that we should hold responsible the parliamentarians from the communities where this menace is always taking place. That is the only way we can have ownership and stop this menace. The councillors, chiefs, sub-chiefs and District Commissioners of those particular districts, where we have these problems, must be held responsible. Unless we hold people responsible, we will continue having this menace. I was shocked to see Government officers holding barazas at a place

where people have lost their lives instead of arresting the people.

*[Mr. Deputy Speaker left the Chair]*

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

The other thing which we must also be very careful about is the issue of life. We can have somebody say that 43 people were killed and yet when the security officers go to the ground they find only one body. Sometimes they say 1,000 people cattle were stolen but when you go to the place, you will find that only 10 cattle were stolen. So these people must be held responsible to speak the truth so that we can find a solution to this problem. This a very serious problem. This House needs to formulate a policy where any community that causes harm or loss of life should be held responsible, especially the leaders such as chiefs, elected councillors and the Members of Parliament. That is the only time we can solve these problems.

With those few remarks, I beg to support.

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance. First, I want to condole with the families of the Pokots and Turkanas who were killed in this incident. I wish to say that the House has to be very objective and not subjective when we are discussing this matter.

Mr. Temporary Deputy Speaker, Sir, there are so many things that are contentious in this Motion. The number of livestock stolen is highly exaggerated. The number of people killed *vis-a-vis* the report that we got from the police are also not correct. But nevertheless, one life is important. Even if we lose more than 60 people, one life and 60 lives are the same. I want to condemn this incident. We have done our best to make sure that the Government is assisted to maintain security in that region together with the leaders. I want us to get to the substratum of this matter. This incident actually came up as a result of incessant raids from my brothers in Turkana South. These raids are actually being conducted almost on weekly basis so much so that people from my side had to revenge. We also condemn this kind of revenge. If we revenge, our brothers from Turkana South will also revenge. So, I want to say that the Government should take this matter very seriously---

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Member to appear to justify the number of the people that are reported to have been killed and even justify why in the first place the raids took place? If I heard the Mover of this Motion correctly---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! What is your point of order?

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Kipkorir): Is it in order for the Member to appear to justify the killings of the people and why the raids took place?

**The Assistant Minister for Higher Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I have to be truthful in this matter. These communities are fond of doing this and they have been doing this for the last 100 years. If you conduct raids on the Pokots they will have to revenge. If you do that to Turkanas, they will do the same. These are things which normally take place on a daily basis. I am speaking the truth. Let us have a long lasting solution to this matter. I want the Government to saturate police officers in those areas.

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

*[Mr. Deputy Speaker resumed the Chair]*

When you look at the place where this incident took place, it is a corridor because Baragoi, Nafestom, Lochakula and Kainuk--- These places have actually been handed to bandits. I have said many times that these places are poorly policed. They have no communication. Unless we do something about this corridor, the Government will not succeed in addressing problems in these areas. So, let us address the problems of Baragoi, Nafestom, Kainuk corridor. The Provincial Commissioner transversed those areas using choppers. I want to tell you that it is not even easy to know the number of people who were killed and animals stolen. It is not easy to ascertain the killings in that particular area because of the terrain.

Mr. Deputy Speaker, Sir, we want the Government to provide the Kenya Police Reservists to the Pokot people. As I speak, all the communities surrounding the Pokots have Kenya Police Reservists. But the Pokots do not have. We want to have police reservists, so that we can also assist the Government in taking care of the lives of the people. On the issue of Kapendo, this has been known as the border point between Pokot and Turkana for the last 200 years.

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

**Mr. Kapondi:** Mr. Deputy Speaker, Sir, I rise to support this Motion. All these marginal areas of northern Kenya have been experiencing this problem for over 50 years. The previous administrations have more or less made it to appear that security is meant for certain people in certain areas. If you look at the way security structures are placed in this country, you will find that the farming areas have more than adequate security. If you look at the pastoral areas, you will find that the Government has done absolutely nothing.

If I remember very vividly, this morning, the Minister concerned with internal security was answering a Question about a closure of an Administration Police post in Marsabit. This is an area that requires security. Security officers in these areas are moved to certain areas. During the post-election clashes in this country, the Government acted commendably. We have security installations a kilometre apart in most areas in the farming communities in this country. But if you go to Pokot, Turkana, Samburu or any part in North Eastern Province, you will find that security installations are about 100 kilometres apart. It appears that some Kenyans are not taken seriously and security is meant for some people. If that is the case, the Government should come out very strongly and allow people in the marginal areas to own guns, so that they can take care of their security.

