

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 11th February, 2009

The House met at 9.00 a.m.

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

PRAYERS

QUESTION BY PRIVATE NOTICE

OUTBREAK OF FOOT AND MOUTH DISEASE IN SAMBURU EAST

Mr. Letimalo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Livestock Development the following Question by Private Notice.

What urgent steps is the Minister taking to contain the spread of foot and mouth disease, which has broken out in Samburu East District?

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The foot and mouth disease outbreak was first reported in Wamba Division in Samburu East on 19th November, 2008. On 24th November, 2008, samples were collected and taken to Embakasi Foot and Mouth Disease Laboratory for analysis. It was confirmed that the disease was foot and mouth type "O". After the confirmation, a quarantine was imposed on that area by the Department of Veterinary Services. In order to further stop the spread of that disease, my Ministry has embarked on what we call the "ring-fencing" vaccination in all the neighbouring districts which border Samburu. This the whole of the Laikipia-Samburu ecosystem. So far, we have vaccinated about 3,000 head of livestock.

Mr. Temporary Deputy Speaker, Sir, Wamba Division, in Samburu District falls under Arid and Semi-Arid Lands (ASALs) and foot and mouth disease is mainly controlled by restricting livestock movement through the enforcement of a quarantine.

However, Mr. Temporary Deputy Speaker, Sir, that disease has not been fully contained because, in the current drought situation that is prevalent in most parts of North Eastern, Upper Eastern and generally all the arid and semi-arid areas, there is mass movement of livestock in search of water and pasture.

But, Mr. Temporary Deputy Speaker, Sir, that is a major trade-related disease and the Department of Veterinary Services is doing all that is within its powers to make sure that, under that difficult drought situation, we are going to control the movement of the livestock and the disease.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, may I, first of all, thank the Assistant Minister for the answer that he has given. However, just as he has indicated, that the outbreak of the disease was detected in November last year, on 26th January, 2009, we had a District Development Committee (DDC) meeting which the Veterinary Officer in charge of that district attended. He

informed the meeting that the vaccines were not available and, therefore, he could not carry out any vaccination. My question to the Assistant Minister is: Are the vaccines now available? That is because no vaccination took place in that district. If that is so, what arrangements do you have to ensure that those vaccines are available to the veterinary officers so that they can carry out the vaccination and contain the disease?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to state very, very clearly here that Kenya Veterinary Vaccine Production Institute (KEVEVAPI), which is owned by the Kenyan Government and is located in Embakasi, produces about 13 different vaccines. I want to assure the hon. Member that the vaccine for the disease is produced locally. We have enough of that vaccine in the country!

But, Mr. Temporary Deputy Speaker, Sir, we have different types of viral strains of that disease. It took the technicians and the researchers at the Veterinary Department some time to establish the type of strain found in the Samburu, Laikipia and Isiolo ecosystem. I want to say it here that it has been confirmed that it is type "O". I also want to assure the hon. Member that, as we speak now, a major vaccination exercise against the disease is going on in Wamba Division of Samburu East District.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for that answer. I would like to ask him whether, in fact, he could confirm to this House, and the country, that the officers in North Eastern Province are well equipped to handle that kind of a disease, particularly when the animals cross the border of Somalia and Kenya. There is every possibility that those animals from Somalia could come into our territory. Are the officers in the province well equipped to handle that crisis, Mr. Assistant Minister?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to state here that the officers in the North Eastern Province are well equipped. As we speak, we have satellite research and laboratory institutions all over the country. I know that the Kenya Veterinary Vaccine Production Institute (KEVEVAPI) is based in Garissa. It takes care of North Eastern and Upper Eastern. We have one in Mombasa, at Mariakani and we have another in Eldoret that takes care of the upper Rift Valley. I know that the Ministry has a problem with staff but I want to assure this House - I have done it several times - that currently as we speak, the Public Service Commission (PSC) is interviewing and is going to employ 600 veterinary surgeons to increase the human resource capacity of the Ministry of Livestock Development.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has stated very well that he is going to do his best to ensure that, that disease does not spread. But we all know very well that nomads travel long distances. Someone can move from Isiolo to Marsabit, Laisamis to North Horr. Is there a specific plan they are following while trying to trace that disease? As Mr. Affey said, maybe they do not have adequate staff on the ground. Could they mobilise veterinary officers across the country to make sure that, that disease does not spread beyond Samburu?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, under the Drought Mitigation Strategy of this Ministry, we are buying an off-take of livestock worth about Kshs500 million to cushion pastoralists from huge losses. My Ministry has set aside Kshs50 million to buy drugs and vaccines to take care of the mass movement we anticipate within the pastoral and ASAL regions during this period. I want to assure the hon. Member that we are putting in place a very strong strategy, both in terms of animal health, off-take and supply of hay and food supplements for the livestock keepers in this country.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for the assurance that he has given, that the vaccines will be supplied to the districts. However, I would like to get an assurance from him that he is going to deploy enough veterinary officers and

transport to ensure that there is going to be adequate coverage in the vaccination exercise.

Secondly, I would like to know whether the vaccination being done is free of charge or there will be any fees levied.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member that we are putting in place a very ambitious strategy, particularly more so during this period of drought in the ASAL regions. But I want to ask hon. Members to be attending the District Security Group (DSG) meetings so that we can see what is at stake. With collaboration between the local leadership, the Government and the Ministry of Livestock Development, we will do a lot in terms of disease control, surveillance and general improvement of the livestock infrastructure, including marketing.

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked the Assistant Minister to explain to the House whether vaccination is carried out free of charge or there are any fees being charged.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member that veterinary service in this country is for public good. I can assure him that the vaccination exercise we are going to carry out in Wamba in Samburu East is going to be free of charge. It is a public entity.

ORAL ANSWERS TO QUESTIONS

Question No.327

COUNTRY'S CRIME STATISTICS FOR LAST FIVE YEARS

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

- (a) whether he could table the country's crime rate statistics for the last five years;
- (b) how our country's crime prevalence rates compare with those of the neighbouring countries; and,
- (c) what immediate measures he has instituted to ensure that Kenya remains a secure and safe investment destination in the region.

The Temporary Deputy Speaker (Prof. Kaloki): Is the Minister here?

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I am informed that he is on his way, so we could go back to the Question later.

The Temporary Deputy Speaker (Prof. Kaloki): That is okay!

Question No.547

DISMISSAL OF POLICE CONSTABLE A.M. MURINGI

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

- (a) whether he is aware that police constable Antony Maina Muringi (P/No.77572) was dismissed from the force even after proving that he was actually hospitalised in Nyahururu District Hospital for the days he was declared absent from station;
- (b) whether he could confirm that the officer actually booked his illness in the OB of 13th January, 2008, at Loruk ASTU base prior to admission in hospital on 14th January, 2008;

(c) whether he is further aware that the then Nyahururu Officer Commanding Police Station (OCS), sent a signal message to the officer's station stating the facts of the officer's absence from duty; and,

(d) what urgent steps he has taken to address Mr. Muringi's situation.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Mungatana!

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, again, it is the same position. They are on their way and I apologise!

The Temporary Deputy Speaker (Prof. Kaloki): That is okay! We are going to wait and give time for the Ministers to get here so that we can proceed.

Question No.613

REPAIR OF ELDORET-KAPSABET-
CHAVAKALI ROAD

Mr. Lagat asked the Minister for Roads when he will repair the Eldoret-Kapsabet-Chavakali Road which is in serious state of disrepair.

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

Tenders for repair and resurfacing of Eldoret-Kapsabet-Chavakali Road C39, are being adjudicated and work will start in about two weeks. In order to enhance the speed of implementation, the work will be carried out in three simultaneous fronts as follows: Eldoret-Mutuot, Mutuot-Kapsabet and Kapsabet-Chavakali. The approximate cost of the repair work is estimated at Kshs1,085,192,175. A consultant has already been awarded a contract for the preliminary and detailed designs of the Eldoret-Kapsabet-Chavakali Road to enable the construction in the long term.

Mr. Lagat: Mr. Temporary Deputy Speaker, Sir, I think the cost of Kshs1 million for the road which is about 96 kilometres is not sufficient. I wonder whether that amount will be enough to repair it.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I wish to repeat. The approximate cost of the repair work on the entire road is Kshs1,085,192,175.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, last year in November, the Minister had undertaken to visit the Eldoret-Kapsabet Road, Eldoret-Iten Road and Eldoret-Kitale Road. The three roads are in a terrible state but he is yet to visit those roads. When is he intending to do so?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, as you know we have had transition in the Ministry. We have a new Minister and we will soon be coming up with a programme on when we will be able to visit those roads. However, the Iten-Eldoret Road is under contract and is ongoing and the Chavakali Road contract will be awarded this week on Thursday. So we will come to see as soon as the work commences. Even Kitale Road is part of that schedule.

Mr. Were: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has indicated that the work has been contracted. How long does he expect the work to take and when will it be completed?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, do you have details on the date of completion?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, the details are currently being worked out and we expect the proposals to go to the Ministry's tender committee on Thursday this week. So, I am sure once we are able to finish that, we will give a clear indication on when it will be complete.

Thank you.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, the issue of roads in this country is very

important, especially to farmers. We have heard several promises by the Ministry that work on our roads is soon to commence. Last year, I asked a Question in this House about a certain road and I was told that it had been earmarked for repair at a cost of Kshs1 million. It is now about four months since the promise was made and no work has been started on the road between Migori and Mihuru in Migori Constituency. What will the Assistant Minister do to ensure that whatever is said here is implemented on the ground?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, it is unfortunate if, indeed, works on the Migori-Mihuru have not started. I will pick the issue up. If there is a problem, I will sort it out. However, I wish to also state that the Ministry has been working on limited resources. Recently, the Government issued an infrastructure bond of about Kshs18.5 billion to ensure that we can complete works that have been planned for this financial year. We are on track and we hope that we will complete all the planned programmes.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, sometime last year, there was a promise that the repair of Gitindine Nkavune Road would be prioritised over any other road. Today, six months later, nothing has taken place. It is the same Assistant Minister who promised that this road would be repaired. What has happened? The section of the road from Nanyuki to Timau is in a deplorable condition. We all cry when there are accidents. Several road accidents have occurred along this section because of its pathetic state. What is the Assistant Minister planing to do to repair the potholes along this section of the road?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, that is an entirely different Question. Nevertheless, we have had previous concerns when it comes to awarding of contracts. When we want to terminate an already existing contract because of defaulting on the contract sum, the contractors go to court and the process takes longer than we had anticipated. Nevertheless, we have issued warning letters to those who are behind schedule. We hope that they will get back on time and recover the lost time.

Mr. Lagat: Mr. Temporary Deputy Speaker, Sir, who has been awarded this contract?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I have indicated that the project has been divided into three. On Thursday, the Ministry is Tender Committee will be reviewing the applications and will pick on different contractors who will take each of the three parts. Right now, we have not awarded the contract to any contractor. The Ministry is Tender Committee will meet on Thursday and after Thursday, we will give an indication as to which contractor has won which of the three sections and how long it will take.

Question No.610

REPAIR OF NYERI-NYAHURURU ROAD

Mr. Warugongo asked the Minister for Roads when repairs on the Nyeri-Nyahururu Road, which is in a pathetic state, will commence.

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

The Nyeri-Nyahururu Road is part of the trunk road E5, that runs from Nakuru in the Rift Valley Province, passes through Nyahururu, the Central Province Headquarters in Nyeri and then through the Junction A2 up to Muruwa. It is 100 kilometres long. The contract has been awarded to G. Isaias and Company for a sum of Kshs1,335,093,938. The contract period is 24 months. The contractual formalities are being finalised, so that the contractor can embark on the road works. We will be signing the contract in the next two weeks and the contractor will start work as soon as possible.

Mr. Gaichuhie: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm whether this road will be repaired all the way from Nakuru to Nyeri or it is just from Nyahururu to Nyeri? When will the section between Nakuru and Nyahururu be repaired?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, the road in question is Nyeri-Nyahururu. That is the road for which we have awarded the contract. However, there is a different contract for the section from Nakuru to Nyahururu which will also be awarded on Thursday this week. So, works on the two sections will commence almost simultaneously. **Mr. Mureithi:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has talked about the road from Nyahururu to Nyeri. The road from Gilgil to Nyahururu is worse than the one from Nyahururu to Nyeri. This is the circuit that connects Gilgil to Nyeri and Meru. Could he tell us what he intends to do to the road from Gilgil to Nyahururu to avert the many accidents that are happening along that road because of potholes?

The Temporary Deputy Speaker (Prof. Kaloki): Is that a supplementary question?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, it is a supplementary question because the section leads to the same road.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I acknowledge that the road from Gilgil to Nyahururu is in a bad shape. Indeed, the Ministry has been considering undertaking major repair works on the road to ensure that it is in a proper state. However, as I speak, we have not awarded it to any contractor on account of unavailability of funds. However, as soon as we secure the funds, works on the road will commence.

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, one of the issues intriguing the road sector in this country is the non-completion of contracts on time and unrealistic estimates. The money is spent before the roads that are intended to be repaired are repaired. What is the Assistant Minister doing to ensure that proper planning is done to avoid situations where roads are left halfway done? In my constituency, there is a road that is halfway done which was intended to be completed at the estimated cost.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I acknowledge that we have had that serious problem where sometimes the estimated cost given by the consultant does not tally with the final figure. However, the case the hon. Member has cited in his constituency is a totally different situation. This relates to the capacity of the contractor. A warning letter has already been issued because it appears that the contract was bigger than the contractor could accomplish. I also wish to state that the Ministry is in the process of registering the contractors to ascertain their capacity. We have had instances where a contractor with a limited capacity takes up two or more contracts and, therefore, messes up on both of them.

