

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th June 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table: -

Report of the Public Accounts Committee (PAC) on the Government of Kenya Accounts for the year 2004/2005.

(By Dr. Khalwale)

Medium-Term Expenditure Framework (MTF) Budget contained in the Annual Estimates of the National Assembly for the Financial Year 2009/2010.

(By Mr. Cheruiyot)

NOTICE OF MOTION

ADOPTION OF 2004/2005 PAC REPORT

Dr. Khalwale: Mr. Speaker, Sir, I beg to give Notice of the following Motion: -

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya accounts for the year 2004/2005 laid on the Table of the House on Wednesday, 10th June, 2009.

ORAL ANSWERS TO QUESTIONS

Question No.001

GOVERNMENT DECISION ON UPWARD ADJUSTMENT OF
MANDATORY RETIREMENT AGE

Mr. C. Kilonzo asked the Minister of State for Public Service:-

(a) what informed the Government's decision to increase the retirement age from 55 to 60 years; and,

(b) whether by that move, the Government is not contradicting its policies that encourage the employment of more youth in the Civil Service.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I beg to reply.

(a) The Government's decision was informed by the following facts:-

(i) The Government is implementing a Performance-Based Management System which focuses on service delivery by the entire Public Service. That reform programme covers recruitment, training, deployment, promotion and motivation and retirement of all staff in the Public Service. The overall objective is to develop a more effective and sufficient Public Service

(ii) The retirement age was raised to 60 years as part of the package to reform the Government Pension Scheme from a benefits defined pay-as-we-go scheme, to a contribution defined and funded scheme, which is the modern method of financing pensions.

(iii) A contribution defined (DC) scheme is actuarially very expensive at age 55, when life expectancy after retirement would still be over 20 years. You do not need to be an actuary to figure out that 30 years of service, for example, from age 25 years to 55 years, is not likely to be sufficient to deserve a pension for over 20 years, which would be from age 55 to 75.

(iv) The decision was also informed by the fact that the pay-as-we-go scheme is inter-generationally inequitable. It taxes the present generation to pay for the pension of the past generation. This means that every pay increase to the current generation leads to increased tax burden to the future generation.

(v) The modern pension funding method is to make the current generation fund their pension from their current productivity and output. The method allows for periodic pay reviews commensurate with service delivery and competitiveness in the job market. Pension will now vest from five years of service and employees would not now have to work to age 50 to be entitled to their pension benefits.

(vi) The Government also wanted to remove the discrimination that has been there between junior staff at Job groups "A" to "F" and the senior staff at Job Groups "G" and above. Women were engaged on contracts and paid gratuity of 31 per cent periodically. Only men contributed to the Widows and Children Pension Scheme.

(vii) The decision was informed by the fact that the reformed Public Service Superannuation Scheme will treat all employees equally with staff contributions of 7.5 per cent and employer contributions of 15 per cent all the way to age 60.

(viii) Members are aware that, currently, the technical and academic staff of universities and research institutes retires at the age of 65 years and judges retire at 74 years, but teachers were being retired at 55 years. All the East African Community countries adjusted the retirement age to 60 years about ten years ago.

(b) The reform measures being implemented by the Government will open up Public Service employment at all ages on merit and allow exit at any age on opportunity

elsewhere. It will also provide retirement benefits that are competitive and increased with the performance of the economy. Unemployment is painful at all ages, but between 50 and 60 years, it is more painful than between 20 and 30 years, depending on the number of dependants a jobless person may have.

The Members are aware that the Government employs the youth in direct entry-level jobs for teachers, in the military and in the various disciplined services, Ministries and Departments. Entry level jobs attract the youth below the age of 29 years. This policy will not change.

Job creation, however, is directly related to the Gross National Investment. The Vision 2030 projects and the average employment will grow at 2.8 per cent with job creation expected to reach 740,000 per annum by the year 2012. That may only be achieved if the Gross National Savings rise to 26 per cent by 2012 and to 31 per cent by 2030. The proposed pension programme is a major savings vehicle in our economy and will greatly help the national savings target, particularly if more employers in the country establish such pension programmes.

Members are also aware of the *Kazi Kwa Vijana* Programme, which is currently being implemented. The Government is giving a comprehensive approach to employment creation and will not just be counting on the Civil Service as an employment service.

Mr. C. Kilonzo: Mr. Speaker, Sir, every time there is an election, the politicians target the youth and women. But once they get the cake, they make sure that the people who benefit are themselves and those in their age brackets. In this particular case, the Government promised to address the issues of the youth. What we are seeing now is that the Government is concentrating on the issues of people who have retired. Just to expound a little bit---

Mr. Speaker: Order, Mr. C. Kilonzo! This is Question Time and not time for debate, contribution or giving opinions!

Mr. C. Kilonzo: Mr. Speaker, Sir, the Minister has given the excuse of *Kazi kwa Vijana* as one of the reasons why the youth should not be uncomfortable with the increase of the retirement age. About a week ago, the Government said that the *Kazi kwa Vijana* Programme is a one-off programme; which means that it is not going to be there in the next financial year.

What assurance can the Minister give this House that the youth are not going to be affected by that increase in the retirement age?

Mr. Otieno: Mr. Speaker, Sir, as to the misuse of the youth, including the *Mungiki*, it is an indictment to all of us in this House. It is not to the Government alone. All of us, most likely, would be guilty of what the hon. Member has said. Secondly, the best assurance for the youth of this country is through the increase of the Gross National Savings and investments that will employ all Kenyans at all ages throughout the economy and throughout the growth period. So, it is not the old attitude that will help us regarding the Government as an employment service. We would like the Government to be a service delivery agent, through which, as a result of efficiency and effectiveness, we will expand the economy and employ everybody.

Mr. Chachu: Thank you, Mr. Speaker, Sir. Is there flexibility in that policy, in case some employees would like to retire at the age of 55 years instead of 60 years?

(Applause)

Mr. Otieno: Mr. Speaker, Sir, we have not changed the early retirement age from 50 years. So, anybody who reaches 50 and feels tired or has a better opportunity elsewhere, can still retire at 50 years. I have said in my answer that pension will now vest at 50 per cent from five years of service and 100 per cent from ten years. So, now, all Government employees will be entitled to their full pension entitlement, including employer contribution after ten years of service. If you have better opportunities elsewhere, you do not even need to retire. You can change jobs and keep your pension.

Mr. Imanyara: Mr. Speaker, Sir, such a major policy change ordinarily would be preceded by a Sessional Paper being tabled in this House, debated and approved.

(Applause)

Why was that not done with respect to that major policy change of increasing the retirement age?

Mr. Otieno: Mr. Speaker, Sir, it is not a legal requirement. It was administrative and the Cabinet was sufficient to make the decision, and they so did. There will be an Act to provide for the new pension scheme which will come before the House. It will give an opportunity to hon. Members to debate the new pension programme.

Mr. Baiya: Mr. Speaker, Sir, could the Minister confirm that the whole purpose for that arrangement is actually to avoid paying retirement package to those who are entitled to retire and, if that is not so, why is the Government failing to release the retirement package for those who are willing to leave at age 55 years?

Mr. Otieno: Mr. Speaker, Sir, in the current pension arrangement, no employee is entitled to a penny up to age of 49 years, eleven months and 29 days. If you leave the Government before you hit age 50 years, you are entitled to zero! I have explained that it is not that we did not want to pay pension. It is because the current system is inefficient and is not beneficial to many employees. The statement includes even the discrimination inbuilt in the present scheme, which I was proposing to change.

Ms. Karua: Mr. Speaker, Sir, while we have no quarrel with enlarging the age bracket to be in accord with East Africa, it is the timing that we are questioning. Could the Minister confirm that the timing was motivated by self-interest in a Government that is full of octogenarians?

(Applause)

Further, it is a Government that, instead of apprehending criminals for specific offences, brands all Central Kenya youth *Mungiki* and then persecutes them under that banner while providing *Kazi kwa Wazee* programme!

(Applause)

Mr. Otieno: Mr. Speaker, Sir, the timing is as a result of the Grand Coalition Government that is reform-focused. Any allegation that the Government is not reform-focused, by people who are holding us back in reforms, is deplorable. Right now, what

we are doing, particularly in the Public Service, which I can speak for, is that all the necessary reforms will not be delayed by any one man! So, we are on the move!

Mr. Mbadi: Mr. Speaker, Sir, could the Minister confirm that by increasing the retirement age from 55 years to 60 years, in essence, what the Government is doing is to perpetuate inefficiency in Government by retaining people who cannot accept change and people who have been holding the same positions for a long time?

Mr. Otieno: Mr. Speaker, Sir, I can elaborate on that because it is at the centre of why those reforms are being made at this time. At present, the pension practice actually locks civil servants in the service waiting for retirement pension. They would not leave until they are 50 years. So, whether you are dead wood or not, you will not go because of your pension. So, most of them, after 40 years, stay on their jobs not because they like them; not because they enjoy them, but because they have no alternative that would pay them the pension. That is because they were not entitled to it!

I want to free all civil servants to move out and not to be held back by the pension. When we start the strict performance-based management system with appraisals, job evaluations and workload assessment, we are also going to ask non-achievers to quit. They will quit with all their benefits. So, it is the opposite of all you are suggesting!

(Applause)

Mr. K. Kilonzo: Mr. Speaker, Sir, it is a sad day for a Government, that confesses to have the interest of the youth of this country at heart, to come here and start saying that, at the age of 50 years to 60 years, it is more painful to be jobless than at the age of 20 years to 30 years.

(Applause)

That is why some of us have started the National Youth Initiative, which is going to make sure that those old men go home!

Mr. Speaker, Sir, my question to the Minister is: Could he substantiate to this House, scientifically or otherwise, why it is more painful, at 50 years to 60 years to be jobless than at the age of 20 years to 30 years?

(Applause)

Mr. Otieno: Mr. Speaker, Sir, actually, it is a happy day because it is a call to all hon. Members to think of all Kenyans and not any segments; not regional, not ethnic and not age groups. Think of all Kenyans! When I say unemployment, depending on the dependency situation in your family, it might be more painful at 50 years to 60 years when you have dependants crying to you. But between 20 years and 30 years, sometimes, you can run back to your mom to help you with some food! So, please---

(Applause)

Mr. Speaker: Last question, Mr. C. Kilonzo!

Mr. Otieno: Mr. Speaker, Sir---

Mr. Speaker: Order, Mr. Minister! Last question, Mr. C. Kilonzo!

Mr. C. Kilonzo: Mr. Speaker, Sir, the words by the Minister are actually an insult to the generation.

Hon. Members: Yes!

(Applause)

Mr. Speaker, Sir, a young man who is 25 years old and married has no business going to borrow money from his own parents!

(Applause)

Hon. Members: What if he is a poor man?

Mr. Speaker: Order, Mr. Kilonzo! That is a matter of argument. Come to the question!

Mr. C. Kilonzo: Well! Who knows! Maybe, he encourages the same in his family!

(Laughter)

But, Mr. Speaker, Sir, my question is this: You might get away with the age bracket up to 60 years, but this Government has about 45 people who are over 60 years old!

(Applause)

The Head of Public Service is over 60 years.

Mr. Speaker: Order, Mr. Kilonzo! Are your statistics correct?

Mr. C. Kilonzo: They are correct, Mr. Speaker, Sir.

Mr. Speaker: Forty five people are over 60?

Mr. C. Kilonzo: That is correct, Mr. Speaker, Sir! In the Civil Service! I can give you all the brackets!

Mr. Speaker: Okay, if you qualify that; 45 people where?

Mr. C. Kilonzo: In the Civil Service.

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

Mr. Speaker: Order, hon. Members! The Minister is allowed to raise a point of order.

Mr. Otieno: Mr. Speaker, Sir, the hon. Member is misleading the House. When he says that the Government has over 45, we are talking about civil servants and you cannot get 45 who are over 60 as we speak here now, unless you are confusing with people who are serving under different contracts for which the Government tenders under expressions of interest and you are engaged specifically under contract competitively.

(Loud consultations)

Mr. C. Kilonzo: Mr. Speaker, Sir, I just wish the Minister would defend the *Kazi kwa Vijana* Programme instead of protecting the “*Kazi kwa Wazee* Programme” The Permanent Secretary, Secretary to the Cabinet and Head of Public Service is over 60 years old. The Permanent Secretary, Ministry of Energy is also over 60 years old. The Permanent Secretary in the Ministry of Education is also over 60 old. There are several ambassadors who are over 60 years old. The Kenyan High Commissioner to the United Kingdom is over 60 years old.

Mr. Speaker: Order, Mr. C. Kilonzo! Your claim before you asked the question was that there are 45 public servants who are over 60 years old. The Minister has challenged you that you are misleading the House. Do you have a list of 45 public officers now?

Mr. C. Kilonzo: Mr. Speaker, Sir, I know most of them off head. Does the House have time so that I can go through the list of 45 officers?

Mr. Speaker: Mr. C. Kilonzo, can you name 45 officers?

Mr. C. Kilonzo: Mr. Speaker, Sir, to save the time of the House, I am willing to table a list of 45 officers and where they serve.

Mr. Speaker: Order, Mr. C. Kilonzo! Are you able to read out 45 names now? You have already mentioned three!

Mr. C. Kilonzo: Mr. Speaker, Sir, I am sure my colleagues can assist me in naming them!

(Laughter)

Mr. Speaker: Order, Mr. C. Kilonzo! In that case, you are out of order and you must withdraw your remarks unless you name 45 officers now who are over 60 years old. You have already mentioned three names. If you are unable to do that now, you must withdraw your remarks!

Mr. C. Kilonzo: Mr. Speaker, Sir, it is against my religion to withdraw a fact. Are you telling me that I do not know the figures which I have researched on and found that there are 45 officers who are over 60 years old?