Mr. Deputy Speaker, Sir, it appears that the porous borders around these areas, for instance, the Ugandan, Sudanese and the Ethiopian borders, are inlets for small arms. The Government has done little to contain the situation. It has done little to see that the in flow of guns is contained. People in these areas have been left to the mercies of God. Year in, year out, the Government has just been dealing with development. When killings occur, the Government talks about it, security officers go to inspect the situation, and the story ends there. Nothing tangible happens. Let the Government be very serious and consider beefing up security in marginal areas. The Minister should show concern by visiting the area, so that the people can have confidence.

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

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Kipkorir):** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. It is true that this is, indeed, a sad day in this country because we have lost innocent Kenyans. It is also a great day because Members from those areas which suffer this menace of cattle rustling will also have a chance to say their experiences.

When we had a political crisis in December last year, we saw how the Government

responded. Several police posts were built in the affected areas. The Internally Displaced Persons (IDPs) arising from the political crisis were recognised, fed and resettled. Substantial resources were given in their support. The consequence of cattle rustling, in my view, is another crisis in this country. The Government should give serious attention to this.

As I speak, we have IDPs, not arising from the political crisis of December last year, but from this menace of cattle rustling. In my constituency, I have almost lost one division. The division has been taken over by members of one community. They have killed people and burnt down houses. In my view, that is not a crisis to the Government. An IDP, in my view, does not only mean one who has been displaced because of political crisis. The IDPs include persons who are not living in their homes, but living elsewhere, irrespective of the cause of the displacement.

Mr. Deputy Speaker, Sir, this is a very painful day. I want to support this Motion. I am happy the Minister concerned is here. I am sure he has authorised the construction of several police posts in other parts of this country to deal with the issue of the IDPs. I do not think he has authorised the construction of police posts in areas where people have been displaced because of cattle rustling. The livelihood of those people are the cows, goats and sheep. They pay school fees for their children and feed their families using this resource. When it is taken away, they are left with nothing.

The Government should be serious and come up with a lasting solution to this problem. I would like to propose that in areas like Baringo North Constituency, we should be given police reservists, so that we can defend ourselves. Some communities like mine, have never had time to look for weapons to protect themselves while others are heavily armed. Therefore, we cannot even attempt to challenge them. They just shoot members of my community.

We have made requests, through the District Security Committees, to be given police reservists, but nothing has been done. We have also made requests to be supplied with equipment.

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

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. It is, indeed, a sad moment in our history. I happen to be the Member of Parliament for that particular area where we have lost so many Kenyans. It is a tragedy that we ought to condemn in this House and the Government should act swiftly.

I raised this issue when the cattle were stolen on 29th at a place called Riet in Lokori Division. On the 30th, I happened to be in the Minister's office discussing with the PS about the deteriorating security situation in my district, which basically covers 60 per cent of the entire district. When I got word about the massacre, I raised the issue with the Minister, the Provincial Commissioner and the Police Commissioner and asked them to take action. I asked them to go to an area called Kong'oloren which is 25 kilometres south west of the water point.

It took three days before the Government could be able to dispatch the PPO Rift Valley to go to the scene. It took another five days before the provincial security team could be dispatched to move into the area. I happened to be in the team that visited the scene of the massacre. What happened there was tragic.

We had 120 Turkana's, police reservists and herders. They were pursuing the livestock that had been stolen. When they got to this area that has rugged terrain, they were ambushed and scattered in different fields. Many of them got killed there. The PC and the provincial security team managed to find one dead body in a scene where the guide during the massacre took us to. We did not visit the entire site to confirm the dead bodies. They were strewn everywhere. Up to now, the Government has not made any effort to put security forces on the ground to confirm the number of people who were killed.

Mr. Deputy Speaker, Sir, I think this is a huge act of connivance by the Government. The Minister might be involved but I believe the Police Commissioner had a bigger role to play in this

for failing to act swiftly. Maybe this is because Turkana is very far away. Maybe it is because we have been marginalised for so many years. Maybe it is because we are being considered as second class citizens of this country. That is why no swift action was taken. I really feel very sad to stand in front of this House to talk about this.

I hope that this House will condemn this act. Just like the post election conflict, these killings were just a trigger of a conflict that has been here for the last 20 years. This conflict between the Turkana's and the Pokot is about land, boundaries and resources.

Mr. Deputy Speaker, Sir, 60 per cent of the constituency I represent in this House is affected by insecurity. I remember in March when this House convened I said that my biggest challenge is insecurity. I brought to your attention the fact that I will try as much as possible to assist resolve this issue. We have a problem with the district boundaries with Baringo East, Kacheliba in Baringo North, Sigor, East Pokot---

**Mr. Deputy Speaker:** You have one minute!

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Deputy Speaker, Sir, I just plead you give me two or three minutes.