(Loud consultations)

The Temporary Deputy Speaker (Prof. Kaloki): There are two caucuses taking place in the Chamber! There are two groups consulting. Please, consult quietly!

Mr. Warugongo: Mr. Temporary Deputy Speaker, Sir, considering that the Government is spending a lot of money on road repairs, could the Assistant Minister consider engaging the services of a contractor to go round the country and repair all the small cracks and potholes, instead of waiting for the roads to become impassable? He has just told us it will cost Kshs 1 billion plus to repair a road. We should have a contractor who goes round the country to repair cracks and potholes before they become bad.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, indeed, what the hon. Member has said is true. If we embark on road repairs at an early state, we will spend much less than we actually spend. However, at times, the prioritisation of the roads to be repaired has been a big issue. The hon.

Members will concur with me that there has been a big improvement in the way repair works are being done and when they are done. Nevertheless, I salute the suggestion by the hon. Member.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question, Mr. Abdirahman!

Mr. Abdirahman: Mr. Temporary Deputy Speaker, Sir, I do not have the written response. However, I will ask the Question.

Question No.614

ESTABLISHMENT OF ALRMP OFFICE
IN WAJIR SOUTH DISTRICT

Mr. Abdirahman asked the Minister for Development of Northern Kenya and other Arid Lands:-

(a) when the Ministry will establish an independent office in Wajir South District for the Arid Lands Resource Management Project; and,

(b) whether he could lay on the Table the allocations provided in 2008/2009 Financial Year and the breakdown according to constituency and the implementation of activities so far.

The Minister for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohammed): Mr. Temporary Deputy Speaker, Sir, I was told and assured by my office that the written response was sent to Parliament. I will give it to the hon. Member as soon as I finish.

I beg to reply.

(a) The Arid Lands Resource Management Project Phase II is coming to an end in the year 2010 and, therefore, it is not possible to open an independent office in Wajir South District because the agreement with the World Bank cannot be varied at this stage.

(b) The Government provided Kshs44,189,788.00 to Wajir District to be utilised within the financial year 2008/2009. The budget allocation and activities per constituency is as summarised below:-

Constituency	Civic (Kshs)	Purchase (Kshs)	Community (Kshs)	Capacity (Kshs)	works	equipment	driven	Devt building
Wajir North	1,645,000	950,000	5,000,000	2,577,122				
Wajir East	3,325,000	1,382,500	5,000,000	2,703,922				
Wajir West	2,235,000	1,200,000	5,000,000	2,477,122				
Wajir South	2,495,000	650,000	5,000,000	2,549,122				

Mr. Temporary Deputy Speaker, Sir, the total amounts are as follows:-

Wajir North - Kshs10,172,122.

Wajir East - Kshs12,411,422.

Wajir West - Kshs10,912,122.

Wajir South - Kshs10,694,122.

The Temporary Deputy Speaker (Prof. Kaloki): Very well! Mr. Ethuro!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the Question was from Mr. Abdirahman, let him ask a supplementary question and then I will ask mine later.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Abdirahman, please, proceed!

Mr. Abdirahman: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for the good response. However, I do not have the written answer which, hopefully, I will get with time. The Arid Lands Resource Management Project is a known project in the ASAL and it is one which people

view as the only Government sponsored and viable option for development in northern Kenya. However, knowing the circumstances under which our people live, particularly during droughts--- Even as I speak and listening to the Minister's response on the major components; civil works, purchase of equipment, community development and capacity building, drought as a major component is not adequately addressed. Could the Minister tell this House what the project is undertaking in our district with regard to drought management?

Mr. I.E. Mohammed: Mr. Temporary Deputy Speaker, Sir, the Arid Lands Resource Management Project, as the hon. Member rightly says, is a very important project in the arid lands. The four categories that I gave include capacity building to manage drought. However, when it comes to responding to drought, it falls under a component at the national level for drought response. I have not understood the question to mean that and, therefore, based on case by case and according to the early warning systems that each district produces, they are allocated resources both from the project and other line Ministries.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Ethuro, are you ready now?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am always ready. It is only that according to the traditions of the House that the hon. Member who asks a Question is allowed to ask a supplementary question first.

Mr. Temporary Deputy Speaker, Sir, I am surprised that the Minister of Development of Northern Kenya and other Arid Lands can come to this House and claim that they cannot extend additional offices to the new districts just because there is an agreement between the Kenyan Government and the World Bank and because the agreement is ending in 2010. Why can the Government not renegotiate the agreement with the World Bank so that they can extend these offices to the new districts?

(Applause)

Mr. Temporary Deputy Speaker, Sir, the 26 ASAL districts where this Project is operating have been doubled to 52 districts. There are, therefore, many more districts that this project does not cover.

Mr. I.E. Mohammed: Mr. Temporary Deputy Speaker, Sir, with all due respect to the hon. Member, he knows that the existing offices already serve all the new districts. Also, with the current budget allocation that was negotiated, I do not think it is prudent to create new overhead expenses by creating offices. This will reduce the amount of money that will be available for programmes.

Mr. Temporary Deputy Speaker, Sir, the main hurdle will be trying to renegotiate with the World Bank within a very short period of the contract remaining. However, I would like to inform hon. Members from these districts that my Ministry has sought to open offices in all the new districts. We have already got approval. However, the project is a very specific agreement with the World Bank and has to be renegotiated if we have to open new offices.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, when I heard the Minister talk, one can think he is from the Central Province. Northern Kenya is a very big area. I would have expected the Minister to say that he is going to look for money from the Government. That is because he is in the Government. Why can you not look for money in the Government to set up offices in that area? Even from Wajir to Garissa is a very long distance.

Mr. I.E. Mohammed: Mr. Temporary Deputy Speaker, Sir, if the hon. Member listened to my answer, I said that I have already done so. We are opening up offices in all the new districts. I am separating the Ministry and the Arid Lands Project.

(Mr. Affey stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): Last Question, Mr. Abdirahman. Order, Mr. Affey!

Mr. Abdirahman: Mr. Temporary Deputy Speaker, Sir, this a very important Question and I wish you allowed more hon. Members to ask supplementary questions. But let me, straightaway, ask my last question---

(Mr. Affey stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Affey. Mr. Abdirahman, could you ask your final question?

Mr. Abdirahman: Mr. Temporary Deputy Speaker, Sir, northern Kenya and all ASALs are not able to produce food and yet, they have the potential to do so. The project that he is talking about does not allocate sufficient resources to secure food for the people. Could the Minister consider allocating more resources in ASALs so that people can have food security?

Mr. I.E Mohammed: Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member for raising that. I fully agree with him. I will come to this Parliament to seek for more resources and I request hon. Members to support me. That way, we will make sure that arid lands are developed and have food security. The coming Motion by Mr. Ethuro is about drought management. It will give an opportunity to hon. Members to contribute to this matter.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question!

Question No.622

STATISTICS OF YEDF DISBURSEMENT
TO BANKS/FINANCIAL INSTITUTIONS

Mr. Mbugua asked the Minister for Youth and Sports:-

- (a) whether she could provide the statistics of funds disbursed to banks and other financial institutions under the Youth Enterprise Development Fund so far; and,
- (b) what mechanisms she has established to ensure that those institutions lend money to only deserving "youth" and not put the money to other uses.

The Temporary Deputy Speaker (Prof. Kaloki): Is the Minister here in the Chamber?

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, the Minister is not yet here. I seek your indulgence to put the Question aside as we wait for the Minister.

The Temporary Deputy Speaker (Prof. Kaloki): Is she coming?

The Minister for Foreign Affairs (Mr. Wetangula): I will communicate to the office of the Minister and by the end of Question Time, we will know whether the Minister or her Assistant Minister will be coming or not.

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

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Ethuro, what is your point of order?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am just asking for your direction. A while earlier, Mr. Mungatana was acting as the Leader of Government Business. He informed us why the Minister of State for Provincial Administration and Internal Security was not coming.

Mr. Temporary Deputy Speaker, Sir, now, it is the turn of Mr. Wetangula. What is happening? Is it a rotational thing?

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Mungatana consulted with Mr. Wetangula! I think the answer has been given. We should wait for the Minister to get to the Chamber.

Mr. Mbugua: On a point of order, Mr. Temporary Deputy Speaker, Sir. It has become a habit for Ministers not to take Questions seriously. Like now, the Minister is just sleeping! We do not know where she is. Where is her Assistant Minister?

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Mbugua. I do not need to answer that. Order, Mr. C. Kilonzo!

Next Question. Question No.626.

Question No.626

PROVISION OF PIPED WATER
TO KAMULU/MIHANG'O AREAS

The Temporary Deputy Speaker (Prof. Kaloki): Is hon. Waititu not here? Let us give him a little time to get to the Chamber and then we can proceed.

Next Question by Mr. Chachu!

Question No.627

ALLOCATION OF FUNDS FOR
TRANSPORTATION OF RELIEF FOOD

Mr. Chachu asked the Minister of State for Special Programmes:-

- (a) what criteria she uses in allocating funds to districts for transportation of relief food;
- (b) whether she could table the summary of funds allocated in 2008 for the transportation of relief food in Chalbi, Laisamis and Marsabit Districts; and,
- (c) what steps she is taking to ensure efficiency in delivery of food aid to the beneficiaries in Chalbi District.

The Minister of State for Special Programmes (Dr. Shaban): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The criteria used to allocate funds for transportation of relief food within the districts include:-

- (1) Amount of food allocated.
- (2) Size of the district.
- (3) The physical terrain and general road infrastructure.
- (4) Remoteness of a district. That can be determined by whether transport trucks are easily available or not within the district.
- (5) Availability of budgetary funds to facilitate transportation of relief supplies.

The above factors are considered in determining the amount of money that is to be given to districts for transportation of relief food within the district.

(b) The food and funds given to Chalbi, Marsabit and Laisamis districts in 2008 is shown in the table below. But I will just summarise it. In Chalbi District, we allocated assorted food - that is maize, beans, rice and vegetable oil. In brief, there were 8,200 bags of maize which was allocated to Chalbi, 8,200 bags which were allocated to Laisamis and 11,200 bags to Marsabit district. The amount of money which was used for transportation was Kshs2.74 million for the whole year for Chalbi District, Kshs2.345 million for Laisamis District and Kshs3.225 million for Marsabit District.

(c) My Ministry has always ensured that food is delivered to the beneficiaries in an efficient and timely manner in all districts facing food shortage. The Ministry will continue to support the

district teams charged with the responsibility of distributing the food by providing funds to facilitate the movement of food within the districts. My Ministry also provides clear guidelines on the distribution and targeting of beneficiaries and conducts regular training of district relief committees. It also conducts regular monitoring visits to the districts under relief programme.

In addition, my Ministry organises, in conjunction with other stakeholders, two food security assessment exercises every year in districts affected by drought and other disasters. Those assessment missions provide information on the food security status in the country and commence the necessary interventions. Chalbi District, like other food insecure districts, is always included in the assessment. The first assessment is normally done around January/February after the short rains, and the second assessment is usually conducted in July/August after the long rains. Depending on the outcome of those assessments, the number of people requiring assistance may be scaled up or down. Other non-food interventions are also reviewed.

Thank you.

Mr. Warugongo: Mr. Temporary Deputy Speaker, Sir, my question to the Minister is: There is a meeting which was held by a group called District Steering Group. That group passed that Kieni Constituency should receive not less than 5,000 bags of maize. But we are still receiving about 1,000 bags of maize. When is she going to consider increasing the number of bags to about 5,000 bags?

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

The Temporary Deputy Speaker (Prof. Kaloki): Order! I will give you time!

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, I would like to ask the hon. Member for Kieni to put in a substantive Question concerning his constituency.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, the Minister, in response to my Question, gave a criteria that is used to allocate funds to transport food within those districts. The criteria that is used is the size of district, physical terrain - that is general road infrastructure - as well as the importance of that district. In this country, I do not know whether there is a district that is larger than mine. Chalbi District is almost 40,000 square kilometres. Even in terms of physical terrain, it has bad road infrastructure---

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Member! Could you ask a specific question?

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I am giving the factors but this is the question. Could the Minister explain how she allocated Kshs56 million to Saku from January to December, which is less than 4,000 square kilometres? Saku is too small compared to Chalbi, which is the largest district in Kenya. It is almost 40,000 square kilometres. Is that really the criteria that was used?

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, I do appreciate the fact that the distances covered in Chalbi are too long. Actually, I have said that the transport money for Chalbi should be scaled up. What was allocated to Marsabit for transport was Kshs3.225 million. I will ask the technical people in my Ministry to make sure that food is able to reach all corners of Chalbi. The scaling up has been done, but I am still not happy with it. I do believe that Chalbi and Laisamis districts deserve more for transportation because of the long distances covered.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I tend to concur with my counterpart, the Member for North Horr. Saku is 2,000 square kilometres and Laisamis is 2,600 square kilometres. Transportation in a 2,000 square-kilometres area for the month of January is almost Kshs500 million. I want to go on record that Saku cannot possibly even cover Kshs100,000 for that. I want the Minister to investigate thoroughly these AIEs that are given for transportation, specifically for Saku.

I would like to tell the Minister that Laisamis is getting very little food. What is she doing to help?

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, I do admit that the criteria where you

allocate so much funds to a smaller area than a bigger one--- Basically, from these calculations I can see that my officers have most likely been using the amount of food they are giving to an area instead of the distances covered. So, that is a mistake which we are going to look at and make sure that it is corrected.