Mr. Speaker: Order, Mr. C. Kilonzo! Hon. Members, our Standing Orders are clear in their provisions on accuracy of statements or fact that you claim before the House. The Standing Orders state that if you fail to substantiate or explain a fact which you are asserting, then you are out of order. Mr. C. Kilonzo has asserted that the Civil Service has over 45 officers who are over the age of 60 years. He has been legitimately challenged by the Minister of State for Public Service that there is no such a number in the Civil Service. The Chair has rightfully asked him to respond to that point of order. If, Mr. C. Kilonzo, you are unable to do so, then, I am afraid you are out of order!

Mr. C. Kilonzo: Mr. Speaker, Sir, I will table a document which I printed showing the age brackets of civil servants from 20 years old to those past 60 years old. I will table this document for the time being and then produce the other documents later on.

(Mr. C. Kilonzo laid the document on the Table)

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! Mr. C. Kilonzo is responding to a point of order.

Mr. C. Kilonzo: Mr. Speaker, Sir, could I now ask my question?

Mr. Speaker: You may ask your question as we look at the document!

Mr. C. Kilonzo: Mr. Speaker, Sir, my question is very simple. The Minister might have come up with a legitimate reason for increasing the age of retirement to 60 years. What reasons does he have for allowing officers who are more than 60 years old to continue serving in the Public Service?

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

Mr. Speaker: Order, Mr. Mungatana!

Mr. Otieno: Mr. Speaker, Sir, I mentioned in my answer that right now we have university lecturers who retire at the age of 65 years. There are also Judges who retire at 74 years of age. So, there are people who are over 60 years old who are serving effectively. In terms of being able to serve beyond 60 years of age, it is a matter of personal assessment which we are implementing for all public servants at all ages. If you are assessed and found to be competent, you will serve up to the age of 60 years.

With regard to the issue of Permanent Secretaries who are over 60 years of age, I have already answered that Question in this House. Hon. Members know how Permanent Secretaries and other people on contract, including Ministers, are appointed.

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

Mr. Speaker: What is it, Mr. Mungatana? And, please, be careful because we have this situation which is developing that you constantly want to challenge the Chair sometimes unnecessarily!

Mr. Mungatana: No, Mr. Speaker, Sir! I am very serious! I rise on Standing Order No.82. I am not challenging you either.

Mr. Speaker: Proceed Mr. Mungatana!

Mr. Mungatana: Mr. Speaker, Sir, Standing Order No.82(2) states:-

“If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such a Member substantiates the allegations not later than the next sitting day---”

Mr. Speaker, Sir, I am drawing your attention to the fact that Mr. C. Kilonzo---

Mr. Olago: On a point of information, Mr. Speaker, Sir.

Mr. Mungatana: Mr. Speaker, Sir, I do not want to be informed!

Mr. Speaker: Order, Mr. Olago! Mr. Mungatana is on a point of order. You can only inform him if he concedes that you do so. Mr. Mungatana, do you wish to be informed?

Mr. Mungatana: No, Mr. Speaker, Sir! I am informing the House that Mr. C. Kilonzo has until the next sitting day to give proper information to this House.

Mr. Speaker, Sir, I always rise in this House on very serious matters. I am requesting---

Mr. Speaker: Order, Mr. Mungatana! You have made your point. As a matter of fact, you are revisiting a matter which the Chair has already dealt with. The Chair allowed Mr. C. Kilonzo to table the evidence that he had up to that point. He indicated that he may have further evidence which he would come up with. I heard him clearly, directed appropriately and intelligently.

Hon. Members, please, note that according to the Order Paper, we are supposed to get to the Prime Minister's Time not later than 3.00 p.m. However, because I have indication that the Prime Minister's Time has only one Question, we will take the liberty to take away 20 minutes from the Prime Minister's Time.

Question No.116

GOVERNMENT EXPENDITURE
ON SUBSIDIZED FERTILIZER

Ms. Karua asked the Minister for Agriculture:-

- (a) how much money the Government has spent on subsidized and/or free fertilizer in the last one year as well as the quality, size and brands procured; and,
- (b) the recipients of the subsidized/free fertilizer by names and locations.

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

(a) The Government has spent Kshs2.94 billion to purchase 66,100 metric tonnes of assorted fertilizers which are being sold at subsidized prices. The Government has also spent Kshs2,090,000,000 to procure 62,050 metric tonnes of assorted fertilizers which are being sold at market prices.

In addition, the Government has spent Kshs533,834,000 to procure 8,879 metric tonnes of assorted fertilizer from local stockists which have been given free to farmers in the context of the *Kilimo Biashara* Programme.

Mr. Speaker, Sir, the imported fertilizer includes Diamonium Phosphate (DAP), Calcium Ammonium Nitrate (CAN), Monoammonium Nitrate (MON) and Urea, all packed in 50-kilogramme bags and whose analytical tests at both the port of origin and the port of landing confirmed that the fertilizer grade was as stipulated by the Kenya Bureau of Standards (KEBS).

The names of all farmers who have got the subsidized fertilizers, or market-priced Government fertilizers, are in hundreds of thousands, and it will take a bit of a while and some resources to compile the list. There are, however, 47,093 farmers who have received free fertilizers in the context of the "Kilimo plus" programme. I hereby table their names and locations as requested by the hon. Member.

(Mr. Samoei laid the documents on the Table)

Ms. Karua: Mr. Speaker, Sir, I wish to thank the Minister for that answer. As you notice, he is tabling a carton full of papers. I would request for time to look at them in order that we be able to ask sensible questions. I would ask the Minister, as I study the documents, to consider giving us the number of bags procured under parts "a" "1" and "2" of the answer, which are worth about Kshs5 billion; let him tell us how many bags they were, and the spread by province and district. Otherwise, I would request him to table that and enable us to find the areas the fertilizer has gone to, but I am grateful for the very exhaustive answer.

Mr. Samoei: Mr. Speaker, Sir, that is a reasonable request. As you can see, the list is quite voluminous. Therefore, I think it will be in order for you to grant time, so that the hon. Member can peruse through these documents.

However, on her other question, every metric tonne has 1,000 kilogrammes. Every bag I have listed here has 50 kilogrammes. So, it is very easy to compute how many bags there are. All the bags are of 50 kilogrammes each. So, 66,000 metric tonnes is 66 million kilogrammes. If she divides this by 50, she will be able to get the number of bags. It is as easy as that!

On the question of distribution of the free fertilizers, I have with me here, the distribution list based on provinces and districts as follows: Kwale, 1,000 farmers; Kilifi, 1,001 farmers; Kaloleni, 168 farmers; Kinango, 161 farmers; Kilindini, 136 farmers; Mombasa, 40 farmers; Malindi, 140 farmers; Tana Delta, 70 farmers; Samia, 745 farmers; Mount Elgon, 1,000 farmers; Bungoma South, 1,000 farmers; Bungoma East, 1,000 farmers; Bungoma North, 1,000 farmers; Kakamega South, 1,000 farmers; Emuhaya, 1,300 farmers; Lugari, 1,000 farmers; Hamisi, 489 farmers; Butere, 1,054 farmers; Busia, 1,000 farmers; Kakamega Central, 1,000 farmers; Kangundo, 1,000 farmers.

Embu, 2,126 farmers; Meru Central, 1,142 farmers; Imenti South, 600 farmers; Makueni, 1,000 farmers; Tigania, 1,000 farmers; Meru South, 500 farmers; Machakos, 851 farmers; Rachuonyo, 1,000 farmers; Homa Bay, 999 farmers; Kisii Central, 1,000 farmers; Nyamira, 700 farmers; Kuria West, 700 farmers; Gucha, 1,000 farmers; Rongo, 1,000 farmers; Marakwet, 420 farmers; Nandi North, 1,000 farmers; Trans Mara, 998 farmers; Nandi South, 1,015 farmers; Trans Nzoia East, 1,903; West Pokot, 1,000 farmers; Bomet, 1,000 farmers; Bureti, 1,000 farmers; Trans Nzoia East, 7,252; Kirinyaga, 1,085 farmers; Murang'a, 1,035, and Thika, 452 farmers.

Mr. Speaker, Sir, these make a total of 47,093 beneficiaries.

Mr. Speaker: Is there anybody else interested?

Dr. Kones: Mr. Speaker, Sir, I have listened to the Minister reading the list, and I would like to know what criteria he has used to distribute the free fertilizers, and what he is doing to also subsidize tea fertilizers.

Mr. Samoei: Mr. Speaker, Sir, on the tea fertilizers, my Ministry instructed the Kenya Tea Development Authority (KTDA) to import Government fertilizers for the tea industry. Unfortunately, the KTDA did not comply. They went ahead to import fertilizers on their own. They are currently selling the same fertilizers at Kshs2,500 per bag. It is our belief, as Government, that we would get those fertilizers a lot cheaper, if the KTDA had agreed to work in partnership with the Government. That is the situation. However, we are discussing with the KTDA. For the next consignment, they must agree to bulk purchase, which helps to negotiate the prices downwards for the benefit of the farmer. In future, we should be able to import together, so that we can negotiate appropriately in the interests of reducing the prices.

On the criteria used, we are working with donors on this programme. Maybe, it is good for me to inform the House how we have sourced the money to be able to give out free fertilizers. The Government has spent Kshs519 million – Kshs210 million from the Kenya Government, Kshs270 million from the World Bank, Kshs36 million from FAO and Kshs3 million from Japanese grants.

Mr. Speaker, Sir, in partnership with all these financiers, we have agreed on the areas we will target. In many of these areas, farmers are vulnerable. If the Government does not support them, they will be unable to go to their farms, yet they have the potential to produce. So, two factors come in. There are areas that have potential to produce, yet farmers do not have the capacity. The first 36 districts are what we started with. If this programme succeeds, as we envisage it, we will expand it to every district in the country. This is the second year we are doing this, and we believe that, funds being available, we should be able to upscale this programme and make fertilizers accessible to, at least, the most vulnerable farmers in our society.

Dr. Eseli: Mr. Speaker, acknowledging that the Minister for Agriculture is working very hard to improve the agricultural standards in the country, and seeing that he subsidised fertilizers, which he has admitted was either Diamonium Phosphate or Mono Ammonium Phosphate, could he give us the scientific basis on which it was decided to bring in Diamonium Phosphate or Mono Ammonium Phosphate, which was then given to all farmers as if one size fits all, yet we know that soil acidity, which is based on phosphate content, varies from region to region? Was there any scientific basis for bringing in DAP and Mono Ammonium Phosphate, considering the areas to which it was distributed? What scientific basis informed this decision? I fear that we might have reduced the agricultural output!

Mr. Speaker: Order, Dr. Eseli! Hon. Members, please, note that supplementary questions--- (*Inaudible*)

Mr. Samoei: Mr. Speaker, Sir, I agree with the hon. Member to an extent that, the continuous use of DAP actually impacts negatively on the productivity of our soils. My Ministry has gone out of its way, through our extension service network, to try and inform farmers. We have not made quite a lot of progress because, out of tradition, many farmers believe fertilizer is equal to DAP. As a result of that, if you bring any other form of fertilizer, you run the risk of not selling it to anybody. Farmers have the mistaken belief that fertilizer is only DAP.

We are, however, embarking on a serious campaign to educate farmers, so that instead of going for the traditional fertilizer that they know and which may not necessarily be adding value to their productivity, they should instead be able to analyze the soils, so that they know what nutrients are required in it, so that they go for the correct fertilizer.

Mr. Speaker, Sir, we did not want to mix fertilizers this year because we were already in a crisis. If we had introduced other forms of fertilizer we would have run into problems with farmers. We would have had to explain to them that they need to use a different form of fertilizer. On the other hand, they would be expecting subsidized fertilizer from the Government. So, we decided to deal with one problem to, at least, create a constant supply of fertilizer.

I want to encourage the hon. Members to persuade our farmers that before they purchase fertilizer, it is necessary for them to analyse their soil, so that they can know the particular nutrients that are deficient in their soils and buy the appropriate fertilizer for their crops.

Ms. Karua: Mr. Speaker, Sir, I had asked for time to analyze the document before---

Mr. Speaker: Yes, that is okay! You have a last supplementary question for the moment, including a question that may arise out of your examination of those documents.

Ms. Karua: No, Mr. Speaker, Sir. Not at this stage. Since you have already given me permission to be absent the whole of next week, I am seeking that I be allowed to come back and ask supplementary questions on the 24th of June.

Mr. Speaker: It is so ordered!

Mr. Samoei: Most obliged, Mr. Speaker, Sir.

Mr. Speaker: Note that the supplementary questions will be allowed for Ms. Karua alone, restricted to examination of those documents. Members had room this afternoon to ask all their supplementary questions.

Next Question!

Question No.145

CRITERIA FOR AWARD OF STATE
COMMENDATIONS

Mr. Ethuro asked the Minister of State for Provincial Administration and Internal Security:-

(a) if he could table the number, names and home districts of Kenyans awarded State commendations since Independence, indicating the various categories; and,

(b) if he could outline the criteria for such State awards and commendations.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I beg to reply on behalf of the Minister of State for Provincial Administration and Internal Security who is out of the country on Government business.

I undertook yesterday that this answer will be in place. The Question had been channeled to the Ministry of National Heritage while appropriately; it should have gone to the Cabinet Office. My answer is as follows: -

(a) Since Independence, a total of 7,031 orders, decorations and medals have been awarded. These are national awards and have not been on the basis of the home district or the tribe of any recipient. The summary of various categories are as follows:

1. The Chief of the Order of the Golden Heart of Kenya (CGH) – 16 have been awarded since Independence.

2. The Elder of the Order of the Golden Heart of Kenya (EGH) – 196 have been awarded since Independence.

3. The Moran of the Order of the Golden Heart of Kenya (MGH) – 78 have been awarded.

4. The Uhodari Medal (UM) – 13 have been awarded.

5. The Chief of the Order of the Burning Spear (CBS) – 198 have been awarded.

6. The Elder of the Order of the Burning Spear (EBS) – 519 have been awarded.

7. The Moran of the Order of the Burning Spear of Kenya (MBS) – 726.

8. The Order of the Grand Warrior of Kenya (OGW) – 1,115.

9. The Distinguished Conduct Order (DCO) – 37.

10. The Distinguished Service Medal (DSM) – 496.

11. The Silver Star of Kenya (SS) - 673.
 12. The Head of State Commendations (HSC) – 2,964.
- The total is 7,031.

Mr. Speaker, Sir, the role of honour of the Republic of Kenya is a long list as I have read out. I, therefore, wish to table a separate document which contains all the 7,031 names.