**Mr. Deputy Speaker:** Order, Mr. Nanok! I know you are affected. You are the Member of Parliament for the area but please conclude what you are saying. You have one minute!

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Deputy Speaker, Sir, the conflict is about encroachment. My neighbours from Baringo East have encroached into Turkana. They have taken over the entire Longolo Division and half of Lokori Division. So far, 60,000 Turkana's have been displaced from Lomolo, Lochakula, Napenton and Nario Moru. A number of them are residing in Lokorio. Others are scattered all over in the slums of Kambi Samaki, Baringo and Mogotio.

**Mr. Deputy Speaker:** Order! You are out of time. You have had more than you needed. Mr. Langat, you have just two minutes and then the Minister needs 10 minutes.

**Mr. Langat:** On a point of order, Mr. Deputy Speaker, Sir. I have three minutes!

**Mr. Deputy Speaker:** What is your point of order? You should wait until the Minister is presenting then you can raise your point of order unless you think there is something wrong with what the Chair is saying.

**Mr. Langat:** Mr. Deputy Speaker, Sir, since I have risen allow me to speak.

**Mr. Deputy Speaker:** Proceed!

**Mr. Langat:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for us to lament about these attacks when we know we have a Rapid Response Unit in our forces that should have taken part in the fight even as we talk about this issue now?

**Mr. Deputy Speaker:** Your point is taken! The Minister has heard.

**The Assistant Minister for Energy** (Mr. Mahamud): Mr. Deputy Speaker, Sir, we are talking about conflict in pastoral areas. This is something that has been there and it is escalating. If the House is accusing part of this Government of not doing anything, we are sitting on a time bomb. We can see a situation where a civil war between these communities will occur.

There have been accusations of use of firearms and cattle rustling by different communities. I come from a region where insecurity has reduced by more than 70 per cent because the Government, the local community and the international donor community came together and found a lasting solution to cattle rustling.

We wonder why, if this Government, the Ministry of Provincial Administration and Internal Security and the Commissioner of Police can set up a special force to fight the *Mungiki*, to guard the diplomatic corps, they cannot set up a special force to solve cattle rustling in this area. We are asking the Minister for Internal Security to set up a special unit that will deal with this menace.

Mr. Deputy Speaker, Sir, we need to approach insecurity both from a local perspective and the border. We are talking of the Somali ecosystem. There was a lot of cattle rustling but now it is over. There is a lot of cattle rustling going on along the Karamajong ecosystem. I want to challenge the leadership that days are gone when the ball used to be thrown to the Government alone. The leadership, the Government and everybody else in this country has the moral authority to solve this problem.

We need to open up the infrastructural facilities in this area. This is very crucial. We cannot talk about solving insecurity problem when the area is inaccessible. We must recover the stolen animals. Unless and until we recover stolen animals from one community, then we are not solving the problem of insecurity. We must disarm everybody in this country. We should not have a situation where we arm one community while we disarm the other one. I urge the Minister for Provincial Administration and Internal Security to disarm every community. Every pastoral community should participate in this issue. We must involve the IGAD regional peace initiative. We cannot talk about the war between the Karamajong and the Turkana or the war over the region-

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Finally, we must adopt traditional mechanisms of solving conflicts. The Turkanas, Pokots, Samburus and everybody else must sit together and use the old traditions. I hope and believe that this will be a good day for this House; a day that we are offering good solutions to the Minister for Provincial Administration and Internal Security and the leadership that he must take.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. Let me say that I am very much encouraged by the seriousness with which the hon. Members of this House have addressed this very great challenge. It is all agreed here that, indeed, this menace of cattle rustling has been around for a very long time, right from Independence.

Various interventions have been tried, but from time to time, this issue keeps on coming up. So, definitely, we will have to look at this matter in an entirely comprehensive manner; that is going to require a very big linkage of us in Government, stakeholders and all the leaders, including the civil society. This situation has been prompted by the incident that took place in Lokorio Division of South Turkana District. But I do want to say here that we have had these incidents taking place in a number of places. But it is important to see this difficult situation in a much wider context.

Mr. Deputy Speaker, Sir, in the last few weeks, we have faced incursions in various areas. There have been three trouble spots. I think it has entailed the Turkana, Pokot and Samburu communities. On 15th July, 2008, there were cattle rustlers from Turkana who actually attacked the Samburus and stole 210 cattle. During this time, 300 Turkana bandits were shot dead and also another one was killed among the Samburus. The stolen animals were all driven to what we call the Suguta Valley, an extremely terrible situation.