As for the amount of food given to Laisamis, yes, the population is bigger and they deserve to be given more because of the poverty levels which are there. So, again, I promise that we are going to look into that and make sure that the situation is corrected.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for actually acknowledging that Chalbi is a very large district and that the money paid to the transporters there, indeed, needs to be upscaled. In view of the fact that these transporters have already delivered some of this cargo, could she consider backdating the payment so that once it is upscaled, they can be paid in a backdated form?

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, the only thing I can say is that backdating is not the standard Government practice. However, scaling up is something which is possible.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, on food matters, I think I am the most affected.

First, I want to thank the Minister for a good answer. It is true that between Chalbi and Laisamis, which is a mountain, there is more manual transport in a small area than the furthest corners. I want the Minister to confirm to this House that there are 4,000 bags lying in the National Cereals and Produce Board (NCPB) stores in Lodwar that are meant for Turkana North, and that they have not been transported because her Ministry has not paid transporters to the tune of Kshs2 million.

If you look at *The Standard* newspaper, there is a picture of an emaciated woman; that is the sense of famine relief in this country. When will the Minister pay the outstanding amount of Kshs1.8 million and also release money for the transporters to take the food from the stores in Lodwar to all areas, including Lokitung and Kibish?

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, I do appreciate the problems that our people are facing, where hunger is concerned. But I just want to point out that I did not come here with an answer for that particular question. I will get back to my Ministry and talk to the officers about the issue of the bills in Turkana, and see what can be done about it, to make sure that whatever is allocated to Turkana will be enough for transportation.

The Temporary Deputy Speaker (Prof. Kaloki): Last Question, Mr. Chachu!

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, realising that Kenyans are suffering, I wish you could give Members more time to probe this Question further. However, I will proceed and ask my last question.

The furthest corner, Ileret, over 550 kilometres, requires about Kshs122,000 to transport food. On average, the amount of funds that the Minister is providing to Chalbi is Kshs150,000, if you look at the figures from January to December. What will the Minister do to ensure that the amount of funds allocated to Chalbi is scaled up not tomorrow but if possible yesterday, so that the people of Chalbi, like any other Kenyans, are enabled to have food during this difficult time?

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, what I cannot promise is about yesterday, but I can promise about tomorrow. I have been to Chalbi and I do appreciate what the hon. Member is complaining about. I have also been to Laisamis and Marsabit and I do appreciate the problems they are facing. But, please, allow us time to just make sure that we do the right thing where transportation is concerned.

We are actually looking for funds to purchase a truck to transport food in Chalbi and also Laisamis, because of the long distances covered. I think it will really lower the amount of money utilised.

(Loud consultations)

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Members! The noise level is obviously too high! Is there any way we can lower it and consult quietly? Obviously, the Minister of State for Special Programmes is giving very important information. Please, let us consult quietly. If you have to walk out of the Chamber, please, do so quietly. But, let us keep the noise level down!

Next Question, Mr. Olago!

Question No.370

DOMESTICATION/IMPLEMENTATION
OF ROME STATUTE

Mr. Olago asked the Minister for Foreign Affairs:-

- (a) whether he could confirm that Kenya is a signatory to the Rome Statute that created the International Criminal Court at the Hague;
- (b) what steps the Government has taken to domesticate the statute; and,
- (c) what other steps he has taken to ensure that the Kenya National Assembly is involved in the implementation of the Rome Statute.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, although this Question is misdirected to my Ministry, I will attempt to answer it.

I beg to reply.

(a) Kenya is a signatory to the Rome Statute of the International Criminal Court. The Statute was adopted in Rome on 17th July, 1998 and Kenya signed to it on 11th August, 1998.

(b) The Government has already domesticated the Statute by the enactment by this Parliament of the International Crimes Act, that was assented on 24th December, 2008.

Mr. Temporary Deputy Speaker, Sir, on part "c" of the Question, the National Assembly passed the Bill, which is now an Act of Parliament. Its involvement ended there. It is now up to the court and other administrative arms of the law to do the implementation.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, when I drew this Question, the International Crimes Act had not been passed by this House. When I drew the Question, the Constitutional (Amendment) Bill had not been drawn and the Special Tribunal Bill had not been drawn. The purpose was to ensure that these were done and done properly. In such circumstances, I do not have further questions to ask.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Minister, I think Mr. Olago asked a Question. Could you, please, respond?

Mr. Wetangula: Mr. Temporary Deputy Speaker Sir, I thank my learned senior for acknowledging the steps the Government has taken in signing the statute and domesticating it. This Parliament has passed the International Crimes Bill.

Mr. Imanyara: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to thank the Minister for that honest answer. Is the answer he has given not the answer to the concern of those people who are claiming that sending Kenyans to an International Criminal Court is sending **[Mr. Imanyara]** suspects to foreigners? The facts of domestication are that when we send suspects to the Hague, that is a responsibility that arises from domesticating the International Criminal Court. Is your answer not a confirmation that, indeed, sending criminals to the Hague is not subjecting this country to external influence or making it lose its sovereignty?

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, indeed, Kenya, having domesticated the statute, is the basis upon which a prominent Kenyan Judge was elected to sit in the ICC in the last

one month. Kenyans being subjected to the jurisdiction of the ICC does not and will not amount in any way to Kenya surrendering its sovereignty.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, since the Minister has referred to the Judge, who we want to thank God that she was elected to this honourable International Court, could he also confirm that when criminals go to the same place it will not be a way of selling the sovereignty of this country?

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, first of all, suspects are not necessarily criminals. They are innocent until they are proven guilty. I have already said that our submission to the ICC does not in any way impinge on our sovereignty. We are a signatory to the statute and we did so knowingly. This Parliament, in passing the Bill, was clearly informed by the Attorney-General when moving the Bill as to what we were doing. Therefore, our sovereignty is not at stake at any rate in any event.

The Temporary Deputy Speaker, (Prof. Kaloki): Hon. Olago, please, ask your final question!

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I have no more questions.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question, Mr. Mwakulegwa.

Question No.486

MEASURES TO ADDRESS HUMAN/WILDLIFE
CONFLICT IN TAITA DISTRICT

Mr. Mwakulegwa: Mr. Temporary Deputy Speaker, Sir, with regard to Question No.486, I would like to tell the House that the Minister visited my constituency in January and most of the issues were sorted out. I, therefore, do not wish to pursue the Question.

(Question withdrawn)

(Applause)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Mwakulegwa is satisfied. I think the Minister visited his area and most of the issues were sorted out.

Mr. Magerer: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question the hon. Member had asked referred to Tsavo East and Tsavo West. There are issues in Tsavo East that affect my constituency. I thought that this would be a good opportunity to interrogate the Minister.

The Temporary Deputy Speaker (Prof. Kaloki): Order! The Question is under the custody of hon. Mwakulegwa and he wishes not to ask it because he is satisfied. I think the Minister addressed the Question by visiting his home area.

Next Question!

Mr. Olago: On a point of order, Mr. Temporary Deputy Speaker, Sir, I thought the rules of this House are that once a Question is in the Order Paper, it is the property of the House and whether or not the Questioner is satisfied, hon. Members have a right to interrogate the Minister concerned?

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Olago. I have already consulted with the Clerk-at-the Table and the Question was not asked. Therefore, you cannot interrogate the Minister because there is no Question.

Next Question!

Question No.442

REPAIR OF TUWAN/MITUME BRIDGE

Mr. Wamalwa asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he is aware that the main Tuwan/Mitume bridge connecting Kitale Town to residential areas like Mitume, Tuwan, Kisumu Ndogo, Matisi, Lessos, and other estates has collapsed internally, cutting off residents of the said estates from the rest of the town and endangering their lives; and,

(b) what urgent steps he is taking to repair the bridge and to avoid the imminent disaster.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I beg to respond.

(a) I am aware that the main Tuwan/Mitume Bridge connecting Kitale Town to residential areas like Mitume, Tuwan, Kisumu Ndogo, Matisi, Lessos and other areas has collapsed internally and is, therefore, not in use. However, the council has provided a crossing point 200 metres downstream for the pedestrians only.

(b) The Municipal Engineer, in collaboration with the District Roads Engineer and the Provincial Engineer, have provided a technical report which was forwarded by the Council to the Kenya Roads Board for financial assistance. A survey and a primary design had already been undertaken by the council. The Bill of Quantities for the box culvert, including massive back-sealing is estimated to cost Kshs112 million. My Ministry has, through the council, liaised with the Kenya Urban Roads Authority for possible funding because this project is far beyond the financial capability of Kitale Municipal Council.

Thank you.

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. The situation in Tuwan is a disaster waiting to happen. The Ministry has been aware of this problem since last year. His Excellency the Vice-President and Minister for Home Affairs visited the site and undertook that the Government would take immediate measures to address this situation. Could the Assistant Minister tell us the exact time frame he is talking about in addressing this matter because it is an emergency?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, this is a classic case of the African disease. This bridge was constructed in 1989. A few years down the line, it collapsed. This is one of the reasons Africa continues to be underdeveloped. We do shoddy jobs which require even more money to be rectified. As I speak, even the estimates we received last year of Kshs11 million---

Mr. I.M. Muoki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that we continue to do shoddy jobs when we know very well that we have Works Engineers in the Ministry who are supposed to be supervising the activities that the Ministry is undertaking to do?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, that boils down to exactly what I had said. This situation is embarrassing in Africa. We should start putting our House in order.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Githae! The Question is not about Africa. It is squarely on your Ministry. Could you explain what your Ministry is doing to fix the bridge?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, as I explained, this bridge is far beyond the financial capability of Kitale Municipal Council. As a Ministry, we have taken it as a matter of urgency. We are liaising with the Kenya Roads Board (KRB) to see whether they can assist the council to build the bridge. Regarding the cost, initially, it was about Kshs11.2 million. But we are now being informed that it is going to cost more money due to soil erosion by the river. I sympathise with the people of

Kitale and the school children who are forced to use a very long route. We are doing all that we can. We are talking to KRB to allocate some money. That is the best that we can do.

Mr. Gunda: On a point of order, Mr. Temporary Deputy Speaker, Sir. There was a point of order about what the engineers in the Ministry are doing to supervise the works which are carried out. He has not responded to that.

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, since the new broom in the Ministry started working, we have put the engineers on notice. No shoddy job will, henceforth, be accepted. Any engineer who does not properly supervise the job will not be transferred. He or she will be dismissed so that we can eradicate that problem once and for all. So, things are beginning to look very bright in this Ministry.

Mr. Mbugua: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not agree with the Assistant Minister because there is a road in Eastleigh 2nd Avenue that was supervised and a contractor paid Kshs78 million--

The Temporary Deputy Speaker (Prof. Kaloki): Order! That is not a point of order!

Mr. Mbugua: That is a question, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Could you then ask the question?

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, that road was supervised by engineers and they have not been dismissed. Could he explain why they have not been dismissed?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, he has said that he has disagreed with me. I also disagree with him.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has indicated that the technical committee had assessed the project at Kshs11 million. He has confirmed that he is aware that the damage to the bridge has extended due to erosion. When was that assessment done because, even to an untrained eye, the project could take more than Kshs20 million.

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, I really sympathise with the residents of that area. We are doing all that we can to make sure that Kitale Municipal Council gets money from the Kenya Roads Board. That is because they are the only ones in a position to do the work. The assessment was done about one and half years ago, when the cost was estimated to be Kshs11 million. When this Question was asked to find out whether the cost was varied, I said that the estimate has not been varied. That is because the bridge will require a longer span because of the soil erosion that was caused by that small stream. We are doing all that we can and I intend to visit KRB to press this case for Kitale Municipal Council. It is the intention of the Ministry to give good and proper services to all the residents.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question by Mr. Pesa.

Question No.591

TABLING OF FEASIBILITY STUDY FOR
NCBD BEAUTIFICATION PROGRAMME

Mr. Pesa asked the Deputy Prime Minister and Minister for Local Government:-

- (a) if he could clarify whether a feasibility study was carried out before the construction of sitting facilities and planting of trees and flowers within Nairobi CBD and, if so, table the same;
- (b) if he could clarify whether the projects were sanctioned in a full council meeting and, if so, to table the minutes; and,
- (c) considering that many of the trees are overgrown and are blocking surveillance by CCTVs, and considering further that criminals are using the seats provided to monitor

banks and other businesses, what steps he is taking to ensure that the beautification programme does not compromise security.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I beg to reply. (a)

Construction of sitting facilities and planting of flowers within the Nairobi CBD is a function of the City Council of Nairobi, which does not require a feasibility study before it is carried out.

(b) Planting of trees and flowers and construction of sitting facilities are functions carried out by the Environment Department in the Council. In 2006/2007, the said department submitted its budget for approval. The budget included, among other items, expenditure on parks and open spaces whose total cost was Kshs142,960,882.78. That was broken down into personnel, Kshs119,870,508.78; operations, Kshs15,290,187; and maintenance, Kshs7,800,087. The Environment Department budget was approved by the Finance Committee in June, 2007. The resolutions of the Finance Committee were later adopted as Item 15 by the Full Council Meeting held on 3rd July, 2007. I, hereby, table the minutes of the full council meeting.

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

(c) The security aspect of the trees, particularly in the NCBD, were well taken care of during the early stages of the enhanced tree-planting and beautification programme. The spacing of the trees was carefully correlated with the types of trees to ensure that the canopies are well broken to ensure visibility. Further, there is a periodic tree canopies management programme that gets rid of any unwanted branches that may be obstructing the street lights and other vital aerial installations, including surveillance by CCTVs. My Ministry has directed the council to make sure that its security officers monitor and report any suspicious characters to the relevant security arms of the Government.

Thank you.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for that elaborate answer, which addresses most of my concerns. While the Nairobi City Council is concerned about making the Central Business District (CBD) beautiful, I wonder whether the Ministry has a policy to take care of the majority of other Kenyans who live in the slums in terms of making those places beautiful and reasonable.