(Mr. Otieno laid the document on the Table)

(b) The award of orders, decorations and medals is bestowed or conferred by His Excellency the President of the Republic of Kenya. This is the practice by most Heads of States worldwide. All titles of honour are awarded to men and women of proven integrity whose role in and contributions to the country and society in general have been adjudged as exemplary, profound, pre-eminent and inspiring. They must be people who have excelled in distinguished service to the society and nation in social, political, economic or scientific spheres through display of exceptional brilliance, courage, commitment and valour.

There exists a National Honours and Awards Committee assisted by a Secretariat in the Office of the President. The Committee receives all nominations from nominating bodies which include committees in districts, Ministries, religious organizations, non-governmental organizations, individuals and others.

Mr. Ethuro: Mr. Speaker, Sir, I want to thank the Minister very profoundly for prosecuting this Question and answering it very thoroughly. When I asked about tabling of names and home districts, I only wanted to know where they come from. It was not a matter of saying that I wanted them to be apportioned to particular districts. In any case, it is a good practice. Every Kenyan hails from a particular home district. So, I think on that one, he missed the point.

My point is on the criteria used. He has said that there are committees at the district level. In a district like Turkana Central, what is the composition of the nominating committee?

Mr. Otieno: Mr. Speaker, Sir, the DC in every district is in the practice of inviting the residents of the district to present nominations for these awards. In most districts, this is known. If it is not known in Turkana District, the hon. Member will advise the residents of Turkana that each year they should make proposals and due consideration will be granted.

Mr. Ethuro: Mr. Speaker, Sir, this is a Minister I have just praised! I am, however, not withdrawing my compliments because he is still a man of honour like the ones we are awarding medals. I want the area which touches State awards and commendations. These are awards that are given by the Head of State. There must be an objective criteria and a committee that is composed appropriately. It cannot just be a matter of residents waiting for the day the District Commissioner will call upon them for the awards. What are we supposed to do when he does not call upon them?

Mr. Speaker: Mr. Minister, answer that question directly!

Mr. Otieno: Mr. Speaker, Sir, the hon. Member was with us in Bomas. He, therefore, knows the amendments we have proposed under the Constitution to change this

practice. It will take effect when the new Constitution comes into place. However, up to now, the arrangement is not satisfactory and that is why Bomas proposed changes.

Mr. Bahari: Mr. Speaker, Sir, if I heard the Minister right, it is the District Commissioner who is supposed to involve the entire community. Indeed, it looks like there is no laid out proper procedure on this matter. The Minister does not need to wait for Constitution review which sometimes becomes very evasive in this country. Could he---

Mr. Speaker: Order, Mr. Bahari! What is your question?

Mr. Bahari: Could the Minister issue a circular that is going to guide the selection of individuals to receive these awards?

Mr. Otieno: Mr. Speaker, Sir, I welcome that observation and we will see how to put it into practice.

Mr. Namwamba: Mr. Speaker, Sir, I am looking at the list that the Minister has tabled. On pages 142 and 143, I realize that there is a long list of Cabinet Ministers and Permanent Secretaries who have received these national honours. Does the mere act of being appointed to the Cabinet or being appointed a Permanent Secretary constitute criteria for award for these national commendations?

(Applause)

Mr. Otieno: Mr. Speaker, Sir, the hon. Member knows how difficult it is to reach this Front Bench!

Hon. Members: Aaah! Aaah!

Mr. Otieno: Mr. Speaker, Sir, the hon. Member also knows the challenge that, that position places on the holder. The hon. Member knows that the service expectations are worth the distinctions that, that order confers on Cabinet Ministers.

Ms. A. Abdalla: Mr. Speaker, Sir, whereas I agree that it might be difficult to become a Cabinet Minister, I wonder whether immediately you are appointed you would have already met the challenges. Is there a recourse clause where persons who have received these awards and then acted in contravention, can have them withdrawn!

Mr. Otieno: Mr. Speaker, Sir, that is another welcome suggestion which should be implemented. A mechanism should be in place to withdraw when behaviour contradicts the criteria in which the award was conferred in the first instance. I have no objection to that.

Mr. Wambugu: Mr. Speaker, Sir, could the Minister tell this House how many, amongst the over 7,000 medals, have been given to our war veterans? These are the people who fought for the Independence of this country.

Mr. Otieno: Mr. Speaker, Sir, that would have required a separate study of the role of honour, going through all the citations for every recipient and isolating the war veterans. However, you will realise that the war veterans were at a time when the awards were being given by the colonial administration. After Independence, a number have got it but I do not have the particular figure.

Mr. Speaker: Mr. Ekwee Ethuro!

Mr. Ethuro: Mr. Speaker, Sir, my last question to the Minister is this: When you look at the basis, all titles of honour and awards to men and women of proven integrity, whose service to the society has been adjudged exemplary, in Turkana, we have

missionaries who have dispensed exemplary service. They include the late Bishop of Luda Diocese, John Sim Howard and the Protestant Dr. Dick Anderson. They built the first hospitals and secondary schools in the most remote parts of this country. However, they are not part of this list!

This is a result of one reason; the nominating committee at the district level does not compose the local people who know exactly who did what and when. Could the Minister consider reconstituting these committees to have local people not just residents showing up at an annual event? They should be part and parcel of the local committee that will look into the distinguished service to the good people of Turkana.

Mr. Otieno: Mr. Speaker, Sir, I am in agreement with the hon. Member. We will review the constitution of each committee at the district level. However, you will realise from my answer that it is not just the district alone. Non-Governmental Organisations (NGOs) and even Members of Parliament can also make these proposals. So, please do it so that Turkana does not continue to be disadvantaged!

(Mr. Mungatana stood up in his place)

Mr. Speaker: What is it Mr. Mungatana?

Mr. Mungatana: Mr. Speaker, Sir, I also want to join those who congratulated the Minister for the good answer. However, I just wanted to know---

Mr. Speaker: Order, Mr. Mungatana! You are standing on a point of order!

Mr. Mungatana: No, Mr. Speaker, Sir. I am asking a question!

Mr. Speaker: No! The last question has already been asked by the Questioner. I, therefore, believe you are on a point of order. This matter is already spent!

Hon. Members, that then should bring us to the end of Question Time. The balance of the Questions are deferred! Questions Numbers 207, 216 and 220 are deferred to Thursday next week. Question Number 226 has been deferred to Wednesday next week.

Question No.207

TARMACKING OF EJINJA-BUMULA ROAD

(Question deferred)

Question No.216

REPAIR OF KWASOMBA-KASIKEU ROAD

(Question deferred)

Question No.226

MEASURES TO STEM CATTLE
RUSTLING IN RONGAI CONSTITUENCY

(Question deferred)

Question No.206

PROMOTION STATUS OF P1 GRADUATE
TEACHERS

(Question deferred)

Mr. Speaker: We will now proceed to Prime Minister's Time!

PRIME MINISTERS TIME

POINT OF ORDER

PRIME MINISTER'S SCHEDULE OF ENGAGEMENTS

Mr. Olago: On a point of order, Mr. Speaker, Sir. The only Question on the Order Paper for the Prime Minister is Question No.QPM/009. I wish to say that the Prime Minister's Time is a creation of rules of this House. Questions to the Prime Minister should be in strict accordance with the rules.

Mr. Speaker, Sir, with your permission, I wish to quote Standing Order No.40 (1) (b) that states that:-

"Questions may be put to the Prime Minister relating to matters of Government policy or general performance of the Government and Government agencies".

The Question before the House is asking where the Prime Minister will be between 8th and 12th of June. In my view, this is factitious, frivolous and is not in accordance with these rules. I ask for the direction of the Chair because this Question is out of order and should be struck out!

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. I would have expected the so-called learned Olago Aluoch to have borrowed sometime and gone through the practice---

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

Mr. Speaker: What is it Mr. Olago! Order, Mr. C. Kilonzo!

An hon. Member: But he is on a point of order!

Mr. Speaker: I have the discretion to allow a point of order even when another point of order is going on!

(Applause)

Look at your Standing Orders! That discretion rests with the Speaker! I can, however, see why that point of order is warranted. Mr. C. Kilonzo described Mr. Olago as "the so-called learned friend". Obviously there is justification for that point of order!

Proceed, Mr. Olago!

Mr. Olago: Thank you Mr. Speaker, Sir, that is precisely what I wanted to rise up on a point of order. For Mr. C. Kilonzo to refer to me as "so-called" is to impute that I

may not be what I think I am. That coming from someone who is not a learned friend is out of order.

Mr. C. Kilonzo: Mr. Speaker, I am an educated friend. I have a lot of respect for my good friend who is a very well polished Member of Parliament. But,---

Mr. Speaker: Order, Mr. C. Kilonzo! It is a matter of fact that the hon. Olago Aluoch is learned because he was my classmate at the University of Nairobi!

(Laughter)

Mr. C. Kilonzo: Mr. Speaker, Sir, it is even better when you are the witness. My good friend has not bothered to see the practice. The Kenyan Parliament has heavily borrowed from the House of Commons. I do not like to waste time of this House. I will ask my good friend, to take time; I have a copy of the rules of the House of Commons which I want to lay on the Table. You will see that they follow the same procedure. That is normally a question which is raised virtually almost in every other sitting. The hon. Member should relax. There is nothing personal. This is just about what has been given in the Presidential Circular of 1/2008. I want to quote something specific.

“The Prime Minister accounts to Parliament on the overall performance of the functions of the Prime Minister’s Office.”

That is among the reasons why this Question was brought to this House. It is a standard practice in the House of Commons.

Mr. Speaker: Order, hon. Members! I have heard the point of order that has been raised by Mr. Olago. As much as it is a genuine concern, it is my considered opinion that it has been adequately responded to by Mr. Charles Kilonzo and properly so.

(Applause)

The Prime Minister, himself, is on the HANSARD as having implored the House to learn best practices from other jurisdictions. So, this question is valid.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I am standing to seek your guidance on whether a point of order relating to Question Time and before the Prime Minister’s Time should be now or whether I should sit and raise it at the end of the Prime Minister’s Time.

Mr. Speaker: I think it would be tidier if you raised it at the end of the Prime Minister’s time.

Ms. Karua: Much obliged!

Mr. Deputy Prime Minister, Proceed!

Hon. Members: Proceed on what?

Mr. Speaker: The Question has already been asked by Mr. Charles Kilonzo as I heard him. Yes, he asked the Question.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, the Right hon. Prime Minister is currently out of the country attending the World Economic Forum in Cape Town, Republic of South Africa.

During the week commencing on 8th June, 2009, and ending 12th June, 2009, the Right hon. Prime Minister’s engagements are as follows. On 8th June, 2009, between 10.00 a.m., and 10.45 a.m., the Prime Minister met the Chairman of the Members of the

Interim Independent Electoral Commission (IIEC) and the Members of the Commission in his office. Between 11.00 a.m. and 12.00 noon, on 8th June, 2009, he held a meeting with top of officials from the Ministry of Agriculture where they discussed the implementation of the Extended Sugar Safeguard Measures. At 4.40 p.m., he departed for Cape Town, South Africa, leading the Kenyan delegation to the World Economic Forum. On 9th June 2009, between 9.00 a.m. and 4.00 p.m., he held several bilateral meetings with Heads of States attending the World Economic Forum. At the point of departure; the specifics had not been confirmed by the High Commissioner. Between 4.00 p.m. and 5.00 p.m., he had private meetings. On 9th June, 2009, between 6.30 p.m. and 7.00 p.m., he had a meeting with Kenyans in the Diaspora. Between 8.00 p.m. and 9.30 p.m., he had dinner with the President of the International Fund for Agricultural Development (IFAD). On 10th June, 2009, which is today, he is attending a meeting on investing in Africa. Between 11 a.m. and 12 a.m., he is scheduled to also have discussions related to deepening of Public and Private Collaboration to Accelerate Growth in African Agriculture. Between 12.30 p.m. and 1.00 p.m., he has a meeting with Mr. Marcus Agius, Chairman of Barclays Bank. Between 1.00 p.m. and 2.00 p.m., there was lunch with Dr. (Mrs.) Ngozi Okonji-Iwala, Managing Director of the World Bank. Between 2.10 p.m. and 2.40 p.m., there is a meeting with Ulla Tornaes, Minister for Development Co-operation, Denmark. Between 3.30 p.m. and 4.30 p.m., there will be a discussion on the investment climate and a better way of doing business. Also scheduled, between 5.30 p.m. and 6.00 p.m., is a meeting with Mr. Andrew Schneider, Managing Director of the World Economic Forum. Between 6.30 p.m. and 6.50 p.m., the Prime Minister is scheduled to have a Press Conference on Business Alliance against Chronic Hunger. On 11th June, 2009, at 5.45 a.m., he will be returning from South Africa. At 10.00 a.m. to 1.00 p.m., there is a Cabinet Meeting scheduled which he will attend. Thereafter in the afternoon, between 2.00 p.m. to 4.30 p.m., there will be the Budget Speech presentation in Parliament and he will attend. On 12th June, 2009, the Prime Minister is scheduled to attend the launch of the fiber optic cable in Mombasa. In case the Member is not satisfied, he will get additional information from the Right hon. Prime Minister when he comes back.

(Applause)

Mr. C. Kilonzo: Mr. Speaker, Sir, I wish to thank the Office of the Prime Minister---

Mr. Speaker: Deputy Prime Minister! Please, take note!

Mr. C. Kilonzo: As I was saying, I wish to thank the Office of the Prime Minister because in one week, he is on record as saying that he is keen on the development of agriculture in this country. As you can see, in one week, he has two meetings scheduled. He has already held one and he will be attending two others in South Africa, specifically dealing with the issue of agriculture.