Upon receiving that information, we set up a combined operation of the Police, General Service Unit (GSU) and Administration Police (AP). About 200 security forces arrived at the Suguta Valley. They have recovered some of those animals. The terrain is extremely difficult.

As though that was not enough, we also had another problem again in Cherangany, where animals were also stolen from the people and driven to a forest nearby. Then, again, on 30th July, 2008---

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

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): It is important that I put this one in the context!

**Mr. Kutuny:** Jambo la nidhamu, Bw. Naibu Spika. Ningependa Waziri afafanue pia kwamba jana katika eneo langu la Uakilishi Bungeni la Cherangany, zaidi ya ng'ombe 50 waliibwa. Je, ni hatua gani Serikali inachukua? Serikali itaingilia vipi msitu wa Pokot ili kuwapokonya

Wapakot bunduki?

**Mr. Deputy Speaker:** Order, hon. Member! You are out of order!

Please, proceed!

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. Just for the satisfaction of hon. Members, we are aware that on 30th July, 2008, there are rustlers who went to Cherangany and stole 42 heads of cattle. We have already sent a force there and its moving in.

Mr. Deputy Speaker, Sir, this menace does not appear to be confined to one place. This menace is in the northern part of Rift Valley Province. We are seeing this menace in the Eastern Province especially in Marsabit and generally around that area. We have problems with various communities. We are also seeing this problem in the North Eastern Province. Indeed, this weekend, we have had to dispatch a team to a whole area, and I am very happy that a number of Members from Mandera went there so as to cool down the situation.

Mr. Deputy Speaker, Sir, the way forward is, first of all, as far as the Turkana situation is concerned, a major security operation has already been launched to apprehend the bandits and recover the stolen animals. That is going to require taking the personnel by choppers and ensuring that they are secure because some of the bandits are fairly armed. We are going to be sending a number of people there. Indeed, the operation has already started and it is going to move and restore the animals and deal with the bandits accordingly.

We are also planning on a much wider operation which is going to target the same area. It is also going to target Baringo where we are having a great deal of menace. We are also going to move into the Eastern Province and Samburu. This we affirm and have put the machinery in place. I want to assure this House that we are going to beef up security and plans are underway.

Mr. Deputy Speaker, Sir, Mr. Kapondi talked about the situation and I do not know whether he was referring to Mt. Elgon. It is clear that we have moved in. We shall not hesitate to take firm action as we have taken in Mt. Elgon to ensure that we protect the lives of Kenyans and their property. This is not going to be discriminatory. We have full responsibility for that. There is a way forward, which is that all of us as leaders ought to come up with a solution. One side of the coin is going to be taking tough security measures which I have promised we will do.

However, it is also very clear that what we are having are warring communities, and the security intervention itself alone, will not be able to secure permanent peace. This is why I want to say that my own Ministry has now put a plan that between the 14th and 16th of this month, I am going to invite hon. Members from the affected areas, especially the northern Rift Valley, Eastern and the North Eastern provinces to Nakuru, so that all of us can deliberate on this major challenge and agree on the measures that we are going to take. I want to assure hon. Members that what we are going to agree on there, we will ensure that it becomes Government policy.

*(Applause)*

Mr. Deputy Speaker, Sir, to me, this is the biggest challenge I have faced since I joined this Ministry. The first challenge, of course, was to deal with the menace of post-election violence which was tough. Ironically enough, at the time of the post-election violence, cattle rustling had come down. We were not hearing about it!

**An hon. Member:** Conspiracy!

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I do not know whether it is conspiracy. It is difficult to understand. Now that, that is okay and it is calm, we are now having busy rustlers.

I want to appeal to the hon. Members that we meet on that particularly day. We will go



there on Thursday evening, deliberate on this matter on Friday and, if necessary, on Saturday and agree on the various measures.

Mr. Deputy Speaker, Sir, I am saying this because this problem has been going on over a period of time because of poverty. The young people grow and find that the means of getting resources is cattle [rustling, to the extent that it has been commercialised in many areas.

In the light of the fact that time is short, I want to tell hon. Members that security operations will be carried out. Development also will be steered in that area. As leaders, let us meet and find the way forward. I think that is the only way out.

### ADJOURNMENT

**Mr. Deputy Speaker:** Order, hon. Members! It is now time to interrupt the business of the House. The House, is therefore, adjourned until today, Wednesday 6th August, 2008, at 2.30p.m.

The House rose at 12.30 p.m.