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, when you start washing your body, you start with the face. So, we are starting with the face of Nairobi before going to the slum areas. The slum areas and other parts of Nairobi are going to benefit from the beautification programme. We intend to plant trees in all the estates. The programme has now moved from the City centre to the surrounding areas. The intention of the Ministry is to take the programme to other areas. They are also Kenyans and require beautiful trees like those in the City centre.

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as the Nairobi City Council carries out the beautification process, could they also ensure that they consult with their engineers because many of the trees seem to block junctions and people are not able to see on-coming traffic? There is one example at the ABC Roundabout on Waiyaki Way. When you are approaching the roundabout, you cannot see the on-coming traffic. Could they also have a look at that?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, those trees were carefully chosen to avoid such kind of cases. I am aware of the tree at the Westlands Roundabout, but we are praying for the rains to come because it will not be environmentally friendly to prune the trees during this dry season. I would ask the hon. Member to pray with me so that the rains could come quickly, so that we can prune those trees.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Pesa, ask your final supplementary

question!

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, you heard the Assistant Minister say that they have instructed the Nairobi City Council to ensure that the council *askaris* carry out a security surveillance during the day. Could the Assistant Minister assure us that his directive is implemented so that we have security around our banks and other areas in the city?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, unfortunately, Kenya is a democratic country. There is no law that prevents you from *jienjoying* on those benches that have been constructed by the Nairobi City Council. However, we have issued instructions that they should be on the look out for suspicious characters without harassing them. It is a tricky thing trying to balance between a democratic society and security. We will, however, continue monitoring the situation.

The Temporary Deputy Speaker (Prof. Kaloki): Very well. Next Question, Mr. Kiilu!

Question No.587

NON-OPERATIONALIZATION OF
MATILIKU DISTRICT HOSPITAL

Mr. Kiilu asked the Minister for Medical Services:-

- (a) whether he could explain why, despite Matiliku Health Centre having been gazetted as a district hospital, the same has not been operationalized; and,
- (b) what action he is taking in order to fully operationalize the hospital and to provide a GK vehicle to the District Medical Officer, considering that he has been unable to visit the health facilities in the district for lack of transport.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Matiliku Health Centre has not been gazetted as a district hospital as yet. However, the Ministry is aware that it has been proposed as the district hospital for the newly created Nzauni District. It has not been operationalized to match its new status because no budgetary provisions have so far been made to upgrade health institutions in the newly created districts.

(b) The Ministry has included upgrading of Matiliku Health Centre and similar facilities in all newly created districts in its next Medium-Term Expenditure Plan covering three financial years from 2009/2010 to 2011/2012. Depending on future levels of funding from Treasury, the Ministry plans to progressively upgrade the facility to a district hospital within that period.

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for that answer, I would like him to clarify the following. I agree with his explanation that Matiliku Health Centre is still operating as a health centre. I would like him to tell us whether he is not aware that this facility operates as a district hospital and, indeed, it was gazetted as a district hospital in August, 2008. To prove that, a medical officer in the name of Dr. Ndambuki was posted to the hospital. He continues to serve in the hospital without facilities. Is it the policy of the Ministry, if truly the health centre has not been gazetted as a district hospital, to deploy medical officers to health centres?

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, ordinarily, when a district hospital is gazetted, we always have this in the records of the Ministry. However, in some particular circumstances depending on the number of patients being treated there, we consider posting District Medical Officers to those facilities so that we can solve problems. Sometimes, upon the request of hon. Members of Parliament like himself and depending on the situation-- We consider all those factors to try to solve the problems facing our people on the ground. This could explain the discrepancy. However, we have discussed this matter with the hon. Member. We agreed that my Ministry will take steps towards operationalization of this district hospital to the level that it is

supposed to operate at. Right now, it is not where it is supposed to be.

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, there are very many Level II health facilities which were gazetted last year, but they have not been operationalized. I would like the Assistant Minister to tell us what plans he has with regard to operationalizing these health facilities.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, the hon. Member is quite right. We gazetted quite a number of health facilities. When the gazette notice is given, the intention of the Ministry to upgrade those facilities progressively is now put in writing - in official commitment. So, we intend to operationalize and standardise them. This will be done across the entire country. As I said in my written answer, it all depends on the funding from the Treasury. We go by what the Treasury gives us. We will progressively upgrade those facilities to the required levels.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, the Government has been creating many districts and the reason is to take Government services closer to the people. We have so many districts at the moment without district hospitals. What is the Ministry doing to ensure that every district that is created gets a district hospital within the shortest time possible?

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, in fact, the policy of the Ministry right now is that every constituency should have a district hospital gazetted. That is our intention. However, even as we formalise our commitment to ensure that this policy is carried out, we still have to live within the realities of our budgetary allocations. The Government is completely committed to ensuring that, at least, every constituency has a district hospital. As the funding from the Treasury keeps coming, we will progressively upgrade the health facilities to the required level, that is, Level IV.

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, considering that the Medical Officer of Health (MoH) has no operating facilities in the hospitals, for example, theatres--- In the second part of my Question, I asked the Assistant Minister to tell us when he will provide a vehicle to this health facility so that the MoH can supervise other facilities in the district. When will he provide a vehicle to this particular MoH?

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, as I explained to him, in the course of this financial year, we shall make available a vehicle for that particular health facility. With regard to the other problems he has raised here together with the letter he wrote to me, we shall tackle all those to his satisfaction.

The Temporary Deputy Speaker (Prof. Kaloki): Very well. Hon. Members, we shall now revisit the Questions that were not answered before. We will begin with Question No.327. Mr. Lekuton!

Question No.327

COUNTRY'S CRIME STATISTICS
FOR LAST FIVE YEARS

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

- (a) whether he could table the country's crime rate statistics for the last five years;
- (b) how the country's crime prevalence rates compare with those of the neighbouring countries; and,
- (c) what immediate measures he has instituted to ensure that Kenya remains a secure and safe investment destination in the region.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, let me apologise on behalf of my colleague who was supposed to answer this Question.

I beg to reply.

(a) I hereby table the crime statistics for the last five years indicating a major decline in crime in the country from 2004 to 2008. In 2004, we had 83,841 cases. In 2008, the crime rate went down by 20,000 cases and the figure is 63,476.

(b) Crime in Kenya is relatively low compared with some neighbouring countries. However, due to differences in legal, economic and statistical recording methods, crime prevalence rates may vary between country to country.

(c) The Government has taken the following measures to ensure security:-

(i) The Government has embarked on a campaign against crime and is in partnership with communities to enhance the community policing concept. The fight against crime is an integral part of the Government's commitment to make the country secure and provide a conducive environment for development.

(ii) The Ministry has also embarked on double recruitment of police officers and beefed up security in crime prone areas.

(iii) More police stations were established and security surveillance has been enhanced to nab criminals. Advances in Information and Communication Technology (ICT) have presented a significant opportunity for the police force in their effort to detect and deter crime.

(iv) Finally, the Ministry is aware that security is crucial for economic growth and trade and has, therefore, developed close collaboration with the national and international training institutions including Interpol in order to decrease the threat of violence by providing effective policing.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I am impressed by those statistics, since for the first time in our country, we are seeing crime going down in almost all sectors. However, there is a persistent specific crime that is continuing to dog people of Northern Kenya. I congratulate the Assistant Minister and the Police Commissioner for a job well done. However, could his Ministry make a comprehensive plan or policy that could target Northern Kenya with the issue of cattle rustling?

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, the statistics for cattle rustling have remained almost steady. In 2004, we had 23,080. In 2000, we had 380 cases. In 2005, 2,219 cases. In 2006, it was 2,209. There was a substantial decline in 2007 since the number reported was 1,568 cases which was a slight decrease compared to 2004. In 2008, the figure went up by 2,269 cases.

Various policy measures are being put in place. Of course, the major one is the question of development of Northern Kenya. As I said earlier on, there is also the increasing number of policemen, strengthening the Anti-Stock Theft Unit and also equipping them with vehicles and aircrafts. We are also taking action on groups that are planning to go and raid. We also need to understand that cattle rustling is no longer a cultural activity. It is now an activity of conflict and entrepreneurs. Clearly, it is business people who are also fuelling this rustling. So, those are some of the activities that we intend to carry out including also streamlining the operations and availability of Kenya Police Reserve (KPR).

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, the issue of urban crime going down is good news for us. We are a country that depends on tourism and foreign investments. However, when we go to the internet and look at different respective Government web sites on crime in Kenya, it looks as if nothing has changed.

Could the Assistant Minister inform the House what the Ministry is doing, now that we have seen light at the end of the tunnel in improved security especially in urban areas, to make sure that the rest of the world knows that we are on the right path so that they can have more confidence for tourists coming here and foreign investments going on?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Assistant Minister, are you on the right path? Is security there?

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, we are on the right path and I want to

mention one activity that we had undertaken which is the introduction of surveillance cameras in the city. We have also strengthened the Tourist Police Department in the country. So, I believe that with the measures I had mentioned earlier on, we are on the right path.

Mr. Lekuton: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister did not answer my question. I asked him what measures he is taking to make the rest of the world know that we are on the right path so that they can bring in more tourists and foreign investments.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I believe this live broadcast is one measure. The media is also doing a very good job by receiving the kind of information that is provided, on where we are going.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Assistant Minister, could you assure tourists that they should come to Kenya?

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I want to assure the tourists that Kenya is a safe destination.

The Temporary Deputy Speaker (Prof. Kaloki): Very well. The Minister requested that we defer Question No.547.

Question No.547

DISMISSAL OF POLICE CONSTABLE
A.M MURINGI

(Question deferred)

Next Question by Mr. Mbugua!

Question No.622

STATISTICS OF YEDF DISBURSEMENT TO
BANKS/FINANCIAL INSTITUTIONS

Mr. Mbugua asked the Minister for Youth affairs and Sports:-

(a) whether she could provide the statistics of funds disbursed to banks and other financial institutions under the Youth Enterprise Development Fund (YEDF) so far; and,

(b) what mechanism she has established to ensure that these institutions lend the money to only deserving youth, and not put the money to other uses.

The Minister for Youth and Sports (Prof. Sambili): Mr. Temporary Deputy Speaker, Sir, I want to begin by apologising to the hon. Member that we were not here to answer the Question when he first asked it.

I beg to reply.

(a) The Ministry has so far disbursed a total of Kshs742,225,000 to 31 financial intermediaries as follows:

The summary of disbursement to financial intermediaries is as follows: Adok Tino - Kshs11,800,000; Baringo Farmers Sacco - Kshs450,000; Business Initiatives and Management Assistant Services, Kshs13 million; Kopa Group, Kshs150,000; Elgon Teachers Sacco - Kshs1,400,000 and Emmanuel Consulting Services, Kshs3 million.

The others include:-

Emmanuel Consulting Services - Kshs3 million; Equity Bank - Kshs90 million; Family Bank - Kshs155 million; First Community Bank - Kshs10 million; K-Rep Bank - Kshs30 million; Kena Roscas Limited - Kshs1 million; Kenya Entrepreneurship Empowerment Foundation - Kshs4 million; Kenya Industrial Estates Limited - Kshs100 million; Kenya Women Finance Trust - Kshs200 million; K-Rep Development Agency - Kshs50 million; Kuria Teachers SACCO Society Limited - Kshs1,800,000; Lamu Teachers SACCO - Kshs2,450,000; Lokichoggio Multi-Purpose Co-operative - Kshs1,700,000; Marafiki SACCO Society Limited - Kshs2 million; Marsabit Teachers SACCO - Kshs1,500,000; Masaku Traders SACCO Society Limited - Kshs6 million; Necco Fosa - Kshs1,500,000; Nomads Welfare Development - Kshs500,000; Nyamira Tea Farmers SACCO - Kshs7,500,000; Silver Ray Limited - Kshs6 million; Small and Micro Enterprise Programme - Kshs1,750,000; Songa Mbele Women's Organisation - Kshs750,000; South Imenti Savings and Credit Company - Kshs2 million; Taifa SACCO Society Limited - Kshs16 million; Taita Taveta Teachers SACCO - Kshs2,175,000; Tana Teachers SACCO Society Limited - Kshs1,800,000; Total - Kshs742,225,000.

(b) To ensure that the above mentioned institutions do not put money to other uses but only lend it to the youth, we have put in place control mechanisms as follows:-

1. The money is released to these financial intermediaries in tranches. Upon disbursement of a tranche, the financial intermediary forwards a report to the Ministry during which time verification of the authenticity of the report is carried out to satisfy ourselves in the Ministry that all due procedures have been followed before releasing the next tranche.

2. Regular meetings are held with the financial intermediaries to iron out any issues that may hinder the smooth disbursement of the said loans.

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, I asked this Question because the youth of this country are suffering due to lack of funding.

Mr. Temporary Deputy Speaker, Sir, if you look at the answer that the Minister has given, you will find out that the money goes to teachers SACCO societies.

Mr. Temporary Deputy Speaker, Sir, what criteria does the Ministry follow in order to give these SACCOs the money to give to the youth because this money is not reaching the youth?

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, out of the 31 financial [Prof. Sambili] intermediaries that received this money, only five of them are teachers SACCOs. The reason why we give money to teachers SACCOs is that some of the places in this country particularly rural areas do not have banking institutions. To enable the youth in those areas to access the money from this Fund, we have gone ahead to give it to teacher SACCOs because teachers are everywhere in this country. This will ensure that they are able to assist the youth in those areas to get the funds. It is only in those areas where there are no banks that we give money to teacher SACCOs or even farmers SACCOs so that it can reach the youth.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, could the Minister confirm that this Fund is actually being distributed equitably in the country? Could she confirm that the intermediaries that are being used are represented nationally and that the youth of this country are actually accessing that Fund equally?