If you look at the duties of the Prime Minister as given in the Government Circular, the biggest problem we have is that the Executive, right from the Prime Minister's Office, the Vice President's Office and the Ministers, if you note, there is too much travelling. We are very keen to know when these Ministers will reduce their travel and sit in their offices and deliver. If the Prime Minister's Office is engaged, which has

been the case in the last few months due to travelling, the Ministers also tend to relax. Could you assure this House that your Office will monitor the operations of the Ministers in your Government?

Mr. Imanyara: Mr. Speaker, Sir, I wish to join my friend, Mr. C. Kilonzo, in thanking the Deputy Prime Minister and Minister for Local Government in providing this information. Having listened to the Deputy Prime Minister and Minister for Local Government and looking at the itinerary, I noticed that the Prime Minister is engaged primarily in agricultural business. I would have expected his delegation to include the Minister for Agriculture. Could the Deputy Prime Minister and Minister for Local Government tell us why the Prime Minister left out the Minister for Agriculture, given that most of the work relating to his trip has to do with agriculture?

(Applause)

Mr. Speaker: Mr. Mungatana, follow the example of Mr. Imanyara by asking one question.

Mr. Mungatana: Mr. Speaker, Sir, if you look at the itinerary of the Prime Minister, you will see that he is scheduled to meet with Mr. Marcus Gaius, the Chairman of Barclays Bank. We want to know whether he engaged the Chairman on the big question which is in the minds of many shareholders of Barclays Bank, Kenya, against the local Barclays Bank. The Barclays Bank (Kenya) Limited has taken a facility of Kshs1.25 billion from the parent company which in terms of ranking, should go wrong against the local Barclays Bank, then the shareholders who include ordinary Kenyans, will lose everything because that ranks higher than any other facility they have. Did the Prime Minister engage the Chairman on this concern from the shareholders? Also to convey, we would prefer if he was here so that we can get the 411 from him.

Mr. Speaker: The last clarification will come from Mr. Baiya.

Mr. Baiya: Thank you, Mr. Speaker, Sir. Looking at the itinerary of the Prime Minister, it appears that there is more focus on relating with foreign institutions than local ones. My understanding of the core business of the Prime Minister is co-ordinating Government functions, including those relating to the *Kazi kwa Vijana* Programme. Is the Prime Minister allocating sufficient time to monitor what is going on, particularly, in the implementation of Government programmes? There is a very big gap between what the Government says it is doing and what is actually happening on the ground.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I just want to react as follows.

First of all, on the issue of travel, every Minister or public officer should really assess and determine the relevance of the trips that they are scheduled to take. Normally, every Minister will get an invitation and he or she can decide whether that trip is important or not. Every Minister should take this issue seriously. A Minister should determine the relevance of the trips that he or she intends to make.

Mr. Speaker, Sir, on the issue of the Minister for Agriculture, he was scheduled as one of the delegates to have accompanied the Prime Minister. Unfortunately, he was held up outside Nairobi the day they were leaving and, therefore, felt that it was not necessary to join him thereafter. I am sure that they had communicated over this matter and that is why Mr. Samoei is here. In the Prime Minister's delegation, we have Mr. Amos

Kimunya, who is a Minister. There is also the Permanent Secretary in the Ministry of Trade, Mr. Cyrus Njiru. I really do not have to go through all the members of the delegation.

Mr. Speaker, Sir, Mr. Mungatana has raised a very vital point, but I seek his indulgence that let this be part of the report that the Prime Minister will make when he returns because I am not privy to the discussions that they have held with the Chairman of Barclays Bank in South Africa.

With regard to the issue raised by Mr. Baiya, I would like to state that the Prime Minister is, indeed, co-ordinating the Ministries. For instance, on Cabinet matters, he has been chairing all the Cabinet Sub-committees. On that basis, he monitors and keeps tabs on what each Ministry works on and makes recommendations either for legislation or change of policy. I have been a frequent attendant of these sub-committee meetings. I know there are other Ministers who attend these meetings depending on the topic of the day. That gives the Prime Minister a good opportunity to co-ordinate other Ministries.

Mr. Speaker: The last chance will go to the Questioner!

Mr. C. Kilonzo: Mr. Speaker, Sir, one of the roles of the Prime Minister's office, as stipulated in the Government Circular is: "Co-ordination and supervision of the execution of functions and affairs of the Government, including those of the Ministries." When I say "affairs of the Government," one of the crucial roles or major businesses of this House, is Government business. Over the last two weeks, if you have been looking at the Order Paper, you have found that after Question Time, there is no Government business. We are just curious. Has the Government lacked business or is it affected by the wrangles within the Coalition?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I am sure Mr. C. Kilonzo is alive to the Kenyan political scenario. There is an issue which is still pending in this House. This is determining the Leader of Government Business and the Chairman of the House Business Committee. The Speaker made a ruling that we are all aware of in this House. I would like to say that consultations are still going on between the Principals so that this matter can be put to an end and a decision as to who should be the Leader of Government Business and Chairman of the House Business Committee made.

Mr. Speaker, Sir, at this stage, we really want to congratulate you for holding fort appropriately during this time of uncertainty.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. As you have seen, we are still very thirsty for this particular Question. However, we respect your ruling because you have already guided us that there should only be three questions. I have noticed that Mr. C. Kilonzo has tabled a copy of the HANSARD from the House of Commons. While seated there, I have discovered the following.

On 6th November, 2002, the Prime Minister of Great Britain was asked 15 questions plus 29 supplementary questions. On 20th December, 2000, he was asked five Questions and 18 supplementary questions. Could you, please, make us compliant with the world's best practices?

Mr. Speaker: Order, Dr. Khalwale! Even as you supply that information, how much time did the Prime Minister of Britain have? Do you know?

Dr. Khalwale: Mr. Speaker, Sir, one-and-half hours.

Mr. Speaker: Order! If you do not have it, then I cannot give directions immediately.

POINTS OF ORDER

TABLING OF REPORTS OF PREVIOUS COMMISSIONS

Ms. Karua: On a point of order, Mr. Speaker, Sir. With your permission, I rise to seek your directions. On 4th June, 2009, I asked Question No.182 in this House. Arising from that, the Temporary Deputy Speaker ordered the Minister of State for Provincial Administration and Internal Security to table before this House, tomorrow, Thursday, four reports of the previous Commissions. Given that tomorrow is Budget Day, could you give directions as to when the Minister may table the four reports as ordered?

Mr. Speaker: Fair enough! Mr. Assistant Minister, Ministry of State for Provincial Administration and Internal Security, will you be ready on Thursday, next week?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I will be ready to table reports which had already been received by the appointing authority.

Mr. Speaker: Order! Let us deal with that when we get to that bridge. Thursday, next week. It is so ordered!

Ms. S. Abdalla: On a point of order, Mr. Speaker, Sir. Last week when the Prime Minister issued his Statement on the measures that he is taking to improve the investment environment, you ordered that we should be seeking clarifications on that Statement. Do we wait until he comes or can we ask the Deputy Prime Minister and Minister for Local Government to answer the same?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, to the best of my knowledge, that matter was deferred because hon. Members said that they would have liked to have prior information about the nature of the subject that the Prime Minister was going to handle. To the best of my recollection, I do not think that there was any elaborate Statement on the issue of the Prime Minister's round table with businessmen. So, I think it would be better that when he comes, let it be one of the Statements that he can make and it is on that basis that he can be interrogated.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. The Deputy Prime Minister and Minister for Local Government should stand corrected. In fact, you did allow the Prime Minister to issue the Statement and today was supposed to be the day for seeking clarifications. I have some clarifications to seek but he is not there. So we cannot proceed on that. So, the best way forward is to rule that those clarifications be brought when he is around, but the Statement was actually issued.

Mr. Speaker: That is accurate. The directions I give are that, that Statement stands deferred to Wednesday next week to be conducted in accordance with the directions which the Chair issued yesterday; that, the theme and subject of that Statement will appear on the Order Paper for the day, then the Prime Minister will proceed from there.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I have just remembered that you allowed me to be out of the country next week. Could the Minister for Provincial Administration and Internal Security lay on the Table of the House that report on 24th June, 2009?

Mr. Speaker: Mr. Assistant Minister, are you prepared to take the new date?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Speaker, Sir.

Mr. Speaker: Fair enough! That is it.

Mr. J.M. Kamau: On a point of order, Mr. Speaker, Sir. Since the Prime Minister is rarely in this House, am I in order to request that he be answering as many Questions as his time would allow?

Mr. Speaker: There is specific Prime Minister's Time and we will deal with each time as it comes.

Mr. J.M. Kamau: You have been allowing only three questions!

Mr. Speaker: Order, Mr. J.M. Kamau!

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. Last week I had sought a Ministerial Statement on the issue of--

Mr. Speaker: Order, Mr. Mungatana! That is in the next Order.

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

Mr. Speaker: Order, Mr. Konchellah! I am also aware that, that should come after the next Order.

FREQUENT CONFRONTATIONS BETWEEN HAWKERS AND LAW ENFORCERS IN URBAN CENTRES

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. I had requested for a Ministerial Statement on the hawkers situation and I can see the Deputy Prime Minister and Minister for Local Government here. I hope he is ready with it.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would like to seek your indulgence, I am not ready with the Ministerial Statement but I will deliver it next week on Tuesday.

Mr. Speaker: That is so ordered. It will be issued on Tuesday next week.

APPOINTMENT OF MS. KOMORA TO CMA

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. Last week, I requested for a Ministerial Statement on the appointment of one Ms. Komora to the Capital Markets Authority (CMA). The Chair ruled that the Ministerial Statement be issued tomorrow. Considering that tomorrow is a Budget Day, I beg to seek your guidance.

Mr. Speaker: Who was the Minister to issue that Ministerial Statement?

Mr. Ogindo: The Deputy Prime Minister and Minister for Finance.

Mr. Speaker: He is not here.

Mr. Midiwo: Mr. Speaker, Sir, as you are aware, we agreed to suspend everything dealing with the Ministry of Finance until after the Budget.

Mr. Speaker: That is so. Then, can that Ministerial Statement be brought on Thursday next week? I direct so and you will take it from there.

USAGE OF LEAD IN MANUFACTURE OF PLASTICS

Dr. Eseli: On a point of order, Mr. Speaker, Sir. About two weeks ago, I sought a Ministerial Statement on the use of lead in plastics which might be causing cancer to Kenyans. The Minister for Public Health and Sanitation said that she would issue it today. I notice that neither she nor the Assistant Minister are in the House. I seek your direction on that.

Mr. Speaker: The Minister for Public Health and Sanitation is officially out of the country with due notice to the House. So, we will have to defer that to the time she returns and we will give you indications.

CENSUS STRATEGY TO CAPTURE
PASTORALIST COMMUNITIES

Mr. Bahari: On a point of order, Mr. Speaker, Sir. Last week, I requested a Ministerial Statement from the Minister for Planning, National Development and Vision 2030 on the census that will be carried out in August as relates to the pastoral communities. I can see the Minister is here. Can I get the Ministerial Statement?

Mr. Speaker: Mr. Minister, how long do you require?

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Speaker, Sir, I am ready to issue the Ministerial Statement and I can take about ten minutes.

Mr. Speaker: Please do it in five minutes. Ideally, you ought to read it in five minutes.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Speaker, Sir, I can try.

Mr. Bahari had requested to know the strategy that the Ministry is going to use to capture the pastoralist communities during the forthcoming population and housing census. I am aware that Kenyans, more so, near the border have moved out of the country because of the drought. They have moved to Tanzania, Somalia and Ethiopia. As I said here earlier, census process takes a long time to prepare and we started preparing for the census in 2006. So far, the Government has spent Kshs1.3 billion on the preparation of census.

One of the exercises that we undertake during the preparation is the mapping. We have done mapping, including his constituency and we have a special strategy for pastoralists.

First of all, we mobilize the provincial administration from the Assistant Chief up to the Provincial Commissioner (PC). We also have small enumeration areas, unlike in other areas. We will ensure that there is adequate security. So, that has already been undertaken to ensure that the figures that will come out are accurate.

However, I want to point out two issues: First, during the conduct of the census, residents are enumerated on the basis of where they are during the census night and not where they come from in terms of division, districts or constituencies. Secondly, we only enumerate people within Kenya borders during the census night. Legally, we are not

supposed to include any part of the population found outside the country during the period.

So, what we have undertaken in Northern Kenya and other ASAL areas is to form sub-committees to make sure that they recruit those who will enumerate people up to the grassroots level. Secondly, we have made Members of Parliament to be part of the District Census Committee, so that they are able to help in publicity and advocacy to ensure that they talk to their own constituents to make sure they are available during the census.

Mr. Speaker, Sir, lastly, we have also divisional census committees at the divisional level which are also helping to make sure they talk to these people so that they are available to be counted on the night of August, 24th and 25th.

Mr. Speaker: Clarification, Mr. Bahari!

Mr. Bahari: Mr. Speaker, Sir, I have not got the Statement from the Minister. I feel a bit of discomfort in that the result of the census will be used in economic planning and resource allocation in this country. The clarification I am seeking is that the people who are outside Kenya and are Kenyans who are in other countries such as Tanzania, Uganda and Sudan, among others, are there because of the current climatic condition. If they will not be part of the census, it will adversely affect the resource allocation and other planning aspects in those areas. What will the Minister do to bring these people on board in terms of the census exercise?

Secondly, Mr. Speaker, Sir---

Mr. Speaker: One, clarification, Mr. Bahari. We do not have much time!

Mr. Yakub: Mr. Speaker, Sir, the date of the forthcoming census falls in the month of August. In the same month, Muslims are supposed to be fasting. It will be the month of Ramadan. Men will be in the mosques at night. Women might not be able to open the doors. What arrangements is the Minister making for Muslims?

Mr. Chachu: Mr. Speaker, Sir, the issue that Mr. Bahari posed is about the mobility of pastoralists. Due to the current drought conditions, pastoralists have moved far and wide to neighbouring countries such as Ethiopia, Uganda and Somalia, among other countries. My constituency is as large as three provinces put together. It stretches over almost 40,000 square kilometres. My people are widely spread. What will the Minister do to ensure that all these people are enumerated?