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, this Fund is quite young. The Ministry is very determined to ensure that the youth of this country access these funds equitably. That is why we are saying that we are putting this money in some NGOs or teacher SACCOs in places where banks are not distributed because these banks are mostly in urban areas. We want to ensure that this money gets to the youth equitably. We have done an evaluation of the disbursement of this money and the intention is to make sure that it reaches the youth equitably.

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, could the Minister tell this House if the Ministry has got any particular programme to monitor the disbursement of all those funds and its

impact at the grassroots level?

The Temporary Deputy Speaker (Prof. Kaloki): Madam Minister, how do you make sure that the money really gets to the youth?

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, I believe the hon. Members know that this money is given in two modes of disbursement. There is the money that goes to the constituency that is the Constituency Youth Enterprise Fund and the other money goes to the financial intermediaries. We have a committee that sits at the constituency and analyses the proposals from the youth groups. We have a District Officer who chairs that particular committee and a Divisional Youth Officer whose job is to identify the groups and educate them on how to fill those forms. We also have youth representatives. When the money goes to the financial intermediaries, we get reports from them and that is part of the valuation, to make sure that the youth benefit. So, we have programmes in place to evaluate its impact.

Mr. Kigen: Mr. Temporary Deputy Speaker, Sir, the funds that come to the constituency are always intended for groups but there are certain youth who have got good ideas that they would like to implement on their own. What is the Ministry doing to ensure that this money can also reach individual young people who are enterprising and would like to set up businesses for themselves?

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, the money at the constituency level is for groups, as the hon. Member has pointed out. It is true that there are some young entrepreneurs with very original ideas.

Our advice, as a Ministry, is that those young people, whether they are individuals or small groups, should approach the financial intermediaries that will be able to help them get this money. That is why we are making every effort to make sure that this money, through the financial intermediaries, is moved to the rural areas as well.

Mr. Yakub: Mr. Temporary Deputy Speaker, Sir, I would like to praise the Ministry for using Savings and Credit Societies (SACCOs) in areas where there are no banks. That is a good idea. Last weekend, I was in Lamu. There are no banks managing the YEDF there. I have seen the Minister's answer which says that in Lamu, they are using Lamu Teachers' SACCO. This is quite a good idea. However, what mechanisms have they put in place to ensure that SACCOs have a system of making the youth aware of that existence of the money? By last Sunday, the youth in Lamu were not even aware that the funds are with Lamu Teachers' SACCO.

The Temporary Deputy Speaker (Prof. Kaloki): Madam Minister, this is about awareness programmes.

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, I sincerely want to thank the hon. Member for informing me that information on availability of the money at Lamu Teachers' SACCO has not reached the youth. We can help each. The youth are many, and they need that money. We have a District Youth Officer (DYO). If we do not have a DYO in that particular district, I will request the hon. Member to communicate with us and then we can see how we can either give the district a Youth Officer or get a Youth Officer in the neighbouring district to support the youths in Lamu District. If the district has a Youth Officer, we will find out why he is not educating the youth in that district.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Minister for the way she has been able to steer the Ministry of Youth Affairs and Sports, so far. Considering that the youth in this country constitute about 70 per cent of the country's population, what is the Ministry doing to increase this amount of Kshs1 million per constituency? A sum of Kshs50,000, which is the amount given to each group, is too minimal.

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, we are asking hon. Members to support the Ministry to get a bigger budgetary allocation, so that we can support the youth. As an hon. Member said, only 16 per cent of the population of this country constitutes of people who are over 60

years old. This implies that 74 per cent of our population is composed of young people. Indeed, the need for the young people is enormous. Indeed, we are asking for more budgetary allocation.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I want to commend the Minister. I think she is doing a good job. However, she is swimming in the deep seas. The YEDF is a good idea that is about to be compromised by the poor standards of its management. The matter raised in part "b" of the Question is extremely critical. I want to confirm that Kshs1.7 million was sent to Lokichoggio Multi-purpose Society. This society went under, and not a single youth group has benefitted from that money. When is she going to give the good people of Turkana another institution that will help our youth? We have Elimu SACCO, which can do a good job.

The Temporary Deputy Speaker (Prof. Kaloki): Madam Minister, are you prepared to answer that one? Is that a supplementary question, Mr. Ethuro?

Mr. Ethuro: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Madam Minister, are you prepared to answer a supplementary question?

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, this is part of valuation. I would request the hon. Member to ask Elimu SACCO in Lokichoggio to make an application to the YEDF. If Lokichoggio Multi-purpose Society has gone under, let the organisation that is in place make an application to the YEDF and then we will be able to put money in the particular existing institution, because we want the youths to benefit.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, Mr. Mbugua!

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, what I believe is that the big banks are very insensitive to the needs of the youths. So, I would request the Minister to ensure that this money is channelled through sensitive institutions, which know the problems facing the youths. For instance, we have Jamii SACCO, Consolidated Bank, among others. We are just from having a problem with briefcase millers---

The Temporary Deputy Speaker (Prof. Kaloki): Ask your question, Mr. Mbugua!

Mr. Mbugua: Mr. Temporary Deputy Speaker, Sir, we now have briefcase SACCOs, like the one that an hon. Member just mentioned. What is the Ministry doing to ensure that the money is not disbursed through briefcase intermediaries?

The Temporary Deputy Speaker (Prof. Kaloki) Madam Minister, he is questioning the credibility of the whole YEDF.

Prof. Sambili: Mr. Temporary Deputy Speaker, Sir, I do not think the hon. Member for Turkana South had said that Lokichoggio Multi-purpose Society was a briefcase organisation. If it was, then it is very sad. My response to Mr. Mbugua's sentiments is that the intermediary financial institutions managing the YEDF money come forward themselves. We do not impose that duty on them. They come forward and then we analyze their ability to disburse the funds.

However, in our evaluation, we will take seriously the comments that the hon. Member has made. For sure, we would like the financial intermediaries to be sensitive to the needs of the youth. So, definitely, we would not want to deal with briefcase organisations.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question, Mr. Waititu.

Question No.626

PROVISION OF PIPED WATER
TO KAMULU/MIHANGO AREAS

Is Mr. Waititu not here? The Question deferred!

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. It has been the tradition of this House that whenever an hon. Member is absent, and Chair is not aware of his whereabouts, his Question is dropped. You will agree with me. I came here at exactly 9.00 a.m. I have been seated here waiting patiently as the Assistant Minister for Water and Irrigation. I have been here for the last two hours. However, the hon. Member for Embakasi Constituency, who can even walk to Parliament in case there was a traffic jam in the morning, has not arrived.

So, I request that, going by the tradition of the House, this Question be dropped.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Question No.626 shall be deferred to a later date.

(Question deferred)

Hon. Members, that brings us to the end of Question Time!

(Several hon. Members stood up in their places)

Order, hon. Members! Order! Hon. Members, there is communication to the Chair that hon. Waititu has requested that the Question should be deferred. That communication is there and, so, we have to go to the next Order of the House. Order, please! Clerks, please, proceed to the next Order!

POINTS OF ORDER

ARREST AND DEATH OF MR. JEREMIAH MUNENE

Mr. Thuo: Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security in relation to an incident that happened at the Juja Police Station last week where a man, a Mr. Jeremiah Munene, was arrested on a traffic offence on Thursday night. He was then thrown into jail and something must have happened because, at about 2.00 a.m. on Friday morning, he was rushed to hospital where he passed away.

Mr. Temporary Deputy Speaker, Sir, that is a very serious matter. It has caused a lot of tension in that area. In fact, there have been riots on the main Thika-Nairobi Highway. I am asking that the Minister be directed by yourself to issue a statement on this matter as soon as possible, preferably by tomorrow. That is because it cannot wait much longer. We need to know the cause of death. We need to know what steps were taken by the police in that whole saga. We need to bring the matter to a closure that is acceptable, reasonable, logical and based on facts.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): The Minister of State for Provincial Administration and Internal Security, when do you think you will be ready with that Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I will endeavour to issue the statement tomorrow afternoon.

The Temporary Deputy Speaker (Prof. Kaloki): Tomorrow afternoon. Very well!

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

The Temporary Deputy Speaker (Prof. Kaloki): Yes, hon. Mututho?

FATE OF NSSF MONEY INVESTED
IN DISCOUNT SECURITIES LIMITED

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Ministry of Labour on a matter touching on the National Social Security Fund (NSSF). In his Statement, the Minister should clarify on the state of the Kshs2.3 billion---

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

The Temporary Deputy Speaker (Prof. Kaloki): What is your point of order? The hon. Member is on a point of order.

Proceed, hon. Mututho!

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. In his Statement, the Minister should clarify the state of the Kshs2.3 billion that NSSF invested through Discount Securities Ltd. and the latest statement of affairs.

(b) The role of the Managing Trustee in the investment portfolio of the Fund.

(c) The role of the Investment Manager and his functions.

(d) The management board, their role and, specifically, why the Minister has allowed only one trustee to single-handedly run that Kshs100 billion outfit.

Finally, Mr. Temporary Deputy Speaker, Sir, I will be seeking clarification. He should touch on when he is putting up a new board of trustees.

Mr. Temporary Deputy Speaker, Sir, Kshs100 billion cannot be entrusted on the hands of only one man and expect that everything will go on well.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, hon. Member. Hon. Mungatana, when do you think the Minister will be ready--

Hon. Members: But the Assistant Minister is there!

The Temporary Deputy Speaker (Prof. Kaloki): Oh! Order! Order! The Assistant Minister is here!

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I will be ready with the Ministerial Statement on Tuesday, next week.

The Temporary Deputy Speaker (Prof. Kaloki): Next week?

The Assistant Minister for Labour (Mr. Ojaamong): Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Very well. Be ready with the Statement on Tuesday!

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

The Temporary Deputy Speaker (Prof. Kaloki): Yes, Hon. Imanyara?

CANCELLATION OF CONTRACT FOR
CLERK OF PAN AFRICAN PARLIAMENT

Mr. Imanyara: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Foreign Affairs, who is here, regarding the unlawful removal from office of the Clerk of the Pan African Parliament (PAP), one Mr. Murumba Werunga who, as we are aware, was a clerk in this House; a distinguished civil servant who also served the East African

Legislative Assembly (EALA), and whose removal has been as a result of differences with the Presiding Officer of that Parliament. In that Statement, could the Minister also tell us what protection they give to Kenyan civil servants who serve in international bodies to secure their employment terms? That is because in that respect, Mr. Werunga was entitled to a renewal of the contract, but it was not renewed. His contract was cancelled and he has been asked to leave without any justification. Could the Minister give us a Statement on that?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Minister, when do you think you will be ready with that Ministerial Statement?

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, if time allows, tomorrow afternoon or on Tuesday; whichever day that Parliament can allocate.

The Temporary Deputy Speaker (Prof. Kaloki): Tomorrow I think we have a---

The Minister for Foreign Affairs (Mr. Wetangula): Next Tuesday.

The Temporary Deputy Speaker (Prof. Kaloki): The Minister will be ready with that Ministerial Statement next Tuesday.

Mr. Mbugua!

OBJECTIVE/COST OF HOUSING
KENYA WE WANT CONFERENCE

Mr. Mbugua: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Planning, National Development and Vision 2030. In the Statement, the Minister should state the objective of the four-day conference that was recently held - the Kenya We Want Conference. What were the gains and achievements? How much did the conference cost? How much was each of the delegates paid in allowances? How much money was spent on each day? Which companies were contracted to provide essential services like catering and transport? Who met the travel and accommodation costs of foreign speakers who were invited to the conference? How and who recruited the delegates to the conference? Are the recommendations of the conference going to be laid on the Table of this Parliament for scrutiny?

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Mungatana, could you step in for the Minister of State for Planning, National Development and Vision 2030?

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, you will appreciate that the conference has just ended. Therefore, the matters that are being requested for are really matters that have something to do with the wrapping up of the accounts and everything else. So, we are requesting if we could be heard next week on Thursday afternoon.

Mr. Thuo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order, even though I am not the one who raised the question--- The hon. Member has listed things that have already been done. The list of participants is known because the conference has ended. What was paid is known because the conference has ended. All those things that can be picked and delivered to the House, including what he asked about the recommendations being tabled in this House. He did not ask that they should be tabled immediately! So, it is obviously possible to answer these questions even today!

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Chief Whip! Order! Order!

Mr. Thuo: Thank you, Mr. Temporary Deputy Speaker, Sir. I just wanted to ensure that we have an efficient Government.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order! Order! The question of the Ministerial Statement has already been sought and hon. Mungatana has already stated that the Minister will be ready to give those particular answers pertaining to that Ministerial Statement next Thursday. Next Order!

MOTION

REVIEW OF EMPLOYMENT POLICIES IN ARID/SEMI-ARID LANDS

THAT, aware that the recruitment of public servants including in particular the lower cadre does not take account, the unique disadvantageous circumstances of the residents of northern Kenya and other arid lands; further aware that inappropriate development and conservationist policies have aggravated the violation of their economic, social and cultural rights; cognizant that to redress negative effects of actual past and current discrimination, affirmative action should be adopted; this House resolves that the Government reviews its employment policies to provide for equity in order to accord the residents of arid and semi-arid areas the opportunity to secure employment and that Government departments allow the residents of those areas to access employment upon attainment of a Form Four certificate in the case of clerks and primary education in the case of chiefs and drivers.

(Mr. Affey on 4.2.2009)

*(Resumption of Debate interrupted
on 4.2.2009)*

Mr. Affey: Thank you, Mr. Temporary Deputy Speaker, Sir. I had just started moving this Motion before it was interrupted by time.

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Affey. You have a balance of 15 minutes to conclude your contribution.

Proceed!

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, before I conclude, I just wanted to let the Chair know that I have consulted with Mr. Ngugi and we have agreed on some minor amendment. I would like to read the Motion as suggested by Mr. Ngugi and thereafter, I can continue because it is in the interest of time and there is no fundamental change to what Mr. Ngugi has suggested.

The amended Motion reads as follows:-

THAT, aware that the recruitment of public servants, including in particular, the lower cadre does not take account for the unique disadvantageous circumstances of the residents of northern Kenya and other arid lands and other marginalised areas; further aware that inappropriate development and conservationist policies have aggravated the violation of their economic, social and cultural rights; cognizant that to redress negative effects of actual past and current discrimination, affirmative action should be adopted; this House resolves that the Government reviews its employment policies to provide for equity in order to accord the residents of arid, semi arid (ASAL) and other marginalised areas the opportunity to secure employment and that Government departments allow the residents of these areas to access employment upon the attainment of a Form Four certificate in the case of clerks and primary education

certificate in the case of chiefs and drivers.

I have been motivated to move this Motion because of a very simple reason; last year and this year, the Government embarked on a crush programme to consider the recruitment of staff, particularly, in the lower cadre. It has become apparent that the Government decided to up the education qualifications from what it used to be, to what it is now. Quite a number of Kenyans from northern Kenya and other marginalised areas have been disadvantaged to secure employment opportunities in those cadres. Mr. Temporary Deputy Speaker, Sir, I want to begin by informing the House, in line with my Motion, that in December, 2002, the Ministry of East African Community - and I am talking about clerks - advertised for jobs in the Public Service so that Kenyans can apply. The Ministry shortlisted 80 applicants who they wanted to interview. Out of the 80 applicants, only three happened to come from northern Kenya and other arid lands. One was from Wajir, one from Maralal and the other from Turkana. They also advertised for 80 senior support staff slots and only three made it. This tells you that if that trend of employing clerks continues, then it will mean that a whole section of the Kenyan society will completely be marginalised in the recruitment process and, therefore, they have no possibility to contribute to the development of the country.

The reasons the Ministry gave was the scheme of service developed by the Ministry of State for Public Service, which copy I have here. Before 2007, anybody who managed to pass Form Four without necessarily getting the cut-off points was entitled to join the Civil Service as a clerk. Now you have a condition of a C- grade. The residents of that area that I am talking about in particular, are completely disadvantaged because not very many of them, first of all, acquire the C- grade and those who have acquired it find a possibility to do other courses; diploma courses or bridging courses and then go to the university. So, there is no possibility of them becoming clerks in the Kenyan Government. In which case, therefore, those clerks become the reservoir of the Civil Service because from there, they train and later become personnel officers or senior officers.

Mr. Temporary Deputy Speaker, Sir, this is not the Kenya we want because if you continue with that method for another five or ten years, then you will find such an imbalance in the country because what do we do to our youth who finish Form Four and are unable to join the Civil Service because of that cut-off point? During the same December, the Ministry of Housing advertised jobs. We only got 12 out of 375 and none of them came from Tana River, northern Kenya or all the parts of Kenya where we feel education programmes have not been fair. This percentage speaks for itself.

The reason why this has happened is because primary and secondary schools in those parts of the country are not well equipped, so the students there do not have good access to education facilities like their counterparts in the other parts of the country. I happen to have come through a primary school in Mandera and secondary school in Wajir. The teachers in that part of the country work extremely hard but they are curtailed by the necessary tools required to teach. There is also a shortage of teachers.

Mr. Temporary Deputy Speaker, Sir, when you compare children who are educated in a situation where students have access even to visit the Public Gallery here - we have students here from not very far away from Nairobi. Students from the northern part of Kenya have never had access to the inside of this Parliament yet the Geography or History paper will ask them exactly the same questions as the students who have sat inside Parliament. They sit the same Paper and are examined at par with, for example, a school that is 200 kilometres away. So, these disparities are unique. The Government should consider them when they are providing job opportunities to Kenyans, so that they can also find employment in the Civil Service.

I have quoted the grade for clerks. For drivers, why do you require one to be a Form Four leaver when what you only need is a good driver, who is well trained, has the skills to drive and perhaps, the only thing he should have is the minimum education of Standard Eight so that he can write the work ticket? We had that situation here. Why do you ask a driver to be a graduate? It seems

things are moving towards that direction. From now on, we will be moving up. We are all Kenyans yet we are not aware of the unique circumstances in which we find ourselves in.

Mr. Temporary Deputy Speaker, Sir, we had a situation in Wajir where a Minister, who is in this House, was able to answer a Question here where a driver in Habaswein who had a D- grade was employed. The requirement was D grade but that one had a D- in Form Four. Fortunately, he got employed by the district officials in Habaswein. The Ministry of State for Public Service in Nairobi confirmed but he was not paid for 11 months yet he had worked. I brought the matter to the attention of the Minister who was kind enough to authorise the driver, Mr. Gedi, to go back to work. Up to now, the Government has not implemented the decision of the Minister who gave that promise in this House, because of those regulations.

This House must resolve the kind of Kenya we want. We want a Kenya where everybody is given an opportunity to serve the country. Today, the Directorate of Personnel Management (DPM) is asking that the support staff like cleaners be Form Four graduates. In my own district, how do you get a cleaner? What skill does it require for you to go to Form Four to sweep? We are denying Kenyans who have not had an opportunity to go to school to give their service. If you can sweep well and you are clean, you should be rewarded for it.

Mr. Temporary Deputy Speaker, Sir, with regard to chiefs, there are 5,000 chiefs in the establishment as we speak, who do not meet that criteria, yet they are doing an excellent job. That criteria was started only last year and I must say that it is not fair. The Government cannot apply two sets of rules. Why do you require a chief, who is supposed to work with the local community and be reconciler and a peacemaker, to have a Grade C in the Kenya Certificate of Secondary Education (KCSE)? Suppose you have a chief with the Grade C, but he is a rogue chief who cannot do the job?

Mr. Temporary Deputy Speaker, Sir, we had a situation where the local communities were given an opportunity to decide who they wanted to become their chief. Now, we cannot have a chief with a Grade C. It is more difficult. In the northern Kenya, several vacancies have arisen as a result of chiefs retiring and others dying. They cannot be replaced because the Government cannot find qualified people to replace them. For two years, the Government cannot find chiefs to replace those who have left the service. Locations have no chiefs, yet chiefs are the eyes and the ears of the Government. What kind of sensibility is that for the Government to continue to pursue a policy that cannot work in all parts of Kenya? If this policy is working in certain parts of the country, we are comfortable with it. Why must you restrict a chief in Wajir to have similar qualifications with a chief in Embakasi?

We want to give our people an opportunity to nominate chiefs. Traditionally, chiefs used to be nominated by consensus. The local elders would decide who can become a good leader. Now, we have risen the bar and, therefore, we cannot fill the vacancies. I brought this matter before the House because I have gone to offices trying to intervene on behalf of very many young Kenyans, who want to join Civil Service as drivers and clerks, but they have been denied the opportunity based on qualifications that were set without the due regard to the differences that we have in this country given our backgrounds. If the Minister thinks that there are certain parts of this country where people are over-qualified to fill these vacancies, then applications should be selective. But they sit in Nairobi and generalise that the situation in the country is the same.

The same thing happens to teachers. The Garissa Teachers Training College cannot absorb the local people because the Ministry of Education has increased the minimum qualification for admission. For one to become a P1 teacher, he must have a Grade C or a C+. The few students from the region who get Grade C or C+ pursue other courses. The intention of the Government in establishing the Garissa Teachers Training College was to allow local people to have access to the institution. The minimum qualification has defeated the purpose. Local students are not being admitted to the college. When you train teachers and the Teachers Service Commission (TSC) does not absorb them, they can

be absorbed by local communities.

Mr. Temporary Deputy Speaker, Sir, I have raised this matter here and asked the Minister for Education to review this policy, but he refused to listen. We have unique problems. Please, do not judge people from different regions the same. These historical difficulties that have happened over time need to be corrected. That is why the President, in his own wisdom, decided to create the Ministry of State for Development of Northern Kenya and Other Arid Lands. If there were no unique circumstances, then that Ministry would not even have been created. The Government confirms that there is a problem in North Eastern Province. It confirms that we need to fast-track development in the province and catch up with the rest of the country by establishing a Ministry that is designed to spur development. Yet, the same Government is denying young people from the province an opportunity to access the Civil Service.

The Conference on the Kenya We Want has just been concluded. We want to have a Kenya that is fair to all. A Kenya that understands the unique failures and circumstances of every part of the country. Every part of this country is important. We want to create harmony. We do not want to have a situation where 20 years from today, we will have a Civil Service that completely lost a big component of the Kenyan population. I am glad the Minister is taking notes. He is a victim like all of us. He comes from there and he knows the unique circumstances. I have seen some of his constituents who are having similar problems. I am sure, in his response, the Minister will support this Motion and eventually enforce it. A lot of statements that have been made here by the Government in response to Motions are not taken very seriously within the structures of the Government.

With those few remarks, I beg to move and ask Mr. Ethuro to second this Motion.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I would like to start my comments by commending hon. Affey for bringing this Motion to the House. I would like to thank further this party, the ODM(K), for considering it fit to bringing such an eminent son of soil from where we come from.

Parliament is the cornerstone of democracy. It is a place where, we as the representatives of the people, should take a diagnostic look into the issues that confront our people. For those of us who represent pastoralists from northern and southern Kenya and all the Arid and Semi-Arid Lands (ASALs), it is time that we looked at the kind of policy framework that has been in place; a policy framework that has deliberately been put in place to continue to marginalise and neglect certain areas of this country. The Tenth Parliament should make a difference. As the Tenth Parliament, we pride about live broadcasting and new Standing Orders. The next thing that this Parliament must give to Kenyans and be proud about is a new generation of Kenyans where the marginal areas of this country will no longer be considered marginal and of less potential. This is an opinion. A policy statement is an intent. Depending on who are the policy makers at any one time, they create a situation where they are more productive than other areas.

Mr. Temporary Deputy Speaker, Sir, let me give you examples. Apartheid in South Africa was a time honoured tradition by the whites against the blacks. The great Constitution of America starts with the preamble that "all men are basically equal", but all of us knew that we are not equal until the great tribe of Martin Luther King Junior, which has translated now to our own Kenyan being in the White House. What is the Kenyan Parliament waiting for? Do we have to wait for the Soweto Massacre? Do we have to wait for another slave trade? We have a democracy and a democracy listens to its people.

The Public Service in Kenya has squandered over 100 opportunities to make sure that these areas get their rightful share of employment opportunities. At the time of Independence with the Independent Constitution, the Public Service Commission (PSC) was actually devolved into regions, so that most jobs in categories "A", "B", "C" and "D" and even Job Groups "J", "H", and "K", where professionals come in and any job group below the graduate level, could be filled at the regional level. This is what this Motion is talking about. This is what we are demanding as a country. This is what this

country must look at. I say this because just the other day, I asked a Question in this House about some drivers who had been deployed to Turkana District. The nine drivers employed by the PSC and sent to Turkana. These drivers were not interested in the development of the area. I have even established that half of them were related to those people in the selection panel. Not a single local person is a head of department in Turkana. Not a single member of that panel was from Turkana. With a Public Service without ethics, a public service that is greedy and a public service that practises nepotism, we can only be at a loss as a community and as a region.

Mr. Temporary Deputy Speaker, Sir, I am only hoping that the Minister listens to the cries from northern Kenya. I am pleading with this House to resolve this matter once and for all. This Motion cannot be like the normal Motions that come to this House and the Government just plays lip-service, allows it to pass and hope that our memories will not be there. I wish to remind them that in the second session of Standing Orders, least they forget, we will have an Implementation Committee that will be dealing with all the issues that are approved here and the Government failed to implement.

Mr. Temporary Deputy Speaker, Sir, why am I seconding this Motion? If you look at the Kenyan newspapers advertising for jobs such as Senior Support Staff (SSS) to come to Nairobi-- The other day the Ministry of Roads advertised for such positions. There were five people from Turkana, including drivers of bulldozers who had worked for the Ministry of Roads and Public Works for 12 years. I have one gentleman known as Fanta Plastic who worked as a bulldozer driver for 12 years. When the interviews were done, he was not considered. This is somebody who worked on a casual basis for 12 years for the Republic of Kenya!

Mr. Temporary Deputy Speaker, Sir, what do the power barons do in Nairobi? They bring their own men because they cannot recognise our names. In the United States, even President Obama had a funny name, they still elected him. Here, when you have a funny name, that is a sure certificate of not being elected.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we want to demonstrate that there is a real serious shame here. I am appealing to the Ministers--- 45 years of Independence, what are you waiting for? The Holy Book in Deuteronomy 30:6-- which I would like all of us to believe in - I am told that the Quran and the Bible agree on the Old Testament; at least, it says, "The Lord your God will circumcise your hearts".

Mr. Temporary Deputy Speaker, Sir, I would like all your hearts to be circumcised today.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, in that circumcision, we will do what we believe is completely right. We should devolve the Public Service Commission (PSC). We should, at least, give powers to Permanent Secretaries and Ministers. They have some powers which they do not exercise in giving waivers.

Mr. Temporary Deputy Speaker, Sir, last year, we talked about chiefs and assistant chiefs from our areas, in this House. The Government wants these people to have university degrees. What is the job of an assistant chief? To sit under a tree with some senior old men yet you wants him to have a degree when the official language they use is the local mother-tongue? The Government should get serious and understand the circumstances under which their officers work.