Mr. Speaker, Sir, in 1988, I was an enumerator---

Mr. Speaker: Order! You have asked for the clarification, do not explain why you are asking.

Mr. Chachu: Mr. Speaker, Sir, I want to be assured, knowing the significance and importance of this census, how the pastoralists who are widely spread far and wide in these vast areas will be enumerated.

Mr. Speaker: Last clarification, Mr. Abdirahman!

The Assistant Minister of State for Defence (Maj-Gen. Nkaisserry): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Maj-Gen. Nkaisserry!

The Assistant Minister of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, I have a concern here. I am in the Government, but I want to be helped. Most of my people are in Tanzania due to the drought. I want an assurance from my colleague here that----

Mr. Speaker: Order, Maj-Gen. Nkaisserry! You are out of order. You cannot ask your colleague in the Cabinet for a clarification.

Yes, Mr. Abdirahman!

Mr. Abdirahman: Mr. Speaker, Sir, just like the way the Minister is seeking the help of the Provincial Administration to mobilise people, pastoralists are moving because of the drought. We require interventions to retain the ones that are already in our constituencies. Could he consider liaising with the Ministries of Water and Irrigation and the Ministry of States for Special Programmes, so that during this particular month between now and before it rains, those people are sufficiently given assistance, so that they can be maintained within those localities to be enumerated?

(Mr. Ethuro stood up in his place)

Mr. Speaker: Order, Mr. Ethuro, you are out of time now!

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Speaker, Sir, the first question from hon. Bahari, I had adequately covered it. I have clearly said that people outside the country, there is nothing we can do. The law allows us to enumerate only people who are within the country. Unless we change the law before then, there is nothing we can do.

However, I have emphasized that the Member of Parliament is also a member of the District Census Committee. He is there as a member to make sure that he talks to his people and persuade them to be there, during the month of August to be counted. So, I hope hon. Bahari and other members from pastoralist areas, will help the Government on that issue.

The issue of the Ramadhan, I am sorry we have always had census in August. Since this is the fifth census from 1969, it has always been in August. It has been carried out between the night of 24th to 25th. So, in that respect, there is nothing I can do because the Act specifically says that census will be always after ten years. We do it, after ten years on the dot.

Mr. Yakub: On a point of order, Mr. Speaker, Sir. If the date cannot be changed, could he make sure that clerks reach every single mosque in that area?

Mr. Speaker: Order! That is a question. It is not a point of order! You are out of order!

Proceed, Mr. Minister.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): On the issue of dealing with people who will be outside the country then, I know quite a number of hon. Nkaisserry's constituents are in Tanzania at the moment.

Mr. Speaker: Order, Minister, are you responding to Maj-Gen. Nkaisserry even after he was ruled to be out of order!

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): I am sorry. I will not do it.

Mr. Speaker, Sir, let me make it as a general comment. I have said it again that there is nothing the Government can do to count those people who are outside the country. The law does not allow us to do so. But if we can agree and change the law before then, then we can make an initiative of maybe, talking to our counterparts in the other countries. But let me assure the Member that during the mapping, we have

approximately established the number of households and the people who live there. So, roughly, we know the population. That is why when we do the actual population, we compare and we allow an error of five per cent. In any case, we have established that most of the people who have moved are men. Women and children who are the majority are there. So, they will be counted.

On the issue of making a special programme, I will have to talk to the Minister for Agriculture, Water and Irrigation and Minister of State for Special Programme to see if the Government can assist in having relief food there, so that these people are there. However, I cannot say for certain that will be so, because I have not talked to them. I will try to talk to them to see if they can provide relief food or some water, so that these people are there during the census.

Thank you.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. This morning the Minister for Medical Services had indicated to me that he will be giving a Ministerial Statement regarding the filling up of the Hospital Medical Boards throughout the country. These boards expired about two years ago and hospitals are not being run with management committees. Since he is not here, could the Deputy Prime Minister and Minister for Local Government undertake on behalf of the Government that this Statement can be given on Tuesday, next week?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will convey this to the Minister for Medical Services so that he can respond on Tuesday.

POINT OF ORDER

HIRING OF GERMAN NATIONAL ANTOINE HEY AS COACH OF HARAMBEE STARS

Mr. Namwamba: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Youth Affairs and Sports. In view of the controversial reports surrounding the hiring of a German national, Mr. Antoine Hey, as the coach of the national soccer team, Harambee Stars, I would wish the Minister to provide details and clarify the following in her Statement:-

1. Could the Minister clarify whether or not the German Government had committed to meet the cost of hiring and maintaining the said Antoine Hey in his capacity as the Harambee Stars Coach and the terms of that agreement, if any? If that is not the case, the Minister should explain how the Government plans to shoulder that burden in the absence of the previously anticipated German support.

2. To justify the hefty pay for Mr. Hey, which is at Kshs1.7 million per month.

An hon. Member: That is robbery!

Mr. Namwamba: Even without considering allowances and benefits. It is already more than seven times the emoluments for his predecessor, Mr. Francis Kimanzi, and further give reasons for that gross disparity between foreign coaches and local coaches.

1. Mr. Speaker, Sir, the Minister should give cause why the Kenyan taxpayer should continue carrying that heavy burden, especially in the light of the poor

performance of the national soccer team and the availability of more affordable local coaches with a proven track record.

2. Mr. Speaker, Sir, while at it, could the Minister also tell this House and the country what concrete plans she has put in place to improve soccer administration in this country and the support plans she has for the national soccer team to improve its performance?

Thank you, Mr. Speaker, Sir,

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I have taken note. I propose that I will convey this to the Minister to respond by Wednesday, next week.

Mr. Speaker: Hon. Kazungu, although I have no notice of what you wish to raise!

Mr. Kambi: Thank you, Mr. Speaker, Sir. Last week, I asked for a Ministerial Statement from the Minister for Information and Communications, and I was made to understand that it will be brought today. So, I do not know what has happened to that promise.

Mr. Speaker: Where is the Minister for Information and Communications?

Mr. Midiwo: Mr. Speaker, Sir, the Minister is out of the country. Could the Statement be read next week?

Mr. Speaker: It is so ordered. Next week on Wednesday.

Hon. Members, before we take the next point of order, I wish to appraise hon. Members that in the recent past, the frequency of requests for Ministerial Statements is unprecedentedly high. I just want to encourage hon. Members that some of those requests, like the one in respect in which points of order have been raised amounting to a request which is, in fact, a Question – a one-sentence request asking for a Ministerial Statement! If hon. Members could be persuaded to agree to have those raised as Questions by Private Notice, they have great urgency in them.

Hon. Members, I also want to urge you and, indeed, endeavor to persuade you to accept professional advice that is rendered by members of staff who are technically trained to assist hon. Members in preparing their requests or Questions, for that matter. I do know that a number of hon. Members have come to my office and we have agreed that certain requests could be Questions by Private Notice and, as a matter of fact, those have already been dealt with. If you raise a matter as a Question by Private Notice, it comes before the House, at most, in a matter of three days. So, I just want to encourage you to, as much as possible, co-operate with members of staff, who are competent enough to assist you. That is not to say that the request by hon. Ababu Namwamba will have been a Question because that was brought to my attention and I was satisfied that it falls within the purview of a request for a Ministerial Statement. If we all co-operate, then we will use our time much more optimally.

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

Mr. Speaker: What is it, Mr. Namwamba?

Mr. Namwamba: Mr. Speaker, Sir, it had escaped my notice that the Deputy Prime Minister had committed to have the Statement I requested for brought next week. I will be out of the country, so---

Mr. Speaker: And the week after?

Mr. Namwamba: Mr. Speaker, Sir, the week after, I will be okay.

Mr. Speaker: It is so granted. Wednesday, next week!

Mr. Namwamba: I am much obliged, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Konchella?

**NOTICE OF MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.23**

DESTRUCTION OF WATER TOWERS
IN THE COUNTRY

Mr. Konchella: Thank you, Mr. Speaker, Sir, I rise on a matter of urgent national importance to seek a Motion of Adjournment pursuant to Standing Order No.23 to discuss the wanton destruction of water towers in the country that has resulted in the lowering of water tables, drying up of rivers and the imminent extinction of lakes, especially in the Rift Valley, due to the continued destruction of the Mau Watershed and other water towers. That has also led to the disruption of weather patterns which has caused unreliable crop yields and the attendant lack of food security and scarcity. The lack of action by the Government is leading to human-human and human-animal conflicts, which is a threat to national security.

(Several hon. Members stood up in their places)

(Mr. Clerk-at-the-Table counted hon. Members)

Mr. Speaker: Order, hon. Members! I am satisfied that this matter is of definite national importance and urgency. So, I will grant the request. This House will adjourn at 5.30 p.m. for this matter to be debated.

(Applause)

Hon. Members, I also want to communicate at this point that we will interrupt the Business of the House at 5.30 p.m. or thereabouts, so as to enable the Minister for Finance, who is also a Deputy Prime Minister, to table estimates of expenditure for the Government of Kenya for the year 2009/2010 Recurrent Expenditure Volumes 1 to 3 and, secondly, to table Estimates of Expenditure for the Government of Kenya for the year 2009/2010, Development Expenditure Volumes 4 to 5.

Mr. Imanyara: Mr. Speaker, Sir, I appreciate, but arising out of that ruling, could the Minister also give hon. Members sufficient copies when he tables the Report at that time, so that we can have time to look at them?

Mr. Speaker: Order, hon. Members! The Chair has intimation that the Minister will have enough copies printed and circulated to all Members of Parliament.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON
ANNUAL ESTIMATES

Mr. Midiwo: Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, the following limitation shall be applied to the Business of the Annual Estimates:-

i. The debate on the Financial Statement on the Annual Estimates shall be limited to three days exclusive of the Mover's Speech and reply pursuant to the provisions of Standing Order 148(2).

ii. Each Speech in the debate on the Financial Statement of the Annual Estimates shall be limited to ten minutes, excluding the Mover's Speech and reply, which shall not be limited and the Chairperson of the Budget Committee who shall be limited to thirty minutes.

iii. On the Motion "THAT, Mr. Speaker do now leave the Chair" to enable Ministers to initiate debate on policy, the Mover shall be limited to a total of thirty minutes, twenty minutes for moving and ten minutes for replying to the debate; fifteen minutes to the Chairperson of the relevant Departmental Committee and that each other Member speaking shall be limited to five minutes; provided that one hour before the Question of the Vote is put, the House shall go into Committee and the Chairman shall put every question necessary to dispose of the Vote.

iv. Each speech in Committee of Ways and Means shall be limited to ten minutes and that debate in Committee of Supply to five minutes.

Mr. Speaker, Sir, this is procedural. As I had started to say, the new Standing Order No.148 (2) states that the debate on the Financial Statement on the Annual Estimate shall be limited to three days exclusive of the Mover's speech and reply. As you know, we used to have seven days to respond to this Speech. Beyond the third day, hon. Members were actually being repetitive. More often than not, we had the technical issue of disinterest. So, when we revised the Standing Orders, hon. Members were of the view that it be reduced to three days. That is just procedural.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we have given hon. Members ten minutes to debate except the Mover and the Chairman of the Budget Committee who will now have the right of reply for thirty minutes. Again, that shall be procedural. The Votes shall be committed to the relevant Departmental Committees.

I would like to inform my colleagues that each Ministry's Vote will be dealt with by the Committees and this will be good for us. This is because once they are brought here, it will generally be a formality. That way, accusations like the one we had about the Deputy Prime Minister and Minister for Finance will be prevented before they come to the Floor of this House. I think this is a new and good process which will take hon. Members a notch higher in our quest to examine the Budget.

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

The Temporary Deputy Speaker (Mr. Imanyara): Who is seconding?

Mr. Baiya: Thank you, Mr. Temporary Deputy Speaker, Sir. This Motion is clearly procedural.

I beg to second.

(Question proposed)

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I would like to state that we, on this side of the House, will support this Procedural Motion. I would like to reiterate the fact that it is a beautiful innovation that we have put in the new Standing Orders. We support the Mover of this Procedural Motion, save for the one correction that it is not all of us who will speak for ten minutes. In fact, it is only five minutes that are given to us. This means that for three day, as many of us who will be interested will contribute for five minutes each. We will deal with the Budget Speech within three days and not seven days.

Mr. Temporary Deputy Speaker, Sir, we support this Procedural Motion. We should pass it.

(Question put and agreed to)

MOTION

ADOPTION OF REPORTS OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS

THAT, this House adopts the Reports of the 14th, 15th and 16th Sessions of the ACP Parliamentary Assembly and the 16th and 17th ACP-EU Joint Parliamentary Assembly (JPA) Meetings held in November, 200, Port Moresby, Papua New Guinea, February, 2009, Brussels, Belgium and April, 2009 in Prague, Czech Republic, laid on the Table of the House on Wednesday, 3rd June, 2009.

(Prof. Kamar on 9.6.2009)

*(Resumption of Debate interrupted
on 9.6.2009)*

The Temporary Deputy Speaker (Mr. Imanyara): Who was on the Floor last time? Mr. Bahari!

Mr. Bahari is not here. Is there anyone else intending to contribute? There being no interested hon. Members, I will call upon the Mover to reply.

Prof. Kamar: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to start by thanking those who contributed to the discussion of these Reports yesterday. I just want to add a few points on the issue of the Economic Partnership Agreements (EPAs). The issue of the EPAs between the European Union (EU) and the African, Caribbean and

Pacific Countries (ACPA) was articulated yesterday. Under these agreements, the EU is going to put in a lot of money to support the programmes that will have been identified.

I would like to stress that there is need for this House to interest itself in this kind of agreements, and in particular, in pushing the Ministry of Finance to ensure that they are debated in the House. One of the elements in the ACP-EU Joint Parliamentary Assembly is that Parliaments are going to be expected to do oversight. It will be very sad if the EU will have prepared its Parliamentarians to also come into the ACP countries, and into our country in particular, on their oversight mission and our own Parliament is not yet prepared. It is very important that before the Ministry of Finance signs these agreements, Parliament is acquainted with their contents and, as Parliament, actually passes them.