Mr. Temporary Deputy Speaker, Sir, you want a clerk with a C plus in order to work where I come from. We have said in this House, and I am going to repeat, that a C plus from northern and southern Kenya is not going to be a chief! He or she will go to the university to be a graduate like one

Ekwee Ethuro so that he will bring the kind of policy change that we want to see in this country.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I am calling the House, Members and the Government to ensure that the cries of northern Kenya will be listened to once and no longer shall we be coming here to talk about things that are so obvious, so reasonable and so logical. If this is not heeded, it is not only those Members of the Government who participated in the post-election violence who will go to The Hague, we are going to take this country to the International Court of Justice for ignoring the plight of our people.

With those few remarks, I beg to second.

(Applause)

(Question proposed)

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, from the outset, I want to support the Motion. At the same time, I would like to thank this august House for recognising the plight of the people in the Arid and Semi-Arid Lands (ASAL). I think as time goes, we will be able to catch up with our brothers in other parts of the country. We are taking cognizance of the fact that this august House has given the people from those areas an opportunity when we elected Mr. Abdikadir to be the Chairman of both the Committee on Administration of Justice and Legal Affairs as well as the Chairman of Parliamentary Selection Committee on Constitutional Review. I cannot forget the most eloquent son from Turkana, Mr. Ethuro, who is also the Chairman of the Constituencies Development Fund (CDF) Committee which manages a lot of money in this country.

Mr. Temporary Deputy Speaker, Sir, I would like to agree with Mr. Affey when he said yesterday that time has come when we should be aspiring for higher offices. I see all the signs are there. We are no longer going to be trailers but we are going to sit in the bus and drive the rest of the passengers in this country.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I will not forget to thank the current regime. It will be recalled that in the last Parliament, I brought a Motion asking the Government to set up a marshall plan for those areas so that we can catch up with the rest of the country. I am pleased that the Government created a Ministry and appointed a Minister. Unfortunately, it looks that every one step we take forward, we seem to be taken two steps backwards as far as northern Kenyan is concerned. It is illogical to expect a driver to be a Form Four graduate. I bet here and challenge whoever came with this idea to bring me the best driver from Nairobi and I give him a driver from Ijara who has never gone to school, we test them when it rains in Ijara and see who will reach his or her destination without any problem.

(Applause)

Actually, most of the drivers are self made mechanics. They can repair any vehicle on earth, unlike Form IV students. The other thing is: To expect a chief-- It is always good to go into the culture of the people and the norms that the community accepts. In the old days before Independence, we used to have traditional rulers called the sultans. They had no education. That is why in those days, we never had any crime in those parts of the country. Now, you take a boy who is just from school, he is not even married, he does not know anything about culture and you expect him to lead a community. I think that is a far-fetched opinion which we vehemently object to. I want to mention the fact that,

today, we cannot take our children to medical training colleges.

As the Mover of the Motion and the Seconder, Mr. Ethuro, have mentioned, we are not able to train any teachers. Most of the teachers who are being trained today--- We know that after five years, most of the teachers who are from other parts of the country will leave. We will go back to square one. We will be without teachers to teach in our schools. I am glad to note that, under the current regime, when the CDF was introduced and implemented, we have really gone very far in getting our children to go to schools to get quality education. For example, we now have dormitories and classrooms in which our children can learn. We have solar systems which they use to study at night. But still, we are not able to get a good number of students who would qualify to train in medical, teaching and clerical fields.

So, we urge the Government to review the Public Service Commission Act and authorise permanent secretaries, provincial commissioners and district commissioners to employ people without reference to the Public Service Commission. We would like that to be reinstated, so that our people can get employment just like in other places. Otherwise, we will end up with children who are half-educated and unemployed. They will end up bringing security problems in this country.

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

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

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

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this very important Motion.

First, I would like to thank the Mover, Mr. Affey, for bringing this Motion at this right time, when we are discussing the "Kenya we Want". Just for the record, northern Kenya and other arid lands constitute 80 per cent of our land mass. In terms of the constituencies, there are slightly less than 80 constituencies that are within northern Kenya and other arid lands. There are 78 constituencies. In terms of the population--- Kenya's population now stands at between 36 and 37 million. We have 16 million people in those areas. I am bringing these statistics to show the kind of population that we are trying to ignore, just by considering an exam paper when we talk about the sharing of our national resources. If we add, as the Mover has ably put it, other marginalised areas in this country, which are not necessarily within the perimeter of arid and other semi arid lands, then we are talking of about 50 per cent of our country in terms of population. The population of arid and semi arid areas is about 40 per cent of our population.

The Mover has talked about some of the disadvantageous circumstances in those areas that cannot make the people of those areas to fairly compete with other Kenyans in the sharing of our national resources. Some of them are attributed to lack of quality education. When we talk about education, the kind of infrastructure that is in those arid and semi arid lands and other marginalised areas cannot really allow them compete with their counterparts in other regions of the country. There are schools which have shaky physical structures. There is no electricity and water in those areas. The ratio of teachers to students is so high. Books and other teaching tools are hardly found in those areas. So, if we expect students from arid and semi arid areas to produce the same results as those in fairly endowed areas, we cannot be talking the truth.

Even quality educational institutions are not found in those areas. When we talk about private

schools that do very well in this country or even educational centres of excellence, they are hardly found in those areas. They are all concentrated in urban areas. So, those people cannot fairly compete with others.

The Mover has also talked about some of the economic hardships. Those are some of the areas that have no economic value due to regular or recurrent drought that is caused by failure of rainfall. That makes their economic value to be very low. That really means that they cannot afford to access quality education even in other areas outside arid and semi arid areas. That is why we are asking for affirmative action with regard to admission to medical colleges, teachers training institutions and even universities. Affirmative action should be given to students from those areas. For instance, a Form IV student from Ijara getting a C+--- Actually, had that student gone to school in Nairobi, he would have got a clean A. So, in terms of admission to those institutions, affirmative action should be exercised.

With regard to employment, everybody has talked about drivers, secretaries and clerks. Those vacancies should be district-based or even constituency-based, without looking at the qualifications. Even on the recruitment of the police and other uniformed officers, it should be district or constituency-based. We are now moving towards every constituency becoming a district. So, we should localise that recruitment so that we could take into account the people in those areas. That is because they also contribute to the GDP and national resources of this country.

Finally, because of time, I would like to ask the House not to take this Motion just like any other Motion that is passed by this House and then it is left to collect dust in the shelves of the Government. It should be taken as a resolution of the House because the Motion says, "that this House resolves". The Minister of State for Public Service is here. I would like to appeal to him to take this as a resolution of this august House and implement it immediately.

With those few remarks, I beg to support.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this wonderful and important Motion. I would like to take the first opportunity to congratulate hon. Affey for having come up with this very important Motion.

Mr. Temporary Deputy Speaker, Sir, as I was looking through it, to me, even these qualifications are too high. We need to reduce them even further. Take, for example, a driver. A driver does not need to have reached Standard Eight. What is required is if can read the road signs. That is all! Most of the competent and accident-free drivers are, in fact, illiterate. For example, the ones that were employed even during the colonial times. They were illiterate and, yet, they had accident-free record of 40 years. So, to me, even this requirement that a driver from North Eastern Province and other Arid and Semi-Arid Lands (ASALs) must have a Form Four certificate is too high. All they need is to be able to read the road signs. *Maneno kwisha!* That is enough.

Let us come to the assistant chiefs. Why should one have a Form Four certificate? I think the colonial masters knew what they were talking about. The only qualifications for being a chief or assistant chief were two; are you married and development conscious? Those were the only qualifications. If you were development conscious and married, you would be appointed a chief, and they did a wonderful job.

Mr. Temporary Deputy Speaker, Sir, when we just look at paper qualifications, we are going to have drunkards who will be chiefs. You cannot have chiefs who are drunkards. We are now having even chiefs who are graduates, but are they development conscious? If we just look at paper qualifications, we will have a highly educated person who is a drunkard and does not even have a family or maintain one. So, we need to be realistic. There is no point of having qualifications which are not suitable for the job.

My appeal to the Minister is that for special categories of staff, let us have special

qualifications. Do not just look at paper qualifications. Why do we require typists to have 80 words per minute? If you can type even with one finger, you are qualified to be a chief's typist. How many letters are written at the chief's office in a day? They are probably one or two. When you insist on 140 words per minute, where will you get them? Leave those requirements to Nairobi. In Nairobi if you ask for even 200 words per minute, you will get them. Likewise, if you insist on computer literacy somewhere in Mandera, Wajir, Lokichoggio, it is unfair. That is what is happening now. You will find cases like the ones the Mover has given us. Out of 80 drivers, only three were from ASALs. I think it is unfair. We must take drastic steps to make sure that every person in Kenya feels part and parcel of this country.

Mr. Temporary Deputy Speaker, Sir, I remember an incident in 2007, when we were with the President in Wajir. After the President opened Wajir Airport, we had lunch. Then, a mwanachi there asked: "When are you going to Kenya?" I was surprised to realise that to the people of Mandera, Wajir and other areas, when you are coming to Nairobi, you are coming to Kenya. They do not feel that they are part of Kenya. We must make sure that they feel part of Kenya. We must take drastic action to have affirmative action. If we do this, we will have a united country.

Mr. Temporary Deputy Speaker, Sir, I would like to say that the only places where there were no post-election chaos, were in ASALs. Even where there was cosmopolitan population, like Isiolo and other places, there were no post-election chaos. No house was burnt in ASALs. No person was killed in ASALs. We should go there and find out why that did not happen. That is the biggest lesson we can learn. If we can ask them how they managed when we had these chaos, we can achieve what even the Waki Report cannot achieve.

As I said, to me, these qualifications are too high. In fact, I will request even the Minister for Education to copy what the colonialists were doing. We used to have examinations at Class Four. We must introduce those examinations. I think they were referred to as "common entrance." Most of the top civil servants and industrialists reached Standard Four and went on to become very successful. Let us re-introduce those examinations.

Mr. Temporary Deputy Speaker, Sir, then, we used to have KAPE at Standard Seven or Eight. That one is still there. But there was another exam at Form Two. We must re-introduce that exam at Form Two. If we did this, then it would be very easy to reduce the qualification for drivers in ASALs. I am not asking for economists to be Standard Four leavers. I am just talking of, basically, manual jobs, including chiefs, assistant chiefs, drivers and clerks.

These qualifications, in my view are already too high. Let us reduce them and take cognisance of the particular circumstances of the area, so that this country can be united, become one and move together. If we do that, we will not have sections saying that these people are being favoured or there is more development in this and that area. It is important that we all move together. That is when we get a country. But if we have few sections of the population who feel that they are not part and parcel of the country, then you have problems.

So, because I want to give other hon. Members an opportunity to discuss this very important Motion, I would like to say that I fully support it. In fact, it should be implemented. It does not require money to be implemented. It does not even require an Act of Parliament for it to be enacted. All it requires is a pen from the Minister, and I am sure he has one. I have seen him with an expensive one. The Minister should just indicate that "these regulations will not apply in ASALs."

I beg to support.

Ms. Noor: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very important Motion.

I want to join my colleagues in thanking and congratulating hon. Affey for drafting this very important Motion. I also want to appreciate and congratulate the other hon. Members who have contributed to this Motion. In particular, I want to say that we people from ASALs did not fight

because this is our country. We love our country and we do not want people to fight.

Mr. Temporary Deputy Speaker, Sir, I would like to urge those people who are mistaken and are thinking that we are not part of this country, to accommodate us into the system. We also want to be accommodated into the development initiatives of this country. The sooner you do so, the better for all of us. That is the only way that all of us will live as a nation.

It is sad and disheartening to discuss the implementation of affirmative action in some regions, 45 years after Independence. It is very clear and it is in the public domain that the amount of public resources we waste in this country are enormous. We also waste resources in terms of using overheads and other logistics in our Government. The amount of resources pocketed by a few individuals in this country is also enormous. If we control and manage our resources, this country will go far. This country is very rich. We have enough resources to address our problems in this country.

It is also very clear that the Government lacks goodwill in developing some parts of this country. Last week, you are my witnesses, this House was informed about a major development initiative that was planned in 1968, but was shelved because of insecurity. That shows the lack of goodwill on the part of the Government when addressing issues affecting our region. If that project was implemented, it would have opened up the entire northern region of this country. The Government could benefit in a big way. However, those who were responsible for its implementation, viewed it with the usual evil eyes and it was never implemented.

We have talked about educational infrastructure disparity in this country. We have talked about all other problems in this country. It is very sad and unfair for people to be subjected to the same standards during recruitment when they come from different backgrounds in terms of educational opportunities, resource allocation, utilization and service delivery. I wish that the Government had a way of setting different standards for people in terms of their backgrounds. We do not look at those backgrounds when we are distributing resources or when we are looking at the educational infrastructure. When it comes to job application, we look at standards. When we look at those standards, we do not put into consideration their background and so forth. Had they gone through the system? Have these people been able to cover the educational curriculum like all other Kenyans?

There are children, as I speak, who are learning under a tree. As I speak now, there are children who cannot afford a meal. These children cannot visit any health facility in this country. These children are living in this country. We are talking about this beautiful country. We are also talking about this country that has all these resources. We are talking about a country that is very discriminative such that it has disadvantaged some people of this country.

We are creating an environment and a society where our people, in future, will react very badly. We have seen one reaction. We saw what happened during the post-election violence. We saw how our people reacted. They reacted that way, because of the injustices, unequal resource distribution, the bad governance and corruption, among other vices. It is the right time that this House rose to the occasion and decided on the best way forward.

We have just concluded an international conference where we were talking about the Kenya we want. Really, is this the Kenya we want? A Kenya where people have different backgrounds and are facing different life situations? That is not the Kenya we want. The Kenya we do not want is that which people are exercising corruption.

We do not want injustices. We do not want people to fight. We want a Kenya that is fair and just. We want a Kenya that can address the issues affecting every individual in this country.

With those few remarks, I beg to support.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion very strongly. But I would like to comment briefly on Mr. Githae's contribution. First, it would be counter-productive to our education system to introduce more exams into the system. Exams should be as few as possible in any education system in this day and

age. For example, by proposing that we introduce an exam in Standard IV--- I sat that exam in 1957 when I was about 10 years old. In those days, you could sit an exam with people who had beards and were shaving them. If those people graduated in Standard IV, they could go and drive vehicles. Today, the pupils in Standard IV are nine or ten years old. I do not understand how a nine or ten year old child could graduate from primary schools so that they could go and drive vehicles. So, exams in Standard IV at this point it could be counter-productive.

At the same time, if you were to introduce another exam in Form II today, we have a very hybrid system of education. Some are in the local system while others are in the British or American system. That is complicated enough. Let us not complicate our education system further by introducing more exams, thinking that we are going to graduate pupils to become drivers. I think Mr. Githae should go back to school and learn a little bit about human resources development. What we need to do is to invest heavily into our human resources development wherever anybody is in this country. We should invest very heavily in human resources development in North Eastern and other semi-arid lands. Let us have primary schools which the kids can reach wherever they are. Let us have mobile schools and clinics for people who are in arid lands where the population is so sparse that, to bring the pupils to a classroom, requires a lot of transport. We have the technology to do so.

Mr. Temporary Deputy Speaker, Sir, if we go into e-learning and introduce televisions and radios in those areas, people will learn because Kenyans are basically very intelligent people. Anybody who is educated in Kenya and goes abroad to work does a very good job. That is why all those countries are poaching our nurses and doctors because Kenyans have proved to be very intelligent and very good workers. If we introduce e-learning in Arid and Semi-Arid Lands (ASALs), so that we do not need physical structures like rooms and so on, you will be surprised how quickly those girls and boys in those areas will learn. So, the secret of the whole thing is that we should be prepared to invest heavily in our human resources development and realise the various different conditions under which our people learn, adapt ourselves into those conditions and ensure that we give people opportunities to learn everywhere. The whole point is the provision of equal opportunities to Kenyans wherever they are, so that they can learn and have access to jobs and other opportunities.

Mr. Temporary Deputy Speaker, Sir, what has happened in our country is: If you go to a place like Turkana and you are expected to deliver the same kind of services that you deliver in Kisumu Rural, you cannot because Kisumu Rural is different. Kisumu Rural has a lot of water and people live together. If you built a dispensary there, it will serve a big population. If you go to Turkana South where my friend, Mr. Nanok comes from, people live very far away from each other. It is a dry area. So, we should establish institutions and processes that are realistic to the mode of production of those people. That way, you will really give them the kind of human resources facilities that they need. Therefore, I do believe quite seriously that the promotion is very realistic because given the historic conditions we have developed through up to now, those people have been disadvantaged. So, you cannot use the same threshold of qualifications for them as you do elsewhere because the opportunities have not been equal. If the opportunities have been different, then we must employ what we call affirmative action. That is what the women are also saying. Like my friend who is looking at me over there! They are saying that there have been too many *vikwazos* in our history. Let us now bring affirmative action so that we can go over the hump, create new opportunities and, once we do that, we can compete at the same level.

In those areas, what is most important is communication. Communication is so poor in ASALs that it makes life very difficult. We always think of communication in terms of roads. In this day and age, in such areas, railway transportation will be much better. It will be cheaper to construct, much more responsive to the weather and it will carry the kind of commodities available in those areas.

(Applause)

The commodities I am talking about are animals such as camels, cattle and sheep. To transport these kind of animals by lorries is extremely expensive and inappropriate. To transport these animals by railway is appropriate and very cheap. I do not understand why in this day and age we cannot build light railway in the semi-arid lands in order to respond to their economic demands. If, indeed, they can have access to the market by selling their animals easily, they will have enough resources to invest in human resource development themselves because they know it is good in and of itself for them.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the second thing that is needed in these areas - even if we were to give opportunities for kids to go to school in terms of facilities - is water. I have been to the North Eastern Province and traversed it by air all over. There is nowhere you see sand alone. There are always shrubs everywhere. That tells you that the water table is not that far. Indeed, when they were building an airport, I think in Wajir, when they wanted to get murram, not too far, they dug a little and water appeared. When you go there, you will find a huge dam of clean water which you can drink without doing anything to it. That shows us, as a Government, that the water table is so near in North Eastern Province and the entire ASAL areas and we should make water available for them by sinking boreholes, wells and constructing dams. We should then convert this water for purposes of human consumption.

Mr. Temporary Deputy Speaker, Sir, because we have abused our environment, lots of rivers there do not carry as much water as they did before, for purposes of irrigation to facilitate agricultural development. We should look at these things so that when we think of human resource development--- Human beings do not eat grass alone. We eat grass in terms of vegetables, yes, but we eat other things! These other things depend on an environment which is friendly to human beings. We, therefore, need to ensure that we invest in infrastructural development, particularly water. That way, we will make it possible for human resource development to take place in those ASAL areas.

Finally, Mr. Temporary Deputy Speaker, Sir, I should speak on an area in which, after a few months, I am now an expert; that is, health. One of the most important things about health is that the body is well-nourished. A well-nourished body will keep away a lot of other things. You do not need medicine if you have a well-nourished body. A well-nourished body is itself an army against diseases. When we have drought in North Eastern Province and we do not respond immediately with proper nourishment--- In this day and age when we have an army and an Air Force which can drop food to people in the ASAL areas very quickly, we wait until we see these things being aired on television, for example, starving people. This happens and yet we have the technology to drop there well-nourishing food. We know that the United Nations (UN) have developed a type of food that you can give people and it will give them nourishment in a moment. We know that organisations like Medicins Sans Frontiers can do these things and they are in this country. We are not a serious Government - I am sorry to say so, as a Government Minister. This is because these are our brothers and sisters and when they bring a Motion such as this one, we should realise the conditions under which the recommendations of this Motion can be implemented.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I speak with a lot of concern because we came from Turkana the other day after visiting my brother, hon. Nanok's constituency. I saw these things with my colleague with my own eyes. We cannot live in one country and have these opportunities and deny them from our brothers and sisters. In any case, on how many beds can you sleep on one night? It is just one bed. Some people think that by amassing so much wealth, say, land, they will be better than

others. Every night, they sleep on one bed and they have only one meal. If they drink too much, they will be dysfunctional the next day and so they cannot drink too much.

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

Mr. Yakub: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I would like to congratulate hon. Affey for his wisdom in bringing this very important Motion at the very right time. The Tenth Parliament can rise to the occasion and pass this Motion without any opposition. We need to change the current trend of recruitment in the Public Service.

I would also like to take this opportunity to inform the media to be very fair when reporting. When we do good things for our citizens, they should also report them in the front pages and they should not only report our wrongdoing. In our region, the current trend of recruitment of public servants has really damaged our society to the level of increasing poverty.

Mr. Temporary Deputy Speaker, Sir, I will give you a very serious and open example of electricity and water meter readers. I believe the figures from that area are zero. It seems the meter readers must have attained "O" level standard of education. I did not know that a Standard Eight primary school leaver could not read zero to nine. I thought he or she is capable of reading from zero to nine because that is the only thing meter readers do when they read water and electricity meters.

My worry is that by maintaining the current trend, we will increase the poverty levels in poor areas and this will increase the poverty levels there. We were informed here that for a driver to be employed as a civil servant, he or she needs to be an "O" level certificate holder. Funny enough, in driving schools, they do not ask for "O" level certificates for people to be trained as drivers. This means that anyone can be trained as a driver. The most important thing is for one to attain a legal driving licence. The level of education should not be an issue.

Mr. Temporary Deputy Speaker, Sir, four years ago, the mean grade which was required for people to be admitted to teacher training colleges was C-, but right now, they have upgraded it to C+. By doing that, areas like Coast Province and other Arid and Semi-Arid Lands (ASALs) have been knocked out. It will be very difficult to see someone from Kwale, Lamu, Tana River or North Eastern Province attaining a C+ in order to qualify for admission in teacher training colleges. That is why we have very few teachers from these areas.

Mr. Temporary Deputy Speaker, Sir, there is the issue of employing public servants working as tea boys or tea girls. Very strange enough, I do not remember hearing of any secondary school that teaches students how to make tea or coffee. If we are going to keep on with the same current trend of employing public servants to do jobs like tea boys or tea girls, telling them that they must have "O" level certificates, then we are really encouraging the increase of poverty level and we are not assisting our people by eradicating poverty.

Another issue which I feel will get worse in the coming years, if this 10th Parliament does not do anything about it right now, is the issue of conflicts in certain areas between the locals and people who have come from outside those areas. That conflict will definitely arise. No one will like to see their children at home every single year while jobs are being taken by people who come from outside that area. This 10th Parliament should be pro-active and make sure that in the coming years, we do not have conflicts between communities in this country as it happened in the post-election violence.

Mr. Temporary Deputy Speaker, Sir, I remember that there was an agreement between Kenya and Zanzibar, whereby the late President Kenyatta and the late Shamte signed an agreement whereby all the public servants at the Coast Province were to be people from the Coast Province. Unfortunately, that agreement was not implemented. That is why we are facing the same problem like our brothers and sisters in other areas of arid lands and North Eastern Province.

I hope and pray that this Motion will be supported by all of us so that it is recorded in history that we tried our best to eradicate poverty and to make sure that the level of education is not taken to

be so important when employing people in technical jobs like meter readers, drivers, tea boys and tea girls. These are the areas whereby we should be very careful. Kenyans from the local area should be given first priority. The job should only be given to outsiders if the locals are not available. If that area provides drivers, meter readers, tea boys and tea girls and other lower cadre positions, we should not allow Kenyans from other areas to be employed there, otherwise the poverty level will continue to increase as has been the case for the last five years.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, let me now call upon the Minister to respond.

Mr. Chachu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for you to call upon the Minister to respond when there are so many hon. Members who are very willing to contribute to the Motion? Some of us come from the affected areas---

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Chachu, it is perfectly in order for the Chair to allow the Minister to respond. By the end of this Session, you will still have 35 minutes next week. We have to operate within that time frame.

Proceed, Mr. Assistant Minister!

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to assure hon. Members who may be thinking that, as usual, there may be some kind of resistance from the Government on this Motion. It is not always that, we, as Government, have to oppose a Motion brought to the House by a Back-Bencher. A government worth its salt has to be responsive to the problems facing its citizens.

This Motion is very relevant, and is very much supported by the Government, because the truth is the truth. There is no way we can deny it. The issues raised in this Motion are problems which we know have always existed. I am an Assistant Minister from this Ministry, but I come from northern Kenya, which this Motion is talking about. So, I face these problems on a daily basis.

Mr. Temporary Deputy Speaker, Sir, I am not speaking here in my capacity as an hon. Member from those areas, but rather, as a Kenyan who feels that every Kenyan has an equal right with any other Kenyan living anywhere in this country. The policies that have existed over the years have been such that my father, who always used his thumb print to sign document, was a chief for 17 years. He rose from the rank of sub-chief to become a paramount chief. He was one of the most performing chiefs who served in the various locations he served then. He did not go to school.

Chiefs are traditional leaders. Today, as we become urbanised, many of our youth do not understand culture or traditional leadership. Many of them, whom we are saying we have to employ as chiefs, do not even know the proverbs or languages used in the communities they are being recruited. So, we, as a Government, have to be very careful. We have to look at the careers for which we are formulating a policy before we start implementing.

Mr. Temporary Deputy Speaker, Sir, I, therefore, agree with the Mover of this Motion, Amb. Mohamed Affey, that the policy relating to recruitment of chiefs and clerks was brought about in 2007. Since that time, many of the areas we are discussing today, which are marginalised, have not been recruiting chiefs, because of this problem. I have five locations in my district that do not have chiefs. They have been like that since 2007. We cannot recruit chiefs because of the criteria that is in place. If you sat for Kenya Certificate of Secondary Education (KCSE) examination and got mean Grade C or C+ in northern Kenya, you are more or less regarded as a graduate.

I offered scholarships to students to enrol for a primary teacher certificate course in the P1 category, because we could not get teachers from the local community. We got only three responses, not because there were no people with mean Grade C or C+. It is simply because many of them do not want to become teachers. They feel that they can pick on other careers and enrol from graduate studies with their KCSE mean Grade C or C+, instead of enrolling for a P1 course.

Mr. Temporary Deputy Speaker, Sir, we must moderate this requirement. On the one hand, we, as leaders coming from those areas, have to be sensitive to the fact that we also need to raise standards in our areas. We need to work hard to improve the quality of human resource in those areas. We need to work on the overall development and use the same kind of mechanisms that we are using to address the issue of recruitment and overall development, which is actually the foundation of the problem we are now facing - lack of development.

The Government is formulating a policy to address the problems we are facing. There is a general policy that exists - the one that the Mover brought to this House today - which is common for the country. However, we feel that there is need to do some affirmative action to address the problems facing northern Kenya and other marginalised parts of this country. We are, therefore, working on a policy to address these problems---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order! Mr. Assistant Minister, you will have ten minutes when debate on this Motion resumes next week. The total balance of time remaining for this Motion, including the Minister's response, is 35 minutes.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.