Mr. Temporary Deputy Speaker, Sir, as a delegation, we intend to bring a Motion, proposing that no financial agreements should be signed before they are debated in this House. It is very important that we debate not only the EPAs but also the Regional Strategy Papers, because a lot of money is going to come through them. In our oversight function, as Parliamentarians, we are not only going to talk of the finances that are generated within this country. Neither are we going to only talk of having an oversight role in expenditures that are brought before us. We are aware that the Ministry receives other funding from donors after the Budget has been read.

Accountability is one thing that must be ensured when funding is brought in. We know that tomorrow the Budget is going to be read. We expect the Minister to declare all the revenue that has been collected and indicate how he intends to spend it. We also know that there is funding that comes from donors that is not accounted for at the budgeting stage, either because the agreements have not been completed, as in the case of the EPAs, or because the funding has not been finalised. We have to have a way in which Parliament can oversee that kind of funding and seek accountability from the Ministry concerned.

Mr. Temporary Deputy Speaker, Sir, I am very happy because of the Finance Bill that is going to enable us to scrutinise each and every expenditure by the various Ministries. It is, therefore, very important that this House is acquainted with any funding. I would like to emphasise that there is need for the Ministry to make declaration as and when funding comes from any donor that has not been accounted for in the Budget.

With those remarks, I beg to move.

(Question put and agreed to)

POINT OF ORDER

DEFERMENT OF DEBATE ON ADOPTION OF REPORT OF 11TH SESSION
OF PAN AFRICAN PARLIAMENT

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise under Standing Order No.36(2) to apply for the re-organisation of the Order Paper. If you look at the Order Paper, you will see that the next order is supposed to be moved by the Leader of the Delegation. I am, therefore, applying that Order No.10 be brought to the

House on another day. I have received communication that the Leader of Delegation is not able to execute this duty today.

I beg that the Order Paper be re-organised.

The Temporary Deputy Speaker (Mr. Manyara): Thank you, Mr. Mungatana. Indeed, the Leader of Delegation is currently on the Chair, and it will not be possible to proceed with that Order on the Order Paper. So, the Motion will be removed from today's Order Paper and placed on the Order Paper of the next available day after the Budget.

We will move straightaway to Mr. Konchella's Motion.

(Motion deferred)

MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.23

DESTRUCTION OF WATER TOWERS IN THE COUNTRY

Mr. Konchellah: Mr. Temporary Deputy Speaker, Sir, I beg to move:

THAT, this House do adjourn to discuss a matter of urgent national importance.

As I said earlier we are treading on a matter of national security, considering what is happening to our weather pattern, as a result of what is happening to our forests, and food production. This Motion is not a matter of discussing any community. It is not a matter of discussing any of the Kenyan residents or community, for whatever reason – whether they live in the Mau Forest or in the watershed. Rather, it is about how to stop the destruction of this forest and destruction of the environment, and to ensure that the people of Kenya and our children can get water in the future to be able to survive, because water is life.

Mr. Temporary Deputy Speaker, Sir, there have been changes in the climate of this country. Indeed, we always talk about the desert moving southwards. It is now right here with us. For instance, all the pastoralists in Kajiado and Narok districts have moved to Tanzania to look for pasture, because there has not been a drop of rain even in this time of the long rains.

The Prime Minister instituted a committee to address this matter. The committee toured the Mau Forest to see the destruction. It is common knowledge, because it is not an issue that anybody in Kenya does not know. We see it in the media, both local and international, the destruction of the watersheds in this country. Up to now, the report by the Prime Minister has not been brought to this House for discussion, or for this House to decide what to do next.

Mr. Temporary Deputy Speaker, Sir, either the Executive's hands are tied or they are not able to make a decision, for whatever reasons known to them; but we believe that it is a matter of lack of sincerity. It is a matter of lack of devotion to what they are supposed to do. Indeed, it is lack of respect for those people who are dying today, or who are suffering because of lack of water, or lack of pastures for their animals. It is not just pastoralists who are suffering, but even other farmers. If you go to Kericho, for example, tea is drying up. This is an issue that we must address as a matter of national security. When the entire nation is unable to grow food, then we are in trouble.

Mr. Temporary Deputy Speaker, Sir, I appreciate what the Minister for Agriculture is doing. Irrigation fed agriculture is the way to go. It is the future of this country. However, we need now to address the issue of food provision for the people of this country. We must blame ourselves for destroying what God has given to us to enable us feed ourselves and children.

The rain patterns have changed. Lake Nakuru and some of the lakes along the Rift Valley are, indeed, drying up. In the next 10 years, we will not have the lakes we are seeing today. Many tourists go to Lake Nakuru to see the beautiful flamingoes. The flamingoes normally go to Lake Nakuru during a particular season. However, they are not able to get enough food to feed themselves throughout the year because of climate changes, drop in water levels and other problems associated with the destruction of the Mau Forest.

The Mau Forest is the biggest water tower in this country. It provides more than 12 rivers to Lake Victoria. The survival of Lake Victoria is dependent on the five towers of water in Kenya. If the Republic of Kenya is not able to protect the watershed---

QUORUM

Mr. Magerer: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Motion being moved is of very great importance. I think the House does not have enough hon. Members to continue transacting this very critical Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, you are absolutely right. We do not have Quorum. Therefore, let the Division Bell be rang.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order. we now have quorum. Mr. Konchella, you may continue.

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, this is a very important Motion as the hon. Member who asked for the Quorum said. It is something that all of us must talk about and support it.

Mr. Temporary Deputy Speaker, Sir, as I said, the Prime Minister is supposed to give a report to this House on what needs to be done. He should not just remove the people, but should ensure that they are compensated.

It is the duty of the Government to support its people. It is not just to take care of the environment. I think the first priority of the Government is its people. Those people who are living in the Mau Forest must be compensated, so that they are able to move out. But the people who are destroying the forests and burning charcoal must be stopped.

Mr. Temporary Deputy Speaker, Sir, we want a time limit within which the Government is going to act. We have waited for this action for the last eight months. Indeed, people are almost giving up. They think the Government is not ready to do whatever it is supposed to do. Therefore, they would want to take the law into their hands. I am asking the Government to rise up and do something for the future of Kenyans. They should not sleep on the job.

Forests like Mt. Elgon are being encroached into yet we know that it is one of the best tourist sites in this country. So, we are not just talking about the Mau Forest. We are

saying that these watersheds should be gazetted so that nobody can encroach on them in future. They should be protected for the future of our children.

Mr. Temporary Deputy Speaker, Sir, this is not a matter for any of us as an individual. This is a matter for the future of Kenya. Many countries are looking at this country to see whether we are capable of making decisions or we are able to act for the good of mankind. Earlier on, I said that Lake Victoria depends on four rivers from the watershed of Kenya. If we allow destruction, as a nation, we are going to be condemned by the rest of the world.

Our economy depends on tourism. Tourism is the lifeline of Kenya. Today, the water level at the Maasai Mara River is down by 40 per cent. Hippos are dying today because of exposure to sunshine. In the process, they are not able to cool their bodies. They, therefore, die as a result of the heat. The destruction of our ecological system leads to the destruction of our tourism industry. As a country, we must do something about it.

Mr. Temporary Deputy Speaker, Sir, I call upon all these Members to look at these issue with blinkered eyes. Let us look at it as an issue of national interest to Kenya. Let us see how we can protect our water catchment areas for the future of this nation.

I support this Motion and want to request all of us to support it so that we can protect our watersheds.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow):
Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion.

Mr. Temporary Deputy Speaker, Sir, the Mau Forest water catchment area is not only a Rift Valley problem or a Kenyan problem. It is also not just a regional problem but an international problem. If that water catchment area is destroyed, as is happening now, many livelihoods and our basic fabric as a nation is threatened. I think it is a high time this Report was fast-tracked and all stakeholders involved to ensure that we move forward.

Every person who currently lives today, whether they have academic papers or not, have a right to a living. I think it is important that, as a Government, we come out clearly and put in place measures to compensate and move the people who are living in Mau Forest to other alternative lands as quickly as possible. This is a situation that warrants the establishment of a fund to support those who are leaving the Mau Forest so that they can move elsewhere.

Mr. Temporary Deputy Speaker, Sir, I think we also need to remove ethnicity and politics out of this problem. This is our problem as Kenyans. We must approach this issue with the soberness that it deserves. We must also take responsibility. We should not blame those leaders who threaten to take bold steps which are necessary for this country. Many of us have a tendency to criticise those who have the responsibility to take action. Every now and then, they are threatened politically. This is what is stopping us from getting a solution to this problem and every one of us, as leaders of this nation, has a responsibility to co-operate, to ensure that we get a solution. We should get a solution to save the Mau Forest. We are running out of time.

I beg to support.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, I also stand here to support this Motion. It is very crucial and important and all like-minded Kenyans will stand up and support it.

The Nile Basin Discourse Initiative (NBDI) is very concerned about the Mau Forest water tower. The Egyptians would want to support any economic activity from where their waters come. If there is real need for any preservation of the waters and the people who are close to the water catchment areas feel that they should be supported, the NBDI is ready to do that. I am saying this, having attended a workshop in Cairo. They are concerned about the diminishing volumes of the River Nile. The Mau water towers feed the River Nile. The volume of waters of Lake Naivasha is going down. Lake Nakuru is drying up. Recently, we read that flamingos will be no more. We will be saying, "there used to be flamingos in this area".

Mr. Temporary Deputy Speaker, Sir, the tourist attraction along the lakes in the Rift Valley will not be there. Lake Victoria, also, will not be there. Therefore, it is very important that we look at this issue, not from a regional point of view but an international point of view. We should look at it from an economic point of view. As much as it is our heritage, it is also the heritage of our children and great grandchildren. It is time we took all initiatives and did all that is within our powers to see that the Mau water tower is protected. It should be protected now, not tomorrow. We are racing against time and time is not on our side.

I beg to support.

Dr. Khalwalwe: Mr. Temporary Deputy Speaker, Sir, I rise to support this life-threatening Motion. I want to appeal to all Members of this National Assembly that what is at stake now is a matter of life and death.

The confusion we currently find surrounding the issue of the Mau Forest is because we do not seem to see the difference between the small picture and the big picture.

Mr. Temporary Deputy Speaker, Sir, to cry that your clan or family is being threatened is the small picture. The big picture is the state of the nation. Indeed, the entire economy of Kenya is in one way or the other affected by the eco-system that we find in the Mau area and the other five water towers in the country. To cry that your tribe is being threatened is to see the small picture. Indeed, the big picture is that---

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sure that the hon. Member should be contributing to the matter on the Floor of the House on the basis of facts and scientific evidence. Is he in order to start moving into the direction of tribe, clans and regions, which is likely to raise serious conflicts? Is he in order to tread on those dangerous grounds?

The Temporary Deputy Speaker (Mr. Imanyara): Continue, Dr. Khalwale!

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the House has heard me clearly. I have not mentioned any specific tribe. If a time in my contribution arises when I have to mention a tribe--- I belong to a tribe which lives with other Kenyan tribes. Therefore, everybody should be willing to support the interests of his own tribe and other tribes because we are all Kenyans. Let nobody think that when you live around a water catchment tower, then the facility belongs to you, as an individual. Who does not know that after all, this is public land which has ended up in the hands of private individuals purely because of political expediency? If Kenyatta was wrong, if Moi was wrong and if the current leadership is wrong, we should all be willing to agree that they were wrong and we correct it. For those who do not want to come to terms with this fact, it is just a matter of time, my brother, Mr. Ruto, before the death of all affects where he comes

from. I have a particular interest in this, if you only think that I am talking about your tribe. Where I come from, there are two rivers which come from the Mau. Therefore, I may have been talking about my own tribe for that matter.

The real challenge here is that the Government should not listen to a small section of hon. Members who because of fear for their personal glory and their political career, think that the Government should not act like a Government. I remember that a few months ago, when the Prime Minister stood out very strongly on matters of Mau. The President also did the same. However, they became weak at the knees since they thought either their political careers or the careers of their friends in their political parties were threatened; they stopped moving forward. We want to encourage them. I know the person Mr. Ruto removed from Parliament, Mr. John Koech. Mr. John Koech was very powerful on the issue of Mau Forest. He knew that it was important for us to preserve the Mau Forest. Do you not think that having removed Mr. John Koech because of the expediency of the moment, your time will also not also come? We want, as Mr. John Koech is resting at home, as your time to also rest at home reaches, we leave this country for our children so that they can benefit from the greater good of it. I want to challenge the Government on that. We do not want to hear that the Government is going to settle those people. The people who live in the Mau Forest today are not the culprits. They are the victims. Corrupt politicians in the Moi regime and some in the Kibaki regime, in the 9th Parliament, are the ones who sold those parcels of land to those people. The Government knows these people. These are the people who---

The Assistant Minister for Energy (Mr. Keter): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could hon. Dr. Khalwale substantiate who the corrupt individuals were in the Moi Government and in the Kibaki Government?

The Temporary Deputy Speaker (Mr. Imanyara): That is a general statement.

Dr. Khawlale: Thank you, Mr. Temporary Deputy Speaker, Sir. I was also going to ask him to declare his own personal interest in that point of order.

The Temporary Deputy Speaker (Mr. Imanyara): Your time is up! I will give the Floor to Mr. Ruto.

Dr. Khalwale: With those few remarks, I beg to support.

Mr. Ruto: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to indicate that the intention of the Motion is wrong, while it is dealing with a matter which is very important. I want to debunk the myth that there is any one of us who is opposed to environmental conservation. We are, indeed, in support of conservation. We are saying a very loud no to the fact that we shall not accept our people to be brutalized again. There are laws in this country and this Government has refused to use those laws. Section 75 of the Constitution provides, *inter alia*, that the Government may, compulsorily acquire land. It goes ahead to cite the same section, Cap 295 laws of Kenya, which was promulgated for the purpose of compulsory acquisition. The Kenyan Government has not been following the law. They simply woke up one morning, sent the police to burn houses, brutalize women, kill people and they come here and tell us about environmental protection. Could they tell us about extra-judicial killings? Some of them go to different areas and say that they do not like extra-judicial killings while they also come here and promote extra-legal action. What is the difference between brutalizing women in the villages and killing *vijanas* in the name of what you are trying to come up with? This Government is supposed to operate with civility. If we have agreed to live like a civilized

nation, the President and the Prime Minister swore to obey the laws. The moment they choose to disobey the law, the moment I choose not to pay allegiance to such a State; the moment the Government stops to obey the law and chooses to operate outside the law; I will not be loyal to that Government.

We all understand the genesis of civilized living. We have to move from a state of nature where everyone is a killer unto himself and agree to live in an orderly manner. Here is a situation where we come with a Motion in hindsight, hoping to use the same sentiments that we are against on this Floor, to brutalize our women and children in Rift Valley Province. We have come out of very serious Post-Election violence. The Rift Valley Province is bleeding. We refuse to be taken back to those times. We told this Government that we are ready to discuss. During lunch hour today, I was with hon. Dr. Wekesa and indicated to him that we can do bamboo farming. If we do bamboo farming, we could provide electricity to this country by using bamboo to produce methane. We are using diesel which is very costly to this country. Diesel destroys the environment. Bamboo can give us an alternative to generation of electricity. It can also give us an alternative to generation of paper. However, what are we doing? We are simply harvesting trees all over the place. We are giving a licence to Timsales and so many other companies that belong to the well-connected. We, in the Rift Valley, are not opposed to conservation. We want this to be understood very clearly.

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

Mr. Ruto: There is very little that he can tell me other than about bull fighting!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that they intend to carry out bamboo farming when we know that the largest amount of bamboo in this country was originally in the Mau which has currently been destroyed?

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the largest amount of bamboo is still found in that region. We are going to plant them afresh beginning next week. We, have indeed, notified the Minister for Forestry. Notwithstanding the reasons that anybody may have, let them not think that they will brutalize our children any more. Enough is enough. Our land was taken away from us just after Independence and so many people from Central Province were resettled there. If you want honest acquisition of land, get ready for it.

Eng. Maina: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has just stated that people were moved from Central Province and settled in Rift Valley Province. The people who moved from Central Province and settled in Rift Valley Province bought land as citizens of this country. Is it in order for the hon. Member to mislead the House?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Eng. Maina, you are taking the hon. Member's time.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, that is not a point of order! *Kwani Nyakinyua walinunua shamba wapi? Wamejaa huko. Waliletwa na mjomba wao.*

The Temporary Deputy Speaker (Mr. Imanyara): Order! Your time is up!

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I oppose the Motion.

The Assistant Minister for Energy (Mr. Keter): Thank you, Mr. Temporary Deputy Speaker, Sir. From the outset, I want to declare that I have no interest or piece of

land in Mau Forest. My colleague, Dr. Khalwale, has said that I should declare my interest. My interest is the people who live around the Mau Forest.

As my colleague, Mr. Ruto, has said, I do not think I have heard anybody who opposes the conservation of the Mau Forest. We support the move to conserve our forest. What we oppose is brutalizing people. We do not want houses being burnt the way it was done by the Government. Churches and schools which were licensed by the same Government were burnt down. It is a shame! We do not want to see that happen again. We are opposed to that in totality. The Government must listen to the voices of the people. We want to sit down and reason together. We want to know the guidelines so that we can collectively plant trees. What is the Ministry of Forestry and Wildlife doing? It is doing nothing.

The other day I received an invitation in my office to go to Kona Baridi to plant trees. Is that enough? How many trees have they planted this year? If we are serious, as a Government, we need to be truthful. We should say that we have planted 1,000 trees this year and next year we will plant 2,000 trees. What is the community doing? We should collectively plant trees and conserve forests? In any case, even Nairobi was forest land. If we want to evict people from forest land, let us start by evicting people from Nairobi. Windsor Golf Club was part of Karura Forest. Let us be honest. Why are we not talking about that? Is it because it is owned by a "big man"? Why are we talking about the poor people who were never allocated land? They sold their one-acre pieces of land wherever they were, to come and buy two-acre pieces of land and we want to chase them out. Why should we chase them out? Let us be honest. If you have five acres of land, why can you not have a forest under two acres? We should implement this in phases? However, it is a problem evicting 100,000 people. It is a problem. There will be a fight. Let us not shy away as leaders. We should not encourage the eviction of people, as a Government. People will fight and we do not want that to happen. We want demarcation of the forest, so that we can all be aware of it.

We are opposed to the eviction of people from Mau Forest.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Give him an opportunity to conclude his contribution.

The Assistant Minister for Energy (Mr. Keter): Mr. Temporary Deputy Speaker, Sir, in conclusion, we are opposed to the eviction of people from Mau. I do not want to say here that we will support this idea. The Mover of the Motion should declare his interest in this matter. That is why I do not support the Motion. What interest does he have in this matter? He has an agenda.

Mr. Temporary Deputy Speaker, Sir, I rest my case and oppose the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, I will allow each and everyone of you to talk. Please, relax!

As you know, tomorrow is a very important day. Under the Constitution, the Deputy Prime Minister and Minister for Finance is required to do certain things. He has indicated that he wants to do that today and we must allow him to table documents and then continue with the debate.

Mr. Deputy Prime Minister and Minister for Finance, once you lay the Estimates, we will continue with the Motion.

(Debate on the Motion was briefly suspended)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you, Mr. Temporary Deputy Speaker, Sir for your indulgence.

I beg to lay---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kenyatta! Just indicate that you have enough copies for the Members.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, by the end of the day, hon. Members will have enough copies of each of the volumes.

PAPERS LAID

The following Papers were laid on the Table:-

The 2009/2010 Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June, 2010, Volumes I, II and III.

The 2009/2010 Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June, 2010, Volumes I and II.

(By the Deputy Prime Minister and Minister for Finance)

The Temporary Deputy Speaker (Mr. Imanyara): Thank you! Now we may proceed with the Motion.

(Resumption of Debate on the Motion)

The Temporary Deputy Speaker (Mr. Imanyara): Who was on the Floor? I can see Mrs. Shabesh.

Mrs. Shabesh: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to speak very quickly on this issue, as the Chair of the African Parliamentarians Network on Climate Change.

It is very unfortunate that a Motion which has all good intents and purposes for this country, must have such heavy underlying political tones, that even leaders who know that this issue is important will continue to hold our country at ransom. I have not heard any hon. Member who has not said that it is important to secure the water catchment areas. Everybody supports it, but what is true is that serious political undercurrents continue to plague this issue. I think it is about time the Government took responsibility. I believe the Motion asks the Government to take responsibility. I am asking for Government responsibility on this matter. It is not about individuals or even hon. Members of Parliament. The people who live within forests and those who lack water downstream are human beings. All of them are represented in this House. There is no way we can divide these two people because of political interests.

Mr. Temporary Deputy Speaker, Sir, one day, we will be held to account by this country for some of the things we do here. If today we have not – and I say this candidly

– resettled our Internally Displaced Persons (IDPs) and even those who were removed from forests many years ago, are still not secure, why do Members of Parliament from this region have an issue with relocation? It is because we have not shown properly, as a country, that we can move people out of an area and relocate them. It has not been proved by this Government. Why do we not ensure that a community that depends on water for their livestock, because they are pastoralists, do not have serious questions that they need answered? If we cannot see that, as leaders, and continue to bicker about what happened in the last regime--- Most of us here, including people in Government, from the President to the Prime Minister were part of those regimes but we are now standing here and blaming. However, today, the ball is in our hands. This issue is here and it is critical.

As the Chair of the African Parliamentarians Network on Climate Change, we will be addressing on behalf of Africa, in Geneva, the Global Fund for Disaster Risk Reduction. Instead of finding out how we can get money to ensure that we take care of this issue with the right resources, we are here bickering about what we know we will never solve, because I will always protect my people. Today, if you told me that you are going to move people from the slums of Nairobi, I will not agree, simply because you are not showing me where you will take them. We have done slum upgrading but people have never moved into those houses. You would remove people from the slums but they will not move into the houses. This is the same situation. However, we cannot ignore the fact that we are going through a climatic change crisis and that there is no water. This is not only affecting our country but also another country.

I have no interest in the Members of Parliament, because they are representing their people and will continue to do so. So, I am asking the Government because I have no interest in the hon. Members because they are representing their people and they will continue to do so. You may call them whatever name but they are protecting their people. When you are protecting your people, you are always given a name; a warlord a cattle rustler or land grabber. But at the end of the day, it is not the hon. Members but the Government. There is the Ministry of Wildlife and Forestry, Ministry of Environment and Mineral Resources and the Ministry of Water and Irrigation. If they do not answer these questions, then they have no moral authority to continue being in those offices until they give us an answer that satisfies Kenyans and saves the lives of many Kenyans who are dying because of various reasons. We cannot continue to politicise this issue.

Thank you.

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, this is an extremely important Motion and it is not about the Mau Forest. It is about the protection of water towers across the country, including Mau Forest, Mt. Kenya and Mt. Elgon. So, anybody trying to trivialise it and turning it into a small issue and trying to make it look like a punishment for a particular group of people is completely wrong. The principle is what is important. We have to protect our water towers. We are losing our water sources everyday.

The other day I was in Nakuru and the town is in a crisis because they do not have enough water. The rivers that were feeding water into Nakuru region and into Nakuru National Park are all dry because of the Mau. We cannot bury our heads in the sand and assume that nothing is happening. We are asking the Government to stop dragging its feet on this matter. We have had so many debates on this issue. Many task forces have been formed over the issue and the Government is not coming up very clearly to tell us what

they want to do. We know that regeneration of forests takes hundreds of years and, everyday, the Mau Forest is being destroyed and we are told that certain people must stay there.

Mr. Temporary Deputy Speaker, Sir, this is not the first time that the Government has removed people from the forest. People have been removed from Mt. Kenya and Mt. Elgon forests. There is nothing special about the people who are living in Mau, destroying the forest everyday. We have seen photographs and some of us even want to cry. Mau involves the livelihoods of the Kenyan people and not one community. When we attend meetings in the East Africa Community, this is one of the questions that we are asked everyday. The level of Lake Victoria has gone down and every time the Ministry of Water and Irrigation has to build new water intakes because the water intakes are left hanging because the water levels are going down.

For how long are we going to continue defending parochial issues and trying to make politics out of them instead of decisively making a decision? If we want to settle them, then we do it immediately. We always see the Minister for Wildlife and Forestry talking about action that he is going to take. When are you going to take that action? The Minister for Environment and Mineral Resources is cleaning Nairobi River. That can wait! Cleaning the river is important but that is not the most urgent environmental issue that this country needs to face. Go near the Mau and you will see the pastoralists who survive from the waters of Mau. They cannot survive now. You will pity them. But somebody wants only his community to be taken care of against the interests of the entire country and you also expect this House to support you on that.

I strongly support this Motion and this House needs to send that strong message, that we need to take action over the mess in the Mau.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise in support of the Motion but I want to make it very clear that, as hon. Members and as my colleague, Ms. Shabesh, has said, let us not make this a war between certain groups within a region. This is a war between the Government and its people. It is the Government setting one group against the other for the simple reason that when the Government said that it will compensate, it talks futuristic all the time. You cannot move people into thin air. The Government must provide the alternative land immediately and then those people must move out of the forest immediately to that alternative land. It is idle to talk of compensating people but not providing the land and then setting groups of Kenyans against each other.

Everybody is admitting that we have a crisis protecting our catchment areas. We needed like yesterday to have the Mau, the Aberdares, Mt. Elgon and Mt. Kenya. Those forests or catchment areas do not belong to the communities who are next to them. They are our common heritage as a nation. So let nobody speak as though he or she is speaking about himself or herself and the people around. We are talking about the nation. We are also talking about the Government lacking an approach which takes social justice into account.

Mr. Temporary Deputy Speaker, Sir, there are two issues here: The issue of environment and social justice. It is wrong for the Government to burn houses the way it did in Marakwet without having prepared where those people are going to. It will be equally wrong, even though we need the catchment areas, to move the people out of Mau, especially the poor people, without showing them where to go. Could the Government provide immediately and in a transparent manner --- I know people in the Government

who always look for expensive land and make it so expensive until it becomes impossible. Could that be done transparently so that we resettle the people in Mau? I want to urge colleagues to understand that there is no fight between and among us as hon. Members on regional and ethnic lines. It is a national issue. The issue of social justice is also national.

Mr. Temporary Deputy Speaker, Sir, we see the Government battling hawkers everyday while pretending that it is creating jobs. When hawkers and mechanics find jobs for themselves, you break their legs and kill them and then claim that you will create jobs. As a measure of social justice, if you want a large group which is trying to eke out a living to move, you must provide an alternative. That is what a responsible Government does. Hon. Members must refuse to be made to go to war among themselves because of failure by the Government. We should be joining together to support this Motion, with a rider that the Government must immediately move to set aside land to resettle the people in Mau. If the Government has an issue with an individual or two in Mau, that can be settled by the court. The majority of people are ordinary Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate for any hon. Member to start ethnicizing and claiming that some people were taken to the Rift Valley. Kenya is free for all. I have never heard anybody talk about the descendants of settlers who are third generation Kenyans and who own huge tracts of land. Nobody called them foreigners, but you want to call your own African brother a foreigner. Nobody talks of the rich among us from all ethnic groups who are having land all over the country. Are we again criminalizing poverty as hon. Members, the same way the Government has criminalized poverty? Why do we want to set our people against one another? I plead that we join together to force this reluctant Government to behave responsibly. Failure to which, we bring a Bill and ensure that the proper thing is done so that we can move to rehabilitate our catchment areas without causing destruction to human livelihood.

With those few remarks, I beg to support.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, the Motion is about conserving the environment. It concerns conserving Mau and other water towers in this country. We cannot talk about conserving Mau at the expense of brutalizing innocent Kenyans. If Mau was in Dujis Constituency and innocent Kenyans were living there, then I would always stand with them. We should not give it a regional, ethnic or a political party's face. As hon. Members, we need to move forward to conserve and protect the water towers of this country. We must put the blame where it should be.

Mr. Temporary Deputy Speaker, Sir, we must put the blame where it must. The blame should go to the Government of the day. I am part of the Government. The Government must look for a solution on how to settle poor Kenyans who hon. Ruto represents. People should not see him as a mad man. What he is doing is exactly what I will do if today the people of Dujis were affected.

Mr. Temporary Deputy Speaker, Sir, this Government has evicted many people. It has also resettled many people, including our brothers and sisters who were victims of the post-election violence. I am sure, tomorrow you will see in the Budget the amount of money this Grand Coalition Government will spend in resettling our brothers and sisters who were evicted from many parts of this country. Why do we sieve the grain from the chaff? Why do we not sort out the problem? If there are politicians and important people

who have grabbed the plots in Mau Complex, we deal with them. There are poor Kenyans who are there. We have subsistence farmers who live in Mau Forest. They have documents called title deeds which were issued by the Government. Whether they were issued title deeds, by the previous Government or the Grand Coalition, it does not matter. I am seeing as if a particular community in this country believes they own Mau Forest. We own the water towers of Mau Forest. Another community says they own the community which is there. We should take seriously important issues like water towers and fighting for the right of Kenyans. That is why we are in this House. I think we are heading in the wrong direction.

I know that the Prime Minister formed a taskforce. He is the co-ordinator of Government. He formed a committee involving the leadership. I am sure that there is a recommendation and a report which will be tabled in this House. That report will look at both scenarios. It will look at protecting and conserving the water towers in this country. I believe the same report will give direction on how to compensate Kenyans. We cannot say we will protect the people of Kirinyaga and Dujis so that we get water at the expense of burning similar poor people whose brothers are in Kirinyaga, Dujis and Nairobi. Today we do not have water in Kiambu and many other places. However, that will not justify destruction and eviction of some Kenyans without compensating them. Members of this House must walk the talk. Protecting and conserving water towers of this nation does not give the Government a license to burn houses and kill and maim innocent women, children and elderly people.

Mr. Temporary Deputy Speaker, Sir, the ball is in the Government's court, it must put money in its Budget to resettle people, so as to conserve and protect our forests. We do not want to politicize these issues.

With those few remarks, I support the Motion.

Eng. Maina: Mr. Temporary Deputy Speaker, Sir, it is time, in this country, that we shed our ethnic beliefs and interests and talked about Kenya.

The Motion before us is not only on Mau Forest, but it has to do with the survival of this country. Truly, the Mau Forest is an important water tower. There are nearly ten million people who are surviving on rivers emanating from Mau Forest. Equally, rivers from Mt. Kenya and the Aberdare ranges feed many people. Are we going to jeopardise the lives of nearly ten million people who are fed by rivers from Mau Forest and Mt. Kenya, for the sake of maintaining a few people in a certain area?

Mr. Temporary Deputy Speaker, Sir, truly a title deed is a document given by the Government. The Government must actually guarantee and protect it. Nobody says these people should be evicted by force as it happened 20 years ago around Mt. Kenya. People who were actually conserving the forest were brutally evicted in 1989. Their houses were burnt down. As I speak now, some of them are still living by the road side. They have been there for the last 20 years. I do not want that to happen to anybody in Kenya. Be it in Mau Forest or Aberdares forest, we do not want to see it happen. This Government must wake up.

Our people are starving. They cannot afford *unga*. The other day, they were given two packets of *unga* by the Government. After a few months, the programme of giving them *unga* disappeared into thin air. The Government said it will import maize to flood the market and bring the prices of *unga* down. Nothing happened. Our people are still suffering. Similarly, nothing has been done to conserve our water towers. Our water

catchment areas are being destroyed all over. I want to say if we are not careful, this Motion before us can fuel ethnic conflict. The Maasai will not just sit and see their cattle dying because somebody is destroying the Mau Complex. They might drive them out of that forest. We should not let that happen.

What do we need? We just need a Government with the courage to decide what should be done. For the last one year, the Prime Minister came up with a taskforce. For one year, he has been talking about protecting Mau Forest and so forth. Surely, we need action. The Motion is calling upon the Government to act. It is not calling upon the Government to go cocking their guns and removing people from Mau Forest by force. People living in Mau Forest must understand that this is an important water catchment area in the region. Let us not have Members of Parliament trying to seek votes through the issue of Mau Forest.

(Several hon. Members stood up in their places)

Mr. Temporary Deputy Speaker, Sir, I mean let us not have people---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Eng. Maina! Why are you competing with each for points of order?

What is your point of order, Mr. Keter?

The Assistant Minister for Energy (Mr. Keter): Mr. Temporary Deputy Speaker, sir, is it in order for the hon. Maina to say that people are trying to seek votes out of Mau Forest?

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Eng. Maina to advocate for evictions when his own people stayed in the cold for 20 years? It was only last year that they purchased Solio Ranch. Is it in order for him to call on the Government to purchase another land to resettle these people?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ruto! If you continue on that note, you will be on the verge of very grave disorder.

Continue, Eng. Maina.

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

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Shakeel, what is your point of order? Please, do not take other Members time if you rising on a genuine point of order.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, it is a genuine point of order. Could you, please, put the Question, so that we finish with this matter?

The Temporary Deputy Speaker (Mr. Imanyara): Order! You are totally out of order! We are on Motion of Adjournment.

Dr. Kones: On a point of order, Mr. Temporary Deputy Speaker, Sir. If I heard hon. Maina very well when he started, he stated very clearly that according to him the Motion was not specific to Mau Forest. However, he is now advocating for the eviction of people from Mau Forest. Is he in order to do so?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

Continue, Eng. Maina.

Eng. Maina: Mr. Temporary Deputy Speaker, Sir, truly, I am not just speaking about Mau Forest. When I talked about anybody seeking votes, it is purely a natural

reaction that anybody would have. You will demand that before your people are removed, they be resettled.

Having said that, let us not try to make a commercial bargain with the Government.

With those few remarks, I beg to support.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion on the Floor. At the onset, I would like to urge my colleagues that we, as hon. Members, are really national leaders. We were elected to this House, first and foremost, to think about the total good and welfare of this country and not just a portion of it. We should think about where we come from or who we are, because that is a promise that we must give to our children.

Mr. Temporary Deputy Speaker, Sir, we are on the verge of a very big danger and threat – that of climate change. I think we have all been following the effects that have been caused by climate change – famine year after year and crops failing. Then we all cry that our people are starving. About 10 million Kenyans or even more are starving! We know that diseases, especially cholera, this last time, affected places where there has never been cholera before. That is because of undependable sources of water. That is because water has dried up almost everywhere in the country.

Mr. Temporary Deputy Speaker, Sir, we know the source of climate change is really lack of forest coverage - or the diminishing of forest cover. We have been told that time and time again. Now, we have reached a stage where, unless very urgent action is taken, we are all going to diminish in this country. We know that Kenya has only 2 per cent of forest cover and the recommended forest cover is, at least, 10 per cent.

Mr. Temporary Deputy Speaker, Sir, if we are going to fight disease; if we are going to feed our people; if we are going to be sure of tomorrow, we must all agree that we must conserve the environment. By conserving the environment, we cannot do it emotionally or just by words alone. It is a painful exercise, yes, and I believe the Government has done something. We cannot just stand here and accuse the Government of doing nothing! To begin with, the Prime Minister appointed a task force which came up with a report and its recommendations. Those recommendations are being opposed even before they are discussed! I think we have to move with speed; we have to accept that we have to sacrifice some times. Nobody is being punished as a tribe! We have just been told about the Mt. Kenya people who were removed and for 20 years, they were on the road. So, it is not just a one-area thing. We do not want people to be on the road even for one year! I think it is the Government's responsibility to resettle genuine people who have no land anywhere, and who are not doing trade with that land I am sure they cannot be all of them--- We hear of big names who own land there. Those big names should first give up that land so that we can start planting trees in those areas.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we should also work together with our brothers and sisters from that area – the leadership – to see how best to settle those very needy people. I hope there is a record. The Prime Minister's Report will come up with the names of the real needy families that need to be resettled. Then we can see, maybe, that it is not even such a big deal!

So, Mr. Temporary Deputy Speaker, Sir, we should start right away removing people from Mau Forest and all other water catchment areas because we cannot complain on one hand that we have famine; we have no food to feed our people and then, on the other hand, we refuse to follow the guidelines to restore our forests and water catchment areas.

Mr. Temporary Deputy Speaker, Sir, I want to say that, for sure, it is only those who do not want to see who say that the Government has failed the people or it has not done anything. We have seen Ministers go there to see how best they can solve the problem. I urge the leadership in that area to support those efforts. As leaders, we should stop looking at this matter with tribal eyes or with “me” eyes. We should look at it with national eyes so that we can reinstate our nation, feed our people, reduce diseases and deliver ourselves from extinction.

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

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is time for the Minister to reply. However, I would like him to allow Mr. Khang’ati to contribute for two minutes at least. This is time for the Prime Minister to reply. The time allotted for this debate was one hour which will be ending at 6.00 p.m.

The Assistant Minister, Office of the Prime Minister (Mr. Khang’ati): Thank you very much Mr. Temporary Deputy Speaker, Sir. First of all, the contributions which have been made here have touched---

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

The Temporary Deputy Speaker (Mr. Imanyara): It had better be a point of order!

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I am not challenging your ruling, but you had earlier on confirmed to us that you would give time to most of us to contribute to this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): I have done exactly that within the time allowed. Nobody sought extension of time!

Proceed, Mr. Khang’ati!

The Assistant Minister, Office of the Prime Minister (Mr. Khang’ati): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I come from the Office of the Prime Minister and, indeed, the issue of Mau Forest has been very controversial. I assure the House that the Prime Minister has given it a lot of attention. Indeed a task force has been in place looking at many possibilities, including the possibility of removing people from the Mau Forest in order to conserve it and at the same time compensate them. I would like to inform the House that as we speak now, the Report is ready. It has been sent to the Cabinet. I am sure that in a short while, the Cabinet will be looking at it in order to come up with the way forward.

However, for purposes of making this matter move fast, I support the Motion. The issue here is not about today. The issue of Mau Forest is about tomorrow. I have had the benefit of looking at the photographs of Mau Forest in the 1950s up to today. When you look at the photograph of Mau Forest today, it is a very sad case. The Mau Forest now looks like a bald head. Outside, you will see a few trees, but if you fly over it, you will see the destruction that has already been done and continues to be done.

When I was listening to contributions here, there were indications from some hon. Members that they will resist the eviction. I think there should be no issue of resisting the

resettlement of people who currently occupy the Mau Forest. If you resist that resettlement, then basically what you are saying is that you want our country and her neighbours all the way to Egypt to collapse just because of a few people.

I had the benefit of visiting Lake Nakuru. We were taken round the lake and shown its size in 1968. We were shown a place where the former President of Kenya, the Late Mzee Kenyatta used to sit. We were told that at the moment we have had the receding of the shoreline by more than 200 metres. That is how quickly Lake Nakuru has shrunk in a period of less than 20 years. We were also shown River Njoro which used to be a permanent river. It would flow into Lake Nakuru throughout the seasons. They told us that River Njoro has now dried up. Now, it only flows three months---

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are listening very keenly to solutions from the Office of the Prime Minister. Really, the Assistant Minister is simply narrating the status of the situation. Is it in order for the Office of the Prime Minister---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ruto, you are out of order!

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I need clarification from that Office.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ruto! If you continue, you will invite yourself to the consequences that arise out of grave disorderly conduct. The Minister was given a chance to respond and he gave Mr. Khang'ati an opportunity to make some comments. It is only the Minister who can determine how long Mr. Khang'ati can take. I even think that time is up. So, Mr. Khang'ati, please, wind up and allow the Minister to respond.

The Assistant Minister, Office of the Prime Minister (Mr. Khang'ati): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I was giving, as the last point, the case of River Njoro, which previously used to flow for twelve months but currently flows for only three months. That is an indication of how bad the Mau Forest has been destroyed and what the effects are. We have the Sondu Miriu, which cannot---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister. Your time is up!

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. I did not realise that I was giving him all that time. I really wanted to respond to comments made by my colleagues.

The Temporary Deputy Speaker (Mr. Imanyara): Order! I made it clear that debate ends at 6.00 p.m. I allowed you to give him time in that context.

Please, continue.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I just want to commend my colleagues for their concern about the environment. Mau Forest is one of the five water towers of this country. The history of Mau Forest is very sad. We cannot go through that history again. What is important now is what to do about Mau Forest, but we cannot dwell on the history of its destruction.

I want to draw the attention of Members of Parliament to the fact that we have five water towers. These are Mount Elgon, which is close to my constituency, Cherengany, which is very close to me, the Aberdares, Mount Kenya and the Mau Forest. So, as we talk about this issue, we are talking about the water towers of this

country. That is why I am so glad to hear the comments and the concern of Members of Parliament – that it is important for the future of this country to restore the water tower that has been under pressure due to excisions and illegal settlement.

Mr. Temporary Deputy Speaker, Sir, I took over this Ministry one-and-half years ago, and we were prepared to go ahead with the programmes of restoring our water towers. We were actually removing people from the forest. In Mount Elgon Forest, where I come from, we have recovered 600 hectares. The same exercise had happened in Mount Kenya and the Aberdares, and there was so much hue and cry in those areas. Kenyans living around Mount Kenya, Cherengany Hills and Mount Elgon realise the importance of preserving our water towers.

The problem we have in the Mau Forest was being addressed. We started addressing it by removing the people; the Prime Minister did engage six Ministers. We sat down with him and a taskforce was formed. That task force has come up with very good ideas. What I want to stress to Members of Parliament, is that the Act of 2005 brought about the participation of residents who live near the forests.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Minister! I am afraid, the allocated time is over.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, on that note, we adjourn to tomorrow, Thursday, 11th June, 2009, at 2.30 p.m., ready for the Budget.

The House rose at 6.00 p.m.